

Environment in the Courtroom: Enforcement Issues in Canadian Wildlife Protection

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University of Calgary
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SPEAKERS

Martin Olszynski

Martin Olszynski is an Assistant Professor of Law at the University of Calgary. He joined the Faculty on July 1, 2013, following several years of public service. From 2007 to 2013, he was counsel with the federal Department of Justice, practising law in the legal services unit at Fisheries and Oceans Canada. During this period, he also spent time on secondment to the Legislative and Regulatory Affairs Division at Environment Canada.

Martin holds B.Sc. (Biology) and LL.B. degrees, from the University of Saskatchewan, and an LL.M. (specialization in environmental law) from the University of California at Berkeley. Following law school, Martin clerked for the Hon. Justice Denis Pelletier of the Federal Court of Appeal (2006). Prior to joining the University of Calgary, he was a part-time professor with the University of Ottawa Faculty of Law, where he taught environmental law.

Martin's primary teaching and research interests are in environmental, natural resources, and water law and policy. He has appeared as a witness in environmental hearings before both the House of Commons and the Senate.

Alex Bernard

Alex Bernard is Senior Counsel with the Public Prosecution Service of Canada's Regulatory and Economic Crime Team in Edmonton, Alberta and joined the group in 2009. He has conducted a variety of prosecutions for offences related to pollution, wildlife conservation, and trafficking. Prior to 2009, Alex was counsel with Justice Canada's Regional Office in the Northwest Territories where he provided litigation and advisory services on matters involving environmental regulation and environmental assessment, including acting as one of the Government of Canada's counsel on the Joint Review Panel for the Mackenzie Gas Project. Alex currently co-instructs, with Erin Eacott, an introductory environmental law class to the Faculty of Engineering at the University of Alberta.

Erin Eacott

Erin Eacott is a prosecutor with the Public Prosecution Service of Canada (PPSC). She has an LL.B from Dalhousie Schulich School of Law with a Specialisation in Environmental Law. Erin has prosecuted federal regulatory offences since 2002, with a focus on environmental offences. She practises primarily in Alberta, but has worked on environmental prosecutions in several other Provinces and Territories. Prior to practising law, Erin worked with several different ENGOs and First Nations on environmental issues. Erin has taught Environmental Law at the University of Alberta since 2011.

Kevin Buerfeind

Kevin Buerfeind has been with Environment Canada for 32 years, working both in science and law enforcement. He holds a technical diploma in Resource Sciences and a degree in Atmospheric Science. Kevin has both police and meteorological experience prior to joining the enforcement program with Environment Canada in the mid 1990's. Kevin has worked as a field officer conducting inspections and investigations in Alberta, spent three years as the National Coordinator of Investigations for the Environmental Protection Service in Ottawa and five years as the Regional Manager of Investigations in Atlantic Canada. In 2009, he assumed the role of Regional Director for the Wildlife Enforcement Directorate in Edmonton where he is responsible for overseeing federal wildlife enforcement within three

provinces and two territories. He has given presentations and training on environmental law enforcement nationally and internationally, and has participated in international Environmental Crimes Working Groups including work with INTERPOL.

Phillip Saunders

Phillip M. Saunders Q.C. is an Associate Professor at the Schulich School of Law and former Dean and Weldon Professor of Law (2005-2010) at Dalhousie University. He is cross-appointed to the School for Resource and Environmental Studies and is an Adjunct Research Professor with the National Institute for South China Sea Studies in Hainan, China. His teaching and research interests include international marine and environmental law, maritime boundary delimitation, continental shelf development, tort law, judicial remedies, and fisheries law.

Professor Saunders was formerly with the International Centre for Ocean Development, as Senior Policy Advisor and as Field Representative, South Pacific, and served with the Government of Botswana as a District Officer (Development). He has managed and delivered development and training projects in the areas of boundary delimitation and marine and environmental law in a number of regions, including the South Pacific, the Caribbean, South Asia, South East Asia and the Indian Ocean. He acted as Counsel for Nova Scotia in the Arbitration of its offshore maritime boundary with Newfoundland (1998-2001), has advised governments in Canada and a number of other countries on contentious maritime boundary issues, and has acted as an expert witness in Canada and in the Society of Maritime Arbitrators (NY). He was also appointed as a Commissioner in the first review process for the Deep Panuke offshore project, and is the co-general editor of *International Law — Chiefly As Interpreted and Applied in Canada* (2014).

Ron Wiebe

Ron Wiebe is a graduate of Lethbridge Community College in Renewable Resource Management and holds a Conservation Enforcement Certificate. He has worked for 29 years in the Public Service with five postings throughout Alberta. In 1999, he began as a Fish and Wildlife Officer in Canmore and within a few years became the District Fish & Wildlife Officer in Charge of Canmore, a position he held until 2013. He is currently a Unit Inspector for Calgary, overseeing operations in 8 districts from Canmore to Oyen and leading a staff of 19 positions within his Unit. He provides oversight and leadership for complex investigations, prosecutions and search warrants, and ensures staff within the unit function at the required level in all capacities. This includes public complaints to emergency responses involving legislative violations and public safety matters involving problem wildlife. He also ensures district staff/officers function within the *Peace Officer Act*, *Wildlife Act*, *Fisheries Act*, the Criminal Code and other applicable legislation.

Trevor Miller

Trevor Miller attended Lakeland College in Vermilion and has a two year Fish and Wildlife Diploma, and a one year Conservation Enforcement Certificate from Lethbridge Community College. He began his career as a summer student in 1989 as a seasonal Conservation Officer. He worked seasonally for two summers until the completion of his third year in Lethbridge. After college he was able to work in a wage capacity as a Conservation Officer in Saskatchewan. He worked in Cypress Hills Saskatchewan, Kenosee Lake, Melville, Buffalo Narrows, Ile-a-Crosse, Beuval. In November 1992 he was offered a full time position in Alberta as a Fish and Wildlife Officer in Fort Vermilion. In 1997 he moved to Cold Lake, and in 2005 was promoted to Lac La Biche, in 2007 promoted to Inspector, and in 2013 promoted to Superintendent for the Southern Region in Calgary.

Dyna Tuytel

Dyna is a staff lawyer in the Calgary office of Ecojustice, an environmental law charity. She focuses on wilderness and wildlife issues, with an emphasis on species at risk, as well as climate change and energy issues. A lifelong killer whale enthusiast, she currently spends much of her time trying to use the law to ensure meaningful protection for the endangered southern resident killer whale population. She is a member of the BC and Alberta bar.

Owen Saunders

Owen Saunders is the former Executive Director of the Canadian Institute of Resources Law. He is currently a Senior Fellow in the Institute and is an Adjunct Professor in the Faculty of Law, University of Calgary. He has been at the Institute since 1980 and held the position as Executive Director since July 1989. He has been a Research Associate with the Institute since 1980, and an Adjunct Professor of Law at the University of Calgary since 1984. He holds a B.A. (Hon. Econ.) from St. Francis Xavier University, an LL.B. from Dalhousie University, and an LL.M. from the University of London (London School of Economics and Political Science). His main areas of interest include natural resources policy, international trade law, energy law, transboundary water law, and environmental and constitutional law.

Nigel Bankes

Nigel has been with the Faculty of Law since 1984 and is the current holder of the Chair of Natural Resources Law. He teaches or has taught courses in property law, aboriginal law, natural resources law, energy law, oil and gas law and international environmental law. He was seconded to the Department of Foreign Affairs and International Trade in Ottawa as Professor in Residence in the legal bureau in the 1999/2000 academic year. He holds an appointment as an adjunct professor at the University of Tromsø, Norway. In 2010 the University of Akureyri, Iceland conferred an honorary doctoral degree on Nigel in recognition of his contributions to the development of Arctic law in the areas of natural resources law, international environmental law and the rights of indigenous peoples. His research includes joint development agreement in marine areas and dispute settlement under the Law of the Sea Convention and the Columbia River Treaty. He was the editor of the Journal of Energy and Natural Resources Law between 2008 and 2011.

Arlene Kwasniak

Arlene Kwasniak is a Senior Research Fellow at the Canadian Institute of Resources Law and Professor Emerita of Law at the University of Calgary. She holds an M.A. (philosophy) from Wayne State University (1975), a LL.B. from the University of Alberta (1980), and an LL.M. from the Lewis and Clark Northwestern School of Law (1992). Prior to joining the University of Calgary in 2003, Professor Kwasniak's law practice was with the Environmental Law Centre (Edmonton, Alberta) for 11 years.

Professor Kwasniak's books include Alberta Public Rangeland Law and Policy, A Conservation Easement Guide to Alberta, Reconciling Political and Ecosystem Borders: A Legal Map, Alberta Wetlands: A Law and Policy Guide (2016) and A Legal Guide to Public Lands in Alberta (2015). Public Lands and Resources Law in Canada, co-authored with Alastair Lucas, was shortlisted for the Walter Owen Book Prize (2017). Arlene was the winner of the CBA-LSA 2013 Distinguished Service Award for Legal Scholarship.

Professor Kwasniak has served on the Alberta Water Council, Wetlands Team, which developed new wetland policy proposal in 2007, and on the Alberta Water Management Review Committee, which was instrumental in developing new water legislation for the province, and the federal Regulatory Advisory Committee constituted under the Canadian Environmental Assessment Act to advise the federal Environment Minister on matters concerning environmental assessment in Canada.

David Poulton

Dave Poulton is Director of the Alberta Land Institute based at the University of Alberta. He is also Executive Director of the Alberta Association for Conservation Offsets, a forum to advance understanding respecting the use of conservation offsets and the development of offset policy. Dave served as Executive Director of the Calgary/Banff (now Southern Alberta) Chapter of the Canadian Parks and Wilderness Society from 2000 to 2008, and Conservation Director of that organization from 1999 to 2000. Prior to joining CPAWS Dave practised law in Calgary for 11 years. He holds a B.A. and M.A., in political science from the University of Calgary, and LL.B. from Dalhousie University, as well as an LL.M. from the University of Calgary.

Sara Jaremko

Sara Jaremko is a Research Fellow with the Canadian Institute of Resources Law. She received her LL.M. in Natural Resources, Energy and Environmental Law from the University of Calgary, and holds a B.A. (Philosophy) and a J.D. from the University of British Columbia. She has worked in Alberta, BC, and Ontario and is a member of the Alberta Bar. Her research interests include environmental law and policy, land use planning, cumulative effects management, and northern development.

Alastair Lucas

Alastair Lucas, Q.C. is Director of the University of Calgary Sustainable Energy Development (SEDV) MSc Program, and one of the Program founders. He is Professor and former Dean of Law and Adjunct Professor of Environmental Design at the University of Calgary. Al has served as an Acting Member of Alberta's Energy Resources Conservation Board and Executive Director of the Canadian Institute of Resources Law (CIRL), and is now an Associate with CIRL. His interests concentrate on energy and environmental regulation, oil and gas law, administrative law and constitutional law, with special focus on comparative environmental and energy law. He is a member of the Law Society of Alberta. Teaching experience includes the SEDV Program (in Calgary and Quito, Ecuador), the Urban Environmental Management Program at Thailand's Asian Institute of Technology, and the Faculty of Law, University of Copenhagen. Awards include the Law Society of Alberta/Canadian Bar Association Distinguished Service Award for Legal Scholarship and the U of C President's Internationalization Achievement Award.

Meghan Ash

Meghan Ash is a Legislative Policy Advisor with the Legislative Governance Division of Environment and Climate Change Canada. She has worked on various legislative initiatives over the last 10 years with the Department, including the implementation of the *Environmental Enforcement Act* and the *Environmental Violations Administrative Monetary Penalties Act*. Meghan is a graduate of Mount Allison University (B. Comm.) and the Schulich School of Law at Dalhousie University (LL.B. with a specialization in environmental law). She was admitted to the Law Society of Upper Canada in 2007.

Gilbert Van Nes

Gilbert Van Nes serves as the Environmental Appeals Board's General Counsel and Settlement Officer. Mr. Van Nes provides advice to the Board and coordinates the Board's alternative dispute resolution activities. Gilbert has been a lawyer with the Government of Alberta since 1992. His employment history includes that of an Environmental Prosecutor with the Special Prosecutions Branch of Alberta Justice. Mr. Van Nes' experience includes seven years with the Environmental Law Section of Alberta Justice serving his clients in the Departments of Environment, Infrastructure, and Agriculture, Food and Rural Development. While with the Environmental Law Section, Mr. Van Nes assisted in drafting legislation such as the *Environmental Protection and Enhancement Act* and the *Water Act*, developed enforcement programs, appeared before the Alberta Energy and Utilities Board, and joint Natural Resources Conservation Board/Canadian Environmental Assessment Act panels. Mr. Van Nes graduated with a Bachelor of Laws in April 1991 and was admitted to the Bar in July 1992. Mr. Van Nes also has a Bachelor of Science degree in Biology and a certificate in Conflict Management from the Alberta Arbitration and Mediation Society.

David Wright

David is an Assistant Professor and a member of the Natural Resources, Energy and Environmental Law Research group in the University of Calgary's Faculty of Law. Prior to his faculty appointment, David held positions with Canada's Commissioner of the Environment and Sustainable Development, the Gwich'in Tribal Council, the United Nations Development Programme, the Government of Nunavut, the law firm of Stewart McKelvey, and the Marine and Environmental Law Institute at Dalhousie University. He holds an MA and JD from Dalhousie University and an LLM from Stanford University. During his graduate studies at Stanford Law School, David was a fellow with the Stanford Woods Institute for the Environment. He has lived in all three territories across Canada's North, and has been called to the Bars of Nunavut, Northwest Territories and Nova Scotia.

Robert Hamilton

Robert Hamilton, an Assistant Professor in the Faculty of Law, University of Calgary holds a B.A. (Hons) in Philosophy from St. Thomas University, a J.D. from University of New Brunswick Law School, and an LL.M. from Osgoode Hall Law School. Robert is a PhD candidate in the University of Victoria Faculty of Law. His dissertation focuses on Aboriginal and Treaty rights in Canada's Maritime Provinces and his research engages law, legal history, and theoretical perspectives on law and history. He has published on Aboriginal land rights and has presented his research at numerous academic conferences. Robert has also worked with First Nations on treaty rights and Aboriginal title issues and in the development of governance policies.

John Donihee

John Donihee is a northern lawyer with over 35 years' experience in resource management and law in the Northwest Territories and Nunavut. John holds graduate degrees in law and environmental studies and is a member of the law societies of Northwest Territories, Nunavut and Alberta. John advised Inuvialuit clients on changes to the Yukon and Northwest Territories Wildlife Acts to reflect land claims. He was retained as instructing counsel by the Government of Nunavut to assist with the enactment of their new Wildlife Act in 2002. His clients include wildlife co-management tribunals and Aboriginal organizations involved in day-to-day wildlife management. In 2014 John received the Premier's Award from the Government of the Northwest Territories for collaborative law for work done on the development of the new NWT Wildlife Act. John currently acts as counsel with Willms & Shier LLP Environmental Lawyers.

Bill Snow

William Snow is a member of the Stoney Nakoda Nation, Wesley First Nation, as well as a Dual Citizen of Canada and United States of America, and is of Stoney Nakoda / Yuma Quechan descent. Since 2012, Bill has been the Consultation Manager for Stoney Nakoda First Nation. This work involves the assessment of industrial resources projects within Stoney Nakoda Traditional Lands in Southern Alberta that involve many consultations with industry and the provincial and federal governments.

In 2016, he assisted with coordinating ceremonies for the Stoney Nakoda Nation for Bison Reintroduction at Banff National Park. The Stoney Nakoda Nation has also completed a Traditional Knowledge Study of Grizzly Bears in the Kananaskis Provincial Park for Environment and Climate Change Canada.

In September 2017, Bill accepted the Ted Smith Conservation Award from Yellowstone to Yukon on behalf of Stoney Consultation.

Allan Ingelson

Allan Ingelson became the Executive Director of the Canadian Institute of Resources Law on July 1, 2012. He is an associate professor in the Faculty of Law and has served as the Director of the Haskayne Energy Management program and on the Canadian Association of Petroleum Landmen (CAPL) Education Advisory Committee. He holds a LL.M. from the University of Denver; J.D. and B.Sc. from the University of Calgary, and a B.A. from the University of Alberta. He was admitted to the Law Society of Alberta in 1991, and he holds memberships in the Canadian Bar Association, the Law Society of Alberta, the Canadian Association of Law Teachers, and the International Association for Impact Assessment (IAIA). He co-authored a book on sustainable development published by the U of Calgary Press in 2001. Allan has developed and taught courses on environmental impact assessment, environmental law and regulation. He is currently editing the book "Environment in the Courtroom" which is a collection of symposium papers presented between 2012 and 2015, to be published by the University of Calgary Press later in 2018.