• Questions from previous sessions?

• This session is designed to provide an overview of Lexis Advance Quicklaw functionality, concentrating on finding energy, natural resources, and environmental materials.
Canadian content mostly covered in prior sessions

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Similar to the Canada Digest, Halsbury’s is divided by subject and arranged in alphabetical order by subject. Scroll down to find the title you desire.
The "i" provides the scope/coverage information; the Table of Contents allows for browsing or searching.
Halsbury’s Laws of Canada - Environment (2018 Reissue) (Lucas, Northey, King)

Publisher: LexisNexis Canada Inc.

Coverage: Reissue published in June 2018, current to February 1, 2018

Coverage Type: Full-text

Frequency: Annually

Update Schedule: Updated concurrently with print version

Language: English

Description: This source contains the full text of the Halsbury’s Laws of Canada - Environment (2018 Reissue) by Alastair Lucas, Rodney Northey and Jennifer King. The Reissue text was published in June 2018 and is current to February 1, 2018. This premier legal reference provides, in a clear and straightforward manner, an understanding of the maze of laws, regulations and legal issues that frame the subject area of environmental law. Topics covered include: The Constitutional Framework - Nature of powers in specific areas - Legislative and proprietary jurisdiction - Co-operative federalism - Prerogative powers - Charter issues - Municipal powers for environmental regulation - Environmental Protection and Regulation - Federal and provincial regulatory schemes - Regulation of water and air - Ozone depletion, acid rain, urban smog and climate change - Waste management and minimization - Pesticides, toxic and hazardous substances - Wildlife and resource conservation - Enforcement of environmental laws - Environmental Assessments - General regulatory schemes - Environmental impact assessment - Procedures and approvals - Reviews of environmental assessment - International Environmental Issues - Interaction between international and domestic law - Treaty obligations - Multilateral and regional treaties - Canada-U.S. treaties - Civil Liability Issues - Public and private nuisance claims - Onus of proof and standards of liability - Negligence, trespass and public trust - Remedies and defences. This source includes a drill-down hierarchical Table of Contents. Researchers may also perform full text searches. Case law references are hyperlinked to the full texts of the cases, case summaries and QuickCITE case citator records. About the Authors: Alastair R. Lucas, Q.C., B.A., LL.B., (Alta.), LL.M., (B.C., Col.), is a professor of law and Director of the Sustainable Energy Development (SEDEV) M.Sc. Program at the University of Calgary. From 2006 to 2011, he was the Faculty’s Dean. He has served as Executive Director of the Canadian Institute of Resources Law and is now an Adjunct Professor in the University of Calgary’s Faculty of Environmental Design. Professor Lucas has been consultant and policy advisor to several government departments, held numerous professional appointments, and served as a member of the Governing Council of the International Bar Association’s Section on Energy and Natural Resources Law. He serves as a Trustee of the Rocky Mountain Mineral Law Foundation. Professor Lucas is co-General Editor of Canadian Environmental Law, 2nd Edition. Rodney Northey, B.A. (Philosophy), LL.B., M.A. (Philosophy), LL.M., is a partner in the Toronto office of Gowling WLG and a member of the firm’s Environmental Law Group. He is in his 28th year of private practice focused on approvals, hearings, and appeals involving the environment, including energy, land use, endangered species, cultural heritage, resource extraction, transportation, waste and water approvals. Rod is author of the Guide to the Canadian Environmental Assessment Act (LexisNexis Canada), published annually, as well as the 1995 Annotated Canadian Environmental Assessment Act and EARP Guidelines Order (Carswell), and law journal articles on federalism and environmental law, the role of municipalities in Canada’s energy strategies, the integration of environmental and planning law in Ontario infrastructure, and the facing role of alternatives in federal environmental assessment. In August 2016, the federal Minister of Environment and Climate Change appointed Rod to a four-person expert panel to carry out a Canada-wide consultation and review of Canada’s environmental assessment process. Also in 2016, the Ontario Minister of Transportation appointed Rod to a three-person advisory panel.
Click on the + signs until you find a topic of interest or do a search.
Halsbury’s Laws of Canada - Environment (2018 Reissue) (Lucas, Northey, King) > I. OVERVIEW > 3. Federal Jurisdiction Over the Environment > (1) Federal Legislative Jurisdiction > (b) Sea Coast and Inland Fisheries

1. OVERVIEW

3. Federal Jurisdiction Over the Environment

(1) Federal Legislative Jurisdiction

(b) Sea Coast and Inland Fisheries

HEN-8 Provincial prosecutions under Fisheries Act. As a matter of constitutional authority, a provincial Attorney General may prosecute an offence under federal regulatory legislation such as the Fisheries Act. ¹ Parliament has the exclusive authority to legislate who may institute proceedings in respect of offences other than matters of essential criminal law, ² who may conduct such proceedings, and which Attorney General may assume control of such proceedings. This has been done by the Interpretation Act ³ and the Criminal Code. ⁴ Thus, the prosecutorial powers of provincial Attorneys General are, in view of the presumption of constitutionality, a matter of statutory interpretation, and have been held ⁵ to include power to lay informations or prefer indictments, and to conduct prosecutions under federal “non-criminal” environmental statutes such as the Fisheries Act.

Footnote(s)

2. Section 91(27) of the Constitution Act, 1867 enacted as the British North America Act, 1867 (U.K.), 30 & 31 Vic., c. 3, renamed by item 1 of the Schedule to the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), c. 11.
3. (CAN) R.S.C. 1955, c.1-21, s. 34(2).
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... and interests in and all responsibilities associated with the geologic storage reservoir and the stored carbon dioxide... [The] operator and all persons who generated any injected carbon dioxide are released from all regulatory requirements and liability associated with the... storage reservoir and the stored carbon dioxide... [Any] bonds or other surety posted by the... must be released; and... monitoring and managing the... storage reservoir and the stored carbon dioxide [becomes] the state's responsibility to be overseen by the...

... 2008 the Government of Alberta committed $2 billion to large-scale carbon capture and storage (CCS) projects. CCS is a process that captures carbon dioxide (CO2) emissions from large industrial emitters and stores them in geological formations kilometers below the earth's surface. To...

... Implementation of this technology, on 1 November 2010, Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010 1 was introduced in the...


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... Fred Riddiford et al., "Monitoring Geological Storage The In Salah Gas CO2 Storage Project," online: University of Regina <uregina.ca/ghqt/PDF/papers/nonpeer/529.pdf >, 29 Stefan...

... in the Alberta Basin, Western Canada: Demonstration of CO2 Geological Storage in Sally M. Benson, ed., Carbon Dioxide Capture for Storage in Deep Geologic Formations — Results from the CO2 Capture Project: Geologic Storage of Carbon Dioxide with Monitoring and Verification, vol. 2 (Amsterdam: Elsevier, 2005) 29...

... Deep Geologic Formations. A Paradigm for Regulations for the Subsurface Storage of CO2" in Benson, supra note 29, 1173; David W.,... wastewater. See also Mark Anthony de Figueiredo, The Liability of Carbon Dioxide Storage, Ph.D. Dissertation, Massachusetts Institute of Technology (February 2007), online: Carbon Capture & Sequestration Technologies @ MIT < sequestration.mit.edu/pdfs/Mark_de_Figueiredo_Ph_D_Dissertation.pdf > at 79-100. 38 See e.g. Sam Wong et...

... et al., "Economics of Acid Gas Rejection: An Innovative CO2 Storage Opportunity," online: University of Calgary <...> [Kyoto Protocol]. In general we will use the term "storage/disposal" to draw attention to...
ABSTRACT:

[Le résumé français suit l'anglais]

Carbon capture and storage (CCS) technologies are gaining currency as a means of disposing of greenhouse gases and helping states meet their international obligations under such instruments as the Kyoto Protocol. However, while the utility of these technologies has become increasingly evident, their relative novelty has meant that the legal issues surrounding their application have remained largely unresolved. This article examines the property, regulatory, and liability issues associated with CCS in an Alberta context. The authors draw upon existing law and practice in relation to analogous activities including enhanced oil recovery, acid gas disposal, and natural gas storage to identify changes and clarifications that might be desirable in order to develop an appropriate legal framework for CCS in Alberta.

Les technologies de capture et stockage de dioxyde de carbone (CSC) deviennent de plus en plus populaires pour éliminer les gaz à effet de serre et aider les États à respecter leurs obligations internationales en vertu d'ententes comme le Protocole de Kyoto. Cependant, bien que ces technologies s'avèrent de plus en plus utiles, en raison de leur nouveauté relative, les questions juridiques entourant leur application demeurent essentiellement non régulières. Cet article examine la propriété, la réglementation et les
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1. **Legal Pathways to Widespread Carbon Capture and Sequestration**

   Environmental Law Reporter News and Analysis | 01 Dec 2017 | 47 ELR 11022 | Wendy B. Jacobs and Michael Craig

   ... of federal legislation that imposes a national cap or price on carbon dioxide emissions, this Article suggests: (1) issuance of presidential and gubernatorial ...  

   ... of federal and state legislation to provide financial incentives to spur capture of carbon dioxide; (3) tightening of federal and state regulatory requirements for new ...  

   ... providing eminent domain authority to install the pipelines needed to transport captured carbon dioxide from early adopters of CCS to the proposed federal sequestration sites; and (6) use of federal funds to build and operate several sequestration facilities on federally owned lands located near existing or proposed large sources of captured carbon dioxide with the federal government retaining the long-term liability associated with permanent sequestration of the captured carbon dioxide. Together with other federal and state financial and regulatory incentives ...  

   ... CCS forward, this Article suggests disaggregating the three components of CCS—carbon dioxide capture, carbon dioxide transportation, and carbon dioxide sequestration—for separate albeit coordinated legal and financial treatment. Part II of the Article deals with reforms needed to spur capture of carbon dioxide; Part III addresses construction of the needed pipelines; and Part IV looks at the ...  

2. **ANNOTATED BIBLIOGRAPHY: The Emergence of Carbon Sequestration: An Introduction and Annotated Bibliography of Legal Aspects for CCS**


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   ... allows for the continued use of fossil fuels while reducing harmful carbon dioxide emissions. Consequently, CCS has become an emerging, burgeoning industry. Terms used to describe the CCS process include carbon sequestration, biossequestration, geosequestration, carbon dioxide geosequestration, ocean sequestration, terrestial sequestration, carbon dioxide sequestration, carbon dioxide storage, and carbon capture and disposal. Most commonly, this technique is referred to as carbon capture and storage or carbon capture and sequestration. CCS is used in this article to refer to all ...  

   ... more specific terms depending on the process or location of the sequestered carbon dioxide being discussed. CCS research and collaboration is underway in a ...  

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Emory Law Journal | 01 Jan 2008 | 58 Emory L.J. 103 | 34713 words | Alexandra B. Klass* and Elizabeth J. Wilson**

... the most significant questions is how to reduce increasing levels of carbon dioxide (CO2) in the atmosphere. One promising technology is carbon capture and sequestration (CCS), which consists of capturing CO2 emissions from power plants and industrial sources and sequestering them in deep geologic formations for long periods of time. Areas for potential CO2-sequestration include oil and gas fields, saline aquifers, and coal seams. As... there has been insufficient attention paid to how to structure legal liability for the short-term or long-term risks associated with the geologic sequestration of CO2 in connection with CCS. Until now, federal and state ... all have appeared to be in a rush to limit corporate liability for potential harm to encourage the development of CCS. We take...

... this Article, we survey the existing environmental law and tort law liability regimes that may cover potential harm from escaping or migrating CO2... We conclude that while existing federal and state environmental and tort liability regimes are insufficient on their own to govern the CCS industry... federal legislation specific to CCS should leave in place this basic liability for full-scale commercial CCS projects. We also propose an adaptive governance...

... management to better provide financial security to investors without destroying existing liability protections for those who may suffer harm from CCS. This proposal...

3. ARTICLE: FROM EOR TO CCS: THE EVOLVING LEGAL AND REGULATORY FRAMEWORK FOR CARBON CAPTURE AND STORAGE

Energy Law Journal | 01 Jan 2008 | 29 Energy L.J. 431 | 36914 words | Philip M. Morse and Patricio A. Mora

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N.B. Navigation options are the same across jurisdictions.
IMPACTS ON PURPOSE, POLICY, AND PROJECTS

Reported
49 Alberta L. Rev. 205 *

Length: 21463 words

Author: MICHAEL G MASSICOTTE, ALAN L ROSS, AND CHIDINMA B THOMPSON *

* Michael G Massicotte and Alan L Ross are Partners and Chidinma B Thompson is an Associate at the Calgary office of Borden Ladner Gervais LLP.

Highlight

The Government of Alberta is implementing carbon capture and storage (CCS) technology in order to reduce carbon dioxide emissions. With the enactment of the Carbon Capture and Storage Statutes Amendment Act, 2010 in November 2010, Alberta became the first jurisdiction in Canada to have comprehensive CCS legislation. This article describes CCS technology, considers the impact of the new legislation and potential interjurisdictional conflicts, and briefly compares the CCS legislation of other jurisdictions with Alberta’s legislation.

Text

[*306] 1. INTRODUCTION

In 2008 the Government of Alberta committed $ 2 billion to largescale carbon capture and storage (CCS) projects. CCS is a process that captures carbon dioxide (CO2) emissions from large industrial emitters and stores them in geological formations kilometers below the earth’s surface. To assist in facilitating implementation of this technology, on 1 November 2010, Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010 [A] was introduced in the Alberta Legislature. On 2 December 2010, it received Royal Assent, making Alberta the first jurisdiction in Canada to enact comprehensive CCS legislation. [A] On 28 April 2011, the Government of Alberta issued the Carbon Sequestration Tenure Regulation. [X]

The CCS Statutes Amendment Act contains significant amendments to the Mines and Minerals Act, [X] the Oil and Gas Conservation Act, [X] the Energy Resources Conservation Act, [X] the Public Lands Act, [X] and the Surface Rights Act. [X] These amendments include:

- Clarification of pore space ownership in Alberta. The pore space below the surface of all land in Alberta, other than land covered by a title to the subsurface rights, is crown-owned.

Lexis Advance Quicklaw—International

STORAGE: IMPACTS ON PURPOSE, POLICY, AND PROJECTS

Report: 49 Alberta L. Rev. 305 *

Length: 21463 words

Author: MICHAEL G MASSICOTTE, ALAN L ROSS, AND CHIDINMA B THOMPSON *

* Michael G Massicotte and Alan L Ross are Partners and Chidinma B Thompson is an Associate at the Calgary law firm Borden Ladner Gervais LLP.

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The Government of Alberta is implementing carbon capture and storage (CCS) technology in order to reduce carbon dioxide emissions. With the enactment of the Carbon Capture and Storage Statutes Amendment Act, 2010 in November 2010, Alberta became the first jurisdiction in Canada to have comprehensive CCS legislation. This article describes CCS technology, considers the impact of the new legislation and potential interjurisdictional conflicts, and compares Alberta’s legislation with similar legislation in other jurisdictions.

The gouvernement de l’Alberta met en place une technologie de captage et de stockage du dioxyde de carbone (CSC) dans le but de réduire les émissions de dioxyde de carbone (CO2). L’Alberta est devenue la première juridiction au Canada à avoir une loi générée en matière de CSC. Cet article décrit la technologie de CSC, considère les impacts de la nouvelle loi et les conflits potentiels entre les juridictions avec celle de l’Alberta.

Text

[1. INTRODUCTION]

In 2008 the Government of Alberta announced plans to develop carbon capture and storage (CCS) projects. CCS is a process that captures carbon dioxide (CO2) emissions from large industrial emitters and stores them in geological formations kilometres below the earth’s surface. To assist in facilitating the implementation of this technology, on 1 November 2010, Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010, was introduced in the Alberta Legislature. On 2 December 2010, it received Royal Assent, making Alberta the first jurisdiction in Canada to enact comprehensive CCS legislation. On 28 April 2011, the Government of Alberta issued the Carbon Sequestration Tenure Regulation.
**Highlight**

The Government of Alberta is implementing carbon capture and storage (CCS) technology in order to reduce carbon dioxide emissions. With the enactment of the **Carbon Capture and Storage** Statistics Amendment Act, 2010 in November 2010, Alberta became the first jurisdiction in Canada to have comprehensive CCS legislation. This article describes CCS technology, considers the impact of the new legislation and potential interjurisdictional conflicts, and briefly compares the CCS legislation of other jurisdictions with Alberta’s legislation.

La gouvernment de l’Alberta met en place une technologie de captage et de stockage du dioxyde de carbone (CSC) dans la but de réduire les émissions de dioxyde de carbone. Le **Carbon Capture and Storage** Statistics Amendment Act, 2010 en novembre 2010 a été introduit dans la législature de l’Alberta. Le 2 décembre 2010, il a reçu l’assentiment royal, rendant l’Alberta le premier territoire au Canada à avoir une loi générée en matière de CSC. L’article décrit la technologie pertinente et examine les effets de la nouvelle loi et les conflits potentiels entre juridictions. L’article compare aussi rapidement la loi à la matière d’autres juridictions avec celle de l’Alberta.

**Text**

[*306] 1. **INTRODUCTION**

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The CCS Statistics Amendment Act contains significant amendments to the **Mines and Minerals Act**, the **Oil and Gas Conservation Act**, the **Energy Resources Conservation Act**, the **Public Lands Act**, and the **Surface Rights Act**. These amendments include:

- Clarification of pore space ownership in Alberta. The pore space below the surface of all land in Alberta, other than land owned by the federal Crown, has been declared to be the property of the Crown in right of Alberta.
- The creation of a disposition scheme for pore space for the purposes of sequestration.
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Text

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In 2008 the Government of Alberta committed $2 billion to large-scale carbon capture and storage (CCS) projects. CCS is a process that captures carbon dioxide (CO2) emissions from large industrial emitters and stores them in geological formations kilometres below the earth’s surface. To assist in facilitating the implementation of this technology, on 1 November 2010, Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010 was introduced in the Alberta Legislature. On 2 December 2010, it received Royal Assent, making Alberta the first jurisdiction in Canada to enact comprehensive CCS legislation. On 26 April 2011, the Government of Alberta issued the carbon sequestration tenancy regulation. The CCS Statutes Amendment Act contains significant amendments to the Mines and Minerals Act, the Oil and Gas Conservation Act, the Energy Resources Conservation Act, the Public Lands Act, and the Surface Rights Act. These amendments include:
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The Government of Alberta is implementing carbon capture and storage (CCS) technology in order to reduce carbon dioxide emissions. With the enactment of the Carbon Capture and Storage Statutes Amendment Act, 2010 in November 2010, Alberta became the first jurisdiction in Canada to have comprehensive CCS legislation. This article describes CCS technology, considers the impact of the new legislation and potential interjurisdictional conflicts, and briefly compares the CCS legislation of other jurisdictions with Alberta’s legislation.

The article examines the technology pertinent to the discussion of the new legislation and the conflicts potential among jurisdictions with Alberta’s legislation.

Text

[106] 1. INTRODUCTION

In 2008 the Government of Alberta committed $2 billion to largescale carbon capture and storage (CCS) projects. CCS is a process that captures carbon dioxide (CO₂) emissions from large industrial emitters and stores them in geological formations kilometres below the earth’s surface. To assist in facilitating the implementation of this technology, on 1 November 2010, Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010 [1] was introduced in the Alberta Legislature. On 2 December 2010, it received Royal Assent, making Alberta the first jurisdiction in Canada to enact comprehensive CCS legislation. [2] On 28 April 2011, the Government of Alberta issued the Carbon Sequestration Tenure Regulation. [3]


[1] Clarification of pore space ownership in Alberta. The pore space below the surface of all land in Alberta, other than crown lands, was previously owned by the Crown. Crown lands are land owned by the Crown. This amendment clarifies the ownership of pore space below crown lands.
1. **ARTICLE: THE CHANGING LEGISLATION AND REGULATION OF CARBON CAPTURE AND STORAGE: IMPACTS ON PURPOSE, POLICY, AND PROJECTS, 49 Alberta L. Rev. 305**

   Terms:
   - carbon /5 (capture OR storage OR sequestration)
   - ICSFeatureId
   - 1517130
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   - Content Type: Research
   - Jurisdiction: All Jurisdictions
   - Legal Topics: All Legal Topics

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   - 14 Nov 2019 01:55:38 p.m. MST

2. **carbon /5 (capture OR storage OR sequestration)**

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   - Jurisdiction: All Jurisdictions
   - Legal Topics: All Legal Topics
   - Search Type: English Terms & Connectors
   - Legal Phrase Equivalents: Excluded

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3. **The Legal Framework for Carbon Capture and Storage in Alberta**

   Publication:
   - Alberta Law Review
   - Secondary Materials
   - Terms: [carbon /5 (capture OR storage OR sequestration)] and [carbon /5 (capture OR storage OR sequestration)]
   - ICSFeatureId
   - 1517123
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   - Content Type: Secondary Materials
   - Jurisdiction: All Jurisdictions
   - Legal Topics: Environmental Law, Natural Resources Law

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