

Martin Z. Olszynski, LL.M., LL.B., B.Sc.  
Associate Professor  
Faculty of Law, University of Calgary  
2500 University Drive NW  
Calgary AB T2N 1N4  
Office: MFH 3346  
Phone: (403) 220-3816  
Email: [molszyns@ucalgary.ca](mailto:molszyns@ucalgary.ca)

## I. QUALIFICATIONS AND EDUCATION

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**Member in Good Standing**, Law Society of Upper Canada (2007 – present)

**Doctor of Philosophy** (Resource Management), University of British Columbia (*in progress*)

**Master of Laws** (Specialization in Environmental Law), University of California at Berkeley (2011)

**Bachelor of Laws** (*Distinction*), University of Saskatchewan (2006)

**Bachelor of Science** (Biology) (*Distinction*), University of Saskatchewan (2002)

## II. WORK EXPERIENCE

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**Associate Professor** – University of Calgary Faculty of Law (2018 – Present)

Courses taught: Tort Law; Administrative Law; and Water Law; Law, Science, and the Regulatory State

**Assistant Professor** – University of Calgary Faculty of Law (2013 – 2018)

Courses taught: Tort Law, Administrative Law, Environmental Law, and Water Law

**Part-time Professor** – University of Ottawa Faculty of Law (2011 – 2013)

Courses taught: Environmental Law

**Legal Counsel** – Department of Justice, Fisheries and Oceans Canada Legal Services (2007 – 2013)

**Policy Analyst** – Environment Canada, Legislative and Regulatory Affairs Division (secondment, 2009)

**Law Clerk** – Honourable Justice Denis Pelletier, Federal Court of Appeal (2006 – 2007)

## III. JOURNAL ARTICLES AND PAPERS

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“Not Fit for Purpose: Alberta’s Mine Financial Security Program” (2023) University of Calgary School of Public Policy paper series (with Andrew Leach, and Drew Yewchuk) [*forthcoming*]

“A Made-in-Alberta Failure: Unfunded Oil and Gas Closure Liability” (2023) University of Calgary School of Public Policy paper series (with Drew Yewchuk and Shaun Fluker) [*forthcoming*]

“Supreme Court of Canada Re-writes the National Concern Test and Upholds Federal Greenhouse Gas Legislation” (2021) [9:2 Energy L. Q.](#) (with Nigel Bankes and Andrew Leach)

“Breaking Ranks (and Precedent): Reference re Greenhouse Gas Pollution Pricing Act, 2020 ABCA 74” (2020) 33(2) J. Env. L. & Prac. ([SSRN](#)) (with Nigel Bankes and Andrew Leach)

- "The Role of Science in Contemporary Canadian Environmental Decision-Making: The Example of Environmental Assessment" (2019) 50 UBC L. Rev. 697 (with Alana Westwood, Aerin Jacob, Caroline Fox, JW Moore, Wendy Palen and Adam Ford) (2<sup>nd</sup> author) ([SSRN](#))
- "*Tsleil-Waututh Nation v. Canada (Attorney General)*: Clarifying the (F)Laws in Canada's Pipeline Approval" Canadian Environmental Law Reports (2019) 22(4) C.E.L.R. 8 (with David Wright) ([SSRN](#))
- "*Dunsmuir* Dead – Long Live *Dunsmuir*! An Argument for a Presumption of Correctness" (2018) Can. J. Admin. L. & Prac 99 (Special Issue)
- "Testing the Jurisdictional Waters: The Provincial Regulation of Interprovincial Pipelines" (2018) 23:1 Rev Const Stud 91 ([SSRN](#))
- "A(nother) New Federal Regime for Assessing Interprovincial Pipeline Projects: The Proposed *Impact Assessment Act*" (2018) 6:2 Energy Reg. Q. 11 ([Link](#)) ([SSRN](#))
- "Towards Linking Environmental Law and Science" (2018) 3 Facets 375 (with JW Moore, Linda Nowlan, Martin Olszynski, Aerin Jacob, Brett Favaro, Lynda Collins, GLT-L Williams-Davidson, and Jill Weitz) ([Link](#))
- "From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability" (2018) 30:1 Georgetown Env. L. Rev. 1 (Martin Olszynski, with Sharon Mascher and Meinhard Doelle) ([Link](#)) ([SSRN](#))
- "Failed Experiments: An Empirical Assessment of Adaptive Management in Alberta's Energy Resources Sector" (2017) 50:3 UBC L Rev 657 ([SSRN](#))
- "Authorized Net Losses of Fish Habitat Demonstrate Need for Improved Habitat Protection in Canada" (2017) 74 Can. J. Fish. Aquat. Sci. 285-291 (with Dr. Brett Favaro) ([Link](#))
- "Does Slow and Steady Win the Race? Ecosystem Services in Canadian and Chilean Environmental Law and Policy" (2018) 29:B Ecosystem Services 240 (with Roberto Pasten and Michael HantkeDomas) ([Link](#))
- "From 'Badly Wrong' to Worse: An Empirical Analysis of Canada's New Fish Habitat Protection Laws" (2015) 28(1) J. Env. L. Prac. 1 ([SSRN](#))
- "Environmental Assessment as Planning and Disclosure Tool: *Greenpeace Canada v. Canada (Attorney General)*" (2015) 38(1) Dalhousie L. J. 207 ([Link](#)) ([SSRN](#))
- "Ancient Maxim, Modern Problems: *De Minimis*, Cumulative Environmental Effects and Risk-based Regulation" (2015) 40(2) Queen's L. J. 705 ([Link](#)) ([SSRN](#))
- "Can Environmental Laws Fulfill their Promise? Stories from Canada" (2014) 6(9) Sustainability pp.6024-6048 (with Nigel Bankes and Sharon Mascher) ([Link](#))
- "Environmental Monitoring and Ecosystem Management in the Oil Sands: Spaceship Earth or Escort Tugboat?" (2014) 10(1) McGill JSDLP 1 ([SSRN](#))
- "Environmental Damages after the Federal *Environmental Enforcement Act*: Bringing Ecosystem Services to Canadian Environmental Law?" (2012) 50(1) Osgoode Hall L. J. 129 ([Link](#)) ([SSRN](#))
- "Old Puzzle, New Pieces: *Red Chris* and *Vanadium* and the Future of Federal Environmental Assessment" (2011) 89 Can. Bar. Rev. 445 (with Marie-Ann Bowden) ([SSRN](#))
- "Adaptive Management in Canadian Environmental Assessment Law: Exploring Uses and Limitations" (2010) 21 J. Env. L. & Prac. 1 ([SSRN](#))

“The Commodification of Canadian Water: Exploring International Trade Implications” (2006) 68 Sask. L. Rev. 221 ([SSRN](#))

“*Hoffman v. Monsanto Canada Inc.*: Looking for a Generous Approach to the Elephant in the Garden” (2006) 16 J. Env. L. & Prac. 53

“The Assessment of Environmental Damages Following the Supreme Court’s Decision in *Canfor*” (2005) 15 J. Env. L. & Prac. 257 ([SSRN](#))

#### **IV. BOOK CHAPTERS**

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“The Post-Decision Phase: Monitoring, Follow-up, Compliance, and Adaptation” (Chapter 11) in Meinhard Doelle and John Sinclair, eds, *The New Impact Assessment Act* (Irwin Law) (2020)

“Science, Evidence, and Indigenous Knowledge” (Chapter 20) in Meinhard Doelle and John Sinclair, eds, *The New Impact Assessment Act* (Irwin Law) (2020)

“Impact Assessment” (Chapter 17) in William A Tilleman, Alastair R Lucas, Sara L Bagg & Patrícia Galvão Ferreira, *Environmental Law and Policy*, 4th ed (Toronto: Emond, 2020)

“Reconsidering Red Chris: Federal Environmental Decision-Making after *MiningWatch Canada v. Canada (Fisheries and Oceans)*” (Chapter 15) in Alastair R Lucas and William Tilleman, *Litigating Canada's Environment: Leading Canadian Environmental Cases by the Lawyers Involved* (2018) ([SSRN](#))

“The Law and Economics of Environmental Harm: A Primer and Update for Environmental Sentencing” (Chapter 32) in Allan Ingelson, ed., *Environment in the Courtroom* (Calgary: University of Calgary Press, 2019) (with Peter Boxall)

“Who Should Prosecute II: Intragovernmental Issues” (Chapter 17) in Allan Ingelson, ed., *Environment in the Courtroom* (Calgary: University of Calgary Press, 2019)

#### **V. PRESENTATIONS AND OTHER PUBLICATIONS**

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“How Many Cuts (out of a Thousand) Are We At? *Yahey v British Columbia*, 2021 BCSC 1287” at JELP 9 Biennial Conference: *Living Up and Scaling Out: The Foresight of Meinhard Doelle*. Algonquin Provincial Park, ON (May 31 – June 2, 2023)

“Reflections on a Career in Science, Law & Policy” at the *8th Annual Biophysical Society of Canada Meeting*, University of Calgary (23 May 2023)

“Determining the *Vires* of Subordinate Legislation: Conflicting Lines of Case Authorities re: the Standard of Review” CBA-Calgary Administrative Law Section, Calgary, AB (12 January 2023)

“Cumulative Impacts, Duty to Consult, and Infringement: The Uneven Edges of Aboriginal Law and Indigenous Rights Protection” for the Canada Energy Regulator, Canadian Nuclear Safety Commission, and Canadian Transportation Agency’s Learning & Collaborative Event, Calgary AB, (26 October 2022) (with David Wright)

“If Alberta is so Right... Why are its Constitutional Arguments so Wrong?” CBA-Calgary Natural Resources, Energy and Environmental Law Section (NREEL), Calgary, AB (12 October 2022)

“The Federal Role in Water Management” at *Reimagining Rivers: Jurisdictional Challenges*, organized by the Environmental Law Centre, Edmonton, AB (10 June 2022) (virtual participation)

“Considering Civil Climate Change Litigation in Canada” at *Civil Law Seminar*, National Judicial Institute, Calgary, AB (May 11-13, 2022)

“The Differing Roles for Conservation Science in Canadian Environmental Law and Policy” at the *Liber Ero Fellows Retreat*, Galiano Island, B.C. (11-12 November 2021) (2-day workshop)

“*References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11: Supreme Court of Canada upholds Constitutionality of the GGPPA as a “Matter of National Concern,” at the 21<sup>st</sup> Annual *Great Lakes Water Conference: Climate Change and the Great Lakes* (5 November 2021) (virtual participation)

“Adaptive Management in Canadian Natural Resources Law & Policy: Lessons for EU GI Policy & Implementation” presented at *Uncertainty and Multifunctionality: Legal Challenges and Opportunities for Green Infrastructure Policy* (Woodnet Online Seminar, April 2020)

“Overview of Bill C-69: Providing Clarity on New Regulations” presented at *Cumulative Effects 2019*, Canadian Institute (Calgary, Alberta, June 2019)

“An Agile Regulations Agenda for Canada” presented at *JELP7: Back to the Future: Re-Defining Canada’s Environmental Priorities*, the Journal of Environmental Law and Practice’s 7<sup>th</sup> biennial conference (Victoria, British Columbia, June 2019)

“Bill C-69 – The Last of a Thousand Cuts or a Solution to Regulatory Frustration?” School of Public Policy Luncheon (Calgary, AB, November 2018) (with Jennifer Winter, Robert Skinner and Al Reid)

“Science, Decision Making & the Law: The Impact Assessment Cat in the Science Hat” presented at the Environmental Law Centre’s *Green Regs and Ham* (Calgary, AB, October 2018) (with Dr. Aerin Jacob)

“The Quashed Trans Mountain Expansion Approval: Scoping, Considerations and Reviewability” presented to the Canadian Bar Association (Alberta South Branch) (Calgary, AB, October 2018)

“Bill C-68: Amendments to the *Fisheries Act*” Submission to the House of Commons Standing Committee on Fisheries and Oceans (Ottawa, ON, April 2018) ([Brief](#))

“Bill C-69: The Proposed *Impact Assessment Act*”: Submission to the House of Commons Standing Committee on Environment and Sustainable Development (Ottawa, ON, April 2018) ([Brief](#))

“Bills C-68 and C-69: Amendments to the *Fisheries Act* and a new *Impact Assessment Act*” presented at *Symposium on Environment in the Courtroom (VII): Enforcement Issues in Canadian Wildlife Protection*, Canadian Institute of Resources Law (CIRL) (Calgary, AB, February 2018)

“Has Trudeau Delivered? A Discussion of Bills C-68 and C-69” York University’s Sustainable Energy Initiative’s Seminar Series (webcast, March 2018) ([Link](#))

“The Trudeau Administration on Water: Restoring (Improving?) Protections for Fish and Fish Habitat” presented at the University of Toledo’s *Great Lakes Water Conference* (Toledo, OH, November 2017)

“Federal Environmental and Regulatory Review,” York University’s Sustainable Energy Initiative’s Seminar Series (webcast, November 2017) ([Link](#))

“Reconsidering Federal Environmental Jurisdiction,” presented at Canada 150 - Constitutional Law Symposium, Legal Education Society of Alberta (Edmonton, AB, 2017) “Strengthening Canada’s Environmental Assessment and Regulatory Processes: Recommendations and Model Legislation for Sustainability,” Response to the Government of

Canada’s Discussion Paper on Environmental and Regulatory Reform (August, 2017) (with Jocelyn Stacey, Jason MacLean, Arlene Kwasniak and Robert Gibson) ([Link](#))

"Education and Awareness Initiatives to Encourage Zero Emission Vehicles Adoption": Submission to the Federal Zero Emission Vehicles Advisory Panel (June, 2017) (with Sharon Mascher and Meinhard Doelle)

"Energy and the Environment: Are Our Laws Keeping Up?" University of Calgary webinar (Calgary, AB, June 2017) ([Link](#))

"From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability" presented at *We'll always have Paris: Climate Change Law & Policy following the Paris Agreement*, the Journal of Environmental Law and Practice's 6th Biennial Conference (Halifax, NS, 2017)

"Should Courts Act as 'Academies of Science'" presented at the Canadian Society for Ecology and Evolution's (CSEE) 2017 Meeting (Victoria, BC, May 2017)

"The Great Canadian Pipeline Debate – What Is It Really About?" presented at the Canadian Association of Members of Public Utility Tribunals (CAMPUT) 2017 Annual Conference (Vancouver, BC, May 2017)

"The Federal Environmental and Regulatory Review Processes: Integration or Disconnection?" York University's Sustainable Energy Initiative's Seminar Series (webcast, March 2017) ([Link](#))

"Recent Research Insights: Adaptive Management in the Oil Sands" presented at the Canadian Energy Research Institute's (CERI) 2017 Oil and Gas Symposium, *Where Do We Go From Here?* (Calgary, AB, March 2017)

"Keynote Panel Debate" at *Making Waves: Environmental Policy and Practical Change*, the 5th Conference of the Canadian Association of Environmental Law Societies (CAELS) (Ottawa, ON, February 2017)

"Avoiding the 'Tyranny of Small Decisions': A Canadian Environmental Assessment Regime for the 21st Century": Submission to the Federal Expert Panel Review of Environmental Assessment Processes (Calgary, AB, November 2016)

"Fisheries Act Review: An Empirical Analysis of the Section 35 Regime and Recommendations for Reform": Submission to the House of Commons Standing Committee on Fisheries and Oceans (Ottawa, ON, October 2016)

"The Duty to Consult and Accommodate: An Overview and Discussion" prepared for the Canadian Chamber of Commerce (September, 2016) ([Link](#))

"Experiments Gone Wrong? An Empirical Analysis of Adaptive Management in Canada's Energy Resources Sector" presented at the *Sabin Colloquium on Innovative Environmental Law Scholarship*, Columbia Law School (New York, NY, May 2016)

"Compliance and Enforcement in Canadian Environmental Law: A Crisis in the Making?" presented at *Symposium on Environment in the Courtroom (V): Inspections and Enforcement Issues: Onsite and in Court*, Canadian Institute of Resources Law (CIRL) (Ottawa, ON, February 2016)

"The Past, Present and Future of Environmental Assessment in Canada" presented at *Environmental and Social Assessment Forum*, Columbia Mountains Institute for Applied Ecology (Cranbrook, BC, February 2016)

"Recognizing and Protecting Ecosystem Services" presented at *Imagineering a Compassionate Calgary, Change-Makers for a Healthier Future* (Calgary, AB, November 2015)

“Ecosystem Services in the Courts and other Adjudicative Contexts: The Canadian Experience” presented at *Adjudication of Environmental Disputes*, a conference organized by Chile’s 3<sup>rd</sup> Environmental Court (Valdivia, Chile, November 2015)

“An Abdication of Responsibility: Assessing Canada's Habitat/Fisheries Protection Regime” presented at *'Après...le Déluge': Future Directions for Environmental Law and Policy in Canada*, the Journal of Environmental Law and Practice's 5th Biennial Conference (Calgary, AB, June 2015) “The Horse is There But Will it Ever Drink? Environmental Damages and Bill C-46” *The Negotiator* (Canadian Association of Petroleum Landmen) (June, 2015 at 11 – 15)

“Environmental Damages under Bill C-46 (*Pipeline Safety Act*)”: Formal Briefs to the House of Commons Standing Committee on Natural Resources (Ottawa, ON, April 2015) and the Senate Committee on Energy, the Environment and Natural Resources (via webconference, May, 2015)

“Tort Liability of Public Authorities: ‘Chaotic and Uncertain, with No End in Sight,’” presented to the Environmental Law section of the CBA-Alberta South Section meeting (Calgary, AB, April 2015)

“Hydraulic Fracturing: A Primer and Overview of Western Canadian Regimes,” presented at *Igniting a Spark*, the 3<sup>rd</sup> Conference of the Canadian Association of Environmental Law Societies (CAELS) (Calgary, AB, February 2015)

“Revisiting Regulatory Negligence: The *Ernst* Fracking Litigation” *The Negotiator* (Canadian Association of Petroleum Landmen) (December, 2014 at 11 – 15)

“Keeping the Rivers Flowing: The Potential Role of the *Fisheries Act*” presented at *As Long as the Rivers Flow: Coming Back to the Treaty Relationship in our Time* (Fort McMurray, AB, June 2014)

“Getting a Perspective on Project Proposals in a Shifting Regulatory Landscape: The Federal Regime” presented at the Pacific Business Law Institute's (PBLI) conference on Aboriginal Law 2014 (Vancouver, BC, June 2014)

“The Trend Towards ‘Adaptive Management’” *Lawyer's Weekly* Vol. 33, No. 34 (January 24, 2014)

“Recognizing the Value of Nature in Environmental Sentencing: Applying the Ecosystem Services Framework” (with Andrew Kadykalo) presented at *Thinking Big and Small: Inaugural Conference of the Canadian Association of Environmental Law Students* (CAELS) (Ottawa, ON, February 2013)

“The Alberta Oil Sands: Fuelling Innovation in Environmental Law and Policy?” presented at the 23<sup>rd</sup> Annual Meeting of the Canadian Bar Association – National Environment, Energy and Resources Law Section (NEERLs) and Justice Canada (Ottawa, ON, November 2011)

“Thirty Years after Berger Report, Joint Review Panel Gives MGP Green Light” *Eco-bulletin*, Canadian Bar Association – NEERLs Newsletter (March 2010)

“Recent Developments in Environmental Assessment” (co-panellist with John Dodsworth, Department of Justice, Canada), presented at the 19<sup>th</sup> Annual Meeting of the Canadian Bar Association – NEERLs and Justice Canada (Ottawa, ON, November 2009)

## **VI. PROFESSIONAL AND VOLUNTEER ACTIVITIES**

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### **Legal Counsel:**

- for World Wildlife Fund Canada (WWF Canada) in *Reference re: Impact Assessment Act*
- for Progress Alberta in *References re: Greenhouse Gas Pollution Prevention Act*, 2021 SCC 11 (CanLII)

**Member, [Minister's Advisory Council on Impact Assessment \(MINAC\)](#) (2021 – present)**

- Minister's Advisory Council on Impact Assessment - [First Report](#) of Minister's Advisory Council on Impact Assessment - First Report (June 2021) (37 pp.)
- Minister's Advisory Council on impact assessment - [Second Report](#) to the Honourable Steven Guilbeault, Minister of Environment and Climate Change (June 2023) (57 pp.)

**Global Fellow**, [Smart Prosperity Institute](#) (2019 – 2021)

**Panel Member**, “The Expert Panel on the State of Knowledge and Practice of Integrated Approaches to Natural Resource Management in Canada” [Canadian Council of Academies](#) (2017 – 2019)

- Council of Canadian Academies, 2019. [Greater Than the Sum of Its Parts: Toward Integrated Natural Resource Management in Canada](#). Ottawa (ON): The Expert Panel on the State of Knowledge and Practice of Integrated Approaches to Natural Resource Management in Canada

**Research Fellow**, [School of Public Policy](#), University of Calgary (2018 – 2020)

**Member of the Board**, [Canadian Institute for Resources Law](#) (2013 – 2019)

**Co-Editor**, [Journal of Environmental Law and Practice](#) (2011 – 2020)

## VII. LANGUAGES

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**English** (Fluent)

**French** (Fluent) (Federal government classification: C/C/E)

**Polish** (Fluent)

**Spanish** (Intermediate)