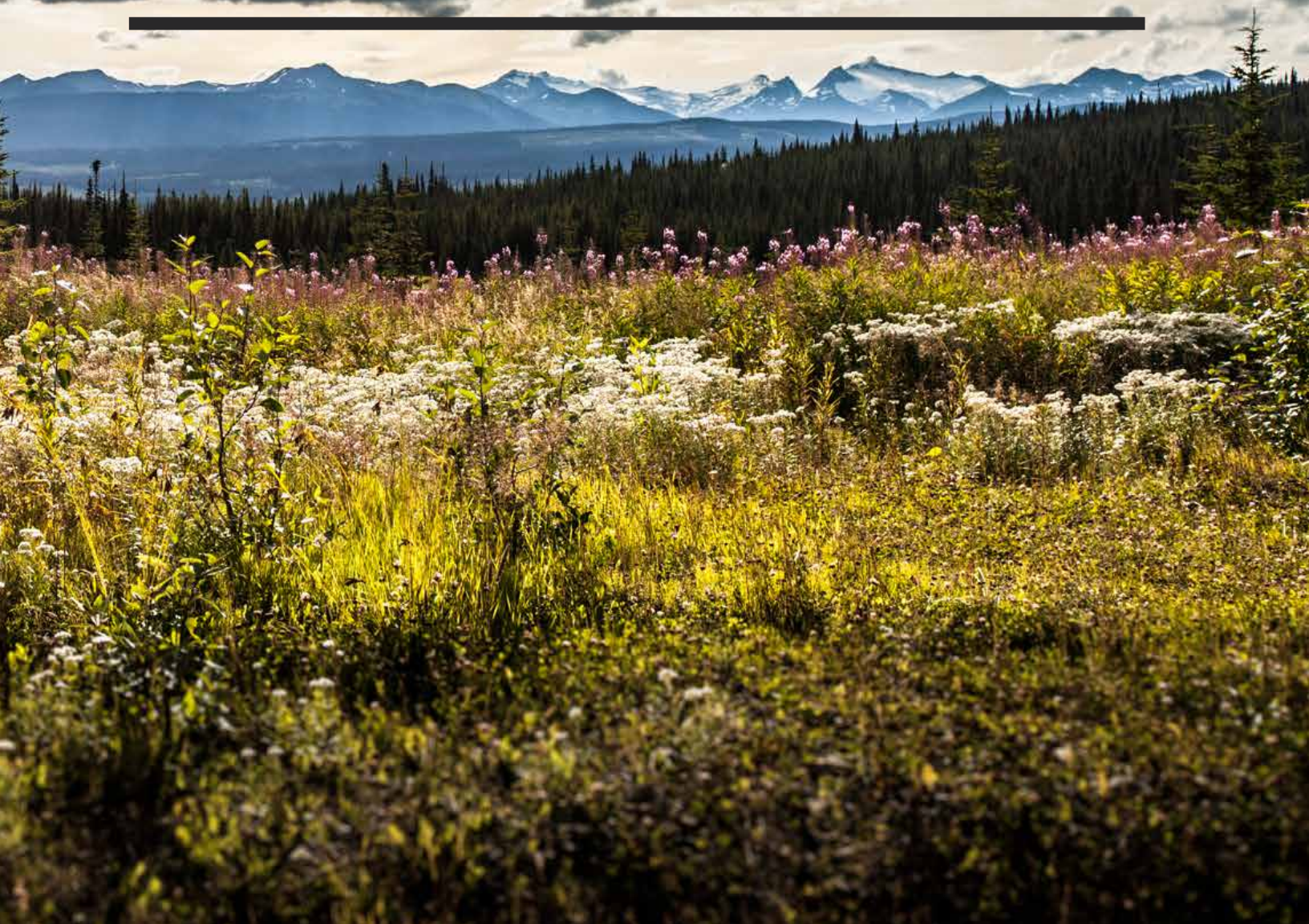


WEST COAST ENVIRONMENTAL LAW

Impact Report

2014-2015



A MESSAGE FROM THE PRESIDENT

During this fiscal year, West Coast Environmental Law (West Coast) celebrated forty years of advancing environmental protection through law.

It was an opportunity to reflect on four decades of working 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. For forty years, West Coast has been there for individuals and communities, providing advice and legal support on virtually every environmental issue imaginable.

And yet, recent years have been turbulent ones for the environment, as many of Canada's federal environmental statutes have been repealed or substantially rewritten. In 2015, the Association continued to be at the forefront of efforts to rebuild and strengthen Canada's environmental legal safety net, including through our envirolawsmatter.ca campaign.

In this challenging legislative environment, our work with First Nations clients and allies continually reminds us of the importance of Indigenous law. As our lawyers note in a forthcoming paper: "In the vacuum in Canadian law left by deregulation, living Indigenous laws continue to govern and protect the environment." From the development of land use plans and environmental assessment processes grounded in a nation's own ancestral laws, to declarations and treaties that embody Indigenous resistance to tar sands pipelines and tankers, Indigenous legal traditions are engendering concrete strategies to grapple with contemporary environmental problems. For more than a decade, West Coast has been a leader in providing legal support to First Nations in their



A handwritten signature in cursive script, appearing to read "Jessica Clogg".

Jessica Clogg
Executive Director and Senior Counsel



A handwritten signature in cursive script, appearing to read "Cheryl Sharvit".

Cheryl Sharvit
President

& EXECUTIVE DIRECTOR

efforts to safeguard the lands and waters of their territories using strategies grounded in both Indigenous and Canadian constitutional law.

We believe that Indigenous legal traditions have a critical role to play in environmental governance in Canada, as do the voices of all residents. Recent review processes for tar sands tanker and pipeline projects have run roughshod over the constitutional rights of First Nations, and dramatically limited public participation. Canada can do better. By ensuring that all voices are heard, and that the decision-making rights and responsibilities of First Nations are upheld, we have the potential to make better decisions for all.

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

BOARD OF DIRECTORS

WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION

Cheryl Sharvit
Nancy McHarg
Lisa Matthaus
Lorene Oikawa
Richard Overstall
Christine Scotnicki
Paul Stewart
Cristina Soto
Ellen Zimmerman

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

Cheryl Sharvit
Nancy McHarg
Paul Stewart
Tracy Wachmann
Sarah Khan

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 7-13, and for Research Foundation programs see pages 15-21.

HONOURARY BOARD

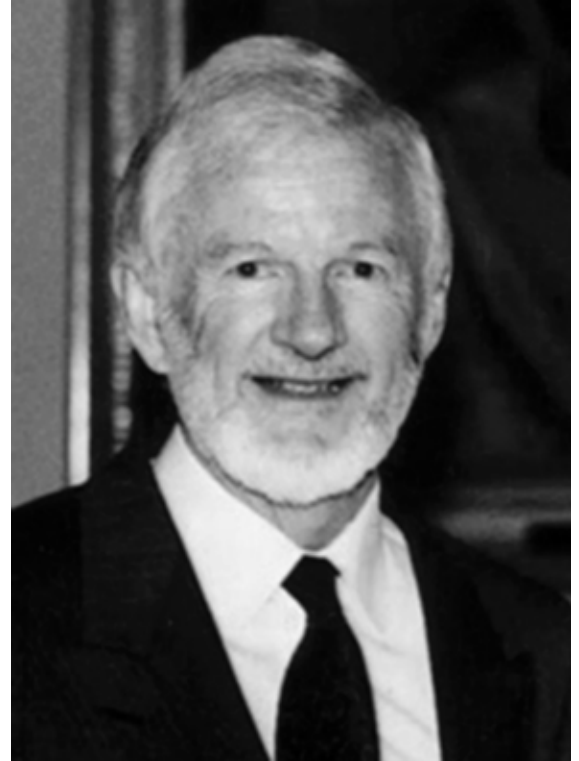
David Anderson
Thomas Berger O.C., Q.C.
John Fraser Q.C.
Christopher Harvey Q.C.
James Hoggan
Greg McDade Q.C.
Eden Robinson
Darryl Walker

ANDREW THOMPSON AWARD

The Andrew Thompson award was established in 2002 by West Coast Environmental Law and the Thompson family, to honour individuals who have demonstrated a significant lifetime contribution to environmental protection in BC through the law. This year, in a double celebration, the awards were presented at West Coast's 40th Anniversary Celebration.

Presented in two categories – People's Choice and Judges' Choice – the 2014 award recognized individuals who have made exceptional contributions to the fields of environmental and Aboriginal law, or to the revitalization, recognition and/or enforcement of Indigenous environmental law.

This year's People's Choice award went to **gid7ahl-gudsllaay** (Terri-Lynn Williams-Davidson), a lawyer and citizen of Haida Nation. She was the founding Executive Director of EAGLE (Environmental-Aboriginal Guardianship through Law and Education) and has devoted her entire career to protecting ecological and cultural rights, including as lead



Dr. Andrew Thompson, one of BC's foremost environmental lawyers

counsel in the successful 2004 Supreme Court of Canada challenge to protect old-growth forests and the resulting reconciliation over Haida Gwaii.

The Judges' Choice award went to **Malii** (Glen Williams), President and Chief Negotiator for the Gitanyow Hereditary Chiefs. He has spent decades fighting for the preservation and implementation of Gitanyow laws, successfully litigating and negotiating long-term protection for the Gitanyow *lax'yip*.

In addition to the award winners, distinction was given to three finalists:

Xeni Gwet'in Chief Roger William, who fought against clearcut logging in Tsilhqot'in territory and won the first ever declaration of Aboriginal Title in Canada;

Grand Chief Bob Pasco, Chair of the Nlaka'pamux Nation Tribal Council, who has devoted his life to Nlaka'pamux title and rights to protect and sustain the environment; and

Ardith Wal'petko We'dalx Walkem, a lawyer and member of the Nlaka'pamux Nation, who has provided legal analysis, advice and direction to the Union of BC Indian Chiefs for 15 years, serving as a bridge of understanding between environmental laws and policies of the Crown and the inherent laws of Indigenous Title and Rights.

All of the finalists exemplify the spirit of the Andrew Thompson Award in their lifelong commitment to protecting the environment through law, and honour his legacy. Dr. Andrew Thompson was a pioneer in the fields of environmental and natural resource law, showing through his work how lawyers could work collaboratively with communities to build a more sustainable future for our province. In addition to teaching at UBC's law school, Dr. Thompson chaired several commissions and inquiries, including the West Coast Oil Ports Inquiry and the BC Utilities Commission.



Andrew Thompson Award Finalists



ᑭᑭᑦᑭᑦᑭᑦ, People's Choice award



Malii, Judges' Choice award



ACCESS TO JUSTICE

Putting the law in the hands of ordinary British Columbians – and helping them use it to protect the environment – allows West Coast to have an impact far beyond what a small group of environmental lawyers based in Vancouver and Victoria could do alone. West Coast strives to make the legal system available and accessible to all. Through our access to justice programs, we provide direct legal assistance to citizens, enable a 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's Environmental Legal Aid program puts the power of the law in the hands of ordinary British Columbians who want to protect their environment.

YOUR ENVIRONMENTAL LAW WATCHDOG

Canadians need to know when government seeks to weaken (or strengthen) our environmental laws. The Environmental Law Alert program serves as your environmental law watchdog, providing easy to digest legal information and analysis on breaking environmental law stories. In addition, we make hard-hitting legal analysis available to government decision-makers and let them know what we think about changes that they make, or are considering.

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, and student volunteer positions.

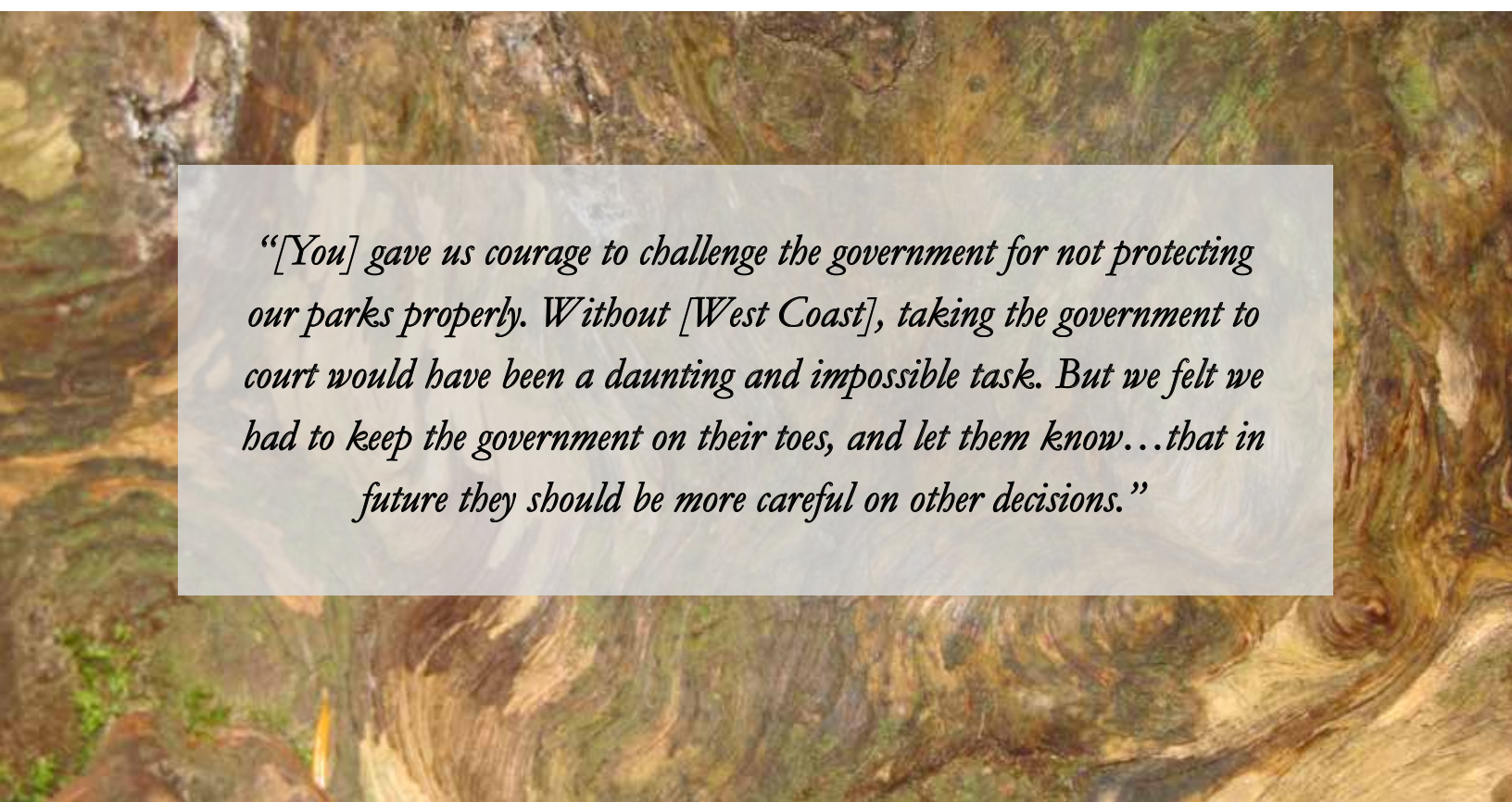
ENVIRONMENTAL LEGAL AID

We don't believe that environmental lawyers are white knights riding to the rescue. Rather, our approach focuses on legal support that enables individuals and groups to defend their own communities from pollution, logging and other environmental conflicts.

Our staff lawyers do this by providing initial legal advice to British Columbians facing environmental problems: What does the law say? Who in government has the power to stop this? What are your environmental rights? Sometimes quick advice can lead to a big win for the environment.

Where environmental problems require more in-depth legal representation, our Environmental Dispute Resolution Fund (EDRF) helps community groups develop a partnership with a lawyer as part of a broader campaign to win an environmental victory and build their voice. We have recently launched a new online platform at defendbc.ca to help EDRF grant recipients to crowdfund their cases and run online actions to mobilize public support.

This year, we've helped (among many others) community groups and First Nations impacted by the proposed Kinder Morgan Trans Mountain pipeline project, a citizen initiative to have anti-SLAPP suit legislation introduced in BC, citizens concerned about sulphur dioxide emissions from Rio Tinto Alcan's aluminum smelter in Kitimat, and First Nations concerned about northern LNG developments.



“[You] gave us courage to challenge the government for not protecting our parks properly. Without [West Coast], taking the government to court would have been a daunting and impossible task. But we felt we had to keep the government on their toes, and let them know...that in future they should be more careful on other decisions.”



MILESTONES

August 2014 – Present: Anna Johnston, Staff Counsel, has been providing ongoing legal advice to residents of the community of Likely who were impacted by the nearby Mount Polley Mine disaster.

September 2015: The Environmental Appeal Board cancelled the temporary water licence granted to oil and gas giant Nexen, for a natural gas fracking operation in northeast BC. The Fort Nelson First Nation, with EDRF support, had argued that allowing Nexen to withdraw huge amounts of water, without adequate consideration to cumulative effects, would significantly impact riparian ecosystems and wildlife.

May 2015: The Environmental Appeal Board upheld a new operating regime for the control and release of water through a weir between Cowichan Lake and the Cowichan River, ensuring sufficient in-flows to support fish populations in the river. The Cowichan Watershed Board participated in the appeal with EDRF support.

April 2015: Tolko Forest Products settled out of court for an undisclosed amount after its logging disrupted the hydrology of streams and ponds on the property of a Chilcotin-region rancher and EDRF recipient, Randy Saugstad.

December 2014: A BC Provincial Court judge approved charges laid by an EDRF client against the government of BC and Executive Flight Centre in respect of the 2012 jet fuel spill in Lemon Creek in the Kootenays.

YOUR ENVIRONMENTAL WATCHDOG

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. In many cases, bringing a legal eye to environmental stories can provide insights that you won't find in your newspaper. 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.

A great example of how environmental law alert can make BC's laws better is our work to ensure that BC's new Societies Act did not include a proposed provision that could have allowed non-profits to be dragged to court on vague allegations that they were acting "to the detriment of the public interest." We sounded the alarm on our blog, co-drafted a letter objecting to the proposed changes that was signed by more than 50 diverse societies, obtained media coverage in the Globe and Mail and elsewhere, and set up an action for concerned members of the public to send emails to the government. As a result, we were invited to a stakeholder's meeting with Minister De Jong, and the government ultimately decided to drop the controversial provisions in March of 2015.

MILESTONES

May 2015: West Coast sent an open letter to the BC Government questioning the government's legal authority for firing Agricultural Land Commission Chair, Richard Bullock. West Coast has not yet received a reply to this letter.

March 2015: The BC government dropped controversial provisions of a new BC Societies Act after West Coast warned that those provisions could see BC's non-profits dragged into court by their critics.

February 2015: West Coast presented to the House of Commons Standing Committee on Health in its review of Canada's pesticide legislation on the risk facing farm workers.

December 2014: West Coast was the first commentator to recognize that amendments to the Canada Marine Act buried in an omnibus bill – Bill C-43 – would allow the Canadian government to exempt Canadian ports from key environmental assessment and species at risk legislation.

BUILDING THE ENVIRONMENTAL LAW BAR

Legal volunteers, mostly law students, are a welcome presence in our office, sometimes for an entire semester. While they gain valuable experience in a public interest environmental law organization, and have the opportunity to work closely with our team of lawyers, we benefit from their legal research and fresh enthusiasm. We are grateful to our colleagues in the law faculties at the University of BC, University of Victoria, Osgoode Hall and Macquarie University in Australia for their support for a variety of student placement programs that provide opportunities for students to gain academic credit for their time at West Coast. In their own words, here are reflections from some recent students:

STUDENT REFLECTIONS

I gained skills in areas I thought I would (legal research and writing), and in areas I never would have anticipated (drafting press releases, designing websites, making killer affogatos).

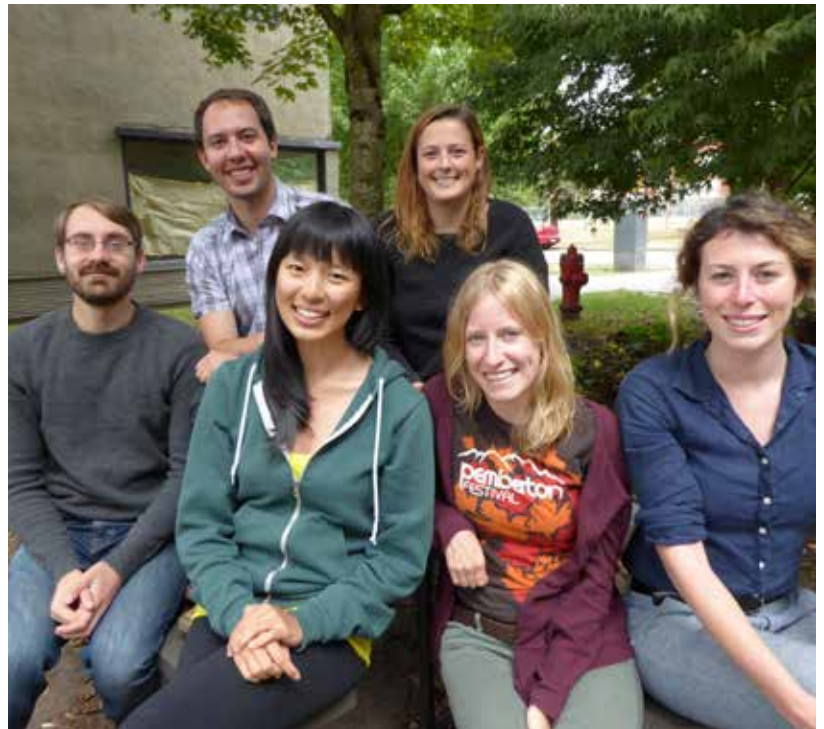
- Adam Cembrowski

I was able to follow files from beginning to end, attend client meetings, and learn from some of the most knowledgeable and capable lawyers in the field.

- Zachary D'Onofrio

I felt like the work I did was relevant and important, and the staff at West Coast always valued my contributions. It was a very empowering learning environment for a female first-year law and policy student.

- Justine Desmond



Summer Law Student Volunteers: (back row, left to right): Zachary D'Onofrio, Justine Desmond (front row, left to right): Adam Cembrowski, Lucy Yuan, Ashley Thomas, Rachel Gutman

LAW REFORM ADVOCACY

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

ENVIRONMENTAL LAWS MATTER

Since 2012, most of Canada's foundational environmental laws have been repealed or overhauled, shredding the environmental safety net for nature, our health, the economy and democratic processes, putting many of the things Canadians value most at risk.

Through our Save Canada's Environmental Laws campaign (envirolawsmatter.ca), the West Coast Environmental Law Association is helping individuals and communities undo the 2012 environmental law rollbacks and build a strong, lasting suite of federal legal protection for the environment and democracy. Through legal education and outreach, and by offering a platform for concerned citizens to communicate with decision-makers about the importance of strong environmental laws, we are providing Canadians with the information, tools and support needed to speak out for the environment.

With allies across the country, we have identified and developed environmental law reform proposals to share with federal parties in a non-partisan way. Over the past three years, in order to help secure commitments from the federal parties to enact those law reforms, we informed, engaged and mobilized a network of concerned British Columbians willing to tell decision-makers and politicians of all stripes about the importance of strong environmental laws to them and their families.



MILESTONES

Ongoing: Through legal outreach materials, events, social media, and providing tools for citizens to communicate to decision-makers, we have continued to grow a network of informed, mobilized and connected British Columbians who are prepared to vote for strong environmental laws.

August 2015: We launched our new website envirolawsmatter.ca, containing information about the federal environmental law rollbacks, proposed law reform priorities to help build a lasting suite of strong environmental laws for Canada, and tools for the public to communicate the importance of strong environmental laws to decision-makers and political parties.

June 2015: We reached over 20,000 people in a telephone town hall that explained how changes to federal environmental laws put coastal communities and their environment at risk of oil spills.

May 2014-April 2015: We conducted legal education seminars at over a dozen events in almost as many British Columbian communities, in which we explained the changes to federal environmental laws and their impact with respect to local environmental threats.



STRONG ENVIRONMENTAL LAWS

West Coast invests in the long-term well-being of our environment by advocating for strong environmental laws based on rigorous scientific research, democratic processes, and recognition of 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 understand and use their legal rights to protect their communities and the environment from the threat of proposed tar sands supertankers and oil pipelines.

SUSTAINABLE WATER AND MARINE MANAGEMENT

West Coast works to ensure that water sustainability legislation and marine management are effective in protecting our water resources.

MANAGING CUMULATIVE EFFECTS

West Coast works with communities all across BC to foster dialogue and solutions to meet the challenge of managing the cumulative effects 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 Climate program seeks to help investors, professionals and governments recognize the legal and professional risks of not embedding consideration of climate change into their decision making.

KEEPING BC OIL SPILL-FREE

It was a bad year for tar sands oil pipeline proponents in BC. Despite having spent millions of dollars on slick PR campaigns, both Enbridge's Northern Gateway Project and Kinder Morgan's Trans Mountain Expansion (KMX) Project faced massive, growing and vocal public resistance – led by strong First Nations opposition. When the price of oil fell off a cliff, expansion in the tar sands was dramatically reduced, diminishing the purported need for these risky projects. West Coast has lawyers working hard on both proposals, as part of the legal team for the Tsleil-Waututh Nation (TWN) on Kinder Morgan, and representing Nak'azdli and Nadleh Whut'en First Nations in their legal challenge to the federal Enbridge approval. Through this work, West Coast and our clients play an important role in a growing movement against these pipelines and the tar sands that feed them.



*Enbridge Solidarity Rally,
Vancouver, October 2015*



June 2015: Northern Gateway confirms in filings with the National Energy Board that it has been unable to obtain any of the supply contracts legally required to undertake any construction on the project. Northern Gateway blames the ongoing court cases as a primary reason that it has not been able to obtain the necessary supply contracts.

May 2015: TWN Sacred Trust Initiative Manager Rueben George travels with Eugene Kung to the Kinder Morgan Inc. annual meeting of shareholders in Houston, Texas to tell the company's management directly that Trans Mountain will never get built because TWN has the legal tools to stop it and they do not stand alone. Mr. George then delivers a petition signed by 60,000 people in 48 hours calling on Kinder Morgan to respect indigenous rights and withdraw from the project.

May 2015: TWN releases its own independent assessment of the KMX project, grounded in TWN's own laws and teachings and backed by 1,200 pages of expert research. The assessment concludes that KMX will have significant impacts on TWN title and rights and is not the best use of the TWN territory and its water, land, air and resources. TWN Chief and Council re-affirm their denial of consent for the project. The release garners local, national and international media interest.

May 2015: The legal team for Nak'azdli and Nadleh Whut'en First Nations files their written arguments with the Court, in the lead-up to hearings taking place in October 2015.

April 2015: West Coast staff lawyer Eugene Kung accompanied TWN Chief Maureen Thomas and Councillors Charlene Aleck and Jen Thomas to New York. The team met with some of Kinder Morgan's largest institutional shareholders, holding \$10B of Kinder Morgan stock, with a message: the Trans Mountain expansion is a legally and financially risky project that will face ongoing challenges and delays in the face of concerted opposition from First Nations and allies. Investors have started to take notice, asking if "Kinder Morgan Trans Mountain is the new Keystone XL."

September-October 2014: Nak'azdli and Nadleh Whut'en First Nations, with legal representation from West Coast, obtained leave from the Federal Court of Appeal to proceed with a legal challenge to the federal Enbridge approval, and formally launch their case. They are among eight First Nations, four environmental organizations and one labour union that obtained a green light from the Federal Court of Appeal to initiate legal challenges. People across British Columbia and Canada showed their support by raising over \$500,000 in less than a year, through spaghetti dinners, music nights, silent auctions, other grassroots fundraisers and matching funds to contribute to the legal costs of First Nations fighting the Enbridge approval.

CUMULATIVE EFFECTS

There are over 250,000 active permits authorizing land use activities across BC, but the cumulative effects of these activities “remain unknown and unmanaged” according to BC’s Forest Practices Board. Nowhere has the challenge of cumulative effects assessment and management in BC become more clear than across northern BC where communities are now grappling with 17 different proposals for liquefied natural gas (LNG) pipelines, terminals and related increases in natural gas fracking and tanker traffic, along with accelerated mining activity and other development. Building on a multi-year project that researched and analyzed best practices from around the world, West Coast remains on the forefront of efforts to identify and remove legal barriers to effective cumulative effects management, including approaches to 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

September 2015: Preliminary outcomes from LNG Cumulative Effects Dialogues (see below) were presented to the BC Minister of Environment and BC Minister of Forests, Lands and Natural Resource Operations.

May 2015: West Coast and our partners at the Northwest Institute complete a six month northern dialogue series exploring the potential cumulative effects of proposed LNG development on environmental and social values. In nine dialogue sessions held from Prince Rupert to Fort St. John, over 200 community members from all walks of life and age groups – including local government leaders, chamber of commerce representatives, resource users and managers, labour, health and social workers, First Nation members and local environmental advocates – came together to discuss the best case and worst-case future scenarios for their regions resulting from past, current and future developments.

May 2014: The West Coast publication *Building a Lasting Legacy: Safeguarding What We Value, A Regional Strategic Approach to Liquefied Natural Gas Development in BC* identifies concrete, collaborative steps that could be taken to better address the cumulative effects of multiple proposed LNG projects through regional strategic environmental assessment.

SUSTAINABLE WATER AND MARINE MANAGEMENT

During the long hot summer of 2015, as drought worsened, forest fires raged, and crops spoiled, British Columbians understood the value of water. West Coast concentrated on the development of regulations that will make the new Water Sustainability Act (WSA) effective. This Act is good news for the province, and is meant to give more water for fish, and for nature.

BC will lose the dubious distinction of being the “Wild West” for groundwater. Despite BC being a relatively water wealthy province, almost a quarter of observation wells record a large or moderate rate of decline in water levels. BC is Canada’s second largest natural gas producer, and the provincial government’s emphasis on development of liquefied natural gas for export will increase development pressures on all water. New legal tools in the WSA will relieve some of the pressure on groundwater by requiring, among other key reforms, that all owners of new and existing wells obtain a water license unless the use is exempted. The devil is in the details, however, and West Coast is working hard to ensure that the act is implemented with strong regulations.

From a unique process co-led by the Province of BC and 18 First Nations, BC now has world-leading marine management plans stretching from the northern tip of Vancouver Island to the Alaska border. West Coast is taking on a new role to ensure that the direction from these Marine Area Partnership Plans is given legal effect on the ground in both Indigenous and Canadian law.

MILESTONES

July 2015: Together with our friends in the public interest environmental law community, we drafted two “Statements of Expectations”, one on all the upcoming regulations and one on groundwater, designed to help the law best achieve sustainability. So far over fifteen major environmental groups have signed on to these Statements.

July 2015: We held a successful community meeting “Go With the Flow: Meeting on Regulations for the BC Water Sustainability Act” and started a dialogue on environmental flows, the amount and timing of water needed to keep an aquatic ecosystem healthy.

CLIMATE CHANGE

Climate change has always been framed as a far off risk, but wildfires, droughts and floods are happening here and now. West Coast Environmental Law is on the forefront of asking how the law can address these damages. Could fossil fuel companies be sued for the harm that their products are causing, and how? What are the professional obligations of engineers, planners and other professionals to consider climate impacts? By focusing on existing climate impacts and legal obligations, we are making the case that there are real professional, economic and legal consequences to inaction on climate change.

An important piece of this narrative was launched last October, with the release of our ground-breaking report, *Payback Time: What the internationalization of climate litigation could mean for Canadian oil and gas companies*, which examined the ways in which fossil fuel companies might be sued for climate-related damages in countries around the world. This report fundamentally challenges the assumption that only the countries where emissions are occurring (as opposed to the jurisdictions that are impacted) can exercise any legal control over greenhouse gas emissions, raising the spectre of massive liability for fossil fuel companies.

MILESTONES

June 2015: West Coast staff lawyer, Andrew Gage, attends the United Nations Framework Convention on Climate Change Conference in Bonn, Germany, to engage with colleagues from around the world on issues of climate damages and compensation.

October 2014: West Coast's Payback Time report is released, outlining how countries around the world could claim jurisdiction over the damages caused by fossil fuel companies.

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 latest 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.

LIVEABLE & SUSTAINABLE COMMUNITIES

Anyone who spends time along the shorelines of coastal BC can appreciate the rich, interconnected environment where the land meets the sea. Yet over the past 100 years we have hardened the shoreline in our coastal cities, building sea walls, dikes and other structures to support urban development. Authority to manage the shoreline has been divided among a number of different agencies and levels of government, without any means of coordination, and little mandate for protection. Now, facing a changing climate, and the impacts of sea level rise, we have a need to take action, and an opportunity to do better.

A growing body of research and practice from across North America shows that protecting and restoring coastal habitat can help make our communities more resilient to sea level rise. At West Coast we are working to bring together key policy and decision-makers with scientific and technical experts to understand and explore green solutions to sea level rise. By facilitating collaboration, and providing legal analysis to support implementation, we are aiming to develop support for integrated coastal management and protection, and a reinvigorated relationship with the shoreline and marine environments for our coastal cities.

MILESTONES

September 2015: West Coast releases the Green Waterfront Design Charrette report, and a legal brief outlining how our laws need to evolve to support coastal communities resilient to climate change.

December 2014: West Coast organizes the two-day Green Waterfront Design Charrette, with over 50 representatives from five municipalities, the provincial government, design consultants, Simon Fraser University and the University of BC. Participants develop green design ideas for three Metro Vancouver neighbourhoods facing sea level rise challenges.

October 2014: Together with the Green Shores Initiative of the BC Stewardship Centre, West Coast wins best Environmental Entry in the SFU RISE public competition to develop solutions to make Metro Vancouver resilient to sea level rise.

*Seawall, Stanley Park,
Vancouver*

SELECT PUBLICATIONS

WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION



LEGAL BACKGROUNDER: WHAT ARE THE NORTHERN GATEWAY COURT CHALLENGES ABOUT?

In 2015, cases brought by eight First Nations, four environmental organizations and one labour union challenging the federal government's approval of Enbridge's Northern Gateway pipelines and tankers project were heard in the Federal Court of Appeal. This publication summarizes the applicants' written arguments.



PAYBACK TIME? WHAT THE INTERNATIONALIZATION OF CLIMATE LITIGATION COULD MEAN FOR CANADIAN OIL AND GAS COMPANIES

Payback Time?, co-published with the Canadian Centre for Policy Alternatives, analyzes scenarios in which the legal landscape concerning climate damages litigation could suddenly and dramatically change. According to the study, because the impacts and causes of climate change are global, climate damages litigation against Canadian companies could take place in, and apply the laws of, any of the countries where damage occurs and then be enforced in the Canadian courts.



BUILDING A LASTING LEGACY – SAFEGUARDING WHAT WE VALUE: A REGIONAL STRATEGIC APPROACH TO LIQUEFIED NATURAL GAS DEVELOPMENT IN BC

Residents of northern British Columbia are presently grappling with the potential for a large number of new resource development projects, and in particular more than a dozen liquefied natural gas projects. Existing project and proponent-specific environmental assessments are not proving to be up to the task. This short publication outlines how best practices regarding regional strategic environmental assessment could be applied to proposed LNG development in British Columbia to inform more inclusive decisions based on best available scientific and Indigenous knowledge.

WEST COAST ENVIRONMENTAL LAW ASSOCIATION



LEGAL BACKGROUNDER – BILL C-43: A THREAT TO ENVIRONMENTAL SAFETY AND DEMOCRACY

On October 23, 2014, the federal government introduced Bill C-43, a second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures (also called the “Economic Action Plan 2014 Act, No. 2”). Bill C-43, an omnibus bill over 475 pages long, makes changes to over 50 laws and regulations. This backgrounder explains the legal significance of Division 16 of Bill C-43 and some examples of what the changes could allow to happen.



CLIMATE CHANGE LITIGATION AND THE PUBLIC RIGHT TO A HEALTHY ATMOSPHERE

The damages caused by, and the costs of adapting to, climate change are running into the billions of dollars per year in Canada alone. However, the perception has been that each individual source of emissions is too remote from the on-the-ground impacts of climate change to provide a basis for liability for even large-scale GHG emitters. This paper shows that it is possible to demonstrate that large-scale individual emitters are contributing significantly to the alteration of the global atmosphere and that if a public right to a healthy global atmosphere is recognized, those emitters are in violation of that public right.



RECOMMENDATIONS FOR BC ENVIRONMENTAL ASSESSMENT OFFICE (EAO) REVIEW OF PUBLIC PARTICIPATION

As part of a broader review of the process of environmental assessment (EA) in British Columbia, the Environmental Assessment Office (EAO) sought stakeholder advice on public participation in EA in BC. While not intended to be comprehensive or address all areas of change we believe are needed to achieve a meaningful public participation in the BC EA process, the brief suggests some key approaches that would help the EAO better achieve its goals, consult meaningfully and ensure public ‘buy in’ that fall within the limited scope of its review.

PEOPLE OF WEST COAST



West Coast Staff: (back row, left to right): Anna Johnston, Jessica Clogg, Linda Nowlan, Lucy Hough, Hannah Askew, Andrew Gage, Ceciline Goh, Barb Everdene, Ashley Webster (front row, left to right): Eugene Kung, Gavin Smith, Anjali Appadurai, Megan Rector (missing: Deborah Carlson)

2015 VOLUNTEERS

- | | | | |
|--------------------|------------------------|---------------|-------------------|
| Adam Cembrowski | Holly Langille | Lucy Yuan | Sanchia Scott |
| Ashley Thomas | Julian Tennent-Riddell | Nicole Iaci | Tina Barner |
| Catherine Musekamp | Justine Desmond | Polly Storey | Zachary D'Onofrio |
| David Matthews | Kegan Pepper-Smith | Rachel Gutman | |
| Gabrielle Clark | Keri Coles | Robyn Raymond | |

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 challenge 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 2014-2015:

- | | | | |
|------------------------|---------------------|------------------|-------------------|
| Adrian Scotchmer | Darwin Hanna | Jason Gratl | Michael McCubbin |
| Allison Russell | David Aaron | Jeff Jones | Murray Browne |
| Angela McCue | David Perry | Jenny Biem | Neil Chantler |
| Benjamin Rawlston | David Sutherland | Jo-Anna Cowen | Patrick Canning |
| Beverly Hobby | Denelle Lambert | John Cliffe: | Richard Overstall |
| Carmela Allevato | Emma Hume | John Nelson | Robert Anderson |
| Catherine Boies Parker | Glen Bell | Judah Harrison | Sean George |
| Cheryl Sharvit | Grace Jackson | Julia Hincks | Sean Hern |
| Cheryl Tobias | Heather Mahoney | Ken Fiddes | Tim Howard |
| Claire Truesdale | James (Jay) Straith | Krista Robertson | Bill Andrews |
| Clo Ostrove | James Patterson | Lilina Lysenko | William Pope |
| Crystal Reeves | Jasmine MacAdam | Lisa Fong | |

OUR SUPPORTERS

SUSTAINING PARTNER: THE LAW FOUNDATION OF BRITISH COLUMBIA

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

Gordon and Betty Moore Foundation

The McLean Foundation

Minor Foundation for Major Challenges

North Growth Foundation

RBC Bluewater Project

Swift Foundation

Tides Canada

Vancouver Foundation

Wallace Global Fund

Wilburforce Foundation

ASSOCIATION:

Law Foundation

New Venture Fund

Oak Foundation

Real Estate Foundation of BC

Tides Foundation

WestWind Foundation

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:



FINANCIAL STATEMENTS

REVENUES

	For year ended April 30, 2015				For year ended
	Association	Foundation	EDRF	Total	April 30, 2014
Law Foundation Grants	425,000	-	-	425,000	575,000
Allocation to EDRF	(100,000)	-	100,000	-	-
Donations	11,795	291,249	-	303,044	201,078
Grants & Contracts Earned	198,116	715,534	-	913,650	603,802
Other Income	145,580	40,289	24	185,893	151,803
Total Revenue	680,491	1,047,072	100,024	1,827,587	1,531,683

GRANTS AND EXPENSES

Personnel Related	434,856	522,448	-	957,304	774,780
Professional Services	11,387	7,817	-	19,204	19,762
Rent & Office Expenses	126,551	82,412	-	208,963	175,932
Amortization	12,779	10,384	-	23,163	30,600
EDRF Grants	-	-	100,000	100,000	200,000
Program Expenses	75,211	171,525	24	253,725	173,950
Fundraising	-	36,009	-	36,009	70,948
Thompson Award Costs	-	6,965	-	6,965	-
Administration Fee	-	125,537	-	125,537	83,097
Total Grants and Expenses	660,784	963,097	100,024	1,723,905	1,529,069
Excess of revenue for the year	19,707	83,975	-	103,682	2,614

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:

- 77% to programs
- 12% 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:

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.

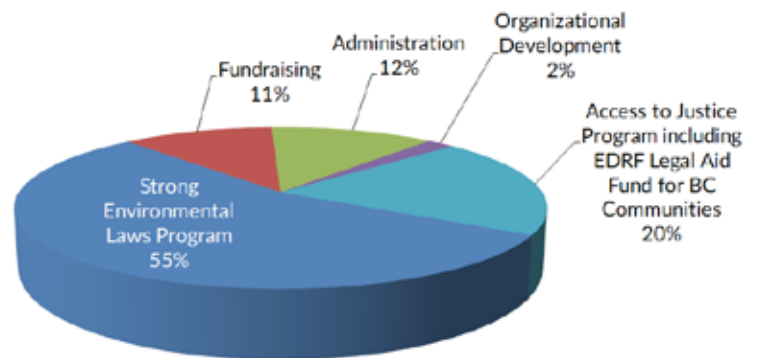
Address: 200 – 2006 West 10th Avenue, Vancouver, BC V6J 2B3.

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. If you do not require a tax receipt for your donation please consider supporting the law reform advocacy work of the West Coast Environmental Law Association.



West Coast Environmental Law is a non-profit group of environmental 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.

Photo Credits

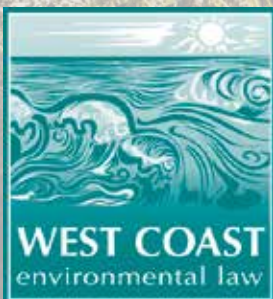
Photos on cover, pgs. 6, 9, 14, & 18 by Zack Embree

Photos on pg. 3 & 13 by Andrew S. Wright (www.cold-coast.com)

Photos on pgs. 16 & 17 by Eugene Kung

Photo on pg. 21 by Stephen Downes (No modifications.)

License: <http://bit.ly/1eBd9Ks>)



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
www.wcel.org
Charitable Registration #11929 2415 RR0001