

MEMORANDUM

TO: Canadian Environmental Law Association Committee and Staff

FROM: Peter Middleton

DATE: May 3, 1973

I have been asked to provide the background for discussions which took place last week on the future of the Canadian Environmental Law Association. The concerns which motivated the discussions can be summarized briefly.

CELA has agreed on a general objective - to maximize citizens' involvement in environmental decision making. CELA has also chosen specific means which may be discussed towards this general goal - complaint and referral services, public education through speaking and publications, briefs and lobbying for law reform, and litigation.

CELA has not, however, made some difficult and fundamental decisions about short and medium-term goals. Without them the organization is likely to engage in activities which while perfectly justifiable in the general context of environmental law, result in minimal changes in our society. In order to maximize the effectiveness of a small group of dedicated people, specific interim targets must be chosen and pursued. Are we interested in introducing certain specific legal mechanisms to our system? Are we interested in having a major impact in some issue areas (e.g. resources, land use, etc.)?

To this end we began to outline options and choices which must be faced once and for all. CELA cannot afford to take a random approach to such a vast field. Its resources are, unfortunately, too limited.

It is in this context that we entered into the discussions which have been made known to you separately.

P. M.

MEMORANDUM

DATE: May 1, 1973

TO: CELA Staff and National Executive Committee

FROM: Gar Mahood

RE: AIMS, OBJECTIVES, PRIORITIES, REDIRECTION OF CELA

On Wednesday, April 30, 1973, Tony Barrett, Marie Corbett, David Estrin, Gar Mahood, Peter Middleton, Pat Mortimer (an articulate new addition to the fund-raising committee), Barry Stuart, and Dennis Wood met as an ad hoc committee to consider the above subject. This committee met at the direction of the National Executive Committee at its April 12, 1973 meeting.

It was established that CELA functions in three ways:

1. Service to the public (eg. Law Advisory Office and Complaint Service).
2. Pressing for legal reform, especially pertaining to:
 - i Standing
 - ii Class actions
 - iii Environmental impact procedures
 - iv Access to information now not released to public
 - v public interest action money (i.e. money for court actions so citizens will not be economically intimidated)
 - vi public participation in decision-taking
 - vii public trust
 - viii Environmental Bill of Rights and criteria for legislative and regulatory guidelines
3. Education
 - i public education
 - ii education of legal profession and judiciary
 - iii education of policy makers (legislators and civil servants)

Four problem areas in which the three functions of CELA might be performed are:

- a. Natural Resource problems
- b. Parks and Recreational Area problems
- c. Urban problems (land use planning, green space, nuisances, health hazards, etc.)
- d. Rural problems (polluted lakes, land use conflicts, health hazards, etc.)

In each of these categories we can define the environmental needs, who is already working on these problems, what experience or expertise would be needed to move into this area, and what the implications would be of our efforts in these areas.

By weighing these various alternatives we should be in a better position to see where we should be going in the future.

Peter Middleton will prepare an explanation and comments to be added to this memo.

	NEEDS	WHO ELSE	EXPERIENCE	IMPLICATIONS
RESOURCES	U.S. domination Halt specific projects Start specific planning Injunctions, hearings National Energy Board intervention	CARC PROBE Native groups CWF	Re: MacKenzie (natives) Extensive scientific and funding experience	Important to CELA re prestige and funding National elite issue Long term Highly political
PARKS AND RECREATIONAL AREAS	Native rights Statutory trust Removal of commercial operation Planning Polluted lakes	Bruce Trail AWL NPPA CNF FON CWF	Minimal backup needed	Minimal resource drain
URBAN	Individual problem solving (eg. nuisance) Public participation Housing Land use planning Open space planning Local control Transportation Speculation Land banking Health hazards		Minimal backup needed	Important to individual community Varied character Focus difficult
RURAL	Pits and quarry Land use conflicts Cottagers Health hazards Polluted lakes	Cottage Assoc. Sierra Club Ratepayers People or Planes	Heavy research needs	Time Distance