



Environmental  
Law Centre

# ENVIRONMENTAL LAW CENTRE ANNUAL 2016 Report

*Celebrating progress in  
protecting Alberta's  
environment because  
of your support*



*As Canada celebrates 150 years, the ELC salutes all Canadians who work to ensure - through their volunteer efforts - that the best of Canada's natural heritage exists for many generations to come.*

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

THE ENVIRONMENTAL LAW CENTRE'S 2016 ANNUAL REPORT

January 1 to  
December 31  
2016

### The Environmental Law Centre's 2016 Volunteer Board of Directors

The Environmental Law Centre extends a special thank you to the dedicated team of volunteers who provided leadership and strategic direction in 2016:

#### BOARD EXECUTIVE

**JoAnn Jamieson, *President***

**Tim Haufe, *Vice-President***

**Ian Murray, *Vice-President/  
Secretary Treasurer***

**Dave Poulton, *Past President***

#### DIRECTORS

**Robert Nichol**

**Gregory Taylor, Ph. D.**

**Cameron MacLennan**

**Dr. Damilola Olawuyi**

**Sean Parker**

**Dr. Ludwig (Lu) Carbyn**

#### CONTACT US:

**Environmental Law Centre**  
#410, 10115 100a Street  
Edmonton, Alberta T5J 2W2  
Phone: (780) 424-5099  
Toll Free: 1-800-661-4238

elc@elc.ab.ca  
elc.ab.ca

Charitable Registration  
#11890 0679 RR0001

**Partner with us today** to champion your vision of a future where our children and grandchildren continue to enjoy Alberta's clear air, clean water and a healthy environment.

## REPORT FROM THE PRESIDENT



**JoAnn Jamieson**  
President of the  
Board of Directors



Environmental  
Law Centre

The environmental and regulatory landscape in Alberta and around the world is shifting dramatically and we are experiencing change like never before. As of September 15, 2017, 160 of the 197 parties have ratified the Paris Agreement, renewing their commitment to the historic and monumental agreement to cap global climate emissions to below 2 degrees Celsius above pre-industrial levels. The Paris Agreement brings nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort.

In Canada, the federal government has moved to implementation of its Pan-Canadian Framework on Clean Growth and Climate Change to set a minimum price on carbon starting at \$10 per tonne of CO<sub>2</sub>e in 2018, which will increase by \$10 per year until it reaches \$50 per tonne of CO<sub>2</sub>e by 2022. Each province and territory is required to implement carbon pricing in its jurisdiction by 2018, whether in the form of a carbon tax or a cap-and-trade system. The federal government is also busy reviewing environmental and regulatory review processes, with major changes soon to come.

In Alberta, we are well ahead on carbon pricing however, additional climate change regulation in the form of carbon levies and emission reductions is keeping us all challenged, particularly as we strive to carve out a new economic future

in a low oil price environment. In addition, we are facing long term issues such as biodiversity, sustainable communities and responsible oil sands development. More importantly fire, floods and drought have become very real and all too frequent events in Alberta, directly impacting all of us and our families.

At ELC, we continue to do the good work of protecting the environment and our clean air, lands and water for Albertans. The law is an effective tool to do just that. Accordingly, we champion for strong, balanced and fair environment laws, regulations and policies, so that we all benefit today and in the future. That's a role that we take pride in and celebrate once again this year.

We take this opportunity to sincerely thank our donors and funders. Your support enables us to provide balanced and measured critiques of existing and new environment laws and policies. This careful analysis combined with a deep and abiding commitment to a healthier environment and more sustainable society allows us to advocate for effective change.

I also extend the deep appreciation of the Board of Directors to Jason Unger, who stepped in as interim Executive Director in 2016. The Board expressed our confidence in Jason's leadership when we offered him the permanent position as Executive Director earlier in 2017. The Board also extends its thanks to all of the ELC staff for the continued excellence of their work in pursuit of our shared vision.

## EXECUTIVE DIRECTOR



Jason Unger  
Executive Director



Environmental  
Law Centre

The times, they are a changing and 2016 was a year of change and surprise around the world and at the Environmental Law Centre. In June 2016, I stepped into the role of interim Executive Director, which became permanent in 2017. Support from the ELC board and staff ensured the transition was smooth, for which I owe them my gratitude.

The ELC's work took on new focus with programs focused on laws and policies to preserve the environment for current and future generations of Albertans.

Other changes in 2016 including the sad but necessary closure of the ELC's library as we moved our offices to a more appropriate space. The ELC launched a new website and our program staff kept busy publishing 14 different papers on topics including Environmental Rights, Climate Change and Market-Based Instruments. Our 5<sup>th</sup> *Green Regs and Ham* event, held in Edmonton, continued to bring our Dr. Seussian spin to environmental law, posing the question of whether carbon tax was our Lorax.. This was in addition to the various seminars, conferences, webinars and courses being taught by our staff counsel.

We continued our engagement with all levels of government, seeking effective protection for the environment. From the

implementation of Alberta Government's Climate Leadership Plan to the Government of Canada's comprehensive review of their role in fisheries, navigable waters, pipelines and environmental assessment. Notably, the *Municipal Government Act* amendments reflected ELC positions that empower municipalities on environmental issues.

A new strategic plan guides our efforts to 2020. We're working towards laws in Alberta that incorporate and abide by core environmental principles, are guided by science, create certainty around process rights, and that are proactive in addressing environmental risks and harms.

In the current economic and social climate, credibility and responsiveness will be key to the ELC's ongoing relevance and sustainability. Delivering on our vision, and by extension, serving all Albertans, is a priority.

As we continue our work in 2017 and beyond, my vision for the province is that we have laws which guarantee a clean and healthy environment, not just for today but for future generations of Albertans. As a charity, we rely on the support of everyone who shares this vision. Thank you for being part of this effort.



## SUPPORTERS

**GREEN PEGS  
'N' HAM  
SPONSORS**

  
**devon**

*Community Initiatives Program  
Alberta Culture and Tourism*

**BD&P** Burnet,  
Duckworth  
& Palmer LLP  
Law Firm



**Environmental  
Law Centre**

*In 2016, 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!

Garry Appelt

Cheryl Bradley

Pam Bryan

John Cuthbertson

Corbin Devlin

David Duggan

Dr. Raquel L. Feroe

Timothy Haufe

David Y.F. Ho

Thomasine A. Irwin

James Gendron

Josephine V. Yam

Arlene Kwasniak

John Lawson

Debra Lindskoog

Alastair R. Lucas

McLennan Ross LLP

Michael & Barbara Morin

Letha MacLachlan Environmental  
& Resources Law Professional  
Corporation

MaxBell Foundation

Glen and Lois Mumey

Rod Olstad

Sarah Palmer

Sean Parker

David Poulton

Mary Richardson

Kara Tersen

Donna Tingley

Cliff Wallis

and other donors who prefer to  
remain anonymous

## PROGRAM SUPPORTER

**Alberta LAW  
FOUNDATION**

**ASSESSMENT OF ENVIRONMENTAL  
RIGHTS IN ALBERTA**



**CATHERINE  
DONNELLY  
FOUNDATION**

As a charity, the Environmental Law Centre depends on your financial support to fulfill its mission. Your support makes a difference!

# MAKING A DIFFERENCE

## ...IN OUR COMMUNITIES

The ELC engaged in the review of the *Municipal Government Act*, making several key recommendations.

"Municipalities play a pivotal role in environmental management and protection in Alberta. Expanding and clarifying municipal purposes to include environmental stewardship benefits all Albertans and ensures municipalities can address their constituents' environmental goals. Enabling direct, local action by municipalities to address environmental concerns - such as protecting environmentally sensitive areas and responding to climate change - is key to building resilient and sustainable communities."

- Brenda Heelan Powell, Staff Counsel, ELC

## ...TALKING CARBON LEVY

People from both government and industry gathered for the *Green Regs 'n' Ham* breakfast in Edmonton October 5, 2016 to decide whether the carbon tax is our "Lorax".

Andrew Leach, Chair of the Climate Leadership Panel in Alberta and Associate Professor at the Alberta School of Business at the University of Alberta, and Sharon Mascher, Professor, University of Calgary Law School led the conversation around the newly minted carbon levy. Notable discussion points included that a carbon levy was not a panacea for the GHG issues we face, nor do they pose significant risk in investments as most companies already plan for a price on carbon.

Alberta joins other jurisdictions both nationally and internationally in using the important pricing structure to move the GHG emissions curve. It was also noted that significant challenges lie ahead to reach Canada's Paris Agreement commitments.

Carbon taxes must be supported with other instruments to make a real difference in mitigating climate change. Sharon suggested carbon taxes may need to be increased in order to meet Canada's obligations under the Paris Agreement. She encouraged Albertans to be leaders and innovators, as there is now significant and positive international attention on B.C. and Alberta for taking positive steps towards addressing climate change.

2016: YEAR  
IN REVIEW



*Municipal Affairs Minister, Danielle Larivee (2nd from left), joined from left to right by Jason Unger, Acting Executive Director Environmental Law Centre; Mary Martin, Vice President, Alberta School Boards Association; and Soren Odegard, District 5 Director, Alberta Association of Municipal Districts and Counties.*

*Photo courtesy: <https://www.alberta.ca/release.cfm?xID=448738CE10CBD-CAFC-5B1B-A81BD5175E86D6F2>*

**[Read the full press release here](#)**



Environmental  
Law Centre

**[Your support makes a difference!](#)**

## MORE YEAR IN REVIEW



### ...Land Use & Market Based Instruments

We reviewed Market Based Instruments (MBIs) under the *Alberta Land Stewardship Act* (ALSA) to promote their development to benefit the environment and to identify what regulations or other legal changes are necessary.

The results of this project are published as four volumes:

[Volume 1: An Introduction to Market-Based Instruments & the Alberta Land Stewardship Act](#)

[Volume 2: Transfer of Development Credits under the Alberta Land Stewardship Act](#) (TDCs are used primarily by municipalities to redirect future development)

[Volume 3: Conservation Offsets under the Alberta Land Stewardship Act](#) (Conservation Offsets involve actions to compensate for the ecological impacts of development)

[Volume 4: Stewardship Units & the Exchange under the Alberta Land Stewardship Act](#) (generally understood as credits and the trading platform that could help facilitate TDCs and offsets).

### ...Environmental Law Reform, the Federal Front

The Government of Canada announced in June 2016 that it would be pursuing consultation on federal environmental regulations, namely:

- Reviewing federal environmental assessment processes;

- Modernizing the National Energy Board; and

- Restoring lost protections and introducing modern safeguards to the Fisheries Act and the Navigation Protection Act.

The ELC presented to the Expert Panel considering revising the Canadian *Environmental Assessment Act* and contributed to a collaborative submission of the Canadian Environmental Network. In addition the ELC submitted recommendations for the revision of the *Fisheries Act* to the Standing Committee on Fisheries and Oceans.

### ...Oil and Gas Well Sites and the Polluter Pays Principle

The legacy of oil and gas wells site liabilities continued to come home to roost as insolvencies increased in the oil and gas downturn. The ELC had made efforts in the past to augment the regulatory system around these long term environmental and financial liabilities and the Centre continues to monitor and contribute to developments. In so doing the ELC continues to advocate for adherence to the polluter pays principle. We aren't there yet: insufficient financial security up front, insolvency laws which favour other creditors over environmental cleanup orders, and a lack of regulatory timelines on reclamation all reflect a system that needs fewer promises and more concrete action.



Environmental  
Law Centre

As a charity, the Environmental Law Centre depends on your financial support to fulfill its mission . [Your support makes a difference!](#)

## MAJOR PROJECTS



### On climate change, the climate leadership plan, carbon taxes and more

In response to these developments, in 2016 the ELC began publishing the **Climate Change Legal Roadmap** and blog series – exploring climate change law and developments in other jurisdictions, insights from our related law reform research and making recommendations for Alberta. This project is continuing through 2017.

#### RECENT PUBLICATIONS and POSTS:

[Blog Posts](#)

[Related Publications](#)



### Do we have the environmental rights we need?

The Environmental Law Centre began work in 2016 on a series of educational materials concerning legal rights related to environmental quality. This work is in support of enacting laws that will foster environmental quality for future generations of Albertans and is continuing through 2017.

#### RECENT PUBLICATIONS and POSTS:

[Blog Posts](#)

[Related Publications](#)

### Environmental Law in High Schools

With support from the Alberta Law Foundation, the Environmental Law Centre launched a program in 2016 to bring environmental law education into Alberta high schools. This project was a finalist for the 2016 Alberta Emerald Award Innovation category. We are working to design materials tailored to complement existing Science and Social Studies curriculum. Materials are being developed to be introduced to a select number of students in a pilot project, with hopes of bringing this critical area of study to 150,000 high school students across Alberta in due course. If you are a high school teacher or know one who might be interested in being involved in the future development of this program, please contact [elc@elc.ab.ca](mailto:elc@elc.ab.ca)



Environmental  
Law Centre

[Partner with us today](#) to champion your vision of a future where our children and grandchildren continue to enjoy Alberta's clear air, clean water and a healthy environment.



# 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:

My 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 donations.

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

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

Bank Account (enclose a voided cheque)

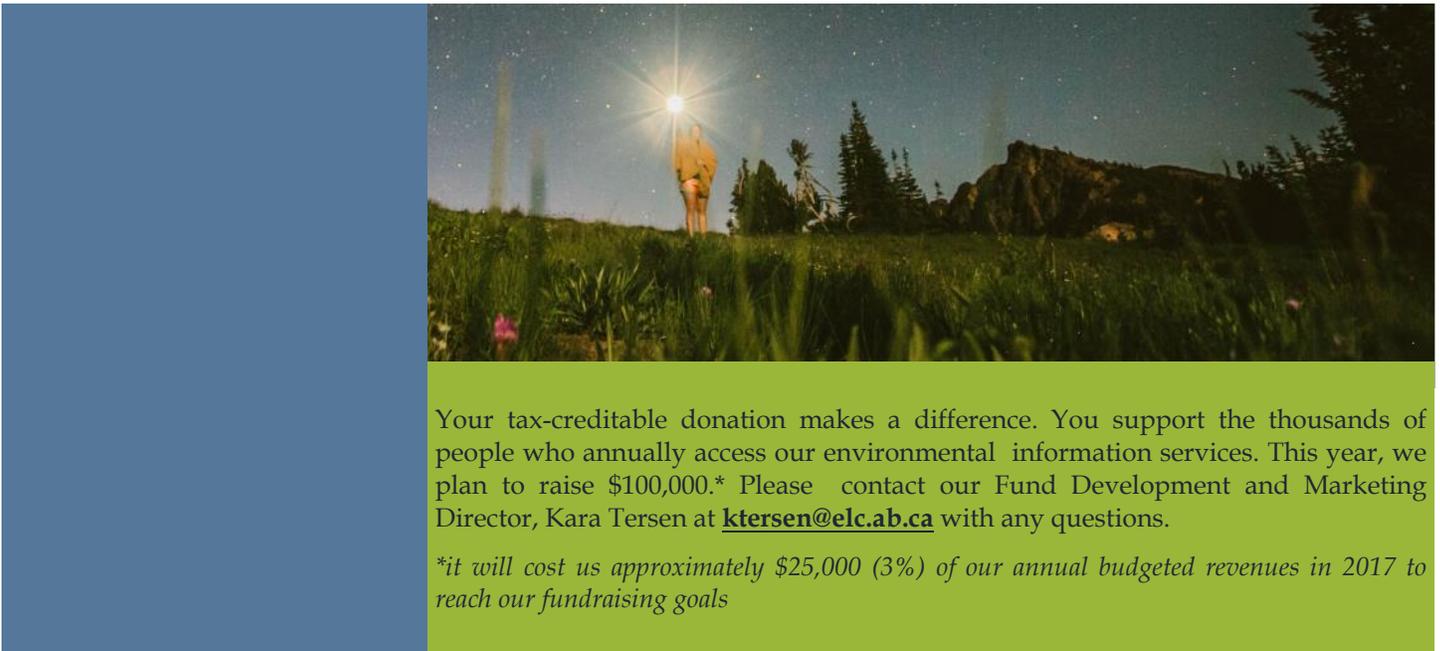
*Or: Enclosed is my one-time gift of \$ \_\_\_\_\_*

Please charge my  Visa  MasterCard

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

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

Cardholder Signature: \_\_\_\_\_



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 \$100,000.\* Please contact our Fund Development and Marketing Director, Kara Tersen at [ktersen@elc.ab.ca](mailto:ktersen@elc.ab.ca) with any questions.

*\*it will cost us approximately \$25,000 (3%) of our annual budgeted revenues in 2017 to reach our fundraising goals*



Environmental  
Law Centre

## CONTACT US:

### Environmental Law Centre

#410, 10115 100a Street Edmonton,  
Alberta T5J 2W2

Phone: (780) 424-5099

Toll Free: 1-800-661-4238

Email: [elc@elc.ab.ca](mailto:elc@elc.ab.ca)

Website: [www.elc.ab.ca](http://www.elc.ab.ca)

Blog: [elc.ab.ca/blog/](http://elc.ab.ca/blog/)

Facebook: [@environmentallawcentre](https://www.facebook.com/environmentallawcentre)

Twitter: [@ELC\\_Alberta](https://twitter.com/ELC_Alberta)

To sign up for the ELC e-newsletter:  
[elc.ab.ca/newsandmedia/news/](http://elc.ab.ca/newsandmedia/news/)

Charitable Registration  
#11890 0679 RR0001