



Environmental
Law Centre

ALBERTA ENVIRO LAW CONNECT

A PUBLICATION OF THE ENVIRONMENTAL LAW CENTRE (ALBERTA)

*Championing laws for
clean air, clean water
and a healthy
environment*

The Environmental Law Centre (ELC) is dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in Alberta.

At the ELC, we believe that the law is fundamental to protection of the environment. The ELC has been seeking strong and effective environmental laws since it was founded in 1982.

What laws and policies do we need to ensure a healthy environment for current and future generations of Albertans?

Help us address this and other environmental issues that matter to Albertans.

SPRING
2019



After a long and cold winter, Albertans are ready for spring. In fact, it's early May and it's snowing (again)! In April, the ELC hosted **Green Regs and Ham** in Edmonton, a sure sign that spring is finally on its way!

In this issue of **Alberta EnviroLaw Connect**, read about the ELC's projects in 2019 - we have published the two-part Climate Change and the Law, taking a closer look at the need for adaptation and mitigation (and relevant law and policy) in Alberta. As well, we've published Future Flows: maintaining environmental flows through precaution and adaptation and Groundwater Policy and Planning in Alberta: a path forward for sustainable groundwater management and protection.

The ELC continues its work on habitat management and regulation, and how the polluter pays principle is applied in Alberta law. We have also begun work on geothermal regulation, waste regulation, extended producer responsibility and circular economy. We have also initiated research and reform activities dealing with land use planning and agricultural land conservation.

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Partner with us today to champion this vision of a better future where our children and grandchildren enjoy clear air, clean water & a healthy environment.

CLIMATE CHANGE

The Climate Change & the Law series is generously funded by:

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CLIMATE CHANGE AND THE LAW

In spring 2019, we published **Climate Change and the Law** which consists of two parts: **Part One – An Introduction to Mitigation in Alberta** and **Part Two – An Introduction to Adaptation in Alberta**.

Part One introduces readers to the legal framework for mitigating the effects of climate change in Alberta.

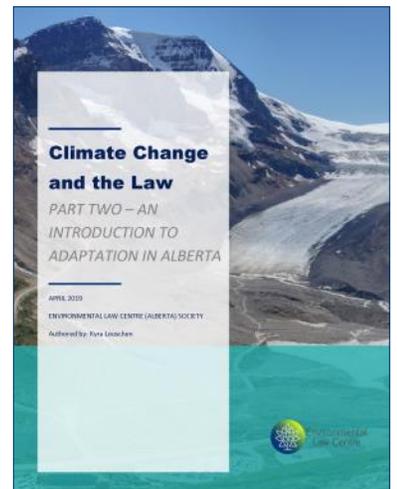
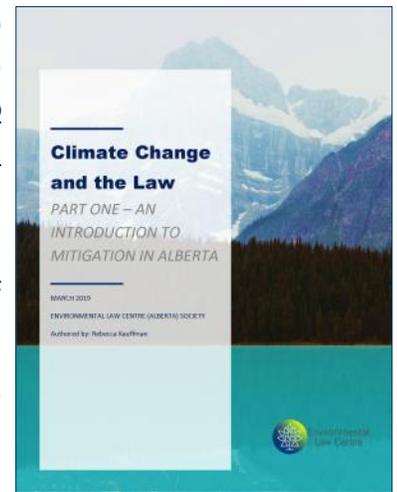
Part Two provides an overview of how we will need to adapt to an uncertain climate future and legal considerations touching on adaptation.

Ongoing ELC blog posts highlight aspects of both reports. The Climate Change and the Law reports and blog series were developed as a result of our 2017 and 2018 work on the Climate Change Legal Roadmap.

The **Climate Change and the Law** and **Climate Change Legal Roadmap** series are available on the ELC website:

- [Climate Change and the Law: An Introduction to Adaptation in Alberta](#)
- [Climate Change and the Law: An Introduction to Mitigation in Alberta](#)
- [Future Flows: Climate resilience, environmental flows and Alberta's water law](#)
- [Energy Consumption and Privacy](#)
- [Oil Sands Emission Limit under the Climate Change Leadership Plan](#)
- [Climate Change Legal Roadmap: Carbon Pricing Recommendations for Alberta: Lessons from the Latest Developments in WCI Jurisdictions](#)
- [Climate Change Legal Roadmap: A Snapshot of Alberta's Climate Change Law & Policy](#)
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MORE ON CLIMATE AND ENERGY ON [OUR BLOG](#)



Want to help strengthen environmental rights and responsibilities in Alberta? **[Make a difference today.](#)**

AGRICULTURAL LANDS

The Moving from Conversion to Conservation project is generously funded by:



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MOVING FROM CONVERSION TO CONSERVATION

Stopping the Loss of Agricultural Lands in Alberta

In late 2017, the Alberta Land Institute (ALI) issued its *Economic Evaluation of Farmland Conversion and Fragmentation in Alberta, Summary of Findings* (the "ALI Report"). The ALI Report found that there has been significant conversion of prime agricultural land into developed uses (residential and industrial). The report concludes:

- Farmland and natural areas in the Edmonton-Calgary Corridor have become significantly more fragmented between 1984 and 2013.
- Most of the land converted into developed uses between 2000 and 2012 was of the highest levels of land suitable for agricultural purposes, with 35% of the highest suitability and 34% of the second highest suitability found in Alberta (finding #6).

A survey conducted by ALI revealed that there was "considerable concern about the rapid expansion of the urban areas and the consequent loss of natural and agricultural land in the area".

Despite recognition of the social, economic and environmental importance of agricultural lands, we still make societal decisions that lead to conversion of agricultural lands to other uses. *How do we move from conversion to conservation and stop the loss of Alberta's agricultural lands?*

The ELC is reviewing existing legislative tools to ensure we have an effective regulatory system to support improved energy and food resilience and smart, sustainable urban development. The ELC will be canvassing approaches taken in other jurisdictions and recommending law and policy reforms directed at the conservation of agricultural lands in Alberta.

The ELC's goal with this project is to achieve clear policy direction at the provincial level to foster sustainable urban and rural development and conservation of high valued agricultural lands.

Want to help strengthen environmental rights and responsibilities in Alberta? **Make a difference today.**

STATE OF HABITAT

The State of Habitat in Alberta
project is generously funded by:

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THE STATE OF HABITAT LAW IN ALBERTA

Why do we struggle with habitat management? What laws exist to foster reaching better habitat objectives? These questions lie at the heart of the ELC's review of the state of habitat laws in Alberta.

Our work will provide an up-to-date state of our laws and regulations, identify legislative barriers facing habitat management and protection, assess approaches in other jurisdictions, and recommend areas for law and policy reform.

This multi-part report focuses on several core components of a habitat management regulatory regime, including:

- Monitoring, assessment, and planning tools which enable large-scale habitat planning to conserve biological diversity and for recovery of species at risk;
- Area based conservation tools, namely the creation and designation of protected areas and other types of habitat zoning;
- Localized/biophysical conservation, such as protection forests, dens, or other specific habitat features;
- Habitat consideration in decision-making, focusing on how and when habitat considerations are embedded in the decision-making process and in conditions for authorizations; and
- Conservation compliance which may include administrative orders, general prohibitions, offences, and any resulting penalties.

Watch the ELC blog for notifications when the four-part series is published, accompanied by webinars led by ELC staff counsel.

Watch for webinar dates and registration details by
subscribing to the ELC blog: elc.ab.ca/blog/

GEOHERMAL ENERGY

The Geothermal Opportunities in Alberta project is generously funded by:

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A LOOK AT GEOHERMAL ENERGY OPPORTUNITIES IN ALBERTA

The Canadian Geothermal Energy Association (CanGEA), an industry advocacy group, reports that as of October 31, 2016 Alberta has 60,935 wells with bottom hole temperatures greater than 60°C. Of those 7,702 are hotter than 90°C and 500 are hotter than 120°C.

The geothermal future in Alberta is potentially bright as industry re-imagines Alberta's oil and gas fields as a key partner in renewable energy development. This future will need to include a clear and effective regulatory framework.

The gaps and areas of need for the growth of geothermal industry in the province will be identified in **Geothermal regulation in Alberta: State of Alberta regulation and a Road Map for regulatory reforms**; we will then develop a **Model regulatory framework for geothermal in the Province of Alberta**.

Watch the ELC blog for notifications when the report and model framework are published, accompanied by webinars led by ELC staff counsel.



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Your support allows us to examine existing laws and policies in other jurisdictions to propose the most effective options and give a voice to those who want to lend a hand in preserving Alberta's natural legacy.

Together with your support, let's develop powerful and effective environmental legislation and rights for Alberta.

CIRCULAR ECONOMY

The Circular Economy project is
generously funded by:

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EXPLORING WASTE, EPR AND THE CIRCULAR ECONOMY

In 2008, Canada generated more municipal waste per capita annually (777 kg) than any of its peer countries. Within Canada, the province of Alberta generated the most waste per capita (981 kg) in 2014. Decades of messaging urging us to “reduce, reuse, recycle” appears to have failed as we face the staggering volume of waste we produce annually. In fact, between 2002 to 2012 residential waste in Canada increased 27 percent.

The City of Edmonton has a stated goal of diverting 90 percent of residential waste from landfills (in 2016 the diversion rate was 52%) and the City of Calgary recently approved a (revised) target of 70 percent waste diversion by 2025.

This project will look at how we are managing waste, who is responsible for the waste streams and look at moving Alberta towards a circular economy.

Globally, the concept of “circular economy” is emerging as a leading solution towards creating a zero-waste future. Put simply, circular economy is a model of consumption where the value of products, materials and resources are maintained in the economy for as long as possible and the generation of waste is minimized. Circular economy focuses on a “make-use-return” (or “take-make-take-make”) model. The design of materials, products and business models are improved so that the value of products and materials are maintained for as long as possible. Waste is minimized and resources are kept within the economy when a product has reached the end of its life, to be used again. The circular economy model includes a number of policy measures; a key tool is an Extended Producer Responsibility (EPR) scheme, which extends a producer’s responsibility for a product to the end of its life cycle.

Watch our blog for updates.

Stay connected! Visit www.elc.ab.ca
to check out our blog or sign up for our e-newsletter.

GREEN REGS
N HAM

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Science, Decision Making & the Law
The Impact Assessment Cat in the Science Hat
OCTOBER 25, 2018 CALGARY

elc.ab.ca/science-and-impact-assessment-green-regs-and-ham/



ELC's Jason Unger, Dr. Aerin Jacob and Prof. Martin Olszynski take questions at Calgary's Green Regs n Ham on October 25, 2018

Coastal Conundrums
APRIL 15, 2019 EDMONTON

elc.ab.ca/elc-presents-green-regs-and-ham-coastal-conundrums-april-15-edmonton/



ELC board member Sean Parker, ELC's ED Jason Unger, Dr. Stephanie Green, Professor Cameron Jefferies and MP Randy Boissonnault at Edmonton's Green Regs n Ham on April 15, 2019

THANK YOU to all of our sponsors for making Green Regs and Ham events possible. University of Calgary law students enjoyed the Calgary breakfast, courtesy **Burnett Duckworth and Palmer LLP**.

THANK YOU!

In 2018, you gave generously to stronger environmental laws and rights in Alberta that ensure Albertans continue to enjoy our clean air, clean water and healthy environment. We just can't say it enough: **THANK YOU!**

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As a charity, the Environmental Law Centre depends on your financial support to educate and champion for effective environmental laws and rights. **Your support makes a difference!**



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facilitates through action **R E S P E C T**

Your tax-creditable donation makes a difference. You support the thousands of people who annually access our environmental information services. This year, we plan to raise \$135,000.* Please contact our Fund Development and Marketing Director, Kara Tersen at ktersen@elc.ab.ca with any questions you may have.

**it will cost us approximately \$25,000 (18.5%) to reach our fundraising goals*