



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 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 happens to the environment after Covid-19? Are we entering a transition phase from non-renewable energy?

**You can help us address these and other critical and timely issues.**

**SPRING  
2020**



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Charitable Registration  
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The Covid-19 pandemic has created a wide range of challenges for Alberta, now and into the future. The effectiveness and efficiency of environmental management and regulation will be top of mind. What does the future hold for Alberta's environmental laws?

Like you, we are watching daily developments and continue to take recommended steps during this pandemic. Our office is closed to public access, however we are continuing with limited staff in the office and reduced office hours of 9 am to 2 pm daily to allow us receive phone calls, respond to phone messages, and continue to provide search services. Program staff have all transitioned to working remotely. At this time, we have been able to maintain our full staffing component. Video conferencing, phone and email are keeping our team connected!

We are here to help if you need a hand or have any questions or concerns. If you don't have our direct emails, you can reach us at [elc@elc.ab.ca](mailto:elc@elc.ab.ca) or (780)424-5099 (due to working remotely, it may take us longer to get back to you).

From all of the board and staff at the ELC, stay home, stay safe and stay well.

Sincerely,  
Jason Unger, Executive Director

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

## ALBERTA ENVIRONMENTAL LAWS 101

ELC launches [AlbertaEnviroLaws.ca](http://AlbertaEnviroLaws.ca) for high school teachers and students

Recently, the ELC launched the [AlbertaEnviroLaws](http://AlbertaEnviroLaws.ca) website, a helpful online learning resource for high school teachers and students. This site is currently a "beta site" to invite input for the next 6 months and we are inviting feedback, suggestions, comments, and additional resource ideas.

With schools closed and teachers working to get delivery of lessons online for their students, the [Alberta Environmental Laws 101 website](http://AlbertaEnviroLaws.ca) is a great resource for social studies and science courses from grades 10 - 12.

We've launched a [Facebook page](#) and [group](#) to accompany the website and to encourage questions and discussion. And we'll be hosting three Facebook live/video conference calls in May and early June for supplemental learning.

### Will you help us to get the word out to your network about this resource?

Please share one of the following messages on your own social media (copy and paste):

- *If you are a high school teacher or student in Alberta, check out this new resource about the law, the environment and climate change. We've updated the site with connections to current Alberta high school Science and Social curriculum to be an even better resource! Visit [AlbertaEnviroLaws](http://AlbertaEnviroLaws.ca) to learn more.*
- *Join our new [AlbertaEnviroLaws Facebook group](#) to ask questions, participate in discussions and other online engagement while we all practice our social distancing! Please share this widely so that the high school teachers and students in your circles hear about this great new resource for supplemental online learning.*

Thank you for sharing! The website and resources are also open to all Albertans and we invite you to visit, make use of the resources available there, and provide your feedback and comments to the ELC at [elc@elc.ab.ca](mailto:elc@elc.ab.ca).

ALBERTAENVIROLAWS.CA



ALBERTA ENVIRONMENTAL LAWS 101 is generously funded by:

Alberta **LAW** FOUNDATION



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Visit [AlbertaEnviroLaws](http://AlbertaEnviroLaws.ca) and join our new [Facebook group](#).

## CLIMATE AND ENERGY

*Climate litigation. Mitigation. Adaption.  
Privacy in this new “big data” age.*

## CLIMATE CHANGE



Climate Change series is  
generously funded by:

Alberta **LAW**  
**FOUNDATION**

These are just a few of the issues that need to be grappled with around energy and climate issues, and often that means adapting our legislation and regulation in a rapidly changing world. At the ELC, we keep an eye on developments across all facets of climate and energy law, and provide our analysis and recommendations in downloadable papers or on our blog. Here's links to just a few:

- [Climate Change and the Law: An Introduction to Mitigation in Alberta](#)
- [Climate Change and the Law: An Introduction to Adaptation in Alberta](#)
- [Climate Change Litigation – 1 step forward, 2 steps back](#)
- [Climate Change Litigation in Canada: Environnement Jeunesse v. Canada UPDATE](#)
- [Climate Change and the Law: Adapting Alberta's Living Things to Climate Change](#)
- [Climate Change and the Law: Adapting Alberta's Infrastructure to Climate Change](#)

From [Climate Change and the Law: Adapting Alberta's Living Things to Climate Change](#):

Generally speaking, ecosystems have natural responses to new environmental situations and can make autonomous adjustments. In the face of climate change, however, these responses are considered insufficient to halt the loss of biodiversity and the ecosystem services it provides. Going forward, “planned adaptation” that is aimed at maintaining or restoring biodiversity and ecosystem services will be required.<sup>[14]</sup>

A key component of resilient ecological systems are conservation networks made up of parks and other types of protected areas.<sup>[15]</sup> These conservation networks help to protect intact ecosystems which are critical for the conservation of biodiversity in periods of rapid environmental change. They also provide habitat for native species and opportunities for autonomous adaption, migration, and natural selection processes through maintenance of genetic diversity.<sup>[16]</sup> [READ MORE](#)

[14] P. Nantel et al., 2014: Biodiversity and Protected Areas in Canada in a Changing Climate: Sector Perspectives on Impacts and Adaptation, edited by F.J. Warren and D.S. Lemmen, Government of Canada, Ottawa, ON, 159-190 at 174 online: [https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter6-Biodiversity\\_Eng.pdf](https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter6-Biodiversity_Eng.pdf) [Nantel, 2014: Biodiversity and Protected Areas].

[15] Nantel, 2014: Biodiversity and Protected Areas at 174.

[16] Nantel, 2014: Biodiversity and Protected Areas at 175.



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How do you think climate and energy policies and regulations will need to adapt to deal with climate change? **[Tell us what you think!](#)**

# ENVIRONMENTAL RIGHTS



PROJECT SUPPORTER:  
ASSESSMENT OF  
ENVIRONMENTAL RIGHTS IN  
ALBERTA



PROGRAM SUPPORTER:  
ENVIRONMENTAL BILL OF  
RIGHTS IN ALBERTA

Alberta **LAW**  
FOUNDATION

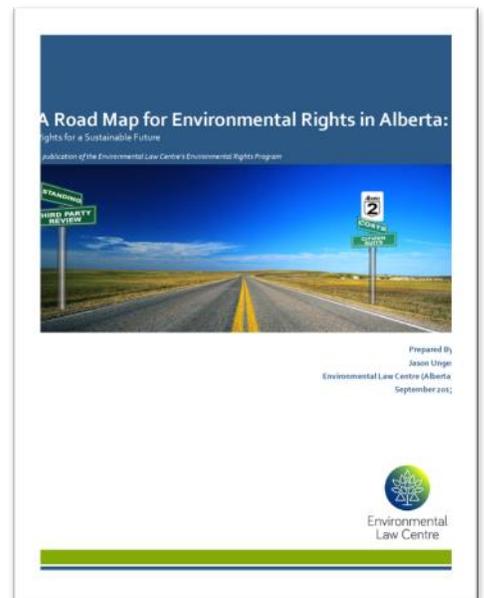
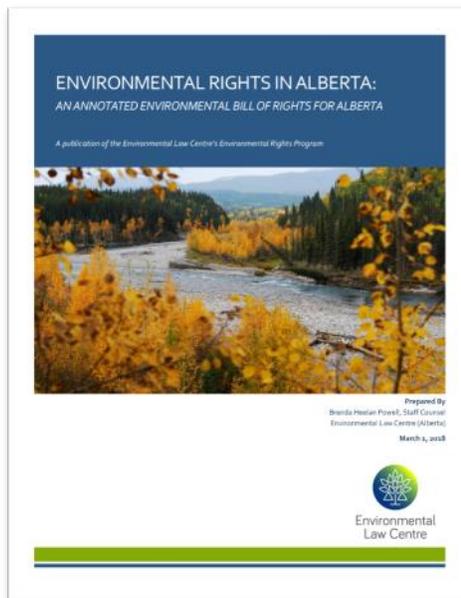


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## ENVIRONMENTAL RIGHTS IN ALBERTA

The ELC has undertaken a comprehensive look at environmental rights in Alberta, beginning with [A Road Map for Environmental Rights in Alberta: Rights for a Sustainable Future](#). The Environmental Rights Series examined if we have the rights we need, then proceeded to look at related issues such as costs of court and tribunal hearings, access to environmental information, and rights to a hearing. You can view the entire Environmental Rights series of publications and blog posts on our website, [here](#).

The ELC has also advocated for the adoption of an [Environmental Bill of Rights for the Province](#).



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

## POLLUTER PAYS



Polluter Pays is funded by:

**Alberta LAW  
FOUNDATION**



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## THE POLLUTER PAYS PRINCIPLE IN ALBERTA

The Polluter Pays Principle is a central principle of effective environmental laws. Related principles including sustainability, precautionary principle, pollution prevention, intergenerational equity, and public participation.

The principle basically states that those who pollute should pay for the impacts of their pollution. Simple in principle, far more challenging in application: implementing an effective polluter pays principle is often much more difficult than one would immediately think as arguments around the economic impacts resulting from the implementation principle may carry more political sway.

The ELC 's recent report [The Polluter Pays Principle in Alberta Law](#) provides a summary of the polluter pays principle in Alberta law, whether through regulatory standards, mechanisms that provide financial assurance relating to environmental harms and fees or levies. This report provides an introduction to the principle and how it is often operationalized in Alberta law.

The ELC also provides a [summary report card](#), which highlights area of potential future work where Alberta could do better in applying the principle.

Table 1: A polluter pays principle report card for Alberta

| Environmental focus                                   | Grade   | Summary observations   |
|---|---------|--|
| <b>Grade Legend</b>                                   |         |  |
| A/A+  |         | Strong polluter pays system that covers all relevant activities and costs. <b>Aspirational in nature.</b> (Example: full social cost of carbon through carbon levy is realized).                                       |
| B   |         | Relative strong laws and standards are applied reflecting application of the polluter pays principle but there still may be significant limitations in scope of activities and costs covered.                          |
| C   |         | Some application of the polluter pays principle, typically through regulations or levies that are limited in scope and application. Costs are not based on an assessment of harms rather they reflect a policy choice. |
| F/D   |         | Few regulatory standards; no or limited functional implementation of the polluter pays principle   |
| <b>Air Pollution</b>                                  |         |  |
| Greenhouse Gas Emissions                              | C+      | Limited # of emitters covered. (Note: federal regulations may apply)   |
| Mercury   | C       | Regulation and approvals based. Standards do not cover all environmental costs. Limited # of polluters covered.  |
| Cap and Trade for SO <sub>2</sub> and NO <sub>x</sub> | C       | Limited # of polluters covered. Cap and trade system may not cover all environmental costs.  |
| Other Air pollutants                                  | **C+    | Regulation and approvals based. Standards may not cover all environmental costs. Non-point sources are not regulated.  |
| <b>Water Based Pollution and Habitat Disturbance</b>  |         |  |
| Water Pollution                                       | **C+/B- | Regulation and approvals based. Non-point sources unregulated. Environmental costs not adequately covered.   |
| Aquatic Habitat Disturbance and Loss                  | C       | Regulation and approval based. Standards may not cover all environmental costs.  |
| Instream Flows  | D-      | No environmental or social costs are covered. Limited and discretionary standards based in recent licences for water diversions.   |
| Wetlands  | B-      | Wetland offsets required by policy (but not regulation). Environmental costs may not be reflected in compensation and restoration.   |
| <b>Land Based Pollution and Disturbance</b>           |         |  |
| Land Disturbance - Reclamation                        | C+      | Reclamation requirements exist for various activities (but not all). Significant compliance concerns exist (particularly where no security is required). End of life obligations are challenged by timing of payments. |
| Land Pollution – Remediation of contaminated land     | B-      | Remediation duties are significant. Standards of remediation may allow for ongoing harms. Regulatory assurance that remediation costs are covered are absent in some instances.  |
| Agricultural Land Pollution                           | C       | General standards apply. Scope of environmental costs covered is limited. (e.g. impacts of pesticide use and application of phosphorus)  |
| Reforestation   | B-      | Impacts on species and other environmental services not considered.  |
| <b>Product Stewardship and Waste Management</b>       |         |  |
| Landfills and Waste                                   | C-      | General waste fees apply. Standards may not cover all environmental costs.   |
| Recycling   | B-      | Scope of materials covered is limited.   |

\*\*Qualified grade: existing pollution standards and authorizations require further analysis.

How do you think polluter pays should be implemented in Alberta?

**Tell us what you think.**

## AGRICULTURE

## AGRICULTURE



This project is made possible through grants from the Alberta Real Estate Foundation & an anonymous foundation.



Alberta's agricultural lands support numerous social, economic and environmental benefits. Despite this, we have lost and continue to lose prime agricultural lands via conversion into developed uses. As well, Alberta's agricultural lands have become significantly more fragmented around Edmonton, Calgary, Red Deer, and along the Edmonton-Calgary corridor. For more detail, see the [Alberta Land Institute's Economic Evaluation of Farmland Conversion and Fragmentation in Alberta, Summary of Findings](#) and our previous posts [here](#) and [here](#).

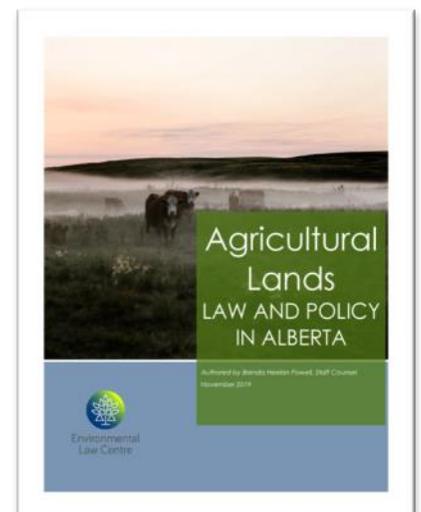
### The ELC Agricultural Lands Project

The ELC is currently working on a project exploring the challenges and opportunities for stopping the loss of Alberta's agricultural lands. The project has two parts: first, identifying and providing a review of the relevant laws that impact agriculture and agricultural lands; and second, a presentation and review of the tools that could be used to protect agricultural lands, from regulatory to voluntary.

The first report was published in fall of 2019 and provides :

- A primer on the laws and policies which apply to Alberta's agricultural lands from the perspectives of planning, development and conservation; and
- A description of existing legal tools relevant to conversion and conservation of agricultural lands in Alberta.

The forthcoming second report will provide a review and analysis of what regulatory tools are fit for the purpose of moving from conversion to conservation of agricultural lands; look at other jurisdictions for alternative approaches for minimizing agricultural land fragmentation and loss, and for ensuring sustainable agriculture which could be adopted in Alberta. The report will also provide recommendations for legal and policy reform.



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**Your support** allows us to examine critical issues such as the conversion of agricultural lands to assist landowners, municipalities and benefit all Albertans.

## FORESTRY



This project is made possible through the grants from:

- The Arnie J. Charbonneau Foundation, and
- the Edmonton Community Foundation



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## A REVIEW OF THE ALBERTA FORESTS ACT

Forest land makes up just over 50% of the land in Alberta and the forestry industry accounts for \$2.6 billion of the provincial gross domestic product (GDP). Forests provide important ecological functions including habitat for Alberta's flora and fauna, carbon sequestration, water and air related ecological services.

While it has since undergone some amendments, Alberta's Forests Act dates from the early 1970's (and retains the tenure and quota framework from an even earlier date). Since that time, there have been fundamental shifts in understanding forests as ecosystems rather than mere stands of timber. Likewise, scientific knowledge and management practices have made significant leaps. It is time to modernize our legislation to incorporate what we have learned in terms of ecosystem and forestry management.

This review will result in two reports:

- The first report will provide a primer on the laws and policies that apply to Alberta's forests. As well, it will include a review of the forest management regimes in other jurisdictions (Montana; Quebec; Ontario; B.C.; Saskatchewan).
- The second report will provide an analysis of Alberta's current law and policies that apply to Alberta's forests from an ecosystem-based management approach which includes connectivity, linear and spatial thresholds, species at risk, adaptive management, and incorporation of a range of management intensities from protected areas to areas for quiet recreation and low-impact uses to areas for timber management.

As a member of the Alberta Wilderness Association's Fish and Forests Forum, ELC's work on the policy and regulatory reforms will support our partner organizations with consideration of the opportunities for meaningful public consultation and participation, mechanisms for community management, and monitoring and enforcement tools.



[Your support](#) allows us to examine critical issues such as the *Forest Act Review* which impacts land, water and air quality in Alberta and the people and species who depend on them.

## ENVIRONMENTAL SCAN



## YOUR ENVIRONMENTAL CONCERNS IN 2020 AND BEYOND

In August 2019, you provided your input to our environmental scan survey. Here is a glimpse at what you've told us matters the most to you concerning the environment in Alberta (ratings were on a scale of 1 to 5, with 5 being the most important. Items in bold were rated as highest importance):

|  |              |
|--|--------------|
| Brownfields/contaminated sites management  | 3.4/5        |
| <b>Upstream oil and gas liability<br/>(includes conventional and unconventional)</b> | <b>4.0/5</b> |
| Waste management and regulation  | 3.4/5        |
| <b>Water quality or quantity concerns</b>  | <b>4.1/5</b> |
| Air quality  | 3.4/5        |
| <b>Climate change mitigation and renewables regulation</b>                           | <b>3.9/5</b> |
| <b>Species at risk and/or habitat degradation</b>                                    | <b>4.0/5</b> |

We received many thoughtful comments that provide additional context and focus to our work going forward.

These are issues of concern to us as well, and will help to guide our future research. Look for these and other issues to be addressed in upcoming papers, webinars or **GREENREGS w/ HAM** breakfasts.

Thank you for sharing your thoughts. Participate in our next environmental scan survey by subscribing to our newsletter [here](#).



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Your support allows us to examine important issues around environment, the economy and the law. **Together with your support**, let's we can show that strong and effective environmental laws ensure a sustainable and strong economy for Alberta.

## NEW AND UPCOMING



## UPCOMING EVENTS & WEBINARS

### GREENREGS v HAM

The ELC hosts **GREENREGS v HAM** breakfasts each spring in Edmonton and Calgary in the fall, however, they have been paused for 2020 due to the global Covid-19 pandemic. We look forward to bringing these breakfasts back in 2021 and may proceed with some internet based events.

These breakfasts serve as platforms for lively and thought-provoking discussions among guests from government, industry, environmental organizations and interested Albertans on some of our most significant environmental issues.

We bring together diverse voices in a single venue to discuss green regulations over a hearty breakfast (eggs, ham, and pancakes, of course, are included!)

Watch the [ELC blog](#) or [subscribe to our newsletters](#) to be advised as soon as tickets go on sale!

### WEBINARS

The webinars are based on current areas of focus at the ELC and seek to address how laws and regulations contribute to managing environmental impacts on habitat, water or air.

Upcoming webinars include:

- Polluter Pays and the law: maintaining financial accountability for those who pollute.
- Introduction to the ELC's new resource: Environmental Law for High Schools (part of the launch of [www.AlbertaEnviroLaws.ca](http://www.AlbertaEnviroLaws.ca))

Watch the [ELC blog](#) or [subscribe to our newsletters](#) to be advised when webinar registration opens.



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Watch for webinar dates and registration details by subscribing to the ELC blog: [elc.ab.ca/blog/](http://elc.ab.ca/blog/)

## LEADERSHIP



## BOARD OF DIRECTORS

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[Read about our Board of Directors online](#)

## THE ENVIRONMENTAL LAW CENTRE ENDOWMENT FUND AT THE EDMONTON COMMUNITY FOUNDATION

The Environmental Law Centre is excited to announce it has opened an endowment fund.

The ELC Fund is held at the Edmonton Community Foundation. As the fund grows it will provide operational revenue to continue the Centre's work to ensure that our laws and policies protect the environment on which we all depend.

The Environmental Law Centre, since 1982, provides credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in Alberta. With your help, we have a unique opportunity to create and grow an endowment that will help ensure we can keep doing so well into the future.

There is no better opportunity to invest in protecting Alberta's environment today and for the future.

The fund was created to allow for a truly lasting legacy for the Environmental Law Centre. Your donation qualifies for a charitable tax receipt from the Edmonton Community Foundation or the ELC. The fund dollars will be will be invested in perpetuity, generating funds for the ELC forever.

*Help us build our future and create your legacy. Please help us grow the Environmental Law Centre endowment fund today.*

[CLICK HERE TO DONATE TO THE ENVIRONMENTAL LAW CENTRE FUND](#)



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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!**

# YOU CAN MAKE A DIFFERENCE

We'd love to hear from you. We appreciate all feedback and suggestions. **Mail to:** #410, 10115 100A Street, Edmonton AB T5J 2W2; **Fax:** 780-424-5133; **Email** your scanned reply to: [elc@elc.ab.ca](mailto:elc@elc.ab.ca) or **make your gift securely online**. *Thank you for your support!*

## Please accept my gift to the Environmental Law Centre:

Name: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Prov. \_\_\_\_\_ PC. \_\_\_\_\_

### May we publicly acknowledge your gift?

Yes  No, I prefer to remain anonymous

**Make a secure donation online:** [www.elc.ab.ca](http://www.elc.ab.ca)

*Charitable tax receipts will be issued for all eligible donations.*

**Yes, I'd like to become a monthly Sustaining Donor!**

Please debit \$ \_\_\_\_\_ each month from my:

Bank Account (enclose a voided cheque)

Credit Card (fill out details below)

Or: **Enclosed is my one-time gift of \$** \_\_\_\_\_

*(Cheques payable to Environmental Law Centre)*

Please charge my  Visa  MasterCard

Card Number: \_\_\_\_\_

CVC Code: \_\_\_\_\_ Expiry: \_\_\_\_\_

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*Photos courtesy the ELC, istock.com; unsplash.com, and pixabay.com*

### CONTACT US:

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P R O F E S S I O N A L I S M R E S I L I E N T S  
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f a c i l i t a t e s t h r o u g h a c t i o n 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 \$125,000.\* Please contact our Fund Development & Marketing Director, Kara Tersen at [ktersen@elc.ab.ca](mailto:ktersen@elc.ab.ca) with any questions you may have.

*\*it will cost us approximately \$25,000 (20%) to reach our fundraising goals*