

WEST COAST ENVIRONMENTAL LAW

IMPACT REPORT

2015-2016

A MESSAGE FROM THE PRESIDENT

In 2016 the West Coast Environmental Law Research Foundation launched a groundbreaking new initiative with six First Nations partners and the advice and support of the Indigenous Law Research Unit (UVic). RELAW (Revitalizing Indigenous Law for Land, Air and Water) is a year-long capacity building program that involves teams of legally trained staff from West Coast working alongside Indigenous community facilitators and researchers to identify and apply principles from their own legal traditions to pressing environmental problems or issues of environmental governance.

This work complements closely that of our new Marine program, which seeks to ensure that innovative marine plans ratified by 18 First Nations and the province of BC are fully implemented in Canadian and Indigenous law to secure lasting protection for the Great Bear Sea.

The theme of revitalizing the environmental laws that safeguard the values and rights of all Canadians has illuminated other areas of our work this year as well. Lawyers from the West Coast Environmental Law Association have been front and centre in a series of initiatives to rebuild and strengthen Canada's environmental laws, including:

- formalizing a Pacific north coast tanker ban;
- restoring lost protections for fish habitat and introducing modern safeguards to Canada's *Fisheries Act*;
- an immediate review of environmental assessment processes and the *Canadian Environmental Assessment Act*, with a view to enacting a visionary new environmental assessment law for Canada; and,
- efforts to secure a science-based approach for national and provincial collaboration on setting and achieving ambitious greenhouse gas reduction targets as part of Canada's climate plan.



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

Jessica Clogg
Executive Director and Senior Counsel



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

Cheryl Sharvit
President

& EXECUTIVE DIRECTOR

We also continued to provide environmental legal aid services to individuals and communities in every corner of the province – ensuring that their voices are heard in decisions about development like proposed oil tanker and pipeline projects, and working to enhance community resilience to climate change.

We believe that by making sure all voices are heard, and the decision-making rights and responsibilities of First Nations are upheld, we have the potential to make better decisions for all.

Our vibrant community of supporters, allies and clients is critical to our continued efforts to achieve these goals. We look forward to working with you in the coming year as we move ahead with the important work described in this annual report.

BOARD OF DIRECTORS

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This annual report is a joint publication of the West Coast Environmental Law Association, the West Coast Environmental Dispute Resolution Fund Society and the West Coast Environmental Law Research Foundation.

For highlights of Association/EDRF programs see pages 5-13, and for Research Foundation programs see pages 15-23.

**The name “West Coast” refers to one or all of the West Coast Environmental Law societies, depending on where the reference appears in the report (ie. references to “West Coast” on pages dedicated to West Coast Environmental Law Research Foundation refer to the Research Foundation).*

HONORARY BOARD

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ACCESS TO JUSTICE

At West Coast, we believe that making an impact means providing the legal tools that communities and individuals need to defend the environment. Through our access to justice programs, we provide British Columbians with free legal advice and assistance – directly and through a network of environmental lawyers around the province – offer learning opportunities for law students, and share important information and analysis about matters affecting land, air, water and the climate.

LEGAL SUPPORT FOR NATURE AND COMMUNITIES

For people looking for legal solutions to environmental challenges, West Coast's **Environmental Legal Aid** program provides a much-needed helping hand. We offer direct legal advice as well as funding to hire lawyers at a legal aid rate, putting the power of the law in the hands of ordinary British Columbians who want to protect the places they care about.

YOUR ENVIRONMENTAL LAW WATCHDOG

West Coast strives to provide Canadians with accessible information about the laws that affect our environment – and when or how those laws are changing. Our **Environmental Law Alert** program serves as your environmental law watchdog, providing easy-to-digest legal information and analysis on breaking environmental law stories. We also share our hard-hitting legal analysis with decision-makers at all levels of government, to let them know what we think about changes or proposals being made.

INVESTING IN THE FUTURE OF ENVIRONMENTAL LAW

Our **Building the Environmental Law Bar** program is helping to train tomorrow's great public interest environmental lawyers – offering hands-on experience for law students and volunteers.

ENVIRONMENTAL LEGAL AID

LEMON CREEK ENVIRONMENTAL CHARGES DEMONSTRATE THE POWER OF A LITTLE LEGAL HELP

On July 22nd, 2016 eight charges were laid against those allegedly responsible for a massive 33,000-litre jet fuel spill in pristine Lemon Creek, in BC's Slocan Valley – a great example of how our Environmental Legal Aid program works with local residents to protect the environment.

Slocan Valley resident Marilyn Burgoon contacted us after learning that the Province of BC was planning to close its investigation without laying charges for the spill. Our legal experts helped her explore political and legal options. When she (with some help from former DFO biologist, Otto Langer) decided that she would like to lay her own charges, we connected her with a legal team and helped fund her legal fees through our Environmental Dispute Resolution Fund (EDRF).

After the provincial court approved Marilyn's charges – including against the BC government itself – we helped her develop an online strategy to ask the Canadian government to take over the charges. Marilyn took the lead in mobilizing her community, liaising with media and fundraising to cover the additional costs of the case.

With the federal government finally laying new charges, there's a chance for justice for Lemon Creek and the communities and fish that depend on it.

Environmental lawyers are not white knights riding to the rescue. Rather, we provide citizens like Marilyn with the tools that they need to achieve their goals – from initial strategic advice to funding for a legal team to campaign support.



“Beginning in late 2009 until mid-2016, the CoalWatch Comox Valley Society was engaged in a campaign to protect our watershed and shellfish beds from damage by the proposed Raven Coal Mine Project near Fanny Bay, BC. Funding from WCEL’s Environmental Dispute Resolution Fund (EDRF) played an important role in CoalWatch achieving our goal and protecting our community.

CoalWatch is a prime example of a small grassroots organization who met their goals with the unwavering support of WCEL and the EDRF grant program. Quite simply, the EDRF grant program was invaluable.”

- John Snyder, President, CoalWatch Comox Valley



MILESTONES

September 2015: The BC Environmental Appeal Board revoked a water licence granted to Nexen Inc. for the purpose of fracking, agreeing with an EDRF-grant recipient, the Fort Nelson First Nation, that there would be impacts on the nation's rights.

March 2016: A strata council in Metro Vancouver dropped plans to apply pesticides in condominium hallways after a resident – with advice from West Coast staff – insisted on compliance with legal requirements.

April 2016: A legal opinion provided to Divest Victoria formed a crucial part of the group's campaign to get a Union of BC Municipalities resolution calling on BC's Municipal Finance Authority to offer a fossil-free investment option.

April 2016: After years of EDRF support for CoalWatch Comox Valley, the environmental assessment of the controversial Raven Coal Project was terminated.

ENVIRONMENTAL LAW ALERT

THE ENVIRONMENT'S LEGAL WATCHDOG

For over 40 years, West Coast has played a watchdog role – notifying the public when new laws could threaten the environment or current environmental laws are not being enforced. We provide public legal analysis and commentary, and make submissions to government, about how the environment could be better protected. Our Environmental Law Alert blog gets high-quality legal analysis to tens of thousands of British Columbians each year.

Our involvement in the development of regulations for BC's new Water Sustainability Act illustrates the importance of a legal watchdog. We influenced the new rules by producing "Statements of Expectations" for two key aspects of the regulations (groundwater protection and environmental flows), which were signed onto by about 30 environmental groups.

Then, when the regulations were released by the provincial government, we sounded the alarm on a provision that would have prevented Ministry of Environment staff from considering the environmental impacts of granting water licences to existing groundwater users. As a result, the government amended the regulation, rectifying at least part of the problem.

Our Environmental Law Alert has demonstrated that sometimes shining a light on the complicated workings of environmental law – and showing that the government can do better – can result in stronger environmental protection.

MILESTONES

July 2015: West Coast released "Statements of Expectations" – outlining what strong Water Sustainability Regulations would look like. The Statements were signed onto by 30 organizations, and influenced the government's development of the regulations.

September 2015: West Coast updated its analysis on declines in environmental enforcement in BC. This data is used by First Nations organizations interested in improving environmental enforcement within their traditional territories, and may have played a role in the BC government's decision to roll out new enforcement powers.

March 2016: The BC government amended the new Water Sustainability Regulations after West Coast pointed out that a drafting error would restrict the power of government to consider environmental risks associated with existing groundwater users.

BUILDING THE ENVIRONMENTAL LAW BAR

Every year in mid-August, it gets a bit quiet in the West Coast office. It's the time when our summer law students head back to their respective universities, and a few weeks before the legal volunteers start arriving in the fall through programs like Pro Bono Students Canada, and later in the year through student placements from UBC, Osgoode Hall and Macquarie University. Students work closely with our staff lawyers, and we hope they gain insight into the practice of public interest environmental law that will inform their professional practice as lawyers. We greatly appreciate their fresh ideas and energy, and their contribution to our work – particularly our research capacity. In fall 2016, West Coast lawyers are also teaching an Environmental Law Workshop course at the UBC Faculty of Law.

STUDENT REFLECTIONS

From testifying before parliamentary committees to working with Indigenous communities to revitalize their legal traditions, the work done at West Coast embodies this kind of broad and empowering vision of the law. It has opened my eyes to what the law can be, and what it can do. I am excited to bring this perspective to my future work as a lawyer.

- Alex Kirby, 2016 Summer Law Student

Meeting the faces driving change in Canadian environmental law and bringing Indigenous law to the forefront of these discussions has given me a dynamic professional network to carry with me far beyond my final year of law school.

- Brianna Meyer, 2016 Summer Law Student

I found myself in a room full of Canada's leading experts on EA who were meeting to discuss opportunities for transforming environmental assessment in Canada, in light of the upcoming federal review of environmental assessment processes. While slightly intimidating at first, this proved to be one of the most meaningful experiences of the summer.

- Monisha Sebastian, 2016 Summer Law Student



2016 Summer Law Students (left to right):

Alex Kirby, Sina Kazemi, Monisha Sebastian, Brianna Meyer



Photo: Timothy Epp

LAW REFORM ADVOCACY

West Coast Environmental Law Association advocates for strong federal and provincial environmental laws, and strives to involve individuals and communities in law reform efforts.

ENVIRONMENTAL LAWS MATTER

Our **Save Canada's Environmental Laws** campaign (www.envirolawsmatter.ca) is dedicated to helping individuals and communities undo the damage that occurred in 2012, when many of Canada's foundational environmental laws were dramatically weakened or repealed.

Through legal education and outreach, and by offering a platform for concerned citizens to communicate with decision-makers about the importance of environmental laws, we are providing Canadians with the information, tools and support needed to speak out for the environment and democracy.

PROTECTING THE COAST FROM OIL TANKERS

For decades, West Coast Environmental Law Association has been involved in efforts to secure a comprehensive, legislated ban on oil tankers on the Pacific north coast. Our legal analysis, educational tools and public engagement activities are helping to ensure the federal government passes a law that keeps BC's sensitive and biodiverse northern waters and the territories of Coastal First Nations free of oil tankers.

ENVIRONMENTAL LAWS MATTER

For the past half-decade, Canada's environmental legal protection was under assault. Many of Canada's oldest and strongest environmental laws were either repealed or significantly weakened in an effort to speed up the approval of risky and controversial projects like oil pipelines and tankers.

But we helped change that. Through our online, print and in-person education and community outreach, we helped Canadians secure a commitment from the federal government to undo the 2012 environmental law rollbacks and build a strong, lasting suite of federal legal protection for the environment and democracy.

In our 2015-2016 fiscal year, we identified threats to nature and democracy posed by the rollbacks and helped communities add their voices to a national narrative about the need for stronger Canadian environmental laws. In the lead-up to the 2015 federal election, we encouraged Canadians to vote for strong environmental laws and provided tools for them to tell their constituents why environmental laws matter to them.

And we succeeded. The federal government has committed to strengthening environmental protections in the *Fisheries Act*, *Canadian Environmental Assessment Act, 2012*, and *Navigation Protection Act*, as well as to implement meaningful climate action and review the much-criticized National Energy Board. As a result, since the election we have worked closely with government departments and allies across the country to develop law reform solutions to provide stronger, lasting legal protection for nature and communities.

MILESTONES

May – October 2015: Through legal outreach materials, events, social media and our website www.envirolawsmatter.ca, we grew and mobilized our network of informed, connected British Columbians to vote for strong environmental laws.

October 2015: In the lead-up to the federal election, we launched a “vote environment” pledge and released a report comparing the main federal parties’ platforms on environmental laws.

November 2015 – April 2016: Post-election, we have worked closely with allies across the country to identify key environmental policy reforms. This included securing a commitment among a group of national environmental organizations to make building a next-generation environmental assessment law a collective national priority.

March 2016: West Coast released our legal brief, *Scaling up the Fisheries Act*, making preliminary recommendations for achieving the federal Fisheries Minister’s mandated goals of restoring lost protections and incorporating modern safeguards into the Act. We travelled to Ottawa with a delegation of First Nation, scientific, and conservation leaders from both coasts to present the brief to senior officials and politicians.

PROTECTING THE COAST FROM OIL TANKERS

After decades of work by the West Coast Environmental Law Association and our allies to uphold and legally entrench an oil tanker ban on the north coast of BC, the federal government publicly confirmed that they would be formalizing the Pacific north coast oil tanker moratorium.

If done right, a legislated federal oil tanker ban will put an end to Enbridge's Northern Gateway pipelines and tankers project, permanently protecting this important and fragile marine area from the threat of an oil spill and reinforcing an existing tanker ban imposed by Coastal First Nations as a matter of their own jurisdiction and laws. First Nations involved in marine planning on the Pacific coast are adamant that oil tankers are inconsistent with the healthy ocean they depend on.

West Coast has been working to bring a legislated oil tanker ban to fruition for many years, most recently by submitting recommendations to government about what a strong tanker ban should include and providing tools for members of the public to participate in public consultation processes.

MILESTONES

November 2015: The Prime Minister's mandate letters directed the Minister of Transport and Minister of Fisheries and Oceans to formalize a crude oil tanker moratorium on the north coast of British Columbia, putting in place a concrete federal commitment to implement an initiative for which West Coast has advocated for decades.

January 2016: We published *Keeping Our Coast Clean*, an FAQ on the proposed oil tanker ban.

December 2015 – July 2016: West Coast staff counsel Linda Nowlan and Gavin Smith participated in a series of meetings and roundtable sessions with Transport Canada staff and stakeholders regarding the formalization of the oil tanker ban.



Photo: Mike Ambach

ENVIRONMENTAL DECISION-MAKING

West Coast Environmental Law Research Foundation works to transform environmental decision-making in Canada to ensure that decisions about resource development are based on science, democratic processes, recognition of Aboriginal Title and Rights and the power of Indigenous law.

REVITALIZING INDIGENOUS LAW

This year, West Coast was proud to announce the launch of a new program called **RELAW (Revitalizing Indigenous Law for Land, Air and Water)** in association with the Indigenous Law Research Unit at the University of Victoria Faculty of Law. Through this program, we are working alongside six First Nations partners – providing legal and strategic support to First Nations who are revitalizing, articulating and applying aspects of their laws in relation to environmental governance.

KEEPING BC OIL SPILL-FREE

West Coast helps community groups, First Nations and individuals understand and use their legal rights to protect their communities, nature and the climate from the threat of proposed tar sands pipelines and tankers.

TAKING CLIMATE LAW INTO OUR HANDS

Through our Climate program, we're working to help governments, investors and professionals recognize the legal and economic risks of failing to consider climate change in their decision-making.

PREPARING COMMUNITIES FOR THE REALITY OF CLIMATE CHANGE

Our **Liveable and Sustainable Communities** program uses the law to strengthen environmental protection at the local government level, while enhancing the resilience and liveability of communities.

MARINE PROTECTION

Through law, we're working to safeguard the oceans and marine ecosystems that sustain us. Our work in this area includes implementing marine management plans, ensuring strong monitoring and enforcement, and working to legally protect fish and fish habitat.

RELAW: REVITALIZING INDIGENOUS LAW FOR LAND, AIR & WATER

In early March 2016, West Coast Environmental Law launched the RELAW Project. RELAW (“Revitalizing Indigenous Law for Land, Air and Water”) is supported and advised by the Indigenous Law Research Unit (“ILRU”) at the University of Victoria, Faculty of Law.

Indigenous law – Indigenous peoples’ own laws – may be distinguished from Aboriginal law, which includes section 35 Aboriginal and Treaty rights under the Canadian Constitution, the *Indian Act* and related judicial decisions. West Coast and ILRU share the fundamental belief that Indigenous law is law, that Indigenous laws are part of living Indigenous legal orders, and that Indigenous law can and should be used on the ground today.

Indigenous laws can be, amongst other things, about family, property, or civil procedure. In recognition of the deep connections of Indigenous peoples to the lands and waters of their territories and their right and responsibility to manage them according to their respective laws and governance systems, the RELAW project has a particular focus on aspects of Indigenous legal orders related to lands and resources management. Learning from traditional narratives and case studies, participants are gaining skills and knowledge to assist their nations in the process of revitalizing and applying Indigenous law to contemporary environmental problems and proactive land and resource decision-making.

We understand the process of articulating, revitalizing and applying Indigenous law to be collaborative and deliberative, and we are committed to deepening community-based capacity to engage in this process. Participating Indigenous nations are working with community researchers and West Coast lawyers to develop a written summary of legal principles related to environmental governance and land and resources for their nation.

The RELAW team during a retreat at the Cheakamus Centre in Squamish Territory (Photo: Alice William)





Pipsell (Jacko Lake) in Secwepemc territory (Photo: Bonnie Leonard)

Early this year, we sent out a Community Call-out (over our website and through our networks) inviting BC First Nations to submit an Expression of Interest. As we received more applicants than our limited capacity could accommodate, we were forced to choose between some very compelling applications.

Our first cohort involves six Indigenous peoples from around the province – Secwepemc (Shuswap Nation Tribal Council), St’át’imc, Fort Nelson, Tsilhqo’tin, Tsawout, and Gitga’at – each with different a different project and focus. For example, one nation is focused on marine planning, another on the protection of groundwater; one is developing plans for management of a tribal park, and another is working on an environmental assessment. Each of these projects will be based on the people’s own laws and decision-making processes.

In May, community researchers had an opportunity to meet and work with each other as well as lawyers from West Coast. At this retreat, participants met to share ideas and offer and receive support as we began working with ILRU methodology, case-briefing stories and learning to prepare a legal synthesis made up of foundational principles within the stories to consider responsibilities, rights, standards and relationships.

The next stage of RELAW will be developing plans for a practicum for each nation, which will mean lots of community outreach, dialogue and deliberation. As we do this work, we envision a future of fully implemented and enforced Indigenous laws, when the land and waters are treated with the love and respect illustrated in the ancient stories we’ve been working with. More and more, we’ve come to see how the planet needs what Indigenous laws offer: strong legal principles that can lead us toward a more healthy and beautiful world.



St’át’imc elders (Photo: Lindsay Borrows)



Horseback trip in Tsilhqo’tin territory (Photo: Alice William)



Hand games at Fort Nelson Annual Celebration (Photo: Georgia Lloyd-Smith)

KEEPING BC OIL SPILL-FREE

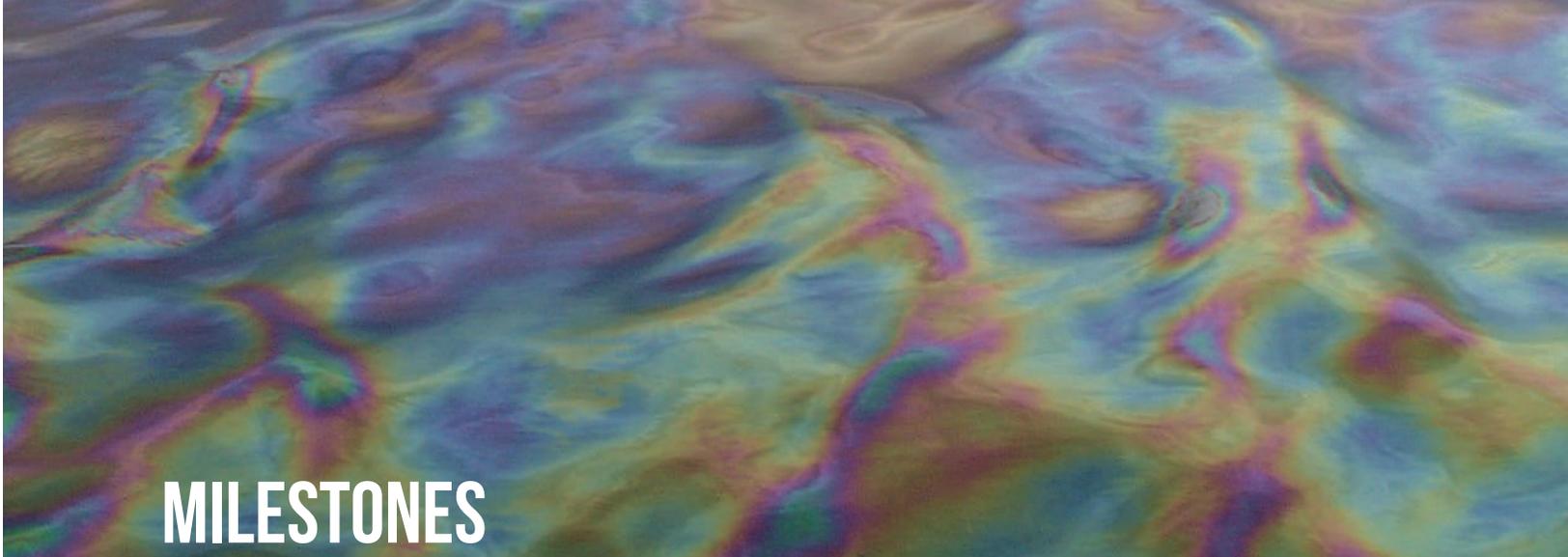
West Coast lawyers have long played a pivotal role in protecting the land, water and climate from the risks posed by tar sands infrastructure projects – providing legal and strategic support to First Nations and communities that are using the law to defend the lands and waters they call home from the risk of oil spills.

We celebrated a major victory in June 2016 when our clients overturned the federal approval of Enbridge’s Northern Gateway pipelines and tankers proposal. West Coast represented Nak’azdli and Nadleh Whut’en First Nations in the consolidated Federal Court of Appeal cases that challenged the Northern Gateway approval, arguing that Canada failed in its constitutional duty to consult and accommodate our clients. The Court agreed with us, holding that Canada’s consultation on Northern Gateway “fell well short of the mark.”

As part of the legal team for the Tsleil-Waututh Nation, West Coast has also been deeply involved in efforts to defend the environment and communities from the risk of oil spills from the Kinder Morgan Trans Mountain pipeline and tankers proposal. From communicating legal risks to Kinder Morgan shareholders to offering widely-cited analysis regarding the National Energy Board’s review process, we are developing important legal and strategic tools to help defend the environment and climate from this risky project.



Photo: Jeremy Board



MILESTONES

Ongoing: The independent assessment of the Kinder Morgan proposal released by the Tsleil-Waututh Nation (TWN) in 2015 continues to play an important role in efforts to protect its lands and waters from oil spills. The assessment is grounded in TWN's own laws and backed by 1,200 pages of expert research, and it re-affirms the Nation's denial of consent for the project in its territory. Since its release, the assessment has been the foundation for dozens of presentations demonstrating the project's impact on TWN territory, title and rights.

October 2015: West Coast represented Nak'azdli and Nadleh Whut'en First Nations at the Federal Court of Appeal hearing challenging the Enbridge Northern Gateway approval. The hearing was the longest in the recent history of the Federal Court of Appeal, filling two courtrooms over six days, attracting extensive media attention and prompting a rally outside the courtroom.

January 2016: Amidst continued controversy and criticism of the flawed NEB process, the Ministers of Natural Resources and Environment and Climate Change announced that Kinder Morgan would undergo further public process and upstream greenhouse gas analysis, with a further delay on the Federal Cabinet decision until December 2016.

May 2016: West Coast lawyer Eugene Kung joined Tsleil-Waututh representatives and allies to discuss legal issues and risks at Kinder Morgan's Annual Shareholder Meeting in Houston, Texas.

May 2016: Enbridge Northern Gateway confirmed that it would be unable to meet mandatory commitments in its approval conditions, which required that it prove supply contracts to fill its proposed pipeline with oil, because of litigation and other uncertainty associated with the project. The company requested a three-year extension to keep trying. (The extension request is now indefinitely suspended after the federal approval of the project was overturned in Court).

June 2016: Our clients Nak'azdli and Nadleh Whut'en First Nations won their case in the Federal Court of Appeal, overturning the federal approval of Northern Gateway.

TAKING CLIMATE LAW INTO OUR HANDS

LAW AS IF CLIMATE CHANGE WERE REAL

If the world's governments choose to get serious about addressing climate change, decades of work by West Coast and others will give them a variety of legal tools to help reduce greenhouse gas emissions. But what is lacking is a sense of political or legal urgency – a recognition that they have an obligation to act. That's where our legal analysis and strategy comes in.

Because there are legal consequences when fossil fuel polluters knowingly destroy our atmosphere, or when professionals ignore climate change in their recommendations. And laws can be structured to create consequences for inadequate climate policies.

Last December, at the UN Climate Summit in Paris, West Coast Environmental Law and the Vanuatu Environmental Law Association released *Taking Climate Justice into our own Hands* – demonstrating the legal authority of climate-impacted countries to sue global fossil fuel polluters under their own laws. Since then, we have engaged in a national and international discussion on how to ensure that the legal consequences for inaction on climate change are recognized.

Also in Paris, we invited the Canadian and provincial governments to build a science-based national climate change framework based on carbon budgeting, to account for how they will meet national and provincial greenhouse gas reduction targets.

West Coast is on the cutting edge of legal solutions that recognize that climate change is real and is already impacting us. And we intend to remain there.

MILESTONES

December 2015: West Coast attended the Paris climate talks.

December 2015: We released *Taking Climate Justice into our own Hands*, which explains the legal basis for local lawsuits against global fossil fuel polluters.

December 2015: We also released *A Carbon Budget for Canada*, explaining how a science-based carbon budget system that builds on successful Canadian and international models could form the basis of Canada's National Framework on Climate Change.

LIVEABLE & SUSTAINABLE COMMUNITIES

“It’s my whole life.”

These are the words one resident used to sum up her connection to her coastal community at a public meeting. Birdwatching on the shoreline, kayaking in the bay, sharing life in a close-knit neighbourhood – all of these things are a part of daily life for her and other residents.

After learning about the risks facing their community as a result of climate change, impacts like rising sea levels and increased storm events, residents were keen to explore how ecosystem-based adaptation measures could help make their community more resilient. Yet with no integrated legal framework to protect our coasts, there is a real risk that climate adaptation could turn into quick fixes, such as hard armouring of our shorelines with seawalls and other structures that will have long-lasting and negative impacts on communities and ecosystems.

West Coast is working to help communities make informed choices – at public meetings like these, and by bringing together policymakers with scientists, urban designers and landscape architects who work with nature, instead of fighting it. We aim to draw on legal insights about jurisdiction and implementation to promote public participation and collaboration among different levels of government, and make sure that the importance of protecting coastal ecosystems is recognized.

MILESTONES

December 2015: West Coast convened a workshop with local and provincial government representatives to discuss emerging data on sea level rise, and how to manage uncertainty through ecosystem-based adaptation. Participants proposed three neighbourhoods as test cases, and West Coast began to develop project plans for autumn 2016.

May – June 2016: West Coast partnered with ACT-SFU and the City of Surrey to deliver innovative sea level rise public engagement to Surrey residents in a coastal neighbourhood. Residents confirmed that ecosystem-based adaptation aligns well with their community values.

MARINE PROTECTION

The sea provides Canadians with oxygen, food, jobs and an inexhaustible source of wonder. But if we don't do more to protect it, the ocean's health and the wealth it produces will continue to decline.

This year, our Marine Program has primarily focused on laying the groundwork for a much-needed paradigm shift in ocean management. The integrated ecosystem-based marine spatial plans developed in a process co-led by the BC government and 18 First Nations has created management zones in the spectacular marine area known as the Great Bear Sea. Now we need to secure lasting legal protection for these innovative Marine Planning Partnership (MaPP) plans.

West Coast's lawyers are researching, analyzing, designing and implementing innovative legal strategies grounded in BC, Canadian and Indigenous law to secure lasting protection of marine waters and coastal lands in the MaPP planning area in central and northern BC. A network of marine protected areas (MPAs) will be at the centre of these integrated plans. We are deeply engaged with a variety of partners – including First Nations, ENGOs, governments and the fisheries sector – to explore ways to create efficient and effective legally-binding MPAs.



Photo: Jayne



MILESTONES

June 2015: Staff lawyer Linda Nowlan presented a paper to an environmental legal conference in Kananaskis, Alberta about marine protection on the Pacific, which analyzed the MaPP plans. The paper was later published in the *Journal of Environmental Law and Practice*, the go-to resource for environmental lawyers in Canada.

September 2015: Together with colleagues from other ENGOs and members of the Coasts that Work network, we organized and hosted a session at the Union of BC Municipalities AGM in Vancouver to discuss how the province of BC could play more of a leadership role in ocean and coastal issues.

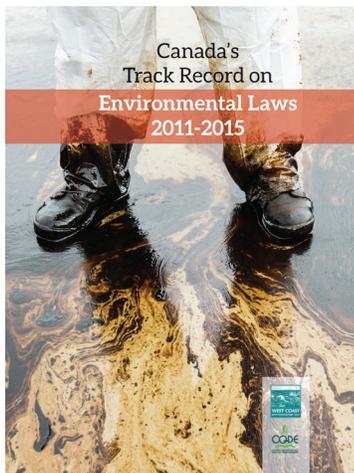
September 2015 – present: West Coast is working with the Coastal Stewardship Network on enforcement of Indigenous law in the marine environment, and assisting with the preparation of a Toolkit for Guardians across the country.

May 2016: Staff lawyer Linda Nowlan presented to the House of Commons Standing Committee on Environment and Sustainable Development, which is conducting a study on federal protected areas, about the legal tools needed to implement marine plans and the “golden opportunity” to accelerate MPA creation in the Great Bear Sea.

July 2016: West Coast took part in a gathering of over 1,000 marine scientists and policy-makers at the biennial International Marine Conservation Congress in St. John’s, Newfoundland, where we spoke about getting legal traction for the MaPP plans and networked with experts from across North America intrigued by MaPP’s work.

SELECT PUBLICATIONS

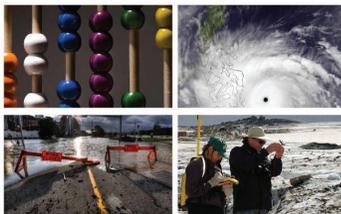
WEST COAST ENVIRONMENTAL LAW ASSOCIATION



CANADA'S TRACK RECORD ON ENVIRONMENTAL LAWS: 2011-2015

[October 2015]

Our analysis of relevant federal legislative changes since 2011 revealed a systemic dismantling of Canada's environmental laws. Beginning around 2012, the federal government weakened or repealed many of Canada's oldest and most important environmental laws at industry's request, putting the environment, communities and democracy at risk. This report, released by West Coast Environmental Law Association and Centre Québécois du Droit de l'Environnement, summarizes some of the key changes to federal environmental laws from 2012-2015 and explains how the impacts of those changes have been felt on the ground.



A CARBON BUDGET FOR CANADA: A COLLABORATIVE FRAMEWORK FOR FEDERAL AND PROVINCIAL CLIMATE LEADERSHIP

[December 2015]

A Carbon Budget for Canada explains how budgets and other best financial management practices provide a model for national leadership on climate change. The report also calls for a national scientific committee to advise both levels of government on what needs to be done to fight climate change in Canada.

(This report was produced jointly with the West Coast Environmental Law Research Foundation)

A CARBON BUDGET FOR CANADA A COLLABORATIVE FRAMEWORK FOR FEDERAL AND PROVINCIAL CLIMATE LEADERSHIP

By Andrew Gage
Staff Lawyer
West Coast Environmental Law
With material from Gaya Gnanalingam

December 2015

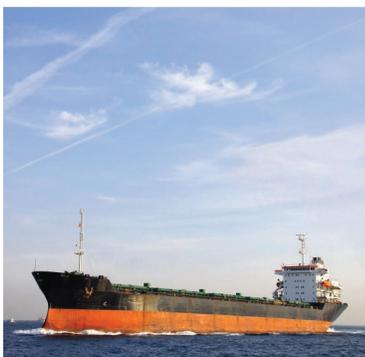


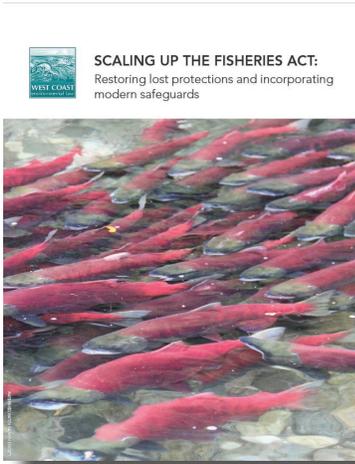
KEEPING OUR COAST CLEAN: Frequently asked questions about an oil tanker ban on BC's Pacific North Coast

KEEPING OUR COAST CLEAN: FREQUENTLY ASKED QUESTIONS ABOUT AN OIL TANKER BAN ON BC'S PACIFIC NORTH COAST

[January 2016]

In November 2015, Prime Minister Justin Trudeau publicly gave Ministers in his Cabinet a mandate to formalize an oil tanker moratorium on the north coast of British Columbia. West Coast Environmental Law Association has been an outspoken advocate for a legislated oil tanker prohibition on the Pacific north coast for many years, and we have been getting a lot of questions about this issue and its possible implications. This backgrounder addresses many of the frequently asked questions.



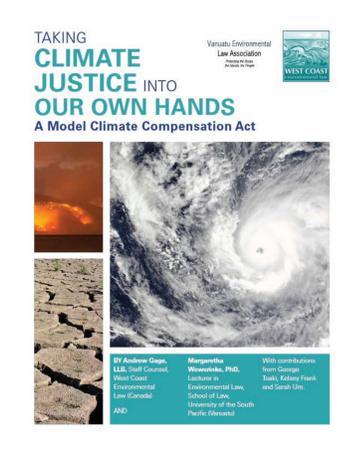


SCALING UP THE FISHERIES ACT: RESTORING LOST PROTECTIONS AND INCORPORATING MODERN SAFEGUARDS

[March 2016]

The *Fisheries Act* is the key federal law for fish habitat protection, one of the key laws for marine biodiversity, and an essential part of Canada’s environmental safety net. But many essential protections have been eliminated from the legislation, and must be restored. This brief makes preliminary recommendations for achieving the two categories of *Fisheries Act* reform that the Minister of Fisheries, Oceans and the Canadian Coast Guard was tasked with in his 2015 mandate letter: restoring lost protections and incorporating modern safeguards.

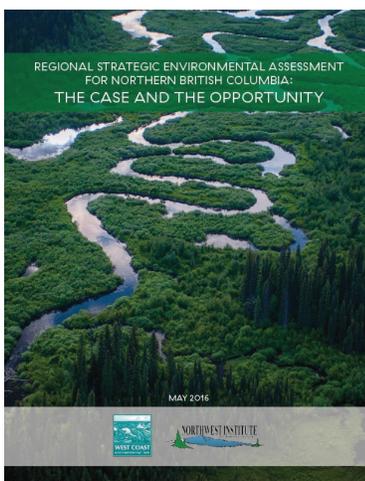
WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION



TAKING CLIMATE JUSTICE INTO OUR OWN HANDS

[December 2015]

This report, co-released by West Coast Environmental Law and the Vanuatu Environmental Law Association, explains how well-established principles of private international law could allow the courts and governments of individual countries to take action against fossil fuel polluters.



REGIONAL STRATEGIC ENVIRONMENTAL ASSESSMENT FOR NORTHERN BRITISH COLUMBIA: THE CASE AND THE OPPORTUNITY

[May 2016]

Along with our colleagues from the Northwest Institute for Bioregional Research, West Coast travelled to communities across the north of BC to talk to residents about cumulative effects and proposals for liquefied natural gas (LNG) and other industrial projects. This report provides an overview of the messages heard during these community dialogue sessions, and makes the case for the use of regional strategic environmental assessment (RSEA) in northern BC to manage cumulative effects and ensure better decision-making for the environment and communities.

PEOPLE OF WEST COAST



West Coast Staff

(back row, left to right): Eugene Kung, Hannah Askew, Lucy Hough, Gavin Smith, Georgia Lloyd-Smith, Andrew Gage, Ceciline Goh, Barb Everdene, Jessica Clogg, Maxine Hayman Matilpi
 (front row, left to right): Mindy Cleave, Lindsay Borrows, Anjali Appadurai, Alexis Stoymenoff
 (absent: Deborah Carlson, Linda Nowlan, Anna Johnston, Jennifer King, Grace Chen)

2015-2016 LAW STUDENTS AND LEGAL VOLUNTEERS

Brianna Meyer	Kirsten Brokop	Craig Empson	Lucas Jewitt
Alexander Kirby	Julian Tennent-Riddell	Mark Ebert	Ivan Skafar
Monisha Sebastian	Guy Lewis	Jordan Adam	Duncan Farthing-Nicol
Sina Kazemi	Thomas Beverley	Cassie Richards	

2015-2016 EDRF LAWYERS

Each year, we have the pleasure of working with a network of passionate, talented lawyers who represent clients all over British Columbia through the Environmental Dispute Resolution Fund (EDRF). These knowledgeable professionals work for partial pro-bono fees, on behalf of dedicated individuals and communities who step up to challenge environmental injustices and protect the places they care about. West Coast would like to acknowledge the following lawyers who worked on EDRF cases in 2015-2016:

Alan Hanna	Ethan Krindle	Larry Reynolds	Neil Chantler
Alanna McKenzie	Grace Jackson	Lilina Lysenko	Patrick Canning
Angela McCue	Holly Vear	Lisa Fong	Rebeka Breder
Bill Andrews	James Patterson	Marianne Foucault	Richard Overstall
Catherine George	James Tate	Mark Walton	Sean Hern
Cheryl Tobias	Jeff Jones	Mary Macauley	Tim Howard
Darwin Hannah	John Cliffe	Matthew Nefstead	
David Perry	John Gailus	Michael Ng	
Emma Hume	Judah Harrison	Nathan Hume	

OUR SUPPORTERS

SUSTAINING PARTNER: THE LAW FOUNDATION OF BRITISH COLUMBIA

The Law Foundation of BC has been West Coast Environmental Law Association'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:

RESEARCH FOUNDATION:

Bullitt Foundation
Catherine Donnelly Foundation
Eden Conservation Trust
Gencon Foundation
glasswaters foundation
The McLean Foundation
Minor Foundation for Major Challenges

Gordon and Betty Moore Foundation
RBC Foundation
Swift Foundation
Tides Canada
Wallace Global Fund
Wilburforce Foundation

ASSOCIATION:

Boag Foundation
Oak Foundation
Real Estate Foundation of BC
Tides Foundation
WestWind Foundation

1% FOR THE PLANET CONTRIBUTORS

West Coast Environmental Law Research Foundation 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:



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FINANCIAL STATEMENTS

REVENUES

	For year ended April 30, 2016				For year ended
	Association	Foundation	EDRF	Total	April 30, 2015
Law Foundation Grants	425,000	-	-	425,000	425,000
Allocation to EDRF	(100,000)	-	100,000	-	-
Donations	4,390	255,741	-	260,131	303,044
Grants & Contracts Earned	433,331	890,824	-	1,324,155	913,650
Other Income	133,220	37,743	52	171,015	185,893
Total Revenue	895,941	1,184,308	100,052	2,180,301	1,827,587

GRANTS AND EXPENSES

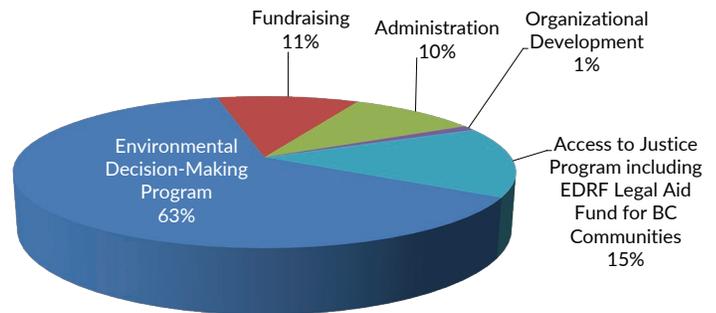
Personnel Related	533,630	641,826	-	1,175,456	957,304
Professional Services	10,977	8,508	-	19,485	19,204
Rent & Office Expenses	138,789	83,631	-	222,420	208,963
Amortization	12,825	915	-	13,740	23,163
EDRF Grants	-	-	99,993	99,993	100,000
Program Expenses	184,483	300,051	59	484,593	246,760
Fundraising	-	65,668	-	65,668	36,009
Thompson Award Costs	-	-	-	-	6,965
Administration Fee	-	101,766	-	101,766	125,537
Total Grants and Expenses	880,704	1,202,365	100,052	2,183,121	1,723,905
Excess of revenue (expenses) for the year	15,237	-18,057	-	-2,820	103,682

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:

- 79% to programs
- 10% to administration
- 11% 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. Donations may be made to any of the West Coast societies, but only the Research Foundation is a charity and may issue charitable receipts for the following types of support:

- **Become a West Coast Protector:** Monthly donors are the backbone of our organizations. This giving option 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 the West Coast Environmental Law Research Foundation 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 over 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.



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Cover photo: Mike Ambach (<https://fromthetreehouse.ca/>)