

# 17<sup>th</sup> Annual Environmental Lawyers in Government Conference

## “Leading the Way: Innovations in Environmental Law”

September 12 – 14, 2005

Edmonton, Alberta

Hosted by: Alberta Justice, Special Prosecutions and the Environmental Law Section and  
the Environmental Appeals Board

### Agenda – Final

LOCATION OF ALL CONFERENCE SESSIONS:  
ENVIRONMENTAL APPEALS BOARD

306 Peace Hills Trust Tower, 10011 – 109 Street, Edmonton, Alberta T5J 3S8  
Telephone 780/427-6207, Fax 780/427-4693  
[www.gov.ab.ca/eab](http://www.gov.ab.ca/eab)

### Sunday, September 11, 2005

Welcoming Reception

7:30 pm – 10:00 pm

Crowne Plaza Chateau Lacombe at 10111 Bellamy Hill, Edmonton, Alberta T5J 1N7  
Telephone 780/428-6611

GUEST HOSTS - The Honourable Judge Ted Fisher, Provincial Court of Alberta  
- Dr. Steve E. Hrudehy, Chair, Alberta Environmental Appeals Board  
Nosh Provided – Cash Bar

Monday, September 12, 2005

DAY ONE CONFERENCE CHAIR – The Honourable Judge Ted Fisher, Provincial Court of Alberta

- 8:30 - 9:00 am            Conference Registration & Continental Breakfast
- 9:00 - 9:05am            Chair's Welcome – Judge Fisher
- 9:05 - 9:10 am            Address by Ms. Bev Yee, Alberta Ministry of Environment, Environmental Assurance
- 9:10 - 9:15 am            Address by Mr. Ken Tjosvold, Alberta Ministry of Justice and Attorney General
- 9:15 - 10:00 am            "Strategies for Sustainability - Water"

Dr. Steve E. Hrudey, Professor, Environmental Health Sciences  
Faculty of Medicine, University of Alberta  
Chair, Alberta Environmental Appeals Board

A review of over 70 case studies of disease outbreaks attributed to contaminated drinking water over the past 30 years in 15 affluent nations (including Walkerton and North Battleford) reveals a number of problems with regulatory approaches to drinking water safety. Common problems include complacency, denial and a failure to value safe drinking water for the benefits it provides. When such failures arise, regulatory responses appear to address the problem but the underlying causes remain unabated. This presentation will address a selection of case studies, review progress towards assuring safe drinking water and provide suggestions for approaches that will tackle the underlying problems.

Ms. Kate Rich, Alberta Environment  
Implementation Coordinator, Water for Life: Strategy for Sustainability

The Government of Alberta, in consultation with the public, developed *Water for Life: Alberta's Strategy for Sustainability* to define a new collaborative approach to the management of Alberta's water quantity and quality now and in the future. The strategy presents specific actions over a ten-year timeframe to achieve three goals: safe, secure drinking water supply; healthy aquatic ecosystems; and, reliable, quality water supplies for a sustainable economy. To achieve these goals, the strategy emphasizes actions in three key areas: knowledge and research; partnerships; and water conservation.

Implementation of the strategy began in 2004-2005, with Alberta Environment and partnering ministries taking action in a number of areas to build a foundation for the ongoing work of the initiative. This presentation will focus on two new programs to achieve sustainable water management, namely: the formation of the Alberta Water Council and Watershed Planning and Advisory Councils, which serves as the foundation for advancing water management objectives through partnerships; and the work of the Advisory Committee on Water Use Practice and Policy, whose recommendations would lead to the reduction or elimination of the use of freshwater for oil and bitumen recovery.

- 10:00 - 10:20 am            Break for refreshments.
- 10:20 - 11:45 am            Regional Updates:  
Ontario Update - Mario Faieta, Ontario Ministry of the Environment  
British Columbia Update – Nancy Brown & Livia Meret, BC Ministry of Attorney General  
Federal Update - Moderator: Paul Gavrel, Justice/Environment Canada
- 11:45 am - Noon            "12 Years on the Environmental Appeals Board"  
Dr. William A. Tilleman, Former Chair, Alberta Environmental Appeals Board



- 12:00 - 1:30 pm            **Lunch** – On your own (we will provide you with a list of restaurants in the area).
- 1:30 - 1:45 pm            **Reconvene** at the Environmental Appeals Board
- 1:45 - 4:30 pm            **Site Visits** - Transportation will be provided.

**OPTION A: Forestry Fire Centre Tour** - The Wildfire Prevention Branch will take you to the Provincial Fire Centre to get an inside view of how to fight fires and the importance of having a good working relationship with the Justice Department. For a lucky few, to be selected via an on-site lottery, the tour will include a helicopter view of the operation!

**OPTION B: City of Edmonton Waste Management Centre** - Waste and recyclables collected from Edmonton homes are processed at the Edmonton Waste Management Centre, a 233-hectare site with a unique collection of world-class waste facilities that routinely attract visitors from around the world. Household solid organic waste, including sewage sludge, is taken to the huge Composting Facility, the largest of its kind in North America; recyclables from Blue Bag programs are sorted for market at the Materials Recovery Facility. All of this results in Edmonton diverting about 60 percent of its residential waste from the landfill - more than any other Canadian city. This two-hour tour will include all the major portions of the Centre. The Centre advises that pregnant women are not permitted on the tour, and people with breathing difficulties may wish to avoid this option. Bring a change of clothes with you (jeans) for the tour – it sounds scary, but it is quite impressive!

**OPTION C: “CSI Alberta” - Fish and Wildlife Forensic Lab** - The Alberta Fish and Wildlife Forensic Laboratory provides forensic services primarily to the Province’s wildlife enforcement officers. Officers investigating suspected poaching or other incidents can submit exhibits to the lab for testing, which usually involves the identification of species and origin of various tissues, but could include identification of gender or age, the cause of death, physical matching to determine if separate carcass components are from the same animal, the minimum number of individuals represented by a collection of body components or the size of a fish from examination of fillets. Examples of the various techniques being used will be presented in the lab tour.

- 4:30 - 5:00 pm            **Return** to the Chateau Lacombe - Transportation will be provided.
- 6:30 - 9:00 pm            **Banquet** at the Chateau Lacombe

After dinner presentation by Mr. Brian Keating, Calgary Zoo.  
**“Cold Leadership” “Below the 40th latitude there is no law”** - Kim Stanley Robinson.  
*A presentation illustrating the extraordinary leadership capabilities of the  
 failed Antarctic expedition of Ernest Shackleton.*

Brian Keating, Head of Conservation Outreach at the Calgary Zoo, is an adventurer, world traveler, and leader of some 60 expeditions to remote locations worldwide. He returned earlier this year from his sixth voyage to the Antarctic, this time repeating a month-long expedition retracing much of Shackleton’s route.

Early last century, one of the most remarkable stories of risk taking and survival was played out in the remote frozen seascapes of the Antarctic. Shackleton somehow managed to beat all possible odds during a two-year struggle with survival. How could his ice-bound situation of courage and endurance give us insights into Environmental Law? What lessons can Shackleton teach us about life and leadership? Brian plans on taking you on a voyage through one of the most astounding wilderness survival adventures of all time, illustrating the qualities that enabled Shackleton to return home without the single loss of life. Using his own professionally edited video footage, Brian will live-narrate your journey into this hauntingly beautiful icescape of life-abundance. This is an inspirational and buoyant presentation, punctuated throughout with wonderful humour, and includes a solid ecological message.

DAY TWO CONFERENCE CHAIR – Ms. Donna Tingley, Executive Director, Clean Air Strategic Alliance

8:30 - 9:00 am Continental Breakfast

9:00 - 9:05am Chair's Welcome – Ms. Donna Tingley

9:05 - 9:15 am Introduction to Clean Air Strategic Alliance (CASA)

**Ms. Donna Tingley, Executive Director, Clean Air Strategic Alliance**

The Clean Air Strategic Alliance (CASA) is a non-profit consensus-based association of senior representatives from government, industry and non-government organizations (including health and environmental groups) who have committed to developing and applying a comprehensive air quality management system for Alberta.

9:15 - 10:25 am Regional Updates

10:25 - 10:45 am Break for refreshments

10:45 - 11:45 am "Environmental Stewardship"

**Mr. Scott Livingstone, Senior Advisor, Program Evaluation, Alberta Environment**

Environmental agencies are actively expanding their environmental policy tool kit, seeking more effective, cost efficient and innovative ways to achieve environmental outcomes. This presentation will outline some characteristics of the range of regulatory and incentive-based environmental policy tools - including economic instruments, cooperative management agreements, public disclosure tools, innovative regulation and policies that promote voluntary stewardship. Key strengths and drawbacks of environmental tools will be identified and some examples of alternative policy tools that Alberta Environment has implemented (or is developing) will be discussed.

**Mr. Keith Lyseng, Executive Director, Rangeland Management Branch  
Alberta Sustainable Resources Development**

A discussion of recreational use on public agricultural leased lands, and how conflicts may be addressed successfully outside of the courts. Recreational access on public lands held under agricultural lease has, in the past, resulted in unsettled disputes between agricultural leaseholders and recreational users. Recent legislation has resulted in more cooperation between agricultural leaseholders and recreational users, as well as fewer formal disputes between the two parties.

**Mr. Glenn Selland, Executive Director, Land Use Operations Branch  
Alberta Sustainable Resources Development**

"Respect the Land." In recent years, recreational use of Alberta's public land has grown significantly. Increased levels of activity result in user conflict and in some locations, adverse environmental impact. Government uses a variety of tools to manage recreational users to mitigate conflict and impacts and is increasingly employing non-regulatory "stewardship ethic" approaches in support of existing regulatory tools.

**Ms. Norine Ambrose, Program Coordinator  
Cows & Fish – Alberta Riparian Habitat Management Society**

A 2005 Emerald Awards winner, the Cows and Fish program is a partnership (and NGO) established in 1992 to foster a better understanding of how improvements in management on riparian areas can enhance landscape health and productivity, and benefit ranchers, farmers and others who use and value riparian areas. Cows and Fish seeks to create a better understanding about ecological processes and land use for both rural and urban audiences.



11:45 am - 1:10 pm      **"Lunch with the Honourable Judge Allan Fradsham"**

Lunch will be provided in this joint session with the Canadian Bar Association, Environmental Law Subsections, at the Environmental Appeals Board.

1:15 - 1:55 pm      **"Natural Capital"**

**Dr. Roger Gibbins, President and CEO, Canada West Foundation**

Western Canada possesses natural treasures that greatly enhance our quality of life and its competitive position in the attraction and retention of increasingly mobile human capital. These treasures, and particularly the urban, working and wild landscapes that shape regional identities, are therefore critically important to the West. Over the past decade, the politics of environmentalism have been polarized, pitting environmental protection against economic development. In the context of the West, however, this polarization makes little sense given the economic value of natural capital. Hence the need to find a public policy framework built around the notion of environmental prosperity, a framework that recognizes that sustaining natural capital is an essential precondition for economic prosperity.

2:00 - 2:30 pm      **"Haida Nation v. British Columbia (Minister of Forests) (2004) S.C.C."**

**Mr. Tom Rothwell, Alberta Justice, Aboriginal Law Section**

What are the implications of this decision for environmental law practitioners?

2:35 - 3:15 pm      **"An Industry Perspective on Canada's Climate Change Program"**

**Mr. Don Wharton, Director, Sustainable Development, TransAlta**

How will proposed climate change regulations affect Canadian industries? What response options are available to companies? How much will compliance with these regulations cost? What are some of the associated commercial and legal issues? Don Wharton from TransAlta will provide some comments from the perspective of a "Large Final Emitter" and discuss some of the strategic steps being taken to prepare for a carbon-constrained environment.

3:15 - 3:30 pm      **Break** for refreshments and formation of Workshop Groups.

3:30 - 4:15 pm      **Environmental Law Workshops** - A legal scrum and chance for you to vent, should you feel the need. Conference attendees will split into three smaller workshop groups according to their preference, in order to discuss and itemize the issues of the day.

Workshop A - Prosecutions and Enforcement

Workshop B - Administrative Law and Civil Law

Workshop C - Legislative Drafting and Policy Development Initiatives

4:15 - 4:45 pm      **Presentations from Environmental Law Workshops**

5:45 - 6:00 pm      **Assemble** at the Crowne Plaza Chateau Lacombe lobby

6:00 pm      **Bus transportation to Old Strathcona/Whyte Avenue**

Bus service will be provided to take you across the river to the Old Strathcona Historical Area of Edmonton, a district of restored houses and shops built in the 1890s, prior to the amalgamation of Strathcona Town with Edmonton in 1912. At the heart of the action are several blocks on 82<sup>nd</sup> Avenue, otherwise known as Whyte Avenue. The area is an attractive shopping district featuring gift shops, antique stores, music and book stores. As well, there is a diverse array of restaurants and cafes, theatres, pubs and nightclubs that make it the place to be when you want fun and nightlife in Edmonton. We will provide you with some recommendations for good restaurants and local theatre to fill your evening in this unique area.

DAY THREE CONFERENCE CHAIR – Dr. Steve Hrudehy, Chair, Alberta Environmental Appeals Board

- 8:30 - 9:00 am            Continental Breakfast
- 9:00 - 9:05 am            Chair's Welcome – Dr. Steve Hrudehy
- 9:05 - 9:15 am            "The Emerald Awards"

**Mr. Gilbert Van Nes, Emerald Awards Judge**

The Alberta Foundation for Environmental Excellence was founded in the fall of 1991 to recognize the outstanding initiative and leadership Albertans are demonstrating in the face of many environmental challenges. The Emerald Awards were created by the Foundation to celebrate these achievements.

- 9:15 – 9:30 am            **Quebec Update** – Robert Benoit, Federal Prosecution Service
- 9:30 -10:45 am            "Economists are SO Cheap . . . A Primer on Emissions Trading"

**Dr. André Plourde, Professor & Chair, Department of Economics, University of Alberta**

The presentation will begin with a quick overview of the fundamental economic problem linked to environmental pollution: the fact that polluters typically do not have to deal with the full consequences of their actions - without some form of government intervention, society as a whole bears the costs of pollution. From a public policy perspective, this gives rise to situations where "too much" pollution is produced. Economists have long been interested in this issue, and have put forth proposals for policy instruments to address it.

There are alternative ways of getting polluters to take into consideration the consequences of their pollution activities when making decisions about their behaviour. However, some of these approaches are "cheaper" than others in the sense that they allow specific target reductions in polluting emissions to be achieved at a lower cost. Economists are cheap because they like to see environmental policy objectives achieved at low costs. It can be shown that in many cases, tradable emissions permits provide a low-cost approach to delivering some kinds of environmental objectives. The presentation will outline why this is the case, and discuss some possible limitations of this approach.

- 10:45 - 11:00 am            **Break** for refreshments
- 11:00 am - Noon            **Conference Wrap-up**  
Discussion of 2006 Conference location and timeframe.
- 12:00 pm                      **Conference Closes**

**"Thank you for coming to Alberta and have a great trip home!"**