

# WEST COAST ENVIRONMENTAL LAW 2014 IMPACT REPORT



# Message from Executive

Since 1974 West Coast Environmental Law's staff lawyers have successfully worked with communities, non-governmental organizations, the private sector and all levels of government, including First Nations governments, to develop proactive legal solutions to protect and sustain the environment. We have provided legal advice and support to individuals and communities on virtually every environmental issue imaginable over the past forty years.

In our work, we strive to identify and strike at the root causes of environmental problems, and to weave together themes of environmental sustainability, democracy and justice. From this foundation have grown lasting connections in communities in every corner of the province, and long-standing relationships with First Nations allies and clients.

One of these root causes lies in the colonial dispossession of First Nations of their land and resources. Any serious effort to right this injustice will lead to profound shifts in the way land and resources are stewarded in BC.

For the past fifteen years, West Coast has been at the forefront in providing legal and strategic advice to First Nations and First Nations political organizations to inform these shifts, including crafting law reform solutions that honourably address Aboriginal title and rights and foster ecological and cultural sustainability.

Our approach is grounded first and foremost in recognizing and upholding First Nations' own ancestral laws –through which they have managed the land and water to sustain their peoples for millennia – while leveraging the legal space opened up by the constitutional imperative of Aboriginal title and rights recognition.

We support First Nations in giving voice to their ancestral laws through instruments such as land use plans, policies, codes, declarations and treaties that flow from their own legal traditions and are informed



A handwritten signature in black ink, appearing to read 'J. Clogg'.

*Jessica Clogg, Executive Director and Senior Counsel*

# Director and President

by the best available science and Indigenous knowledge. We then work with First Nations clients and allies to uphold and enforce these laws, using strategies grounded in both Indigenous and Canadian constitutional law.

The significance of this work has never been clearer than in the wake of the recent Supreme Court of Canada decision in *Tsilhqot'in v British Columbia*, which affirmed, among other things that Aboriginal title includes the right to proactively use and manage the land, that obtaining First Nations consent for activities on Aboriginal title lands should be the norm, and that these lands are imbued with an inherent “sustainability” limit on how they may be used. More specifically the Supreme Court held that “incursions on Aboriginal title cannot be justified if they would substantially deprive future generations of the benefit of the land”.

Change of the scale required to give full effect to the *Tsilhqot'in* decision will not come easily however. It is up to all of us, Indigenous and non-Indigenous Canadians alike, to ensure that its promise is realized.

We look forward to working with you –our community of supporters, allies and clients –in our continued efforts to do so, alongside the other important work detailed in this annual report.



A handwritten signature in black ink, appearing to read 'Cheryl Sharvit'.

*Cheryl Sharvit, President*

## BOARD OF DIRECTORS

### WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION

Cheryl Sharvit  
Lorene Oikawa  
Pieter van Gils  
Kat Hartwig  
Lisa Matthaus  
Nancy McHarg  
Richard Overstall  
Christine Scotnicki  
Cristina Soto

### WEST COAST ENVIRONMENTAL LAW ASSOCIATION/WEST COAST ENVIRONMENTAL LAW DISPUTE RESOLUTION FUND SOCIETY

Cheryl Sharvit  
Pieter van Gils  
Sarah Khan  
Nancy McHarg  
Tracy Wachmann

## HONOURARY BOARD

David Anderson  
Thomas Berger Q.C.  
John Fraser Q.C., Chair  
Christopher Harvey Q.C.  
Jim Hoggan  
Greg McDade Q.C.  
Darryl Walker

# 40 Years of Environmental

*West Coast Environmental Law Association first opened its doors in 1974. Since then, West Coast has had a hand in shaping many of BC and Canada's most significant environmental laws, and has provided legal assistance to citizens, First Nations, and communities on practically every environmental issue imaginable.*

When a group of UBC law students started the Vancouver Environmental Law Centre in 1974, could they have predicted the legacy they were creating? Four decades and countless campaigns later, West Coast Environmental Law is taking a look back at the impact that West Coast has had in protecting the environment through law.

The world has changed a lot since 1974, and all along the way, West Coast has been an active and strong voice for environmental protection in BC and Canada, contributing to the protective measures we have in place today. Here are just a few of the significant accomplishments of West Coast Environmental Law:

1974: The Vancouver Environmental Law Centre opened, providing legal advice on environmental issues. A headline in the Vancouver Province read: "Legal eco-guerillas hope summer centre will endure" (newspaper article clipping on next page)

1981: West Coast advocacy contributed to the creation of the BC Environmental Appeal Board through the *Environmental Management Act*.

1987: Our Pesticide Right to Know Bylaw was adopted by City of Vancouver and serves as a model across Canada.

1988: *Canadian Environmental Protection Act* passed. West Coast helped shape the Act through involvement in a task force review and consultation process on draft legislation.

1989: West Coast's Environmental Dispute Resolution Fund (EDRF) was founded. Since its launch, the EDRF has granted \$5M to more than 650 legal files.

1992: BC introduced new world-leading pulp mill regulations following a 4 year West Coast campaign.

1994: After a 2 year West Coast campaign, the BC government passed *Land Title Amendment Act* allowing covenants on land. 100's of critical sites are now protected forever.

1995: *Canadian Environmental Assessment Act* came into effect. West Coast was closely involved in the conception and drafting of the Act, and continued to be part of the Minister's Regulatory Advisory Committee on environmental assessment for more than 15 years until it was disbanded.

1997: One of the first environmental law organizations to work on climate change issues in Canada, West Coast was part of the Canadian delegation that negotiated the Kyoto Protocol.

1999- 2005: Forest Stewardship Council BC forest management standards: West Coast was one of the principal drafters of this "good wood" certification standard for BC, which independently verifies that wood products come from forests that are managed in an ecologically and socially responsible way.

# Protection Through Law

2000: West Coast played a lead role in successful world-wide efforts to stop the proposed Multilateral Agreement on Investment, and its potentially devastating environmental and social impacts.

2001: *BC Drinking Water Protection Act* passed. West Coast held the sole non-governmental seat on the Drinking Water Review Panel that recommended the Act.

2003: Twenty per cent of corporate logging rights was taken back and redistributed to First Nations, communities, and small business as a result of the Forest Solutions campaign spearheaded by West Coast and allies.

2006: West Coast Environmental Law was the legal team behind the landmark law reform that enabled protection of the Great Bear Rainforest. Pivotal amendments to the provincial *Park Act* created a new Conservancy designation, safeguarding this natural treasure while recognizing Aboriginal rights.

2009-2012: Gitanyow Lax'yip Protection Plan: West Coast provided legal support to the Gitanyow Hereditary Chiefs in negotiating the Gitanyow Huwilt Recognition and Reconciliation Agreement, which includes a territorial protection plan for their 6,300 km<sup>2</sup> territories in the Nass and Skeena watersheds.

2012: West Coast hosted the World's First Ever Twitter Moot. This cutting edge use of social media provides a new tool for law students to hone their legal skills.

2012: West Coast Environmental Law Association launched [envirolawsmatter.ca](http://envirolawsmatter.ca), a website for Canadians to take action against the federal government's dismantling of our environmental laws at the request of the oil and gas industries. Additionally, along with a core group of allies, we launched Black Out Speak Out/Silence en parole, a national campaign to speak out against the gutting of our environmental laws. To date, almost 100,000 people from every corner of our nation have taken action to stand up against the changes, fighting for our lakes, rivers and fish, calling for an end to the shredding of our environmental safety net.

2014: West Coast assisted in launching a legal challenge to the federal approval of Enbridge's Northern Gateway project on behalf of the Nadleh Whut'en and Nak'azdli First Nations.



# Access to Justice

*The cornerstone of a civil society is access to justice. West Coast Environmental Law works to make the legal system available and accessible to all, so that when people need to use the law to protect our environment, they are able to. Through our access to justice programs we provide direct legal assistance to citizens, invest in the network of environmental lawyers in the province, and act as an environmental law watchdog.*

## **A HELPING LEGAL HAND FOR THE ENVIRONMENT AND COMMUNITIES**

Through direct legal advice and funding to hire lawyers at a legal aid rate, West Coast Environmental Law's Environmental Dispute Resolution Fund (EDRF) and Summary Advice program puts the power of the law in the hands of ordinary British Columbians who want to protect their environment.

## **YOUR ENVIRONMENTAL LAW WATCHDOG**

The Environmental Law Alert program serves as your environmental law watchdog; we provide legal information and analysis to the public on breaking environmental law stories and changes to BC's environmental laws, and share our analysis with decision-makers.

## **INVESTING IN THE FUTURE OF ENVIRONMENTAL LAW**

Building the Environmental Law Bar helps train tomorrow's great public interest environmental lawyers – through professional development webinars for lawyers, student volunteer positions and the world's first Twitter Moot for law students.



*Our EDRF grant has been a godsend. If we'd have had to pay out of pocket for lawyer's fees, we wouldn't have been able to afford it. We're a small little grassroots group that sprung up out of the need to respond to the Raven Mine proposal. Having a lawyer, a technical expert, on hand communicated that we weren't going to go away, that we're in this thing for the long haul. We wouldn't be where we are today without the EDRF, and that's why I'm a big supporter of West Coast Environmental Law*



*John Snyder, CoalWatch Comox Valley*

# Environmental Legal Aid

When you need a lawyer to protect your community from air pollution, or your forest from being cut down, who are you going to turn to? West Coast's Environmental Legal Aid program gives British Columbians initial legal advice and, in cases where more help is needed, can help fund a private lawyer to work to resolve an environmental dispute.

This year we've helped (among many others) community groups and First Nations participating in hearings related to the Kinder Morgan and Enbridge pipeline and tankers proposals, a family impacted by controversial logging in the Great Bear Rainforest, and groups challenging a proposed coal facility on Texada Island and a toxic waste facility on the Fraser River.



*Great Bear Rainforest, BC*

## MILESTONES

**May 2014:** The environmental assessment report for the controversial Site C dam questioned the need for the dam and expressed concern about the dam's environmental and social impacts. The report reflected many of the submissions of the Peace Valley Environmental Association, represented by EDRF-funded Lawyer, Tim Howard, with support from West Coast staff lawyer Anna Johnston.

**February 2014:** The federal government again rejects Taseko Mines' Proposal to build a copper and gold mine, and destroying two nearby lakes. EDRF funding helps the Tsilhqot'in National Government press for this win, and will also assist them in opposing legal challenges brought by Taseko to the federal government's decision.

**August 2013:** The BC government initially refused to give residents of the Slocan Valley water test data related to the public health and environmental consequences of the jet fuel spill at Lemon Creek. But a letter from West Coast Lawyer, Andrew Gage, resulted in the release of this crucial information.

# Environmental Law Alert

*Take  
action  
now!*

Sometimes responding to emerging environmental challenges quickly and with strong legal analysis can be enough to help protect the environment without needing to hire a lawyer or go to court. The Environmental Law Alert uses a combination of our blog, online action alerts and engagement with government and other stakeholders to respond to key new initiatives.

## MILESTONES

**August 2014:** Following an action alert by West Coast (in May) opposing the conversion of forest licences into tree farm licences and letters from thousands of British Columbians, the BC government announces that it will not proceed with legislation on this issue until after Spring 2015 at earliest (citing the Supreme Court's decision in *Tsilhqot'in*.)

**April 2014:** The BC *Water Sustainability Act* is passed, after years of advocacy by West Coast and allies. We applaud much (although not all) of the final Act.

**April 2014:** The BC government scales-back its planned amendments to the *Agricultural Land Commission Act* after widespread public opposition, including legal analysis and an action alert from West Coast. We remain unhappy with the final amendments, however.

**March 2014:** West Coast Environmental Law is a key voice in the campaign against Bill 4 – the *Park Amendment Act*, which expands “research” in parks – including industrial research aimed at removing land from a park. While the Bill ultimately proceeded, we were present when environmental organizations delivered a petition with over 160,000 names to the BC Legislature.

**December 2013:** The BC Government releases the names of environmental violators who have not paid fines. Later in the year (February), the government announces new environmental penalties. Both initiatives are in response to documents and analysis released by West Coast that was critical of the government's failure to enforce environmental laws.

**October 2013:** West Coast's Anna Johnston is invited to attend a conference hosted by the Commission for Environmental Cooperation (CEC), at which she explains how the gutting of Canada's environmental laws is contrary to Canada's commitments under the NAFTA environmental side agreement.



# Building the Environmental Law Bar

Every year West Coast Environmental Law welcomes law student volunteers to our office, during the school year and over the summer. While gaining firsthand experience on the frontlines of public interest environmental law, the students provide West Coast with valuable and much appreciated research. It's fair to say that our law student volunteers leverage significantly our capacity to develop timely and in-depth analysis of environmental legal issues. What's more, their enthusiasm and fresh voices give us all a lift. In their own words, here are reflections from some recent students:

*The highlight of my summer has definitely been going on trips to First Nations communities affected by resource extraction industries...[They] were thought-provoking and will keep me inspired beyond my time at West Coast. [Ana Chamgoulova, UBC, Summer 2014]*

*I love the fact that while my assignments involved researching environmental and Indigenous issues, they were also intrinsically tied to other areas of law. [Robyn Raymond, UBC, Summer 2014]*

*I feel lucky to have taken part in public outreach events, such as "Car Free Day," which highlight how important West Coast's work is to BC residents, both in terms of public education and representing public values. [Catherine Musekamp, Osgoode Hall, Summer 2014]*

*As a fish lover and a member of a Community Supported Fishery, I am very appreciative of all the hard work West Coast Environmental Law does to protect fish and the "water[s] frequented by fish." [Margot Liechti, UBC, Summer 2014]*



*2014 Summer Law Student Volunteers (left to right) Robyn Raymond, Margot Liechti, Tosh Weyman, Catherine Musekamp, Ana Chamgoulova, and Elizabeth Zarpa*

## MILESTONES

**April 2014:** 15 law student volunteers complete their placements at West Coast during our 2013-14 fiscal year. Students demonstrably improve their knowledge and skills in environmental law, and legal skills generally, during their time at West Coast.

**February 2014:** Students from five law schools across Canada participated in Twitter Moot 2014 – a mock court hearing conducted over Twitter. The World's First Ever Twitter Moot was created by West Coast in 2012, thus beginning a cutting edge social media tool for law students to hone their skills. The 2014 event was the third Twitter Moot and featured an appeal of a court case pitting mining interests against a First Nation's rights (*Ross River Dena Council v. Yukon*).

# Law Reform Advocacy

*West Coast Environmental Law advocates for strong federal and provincial environmental laws and involves citizens in law reform efforts.*

## **SAVE CANADA'S ENVIRONMENTAL LAWS**

In 2012, the federal government amended and repealed most of Canada's core environmental laws, significantly weakening our environmental safety net. It replaced Canada's environmental assessment legislation with a new law that resulted in the elimination of nearly 3,000 environmental reviews across the country. In the same stroke, it watered down the *Fisheries Act*, weakening protection of fish habitat and eliminating protection of non-fisheries fish. Amendments to the new *Navigation Protection Act* eliminated important legal protection of 99% of Canada's lakes and rivers.

The rollbacks have continued, from the scratching of projects off the list that need environmental reviews, to proposing regulations that would give blanket-authorization to fish farms to dump aquatic drugs and pesticides into wild salmon habitat.

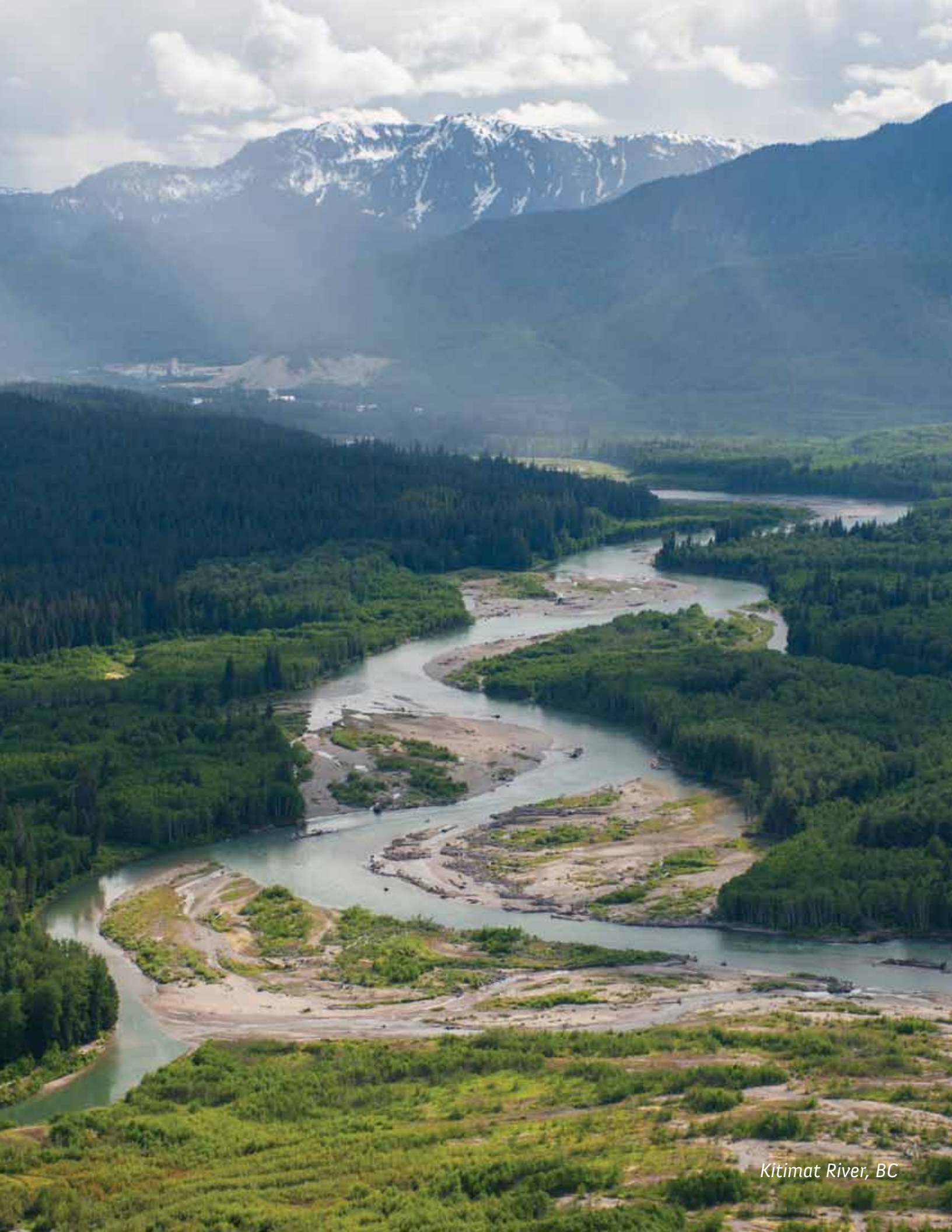
Through our Save Canada's Environmental Laws campaign ([envirolawsmatter.ca](http://envirolawsmatter.ca)), the West Coast Environmental Law Association is endeavouring to repair our environmental safety net by helping Canadians stand up for the things that matter to them most, like clean water and healthy rivers. Through legal education and outreach, and by offering opportunities for concerned citizens to become active in communicating with decision-makers about the importance of strong environmental laws to them and their families, we are building democracy from the ground up.

### **MILESTONES**

**Ongoing:** We continue to grow a network of informed, mobilized and connected citizens in British Columbia communities impacted by the gutting of our environmental laws who are prepared to vote for strong environmental laws that conserve ecologically and recreationally important places, and whose stories are linked to a broader national narrative about what is at stake if we do not.

**February 2014:** When the federal government proposed regulations that would allow it to give blanket-authorization to fish farms to dump aquatic drugs and pesticides into wild salmon habitat, West Coast took action. We made submissions to on the regulations, spoke to the media, reached out to our supporters and created a letter-writing tool that over 4,000 people used to share their concerns with the government.

**October-December 2013:** We conducted legal education seminars in four Vancouver Island communities within two strategic geographic areas. We also hosted a telephone town-hall on changes to the *Fisheries Act*, which was attended by approximately 800 people. As a result of our efforts, a total of almost 20,000 people took action by writing letters, signing petitions or attending events.



*Kitimat River, BC*

# Strong Environmental Laws

*West Coast Environmental Law invests in the long-term well-being of our environment by working for strong environmental laws that are based on rigorous scientific research, are the result of democratic processes, and that honourably address Aboriginal Title and Rights; by educating the public about environmental law issues; and by advocating on behalf of individuals and communities to protect the environment through law.*

## **KEEPING BC OIL SPILL FREE**

West Coast helps communities, First Nations, and individuals to understand and use their legal rights to protect their communities and the environment from the threat of proposed tar sands supertankers and oil pipelines.

## **MANAGING CUMULATIVE IMPACTS**

West Coast works with communities all across BC to foster dialogue and solutions to meet the challenge of managing the cumulative impacts of past, present and future human activities on BC's ecosystems and communities.

## **PREPARING COMMUNITIES FOR THE REALITY OF CLIMATE CHANGE**

The Liveable and Sustainable Communities program uses the law to strengthen local government environmental policies and practices while enhancing community resilience and liveability.

## **MANAGING CANADA'S CARBON LEGACY**

Our goal is to help investors, professionals and governments recognize the legal and professional risks of not embedding consideration of climate change into their key decisions.



*British Columbians believe we must have strong laws to protect our environment – history has proven that we cannot rely on industry to act in our best interest. With West Coast Environmental Law's vast expertise in virtually all areas of municipal, provincial, and federal environmental law, no other organization is better positioned to safeguard our environment through law.*



*Thomas Berger QC, Honourary Board Member*

# Keeping BC Oil Spill Free

In a wave of legal filings in July 2014, eight First Nations from Haida Gwaii to Yinka Dene territory west of Prince George set in motion legal proceedings that have the potential to stop or significantly delay the Enbridge Northern Gateway pipelines and tankers project. West Coast is part of the legal team for the Nadleh Whut'en and Nak'azdli First Nations in their legal challenge to the federal approval of the Enbridge project.

Under new rules (another legacy of the 2012 federal environmental law rollbacks), pipeline opponents must now seek permission or “leave” from the Federal Court of Appeal before applying for a judicial review of pipeline approvals. If leave is granted, Nadleh and Nak'azdli will argue that they had a right and a responsibility to make a decision about the Enbridge project as a matter of their own laws and governance systems, that the Crown acted unconstitutionally in failing to acknowledge their governance and decision-making rights in the process of reviewing and approving the Enbridge project, and that the approval should be set aside.

## MILESTONES

Aug-Sept 2014: In partnership with Lummi Nation House of Tears Carvers, Tsleil-Waututh Sacred Trust and numerous community groups, West Coast assists in delivering a healing totem pole to the Beaver Lake Cree Nation in Northern Alberta in recognition of their work to slow the expansion of the tar sands. The Kinder Morgan Trans Mountain Pipeline is now bookended by two healing totem poles, with the *Kwel Hoy'* pole facing the Kinder Morgan terminal at Tsleil-Waututh.



January 2014: West Coast co-hosts a number of free public webinars to help people navigate the complex new NEB intervenor application process for the review of the Kinder Morgan Expansion Project. In April, 2014, 400 intervenors are accepted, including over 60 First Nations, numerous municipalities, ENGOs and citizens groups.

*Jessica Clogg, West Coast Environmental Law Association Executive Director and Senior Counsel, signs the Save the Fraser Solidarity Accord*

December 2013: West Coast Environmental Law Association collaborates with the Yinka Dene Alliance to launch the Save the Fraser Solidarity Accord. The Solidarity Accord demonstrates that recognition and support for the Save the Fraser Declaration—an instrument through which First Nations have banned the Enbridge project from their ancestral lands, waters and watersheds as a matter of their Indigenous laws—cross-cuts a broad spectrum of Canadian society. We were proud to add our name to the Solidarity Accord along with groups such as Unifor, the BC Teachers' Federation, the Canadian Association of Physicians for the Environment and the BC Wilderness Tourism Association.

Ongoing: West Coast is co-representing Tsleil-Waututh Nation in the Kinder Morgan expansion proposal NEB review process, which has been broadly criticized. There has already been one 7 month delay and numerous court challenges, including an appeal by Tsleil-Waututh Nation at the Federal Court of Appeal.

# Managing Cumulative Impacts

There are over 250,000 active permits authorizing land use activities across BC, but the cumulative impacts of these activities “remain unknown and unmanaged” according to BC’s Forest Practices Board.

Nowhere has the challenge of cumulative impacts assessment and management in BC become more clear than across northern BC where communities are now grappling with more than a dozen proposals for liquefied natural gas (LNG) pipelines and related increases in natural gas fracking and tanker traffic, along with accelerated mining activity and other development.

West Coast is involved in a multi-year project to research and analyze best practices from around the world to develop options for better managing cumulative impacts in BC, including identifying and removing legal barriers, integrating best available science and Indigenous knowledge, and enabling new governance structures for planning and decision-making at a regional/watershed scale that uphold First Nations title and rights and provide robust opportunities for public participation.



## MILESTONES

**February 2014:** The provincial government adopts a Cumulative Effects Framework (CEF) which reflects some of the key components of our recommendations. However, related regulatory amendments have been left for phased implementation, and the province is not currently using the CEF with respect to proposed LNG development.

**October 2013:** West Coast completes examination of over 40 institutional models with potential use in the cumulative effects context from across BC, North America and internationally. We identify examples of innovation and best practices based on these models and summarize the results of our analysis in a law reform discussion paper that is shared with Ministry of Environment officials and recently presented at a workshop in the Skeena Region to over 50 representatives of government agencies, First Nations, academics and non-governmental organizations.

**September 2013:** West Coast releases a report on one of the most significant legal barriers to effective cumulative impacts management in BC, namely our gold rush era “free entry” mining laws that give mining priority over virtually all other land uses in BC, with real costs for communities, their environment and their economies. We collaborate with the Mayor of Tofino who shares the report with all elected local governments in BC, and support her in passing a resolution at the Union of BC Municipalities on this issue.

# Liveable, Sustainable Communities

Sea level rise and greater risks of extreme weather events due to a changing climate have become a current focus of our work at the local level. There is growing evidence from coastal areas around the world that natural coastal habitat can provide an effective buffer against both sea level rise and increased storm surge. Yet without any overarching legal framework to coordinate coastal management in BC, we could fail to benefit from this natural advantage. “We don’t plan” was how a provincial land officer summed it up, referring to coastal lands in the Lower Mainland at a public meeting attended by West Coast. His comment neatly illustrated the way that our laws shape real life outcomes.

Throughout 2013-2014 West Coast worked with local governments and other authorities and experts to understand the specific challenges of planning for sea level rise, and analyzed models of regional governance from across Canada and other jurisdictions to identify options for cooperation across different levels of government. We are now collaborating with researchers at UBC to document the ecosystem services provided by coastal habitat to help lay the groundwork for regional collaboration to support coastal management and community resilience.



White Rock, BC

## MILESTONES

**Summer 2013:** West Coast Environmental Law completes “Sea Level Rise in BC – Legal Implications for Local Governments” for Natural Resources Canada (release forthcoming)

**Spring 2014:** In a plenary presentation at the Livable Cities Forum in Vancouver, the Executive Director of the Climate Action Secretariat, Ministry of the Environment highlights West Coast Environmental Law’s work in supporting local governments prepare for climate change.



*Thank you for advocating for people, animals and nature – we are all interconnected. Using the law is a powerful approach to bring lasting change in a socially recognizable way. Thank you for doing what you do!*



*West Coast Supporter*

# Managing Canada's Carbon Legacy

Rather than wait for international legal agreements on climate change, West Coast Environmental Law is asking what existing professional obligations and legal rights have to say about climate change – given the increasingly bleak warnings from climate scientists. By working directly with professional associations and by collaborating with lawyers around the world we are demonstrating that inaction on climate change is not an option.

## MILESTONES

**July 2014:** BC's professional associations representing professional foresters, biologists and planners sign a "Joint Climate Change Statement" – affirming their commitment to require their members to consider the best available climate science in their recommendations to industry and government. This statement is the end result of a forum convened by West Coast and the BC Government's Climate Action Secretariat. The engineers and foresters have made similar statements separately.

**April 2014:** West Coast offers a webinar for lawyers on how lawsuits related to climate change might address the tricky problem of drawing a connection between greenhouse gas emissions and climate change damages (causation).

**March 2014:** West Coast secures funding from the Minor Foundation for Major Challenges, which, along with confirmed funding from Wallace Global Fund and the Law Foundation of British Columbia, will allow us to engage in a national discussion about who should pay for compensation for the damages being suffered from climate change. Watch for this in the coming year.



*The Association's Climate Change work is delivered collaboratively with the Research Foundation.*





*Wetland near Kitimat River, BC*

# Select Publications

## *West Coast Environmental Law Research Foundation*



### **LEGAL BACKGROUND: FIRST NATIONS LEGAL CHALLENGES TO ENBRIDGE PIPELINES AND TANKERS PROJECT**

In a wave of legal filings between July 11 and July 14, 2014 eight First Nations from Haida Gwaii to Yinka Dene territory west of Prince George have set in motion legal proceedings that, combined with court cases filed earlier this year, have the potential to stop or significantly delay the Enbridge Northern Gateway pipelines and tankers project. This legal background provides an overview of the legal cases.



### **MODERNIZING BC'S FREE ENTRY MINING LAWS FOR A VIBRANT, SUSTAINABLE MINING SECTOR**

BC's archaic mining laws have a real cost for communities, their environment and their economies, as well as for mining companies, who find their projects mired in controversy and delayed by protests and court challenges. This report from West Coast Environmental Law and the Fair Mining Collaborative tells the story of a variety of people and places in BC – and the negative impacts of the free entry system on them. It presents the results of extensive research about best practices from other jurisdictions to propose a simple platform for reform.

## *West Coast Environmental Law Association*



### **SUBMISSIONS REGARDING BC'S AREA BASED FOREST TENURE CONSULTATION**

The provincial government issued a discussion paper in April 2014 which proposed giving a small group of hand-picked companies virtually exclusive harvesting rights over vast areas of the interior in mountain pine beetle impacted areas. It failed to ask the big questions: Who should be managing BC's forests and for what purpose? How can we address decades of unsustainable overcutting? Instead, the provincial discussion paper looks at further entrenching corporate control. West Coast Environmental Law's submissions address why this is a bad idea for British Columbians and our environment.



*West Coast Environmental Law is one of the best environmental sources on the web... [S]o thrilled to know that West Coast Environmental Law exists, we so need you all. Thank you.*



*West Coast Environmental Law Facebook fan*



**LETTER TO COMMISSION FOR ENVIRONMENTAL COOPERATION - PUBLIC INPUT ON NAAEC SUCCESSIONS AND FAILURES**

A letter to the Joint Public Advisory Committee of the Commission for Environmental Cooperation (CEC) regarding the North American Agreement on Environmental Cooperation (NAAEC). West Coast reviews the NAAEC’s failure to address Canada’s recent actions in gutting a wide range of environmental laws, apparently at the request of industry. This failure raises broader questions about NAAEC effectiveness and the CEC’s mandate, relevant to the CEC’s public consultations.



**WEST COAST SUBMISSION TO DEPARTMENT OF FISHERIES AND OCEANS ON PROPOSED FEDERAL AQUACULTURE ACTIVITIES REGULATIONS**

In this submission, the West Coast Environmental Law Association raises serious concerns over proposed new federal regulations that would allow aquaculture facilities to dump aquatic drugs, pesticides and fish waste into wild fish habitat, and calls for stronger environmental laws to protect BC’s struggling salmon populations.



**WATER SUSTAINABILITY ACT - COMMENTS**

After more than 100 years, BC has a new *Water Sustainability Act*. West Coast was actively engaged in pushing for a strong Act that puts water for nature and sustainability first. Despite some continued concerns, the proposed *Water Sustainability Act* will regulate groundwater for the first time, and creates new tools for protecting water for fish and nature.

# West Coast People



## STAFF TEAM

Back row, left to right: Barbara Everdene, EDRF Project Manager; Andrew Gage, Staff Counsel. Middle row, left to right: Robyn Raymond, Articled Student; Hannah Askew, Staff Counsel; Lucy Hough, Director of Development; Deborah Carlson, Staff Counsel; Ceciline Goh, Office Administrator; Eugene Kung, Staff Counsel. Front row, left to right: Anna Johnston, Staff Counsel; Gavin Smith, Staff Counsel; Jeanette Ageson, Communications and Development Manager; Jessica Clogg, Executive Director and Senior Counsel; Ashley Webster, Database Manager.

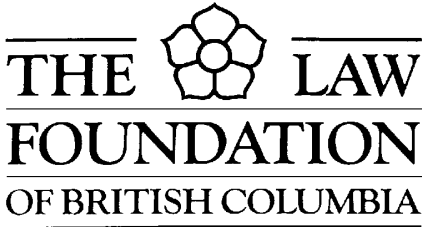
## 2014 VOLUNTEERS

Ana Chamgoulova	Emily Nguyen	Chelsea Scott	Nida Valiani
Shawn Groff	Robyn Raymond	Taylor Swaffield	Tosh Weyman
Margot Liechti	Emma Robertson-Moss	Kathy Tran	Elizabeth Zarpa
Catherine Musekamp	Emilija Rupsys	Aletha Utley	

Passionate and knowledgeable lawyers representing equally passionate clients are the backbone of the Environmental Dispute Resolution Fund (EDRF). These dedicated advocates work for partial pro-bono fees on behalf of clients throughout the province, to stop environmental injustices and to give citizens a voice in protecting their communities and wild places. West Coast salutes the consummate professionals who worked on EDRF cases in 2013-2014:

David Aaron	Lisa Fong	Jeff Jones	Crystal Reeves
William Andrews	Jason Gratl	Lilina Lysenko	Allison Russell
Glen Bell	Darwin Hanna	Angela McCue	Cheryl Sharvit
Patrick Canning	Julia Hincks	John Nelson	Claire Truesdale
Neil Chantler	Tim Howard	Clo Ostrove	
Laurel Dietz	Emma Hume	Krista Robertson	

# Our Supporters



**SUSTAINING PARTNER:  
THE LAW FOUNDATION OF BRITISH COLUMBIA**

The Law Foundation of BC has been West Coast Environmental Law’s Sustaining Partner since 1974. The Law Foundation’s funding enables us to work on our priority environmental law objectives, helps us to achieve success in all program areas, and most importantly, allows us to leverage additional funds from other granting agencies, companies and individuals.

**FOUNDATIONS**

Program support from private, community and family foundations remains a crucial component of our overall funding. West Coast is honoured by the long-standing and diverse partnerships of our foundation funders. This past year, we were supported by the following foundations from across Canada and beyond.

- |                                       |                              |                        |
|---------------------------------------|------------------------------|------------------------|
| Bullitt Foundation                    | New Venture Fund             | Tides Foundation       |
| Eden Conservation Trust               | North Growth Foundation      | Vancouver Foundation   |
| Gencon Foundation                     | Oak Foundation               | Wallace Global Fund    |
| glasswaters foundation                | Real Estate Foundation of BC | WestWind Foundation    |
| Gordon and Betty Moore Foundation     | Swift Foundation             | Wilburforce Foundation |
| Minor Foundation for Major Challenges | Tides Canada                 |                        |

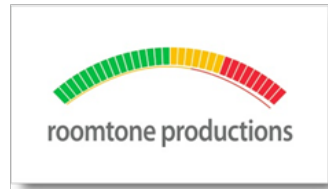
**COMPANIES AND ORGANIZATIONS**

- |           |                      |
|-----------|----------------------|
| Arc’teryx | Ethical Web Services |
|-----------|----------------------|

**1% FOR THE PLANET CONTRIBUTORS**



West Coast Environmental Law is a 1% For the Planet recipient, a program through which environmentally-conscious companies pledge 1% of their sales to environmental initiatives. Thanks to the companies who have pledged their support for the environment by donating to West Coast through the 1% For the Planet program:



*Our business is dependent on a healthy and intact ecosystem, so West Coast Environmental Law helps protect and defend the environment in various ways, and in turn they’re protecting our business.*

*Spirit of the West Adventures, 1% for the Planet member*



# Financials

## EXCERPTS FROM THE STATEMENTS OF REVENUE, GRANTS AND EXPENSES

### REVENUES

	For year ended April 30, 2014				For year ended April 30, 2013
	Association	Foundation	EDRF	Total	Total
Law Foundation Grants	575,000	–	–	575,000	627,600
Allocation to EDRF	(200,000)	–	200,000	–	–
Donations	7,000	194,078	–	201,078	207,978
Grants & Contracts Earned	127,107	476,695	–	603,802	472,965
Other Income	115,003	36,711	89	151,803	133,822
<b>Total Revenue</b>	<b>624,110</b>	<b>707,484</b>	<b>200,089</b>	<b>1,531,683</b>	<b>1,442,365</b>

### GRANTS AND EXPENSES

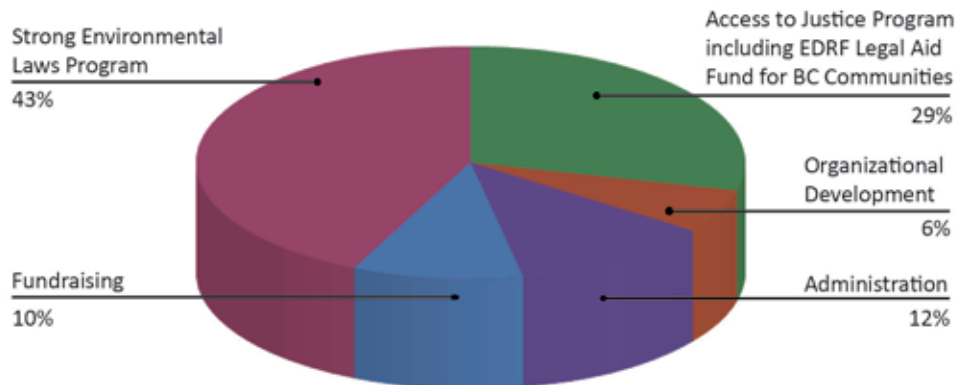
Personnel Related	403,730	371,050	–	774,780	695,011
Professional Services	13,004	6,758	–	19,762	25,348
Office Expenses	113,883	62,049	–	175,932	170,966
Amortization	12,332	18,268	–	30,600	23,641
EDRF Grants	–	–	200,000	200,000	200,000
Program Expenses	79,474	94,387	89	173,950	180,464
Fundraising	–	70,948	–	70,948	42,300
Administration Fee	–	83,097	–	83,097	89,547
<b>Total Grants and Expenses</b>	<b>622,423</b>	<b>706,557</b>	<b>200,089</b>	<b>1,529,069</b>	<b>1,427,277</b>
<b>Excess of revenue (expenses) for the year</b>	<b>1,687</b>	<b>927</b>	<b>–</b>	<b>2,614</b>	<b>15,088</b>

Excerpt from the audited financial statements of West Coast Environmental Law Association, West Coast Environmental Law Research Foundation, and West Coast Environmental Dispute Resolution Fund Society. Full audited financial statements available upon request.

# Your Support Makes a Difference

## WHERE YOUR DONATION GOES:

78% to programs  
12% to administration  
10% to fundraising



## SUPPORT NATURE AND DEMOCRACY

Every single individual donation to West Coast Environmental Law makes a world of difference. We achieve victories for British Columbians because of our strong community of support – because one donor at a time has made a commitment to be part of the solution.

We are not funded by government, which means your individual donation really does make a fundamental difference in allowing West Coast to provide British Columbians with environmental legal aid, environmental law research, representation and education services to promote protection of the environment and public participation in environmental decision-making.

At West Coast Environmental Law, your gift today, or in the future, is a significant source of support for our critical work, and is fundamental to preserving the environment now and in years to come. There are a number of ways you can support West Coast, and in so doing, make a lasting commitment to the environment and your community:

- **Become a West Coast Protector.** Monthly donors are the backbone of our organization. This way of giving provides consistent, reliable support to West Coast’s programs with minimal effort. Even \$10 a month makes a big impact.
- **An Environmental Legacy - Yours to Give.** Protect the environment through the law ... for generations. By leaving a gift to West Coast Environmental Law in your will you are making a significant contribution to the future sustainability of an organization working to protect what you value most. Legal Name: West Coast Environmental Law Research Foundation. Address: 200 – 2006 West 10th Avenue, Vancouver, BC V6J 2B3. Registered Charity #11929 2415 RR0001.
- **Tribute or Memorial Gifts:** Make a gift on behalf of someone special, or in celebration of a special occasion, or in memory of a family member, friend or colleague.
- **Gifts of Stocks or Securities:** Gifts of securities (stocks, bonds, mutual funds) enable you to make a big difference to ensuring that environmental protection is enshrined in law; at the same time, you will realize great tax savings.

Donations can be made online at <https://wcel.org/donate>. Call 604-601-2509 for more information and other giving options.

West Coast Environmental Law is a non-profit group of environmental law strategists and analysts dedicated to safeguarding the environment through law. We believe in a just and sustainable society where people are empowered to protect the environment and where environmental protection is law. For 40 years we have played a role in shaping BC and Canada's most significant environmental laws, and have provided legal support to citizens, First Nations, and communities on practically every environmental issue imaginable.



West Coast Environmental Law  
200-2006 West 10th Avenue  
Vancouver, BC Canada V6J 2B3  
phone: 604 684 7378 or 1 800 330 WCEL  
fax: 604 684 1312  
email: [admin@wcel.org](mailto:admin@wcel.org)  
[www.wcel.org](http://www.wcel.org)  
Charitable Registration #11929 2415 RR0001

