

# Alastair Lucas

BY CHRIS CANNON

“I think you have to step in,” says Alastair Lucas when asked if he considers himself an environmental activist. “In my career, a lot of work [involved] collaborating with public interest environmental groups... They’re really necessary to move issues forward, to move the debate forward. I think their work and their perspective is really important.”



From his office at the University of Calgary, Lucas rattles off environmental agencies he’s worked with like they were his grandchildren’s names—the Canadian Arctic Resources Committee, Ecojustice (formerly the Sierra Legal Defence Fund), the Environmental Law Centre in Alberta, the West Coast Environmental Law Association in Vancouver, the Canadian Environmental Law Association—the list goes on. Now dean of the University of Calgary Faculty of Law, Lucas looks back on a career spent at the forefront of environmental regulation.

Born in Saskatchewan and raised in Edmonton, Lucas hails from a family of teachers that goes back generations. When he was an undergraduate at the University of Alberta in the 1960s, he embarked on a five-year course of study that earned him a Bachelor of Arts and an LL.B. at the age of 21 (younger, he laughs, than the age of most students first entering law school today). When a professor informed him that UBC was opening a graduate program, he contacted UBC professor Charles Bourne, who brought Lucas to the University and served as his supervisor.

“Even at that time, in the early sixties, energy developments—oil and gas, water and the like, big developments in the hinterland—caused environmental problems,” says Lucas. “I thought I wanted to study the legal framework for that and what the law had to say about environmental protection when it came to major projects.”

Although there was no particular emphasis on environmental regulation in the program at the time, Lucas attached himself to Noel Lyon (founder of the first course in Natural Resources Law at UBC), who got him interested in the pollution control legislation that had just come into effect in BC.

“There was a big public controversy about the development of a mine on Vancouver Island in Quatsino Sound, near Port Hardy,” he recalls. “So I used that as kind of a case study, and looked at the BC pollution control system as a regulatory system, and it was kind of a forerunner. I guess it was growing up in Alberta and starting to see the way energy was going even in the sixties and thinking about the environmental implications of that.”

By 1968, Lucas had earned his LL.M. and made a home at UBC, teaching in the law school for the next eight years and developing his interest in environmental law and sustainability—just as these issues began to move into the public consciousness.

In the early 1970s, he was involved in the famous \*Berger inquiry after he was contacted by the Ottawa-based Canadian Arctic Resources Committee, a public interest group that focused on rational northern development.

\* The “Berger Inquiry” refers to The Mackenzie Valley Pipeline Inquiry. The inquiry was commissioned by the Government of Canada in 1974 to investigate the impact of a proposed gas pipeline that would run through the Yukon and the Mackenzie River Valley of the Northwest Territories. The commissioner of the the inquiry was Justice Thomas Berger, OC OBC QC (’56).

"I enjoyed that experience as a young academic and really built on it," he says. "The irony is that it's come back again. The current Mackenzie Valley pipeline proposal and even the TransCanada PipeLines Alaska proposal that looks like it might be going ahead now—they're almost exactly the pipeline proposals that we were looking at over 30 years ago."

Lucas's work on the Berger inquiry led to a year spent on leave, working at Environment Canada (the first year it was established as a separate ministry). "I was really young when I got started, so I thought, 'Hey, these are great opportunities, and I have lots of time, so I better take advantage of them!'"

Another opportunity Lucas could not let slip away was the chance to return to his home province when the University of Calgary opened its law school in 1976. Already a member of the Alberta Bar, Lucas jumped at the chance to become a founding member of the new school. At UBC, he had helped launch one of the first seminars on environmental law in Canada and founded courses on forestry law and water law. But due to a lack of interest in forestry law in the prairies, he shifted his focus to environmental regulation of the oil and gas industry. With the help of founding dean, John McLaren, who made environmental law a focus of the law school, Lucas helped launch the Canadian Institute of Resources Law in 1979, serving a term as the organization's executive director.

As the law school's current dean, Lucas continues his focus on the oil and gas industry, particularly oil sands regulation, with a general interest in climate change. "The faculty here has really strengthened and grown," he says. "We now have Faculty members who buy into the idea of natural resources, energy, and environmental law as a specialization of the law school, while still keeping in mind we must be a full-service law school. This particular specialization seems only logical for a school in Calgary, the oil and gas hub. We envision it will pay off for us in that it will attract top students and instructors in the area, and lead to industry partnerships."

Such a specialization will not only pay off for the school, but for Canada as well. As massive pollution from Alberta's oil sands looms on the horizon, the goal of putting our petroleum appetite on a diet has become a focus of environmental law. "A low-carbon economy is really the future," says Lucas. "Not only do we have to get there, but from the point of view of the business community, it makes sense to recognize that that's where things are going."

To this end, Lucas has been studying how federal and provincial climate change legislation policies apply to the tar sands, as his colleagues focus on carbon capture and storage. According to Lucas, as oil sands production increases, we must find ways to mitigate a higher level of carbon emissions than we have seen via conventional oil and gas production. Sequestering carbon in geological formations is the next step to reducing our overall greenhouse gas emissions. "If we're going to make much progress over the next couple of decades in

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terms of climate change in relation to oil and gas and the oil sands, that's how it's going to happen."

Considering the long, uphill battle that environmentalists have been fighting over past decades (a battle still in its infancy), it makes sense that someone in Lucas's position would take the long view. He considers both oil sands and natural gas to be transitional fuels until we finally achieve a low-carbon economy. More and more electricity-generating plants in Canada and the US are using cleaner burning natural gas, but he worries about gas being wasted to fuel the energy-intensive process of refining the oil sands.

"I don't think anything's going to stop the oil sands, but right now, it's hard to predict how far and how fast it's going to go," he says. "It's high-cost oil, that's for sure, but that, in itself, may be a sign that we are, if not reaching the end of the road, at least plateauing. Oil prices are getting so high that renewable alternatives are going to be more and more attractive."

Though the oil sands seem like a local phenomenon, the impact of their development is a global concern. This has given Lucas opportunities to travel and study that he had never dreamed of. "When I started, my work was very much provincial, then it became national, and then, ultimately, international. As a result, I work with people all over the place—in China, and Russia—and I've had a chance on sabbatical and leave to actually live and work in some of these places." In addition to his current appointment at the University of Calgary, Lucas also serves as a trustee of the Rocky Mountain Mineral Law Foundation and as a special legal advisor to the North American Commission for Environmental Cooperation.

The transition to cleaner burning fuel continues to be a tough fight, but the ever-growing field of environmental law does bring about regular successes in regulation. This, Lucas claims, is one of the most rewarding parts of his job.

"I really enjoy seeing things happen," he says. "I'm very geared toward outcomes, whether it's stopping a bad proposal in working with a public interest group, or working to ensure that a worthwhile energy proposal, which is not going to do a lot of damage and produces a lot of benefits, goes ahead. That's the kind of thing that turns me on."