



WEST COAST
Environmental Law

WEST COAST ENVIRONMENTAL LAW

IMPACT REPORT

2020-2021

A MESSAGE FROM THE PRESIDENT & EXECUTIVE DIRECTOR

What a year this has been

It has been an exceptional 12 months since we issued our last Impact Report. With the world still in the grips of a global pandemic, Canadians experienced first-hand record-setting heat waves, droughts, floods, wildfires and other climate change impacts, while Canada's long overdue reckoning with systemic racism and colonialism continues.

It has never been more important to stand up for the environment, social justice and Indigenous rights. Together, we are advocating for the future we want to build following the global pandemic: one which is equitable, climate-friendly, and sustainable.

The past year has also seen many businesses and non-profits drastically scale back or fold. We are grateful for the continued support of our funders and donors, who enable us to continue our work to protect the environment through law.

West Coast Environmental Law is committed to transforming the legal landscape in ways that are more sustainable, more democratic and more just. This past year, we continued to work through an advancing global pandemic, and with hope that the end of COVID-19 is in sight, we look forward to reconnecting to each other, to nature and the diverse communities where we work.

In spite of the challenges, we've seen our efforts succeed this year. We celebrated the passing of Bill C-12, the *Canadian Net-Zero Emissions Accountability Act*, which requires the government to set greenhouse gas reduction targets and report on progress to reduce emissions. We continue to watch closely and engage with policy makers, to ensure that this new law is well-implemented and enforced. We're also working with decision-makers and community members to advance legal solutions to hold governments and big polluters accountable for climate change. We could not do this work without your support. Thank you!

In addition to our law reform work, we continue to provide legal and strategic support to Indigenous nations and community groups seeking to prevent environmental harm, challenge risky projects, and ensure more just, sustainable environmental decisions. At the root of our partnerships with Indigenous peoples is a commitment to Indigenous self-determination and the revitalization of Indigenous law. For decades, West Coast has been honoured to serve as legal counsel to Indigenous peoples who are working to uphold their jurisdiction and law to safeguard their lands and waters, using strategies grounded in both Indigenous and Canadian law.

With a new federal government in Ottawa, we will continue to demand action on the urgent priorities that we share. From climate action, to protecting the ocean, to upholding the UN Declaration on the Rights of Indigenous Peoples, 2020-21 has strengthened our resolve to continue pushing for the protections that our environment and communities need. We know you expect nothing less of us.

Thank you for your trust and support. We look forward to continuing to work with you, our community of donors, supporters and allies, to ensure a healthier future.



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

Jessica Clogg

Executive Director
& Senior Counsel



A handwritten signature in black ink, appearing to read 'Lisa Mattheus'.

Lisa Mattheus
President

ABOUT WEST COAST

West Coast Environmental Law is a non-profit group of environmental law strategists, analysts and communicators working in the public interest and dedicated to safeguarding the environment through law. Since 1974, we have successfully worked with communities, non-governmental organizations, the private sector and all levels of government, including Indigenous governments, to develop proactive legal solutions to protect and sustain the environment.

TRANSFORMING THE LEGAL LANDSCAPE

West Coast Environmental Law harnesses the power of law to solve complex environmental challenges. We are transforming environmental decision-making and strengthening legal protection for the environment through collaborative legal strategies that bridge Indigenous and Canadian law. By putting the law in the hands of communities and creating legal risk for those who would harm our land, air and water, we are building the collective power to achieve a more just and sustainable future for all.

We recognize the jurisdiction and laws of Indigenous peoples who have actively governed their territories for millennia, and the role of their land and marine stewardship in shaping the ecological conditions that have allowed all beings to thrive through time. Working side-by-side with them we seek legal solutions that bridge between Canadian and Indigenous law to build greater sustainability for all.

We are leaders in the field of environmental law, using legislation and case law in strategic ways to advance environmental goals. At the same time, we are committed to shining the light on laws that contribute to unsustainable or unjust conditions in society and to building well-researched, comprehensive, practical legal solutions.

As a public interest law organization we are committed to advancing access to justice and to public legal education so that individuals and communities have the tools and legal support they need to use the law effectively. We advocate for, lead and participate in deliberative processes to involve communities in shaping legal solutions. We do so within an environmental justice frame that seeks to break down silos between environmental and other social justice movements. This includes prioritizing an active antiracist and decolonial practice within our work to defend people and the planet from environmental harms, and in building legal solutions.



OUR SISTER ORGANIZATIONS

West Coast Environmental Law is made up of three provincially incorporated societies:

- West Coast Environmental Law Association,
- West Coast Environmental Dispute Resolution Fund Society, and
- West Coast Environmental Law Research Foundation.

West Coast Environmental Law Association provides legal services to individuals and organizations who have concerns regarding the environment. The Association also advocates for legislative reforms to protect the environment, to uphold the inherent rights of Indigenous peoples, and to promote meaningful public participation in environmental decision-making. The Association publishes West Coast's Environmental Law Alert blog and our Legal e-Brief e-newsletter, and maintains the wcel.org website.

The Environmental Dispute Resolution Fund (EDRF) is administered by the Association and is West Coast's environmental legal aid fund. Since 1989, with the generous support of the Law Foundation of BC, the fund has allowed individuals and community groups to hire lawyers to help them protect the environment in negotiations, mediation, in court or before government tribunals.

West Coast Environmental Law Research Foundation is a registered charity producing trusted, in-depth legal research to develop laws, regulations, standards and objectives that will promote the maintenance of environmental quality. The Research Foundation educates the public about environmental law issues and advocates on behalf of individuals and communities to prevent legal violations and improve existing environmental laws and regulations.

BOARD OF DIRECTORS

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West Coast Environmental Dispute Resolution Fund Society**

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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 3-9, and for Research Foundation programs see pages 10-17.

**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

David Anderson
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ACCESS TO JUSTICE

Through our **Access to Justice** programs, West Coast Environmental Law provides valued legal resources and support for British Columbians seeking to defend the people, places and living beings they love from environmental harm. We offer free legal advice and funding for legal support to organizations, community groups and individuals, and our helpful online resources keep the public in the know when it comes to new developments in environmental law and regulation. We also provide unique educational opportunities and hands-on experience for young lawyers, law students and legal volunteers, fostering the next generation of public interest environmental lawyers and advocates.

LEGAL SUPPORT FOR NATURE & COMMUNITIES

West Coast empowers environmental organizations, communities and individuals to safeguard the natural environment through law. Our staff lawyers provide free legal advice to assist British Columbians in understanding their environmental rights. We also offer funding through our Environmental Dispute Resolution Fund (EDRF) to assist our clients in obtaining independent legal and scientific or technical expert services. For over 30 years, the EDRF has provided such support to environmental defenders across British Columbia, connecting clients with a network of highly dedicated private environmental lawyers and scientific/technical experts who work tirelessly in support of this common cause.

MOVING TOWARD ENVIRONMENTAL JUSTICE

West Coast recognizes that the struggle for environmental protection is interconnected with the struggle for human rights and social justice, and that environmental issues are disproportionately faced by racialized and Indigenous communities and other marginalized groups. Our Access to Justice programs are there for frontline communities. We are committed to building relationships with other organizations, potential clients and lawyers within racialized, Indigenous and marginalized communities in British Columbia, and to reduce barriers to obtaining environmental justice.

Applicants chosen for funding from the EDRF are expected to respect Indigenous sovereignty and are encouraged to liaise and work with Indigenous peoples whenever possible. All decisions by the EDRF Management Committee endeavor to consider the customs, traditions, rules and legal orders of the Indigenous peoples concerned.

FEATURED CASES

Sumas Nation Elder puts polluting factory on Ministry radar

Bea Silver, an Elder, residential school Survivor and former Chief of the Sumas First Nation, came to us for legal assistance to challenge noise, air and water pollution from a plastic pipe factory affecting her reserve. The operation sits on a parcel of land that was removed from Sumas Indian Reserve No. 6 in 1901 as a Crown Grant to industry. Working with Arbutus Law Group, Bea learned that the permit authorizing the factory does not require any environmental monitoring. In May 2021, Arbutus Law wrote a letter on behalf of Bea to the BC Ministry of Environment & Climate Change Strategy asking them to review and amend the permit to ensure it had adequate monitoring requirements. The Ministry rapidly responded with a commitment to inspect the factory, review the permit and initiate an internal amendment.

“We are very happy that this very dangerous problem is being looked at carefully. My spirit can rest a bit with this news. I’m blessed with getting this help. It’s not just for me—it’s for our children, our Elders, everyone here. Thank you for all you’re doing.”

– Bea Silver

T. Buck Suzuki Foundation sees accountability for CN’s toxic spraying in Skeena River fishery

In August 2017, CN Rail sprayed an herbicide between Terrace and Prince Rupert along the rail line where it follows the Skeena River. As a result, a large amount of glyphosate entered Canada’s 2nd largest salmon producing river. CN sprayed over 1800 hectares without a Pest Management Plan, violating required pesticide- and herbicide-free zones. With funding support from the EDRF, the T. Buck Suzuki Foundation pressed for provincial and federal investigations and prosecution. On May 27, 2021, the railway pleaded guilty for failing to obtain proper authorization to spray and was fined \$100K. The prosecution found that CN is bound by BC law. In September, CN was fined an additional \$2.5 million for violating the federal *Fisheries Act*, and the company will now be listed on the national Environmental Offenders Registry.

ENVIRONMENTAL LAW ALERT

BC'S ENVIRONMENTAL WATCHDOG

A provincial election, forestry-related civil disobedience, reflections about race and Canada's colonial legacy – these are just a few of the topics that our Environmental Law Alert (ELA) blog and program tackled over the past year. Because Canadian and BC media don't always get the story right – or cover it at all – when it comes to environmental law and policy, we ensure that British Columbians have credible legal analysis about emerging environmental law issues.



From broken promises to fix boil water advisories on reserves, to a new federal bill to address environmental racism, to dealing with the confirmation of unmarked graves at residential schools, a major focus of our work this year has been information and analysis on environmental justice in Canada.

MILESTONES

Spring-Summer 2020: We completed a series of educational webinars and online discussions on timely topics related to environmental and Indigenous law.

October 2020: During the BC election we provided analysis on how party platforms addressed environmental issues and how those promises could be delivered by the elected government.

December 2020: Our Environmental Law Alert blog was recognized as one of Canada's top law blogs in the 2020 "Clawbies" Canadian Law Blog Awards.

March 2021: We rallied our supporters to press for the passage of Bill C-230, the *National Strategy to Redress Environmental Racism Act*.

June 2021: We published legal analysis suggesting that the RCMP was breaking the law through its exclusion zones at the Fairy Creek protests against old-growth logging. More recently a BC Supreme Court judge agreed (in a challenge supported by the EDRF).

July 2021: Upon learning that the Alberta government's Allen Inquiry intended to name West Coast as engaged in "Anti-Alberta Energy Campaigns," we wrote strong submissions explaining that our work aims to protect BC's environment and communities.

BUILDING THE ENVIRONMENTAL LAW BAR

This past year has tested us all, not least young people who are just beginning their careers. We have been very impressed with the law students who have been engaged with West Coast during this time: their resilience, enthusiasm, and willingness to try new approaches for meeting and staying connected has been outstanding.

While some of our usual internships have been paused during the pandemic, our summer law student program and several volunteer positions have continued. We welcomed four summer law students, virtually, with several law students volunteering throughout the year through programs like Pro Bono Students Canada.

We've also been lucky to have articulated student Sunshine Waisman at West Coast this past year. While completing her articles she has been leading inspiring work on environmental justice for our Access to Justice initiatives.



2021 Summer Law Students (clockwise from bottom left) Jack Jones, Russell Chiong, Jenna Jeffrey, Rebekah Smith.

“The project that stands out the most for me...was part of the RELAW program. I feel so privileged to have been able to learn about revitalizing the Indigenous laws of the lower Stó:lō/ sḡʷa·n̓íl̓əṭ stál'əw (Fraser River); this project has pushed me to reflect further on my positionality as a settler of colour and to interrogate how I can live in a good way in relation to the unceded territories that I occupy.”

- Russell Chiong, 2021 Summer Law Student

“This summer could have felt incredibly isolating working from my home office provinces away but the WCEL team is made up of genuine, caring folks who are willing to share their passion for and expertise in environmental law with students who are just starting to shape the beginning of their new careers. Looking at the path I took to get here and the work I have been able to contribute to this summer, I feel incredibly grateful for this experience and look forward to what comes next.”

- Jenna Jeffrey, 2021 Summer Law Student

LAW REFORM & ADVOCACY

West Coast Environmental Law Association advocates for stronger environmental laws, better enforcement and more democratic decision-making in BC and across Canada. We play a leading role in shaping key environmental laws at the federal and provincial level, from impact assessment to climate accountability. Our legal team engages in all stages of environmental law reform – sharing expert recommendations, testifying before committees, meeting with government officials and mobilizing community members to speak up for stronger environmental laws. Once new laws are in place, West Coast continues to act as a watchdog, advocating for strong regulations and enforcement.

In addition to our law reform work, we are working to advance efforts to protect the BC coast and communities from the threat of oil spills – in particular, by providing legal and strategic support for Indigenous peoples, grassroots groups and community members working to defend lands, waters and the climate from the Trans Mountain pipeline and tanker project.

KEEPING BC OIL SPILL-FREE

TRANS MOUNTAIN PIPELINE AND TANKER PROJECT

Our longstanding opposition to the Trans Mountain Pipeline and Tanker Expansion Project (TMX) continued throughout this pandemic impacted year. This includes providing legal and strategic support for Indigenous nations and a vast movement of environmental organizations, grassroots community groups and passionate individuals committed to climate justice and protecting the coast.

This year our work focused on:

- 1) Monitoring the numerous circumstances that led to construction delays, including worker health and safety problems, COVID-19 related protocols, attempted tree clearing during bird nesting windows, and failed river crossings;
- 2) Continuing to communicate with the insurance sector about the material risk associated with insuring TMX given the climate crisis and violation of Indigenous rights; and
- 3) Demanding greater transparency and accountability to the Canadian public – Trans Mountain has not provided a cost update since February 2020, when the price tag jumped to \$12.6 billion. Further cost increases are likely due to numerous setbacks and delays.

MILESTONES

Fall 2020: The International Energy Agency and Canadian Energy Regulator both provided new forecasts that confirm what we have been saying for years: TMX is not needed in a world that takes climate change seriously.

Ongoing: We supported our clients' participation in the BC Environmental Assessment Office's reconsideration of TMX, following legal challenges by Squamish Nation and the City of Vancouver at the BC Court of Appeal. The work focused on the impacts of a marine spill on areas of provincial jurisdiction, including human health and shoreline cleanup.

February 2021: As the public pressure on insurers continued to impact Trans Mountain's insurance capacity, the Crown Corporation asked the CER to keep its insurers' names secret because "ongoing targeting and pressure on those insurers to stop insuring the Pipeline are likely to result in material loss to Trans Mountain." The CER granted the secrecy request in April 2021.

May 2021: West Coast funded research and legal advice through the EDRF to support citizen groups like the Community Nest Finding Network to identify active hummingbird nests in TMX construction zones. These efforts confirmed violations of the *Migratory Birds Convention Act*, resulting in a stop-work order and a delay in construction.

July 2021: The 15th global insurer committed not to insure TMX, as the insurance sector continues to re-evaluate the material risks associated with climate change and absence of Free Prior and Informed Consent from impacted Indigenous communities.



Photo: Julia Kidder

STRONG CANADIAN ENVIRONMENTAL LAWS

KEEPING AN EYE ON CANADA'S *IMPACT ASSESSMENT ACT*

Enacted in 2019, Canada's impact assessment law is an important tool for making sure government takes a close look at projects like pipelines, mines and dams before approving them. Called a "look before you leap" law, it is supposed to protect communities and the environment. But we know from experience that a law on the books isn't always enough, and that assessments can easily become rubber-stamp processes.

That is why, after years of working to secure as strong an assessment law as possible, we worked just as hard this year to make sure that the *Impact Assessment Act* (IAA) lives up to its promise. We tracked every project that entered into the assessment process, worked with Indigenous peoples and community groups to analyze and navigate the Act, worked collaboratively with allies to make written recommendations on various aspects of the law, and held government to account each step of the way.

Why? Because it is critical that the IAA respects Indigenous authority and rights, allows the public to meaningfully engage in processes that affect them, and contributes to a more equitable and sustainable Canada. We are committed to making sure that potentially risky projects get assessed, and that assessments are transparent, credible and focused on safeguarding the health of nature and people, rather than profits.

MILESTONES

August 2020: Concerned that mines that fall under an arbitrary threshold were not getting assessed, we provided legal information and advice to groups that helped them get Teck's Castle coal mine expansion project designated for assessment under the IAA.

February 2021: Staff Lawyer Anna Johnston appeared virtually before the Alberta Court of Appeal, arguing on behalf of our client, Nature Canada, that the IAA is within Parliament's authority to enact, and that assessments should take a comprehensive look at all of a project's effects, not just a narrow subset of matters assigned to Canada under the Constitution.

June 2021: We took the lead in writing a collaborative report that takes a close look at the first 18 months of the IAA's implementation, reveals challenges and sets out recommendations for ensuring that the law lives up to its promise.



CANADA GETS A NEW, SOMEWHAT IMPROVED, CLIMATE LAW

What if we treated a plan to reduce Canada's greenhouse gas emissions with the seriousness that we treat financial planning? We'd have a budget, an independent auditor and annual reporting, to ensure that we stay on track and meet our goals. That's what our Staff Lawyer, Andrew Gage described to the House of Commons Standing Committee on the Environment when he appeared before it via Zoom on May 17, 2021 to speak about Bill C-12, the *Canadian Net-Zero Emissions Accountability Act*.

West Coast Environmental Law first proposed a law to hold the federal government accountable for achieving its climate targets in 2015. Bill C-12 was introduced in Parliament in November 2020, after years of effort with allies, but unfortunately it did not live up to the government's promise of a "world class" climate law. It took months of work pressing both the government and opposition parties, as well as testimony to committees of both Houses of Parliament, to strengthen the bill. Although it was still weaker than we would have liked, Bill C-12's passage in June 2021 was an important victory.

Whether or not the new climate law works will depend on how it is implemented, and West Coast lawyers will be there, asking the right questions and pressing government to go further, faster.

MILESTONES

June 2020: With five other organizations, we published a policy brief and report, *A New Canadian Climate Accountability Act*, outlining our recommendations for a new climate law.

November 2020: Minister Jonathan Wilkinson introduced Bill C-12, the *Canadian Net-Zero Emissions Accountability Act* in Parliament.

May 2021: Andrew Gage testified before the House of Commons Standing Committee on the Environment, calling for key amendments to strengthen Bill C-12.

June 2021: Andrew Gage testified before the Senate Standing Committee on Energy, the Environment and Natural Resources.

June 2021: Bill C-12 was passed by Parliament and became law.



Staff Lawyer Andrew Gage appeared as a witness before the Senate Committee studying Bill C-12, June 2021.

TRANSFORMING THE LEGAL LANDSCAPE

West Coast Environmental Law Research Foundation leverages legal research, analysis and dialogue to secure lasting gains for ecosystems, communities and the climate. Our legal experts work collaboratively to research, design and implement innovative legal strategies grounded in federal, provincial and Indigenous law. This includes:

- Developing solutions for collaborative environmental governance that braid together Canadian and Indigenous laws;
- Partnerships supporting the revitalization of Indigenous laws for land, air and water;
- Legal tools to hold global polluters accountable for climate change;
- Collaborative solutions to build resilient communities and ecosystems; and
- Strong laws for healthy oceans and marine ecosystems.



COLLABORATIVE ENVIRONMENTAL GOVERNANCE

INDIGENOUS LAW IN ACTION: THE GITANYOW WILP SUSTAINABILITY ASSESSMENT PROCESS

The Gitanyow Nation marked a major achievement in early 2021 with the launch of the Gitanyow Wilp Sustainability Assessment Process (GWSAP). The GWSAP is an innovative Indigenous legal instrument setting out requirements for fully Indigenous-led assessment of projects in the Gitanyow Lax'yip (territories), according to Gitanyow's own Ayookxw (law). West Coast was proud to provide multi-year legal support to the Gitanyow in developing the GWSAP.

Tara Marsden/Naxginkw, Gitanyow's Wilp Sustainability Director during development of the GWSAP, explains the importance of the GWSAP this way in an article with West Coast staff lawyer Gavin Smith:

"The GWSAP is truly a departure from the status quo, based in a strong foundation of Indigenous laws and traditions, sound science, and reconciliation with Crown governments. Despite colonization and the repeated attempts to erase Indigenous peoples and our laws from the lands in BC, we have persisted and are working in earnest to face the challenges of climate change, species loss, and cumulative impacts. With support and allyship from organizations such as West Coast Environmental Law, Gitanyow has been able to develop new modern legal instruments that express and uphold ancestral principles of sustainability."

Assisting with the development and implementation of the GWSAP is an example of alignment between multiple areas of West Coast's work, interconnecting our support for Indigenous law revitalization and the transformation of environmental decision-making through strong assessment and planning laws, both of which fall under our Collaborative Environmental Governance program.

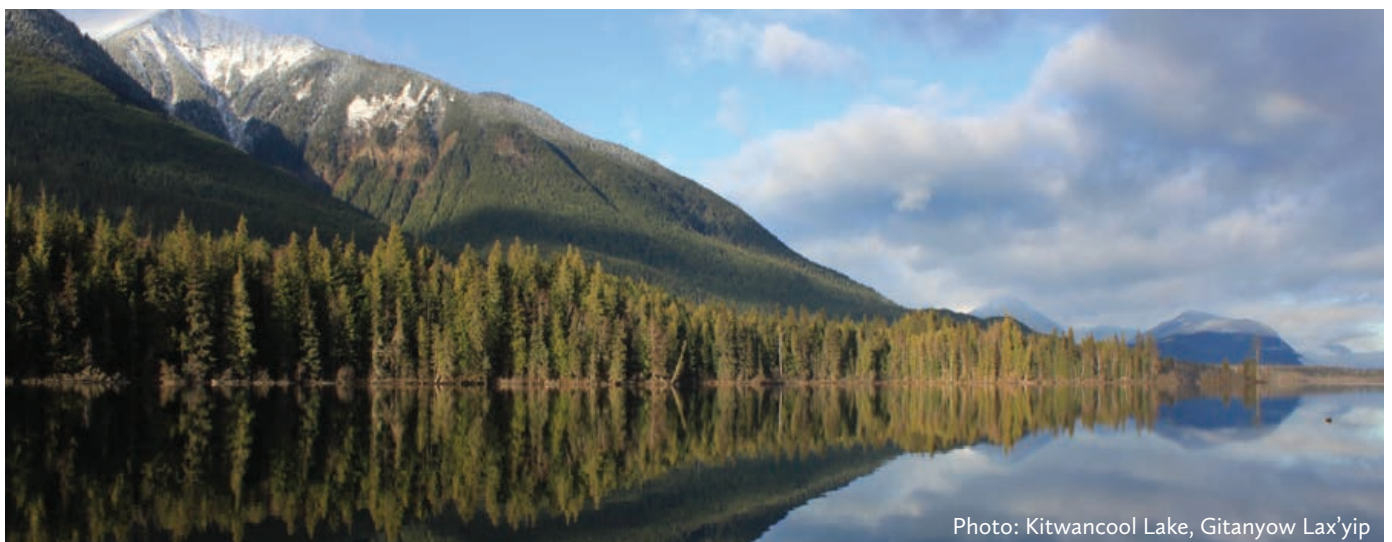


Photo: Kitwancool Lake, Gitanyow Lax'yip

RELAW: REVITALIZING INDIGENOUS LAW FOR LAND, AIR & WATER

At West Coast Environmental Law, the Revitalizing Indigenous Law for Land, Air and Water (RELAW) team works in partnership with Indigenous nations looking to research, articulate, and enforce their own laws to ensure the well-being of their territories and people.

The RELAW work this year included a successful fourth year of the RELAW Co-learning Program with 24 participants from Indigenous nations participating in the year-long program. They learned about research methodologies to study Indigenous stories, best practices in community engagement to bring people together to make and implement decisions, and trauma-informed training to become facilitators to champion Indigenous law revitalization in their communities.

Staff Lawyer Rayanna Seymour-Hourie became RELAW Manager, and we welcomed two new team members as “RELAWyers” – Estella White, who is focusing on Indigenous Protected and Conserved Areas in British Columbia, and Sunshine Waisman, an articulated student – bringing the RELAW team up to nine legally-trained individuals.



Original artwork by Ocean Hyland for the Lower Fraser Fisheries Alliance (LFFA) RELAW Project.



Lower Fraser Fisheries Alliance RELAW Team at a focus group with Semath community members.

PARTNERSHIPS

In 2020-21, the RELAW team worked on projects with several Indigenous partners, including:

- **Taku River Tlingit First Nation** – focusing on learning Tlingit laws on the land through a law camp paired with language revitalization, and continuing work on a written legal synthesis of Tlingit laws.
- **Lower Similkameen Indian Band** – creating contemporary smelqmix / syilx law instruments focusing on water (e.g., watershed declaration, watershed plan, water standards), with strategic thinking on enforcement.
- **Nuu-chah-nulth Tribal Council** – laying the foundation for working with stories to learn about Indigenous laws related to salmon, and to develop the Indigenous law foundation for the creation of Nuu-chah-nulth Salmon Parks.
- **Lower Fraser Fisheries Alliance** – publishing their Legal Synthesis on Revitalizing Indigenous Laws with a focus on water and fish. This report will be utilized in education and awareness for Lower Fraser First Nations, Crown officials, allies and the general public.
- **Gitanyow Hereditary Chiefs** – launching their Wilp Sustainability Assessment Process, an Indigenous-led assessment of projects in Gitanyow Lax'yip (territory) based in their own laws.



RELAW team members and co-learners spending time on the land during a pre-pandemic retreat (Photo: Shelby Lindley)

CLIMATE LAW IN OUR HANDS

NOW WE SEE WHAT CLIMATE CHANGE COSTS US...

Summer 2021 brought the impacts of climate change into sharp relief, with 570 British Columbians dead and thousands injured from the climate-fueled heat dome, and tens of thousands evacuated due to wildfires.

With the pandemic, and the hiring of a climate scientist, over the past year we focused on helping communities understand how climate change is harming us. We've worked with students in the UBC School of Community and Regional Planning (SCARP) to assess the costs to prepare BC communities for wildfires and flooding, and we've pressed the BC government to do more to protect communities from climate change impacts.

We also partnered with all three of BC's law schools to host a series of webinars about the legal issues involved in suing fossil fuel companies for climate-related costs.

As the pandemic lifts, we will continue to document what the heat wave and wildfires mean for future climate costs in BC, and to hold global fossil fuel companies accountable for a share of those costs.

MILESTONES

October 2020: West Coast partnered with the law schools at the University of British Columbia, University of Victoria and Thompson Rivers University to co-host a series of four webinars on the legal issues involved in suing fossil fuel companies for the impacts of climate change.

May 2021: West Coast and SCARP published Part 1 of the *Climate Adaptation Cost Menu*, focused on the adaptation options and costs associated with preparing municipalities for wildfires and flooding from extreme precipitation.

July 2021: West Coast teamed up with the Canadian Association of Physicians for the Environment to call on the BC government to track and investigate injuries associated with extreme heat (in addition to recent deaths which were being investigated by the Coroner's office).

August 2021: West Coast mobilized supporters and other community organizations to comment on the BC government's draft Climate Preparedness and Adaptation Strategy, highlighting the vagueness of the Strategy. Thirty-nine community organizations signed on to our letter to Premier John Horgan.



Photo: BC Ministry of Transportation

GREEN COMMUNITIES

COLLABORATION FOR RESILIENT COMMUNITIES & ECOSYSTEMS

Over 150 years of colonial development in the Lower Fraser River floodplain have deeply impacted river and coastal ecosystems, with governance that is siloed, centred on short-term outcomes, and hardwired to “use” rather than sustain. We are now on the brink, ecologically, with communities at risk of flooding and sea level rise. But there’s a way forward for community and ecosystem resilience – and it requires respectfully working together with Indigenous peoples, whose laws, knowledge and relationships with land and water enabled them to live successfully in the region for millennia.

We are fortunate to connect with other organizations that share a vision for the future and a long-term commitment to get there. In Boundary Bay, we are collaborating with the Indigenous-led Emergency Planning Secretariat to chair the Living Dike Roundtable, bringing together rights holders and policymakers from all governments. The Living Dike pilot projects involve salt marsh enhancement and protection to provide nature-based flood regulation for adjacent communities. The Roundtable has become the “anchor” for the pilot projects, bridging the siloes across jurisdictions, enabling engagement and problem-solving at the critical design phase of these unconventional projects.

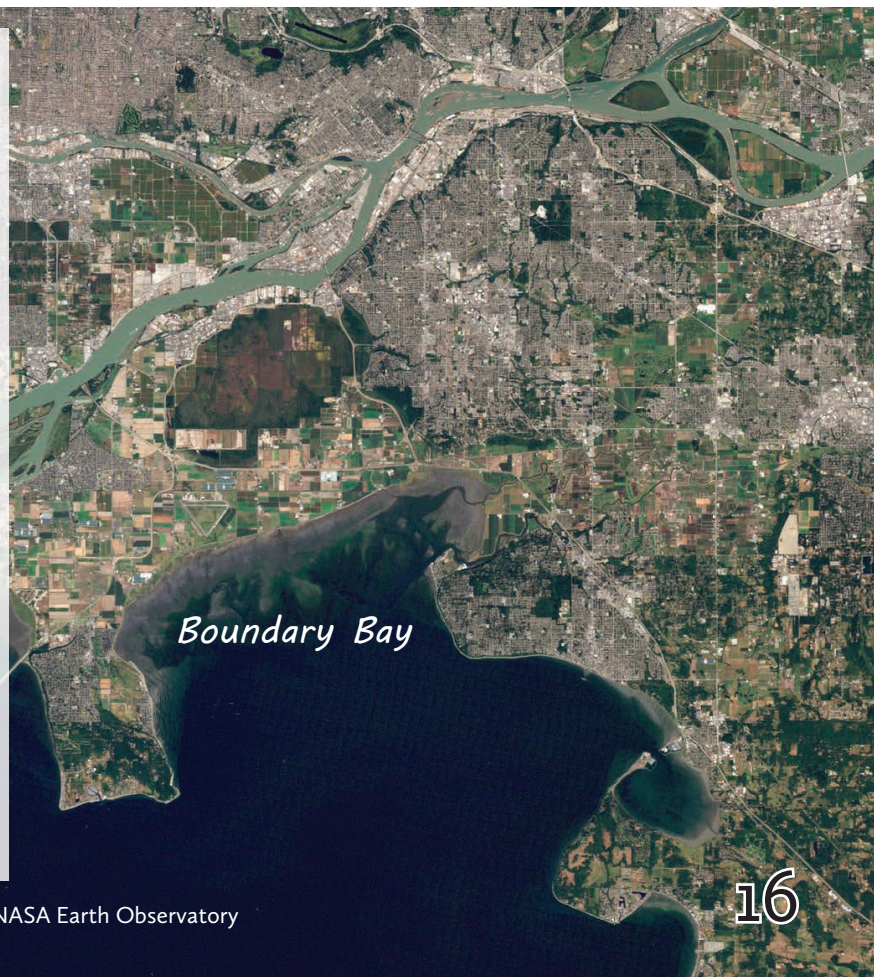
At a larger scale – but still grounded in our commitment to building healthy, respectful relationships, among people, and to the land and water – we are supporting the work of the Lower Fraser Fisheries Alliance (LFFA) to develop a Fish Habitat Restoration and Climate Adaptation Strategy for the Lower Fraser. This includes a vision for restoring natural abundance and wellbeing for all the species that share the landscape of this region.

MILESTONES

October 2020: Along with the LFFA, UBC and Raincoast Conservation Foundation, we released the Blueprint for Restoring Ecological Governance to the Lower Fraser.

December 2020: We participated in the launch of the four-year Living with Water research initiative on coastal adaptation, funded by the Pacific Institute for Climate Solutions, led by researchers at UBC in partnership with SFU, University of Waterloo, Wageningen University and West Coast Environmental Law. The “solution seeker” partners in the project include: City of Surrey, City of Vancouver, District of Squamish, the Skwxwú7mesh (Squamish) and səilwətaʔt (Tsleil-Waututh) Nations, and the BC government.

March 2021: We convened the first meeting of the Living Dike Roundtable Technical Working Group. Twenty invited experts reviewed the Living Dike pilot designs and provided valuable input to push for greater innovation.



MARINE PROTECTION

ADVANCING LEGAL SOLUTIONS FOR HEALTHY SEAS

This year, West Coast's marine team was proud to be involved in several exciting initiatives to reshape ocean management on the Pacific coast. We achieved a commitment from the BC government to develop a coastal marine strategy in partnership with Indigenous, federal and local governments. In the Great Bear Sea, we provided support and advice to federal, provincial and Indigenous governments in developing Canada's first network of marine protected areas.

We also released our *Guide to Coastal and Ocean Protection Law in British Columbia* along with three other foundational reports on Indigenous and Crown ocean law. Through these publications, we have been able to reach new audiences in spite of the COVID-19 pandemic, hosting workshops and presentations for Indigenous, federal and provincial decision-makers, as well as concerned citizens and community organizations interested in protecting the ocean.

To keep pace with the growing demand for our work, in May 2021 we hired a new staff lawyer, Erin Gray, to join our team. Her commitment to and considerable experience in public interest environmental law is a tremendous asset to West Coast's marine work.

MILESTONES

July 2020: Canada joined the Global Ocean Alliance, joining international partners in committing to protect 30% of the oceans by 2030.

October 2020: Our Blueprint for the Coast campaign achieved a major milestone with the BC government committing to developing a new coastal marine strategy.

October – November 2020: West Coast co-hosted a webinar series on Indigenous Protected & Conserved Areas (IPCAs) with the Conservation for Reconciliation Partnership, exploring the potential of IPCAs to safeguard land and sea.

December 2020: We released the *Guide to Coastal and Ocean Protection Law in British Columbia* in an online event that was the best-attended webinar in West Coast's history.

February 2021: We released two reports on shipping and ocean protection: *A Toolkit for Reducing Shipping Impacts in MPAs*, a cutting-edge analysis with WWF-Canada and East Coast Environmental Law; and *Regulating the West Coast Cruise Industry: Canada at the Low Water Mark* with Stand.earth.

June 2021: West Coast co-published a report titled *Indigenous Laws in the Context of Conservation* with the Conservation through Reconciliation Partnership and Olthuis Kleer Townshend LLP, showcasing successful examples of marine IPCAs.

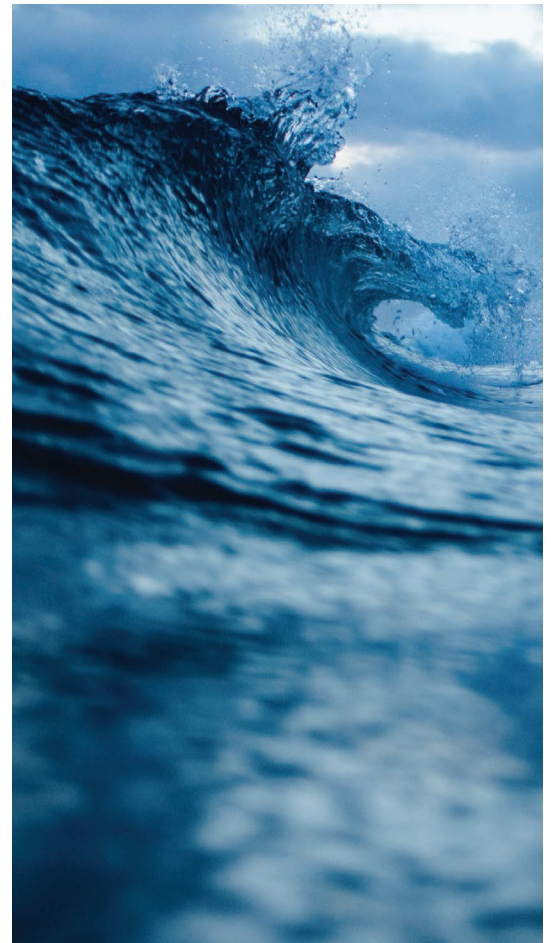
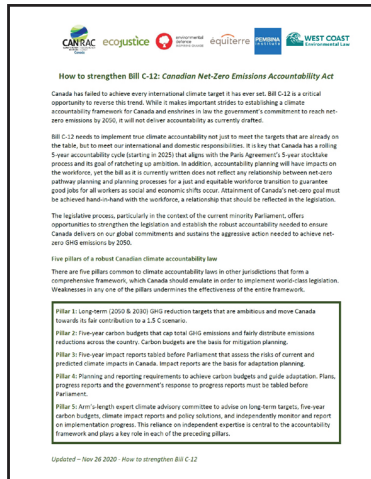


Photo: Pixabay

SELECT PUBLICATIONS

WEST COAST ENVIRONMENTAL LAW ASSOCIATION



How to Strengthen Bill C-12: Canadian Net-Zero Emissions Accountability Act

November 2020

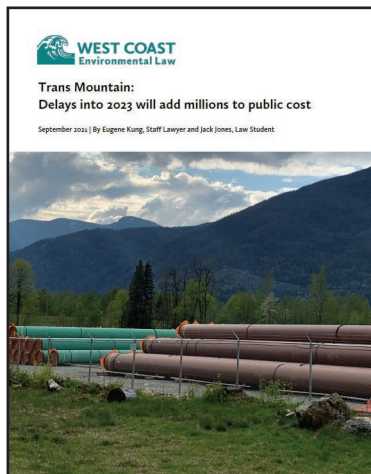
After a new federal climate law was tabled in Parliament, West Coast Environmental Law Association joined forces with leading environmental and climate groups in Canada to examine the details of the bill. This brief compared the newly introduced legislation against our five pillars of a meaningful climate accountability law, and recommended a number of important ways to strengthen the bill so that Canada never misses another climate target.



Is Canada's Impact Assessment Act working?

June 2021

Enacted in 2019 to fulfil election campaign commitments to introduce new, fair environmental review processes for new industrial projects and proposals, the *Impact Assessment Act* (IAA) is intended to foster sustainability, avoid adverse effects and respect the rights of Indigenous peoples. But is it living up to its promise? This report on the first 18 months of the IAA's implementation reveals challenges and sets out recommendations for ensuring that the law works more effectively for communities and the environment. Co-published by West Coast Environmental Law Association, Nature Canada, WCS Canada, East Coast Environmental Law, Environmental Defence and Centre Quebecois du Droit de l'Environnement.



Trans Mountain: Delays into 2023 will add millions to public cost

September 2021

This report compiles and analyzes various documents related to the Trans Mountain pipeline and tanker expansion project – including regulatory filings, sworn affidavits and Trans Mountain's own website – to project the current state of delays to construction and their potential cost implications. Our analysis projects that delays will drive the \$12.6 billion cost millions overbudget, and result in hundreds of millions of dollars of lost revenue. West Coast is calling for an updated, detailed, and transparent cost analysis and revised schedule for the Trans Mountain expansion project.

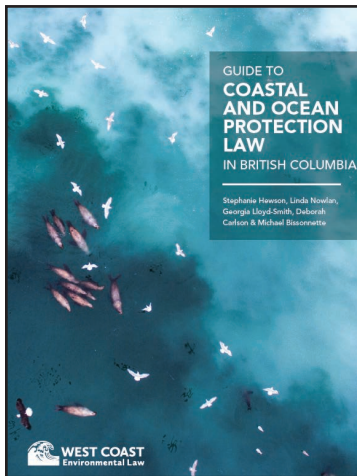
WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION



Blueprint for Restoring Ecological Governance to the Lower Fraser River

October 2020

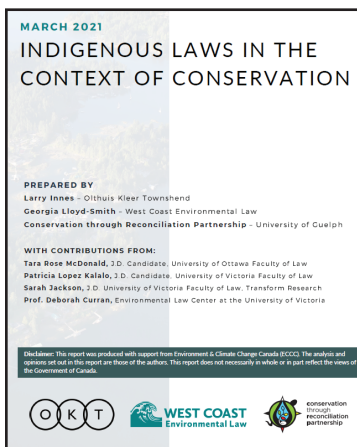
To help address critical conservation issues in the Lower Fraser River, the Lower Fraser Fisheries Alliance, Raincoast Conservation Foundation, Martin Conservation Decisions Lab at UBC and West Coast Environmental Law have established a Lower Fraser Working Group. This group aims to propose options for Indigenous-led and community-driven governance arrangements that fosters long-term ecological resilience through ecosystem-based management of the Lower Fraser River and estuary, and the species and people that rely on it. The Blueprint for Restoring Ecological Governance is a key resource that will guide our efforts towards realizing this long-term goal.



Guide to Coastal and Ocean Protection Law in British Columbia

December 2020

West Coast's *Guide to Coastal and Ocean Protection Law in BC* is a comprehensive resource that covers the wide array of legal tools available to Indigenous, federal, provincial and local governments to protect the coast and ocean in BC. In addition to providing detailed information on marine spatial protection law, this Guide is a record of what has been accomplished on the Pacific coast over the last several decades – sharing examples that demonstrate how different legal tools have been employed to preserve the health of coastal and marine ecosystems. Developed with the generous support of the Sitka Foundation and the Gordon & Betty Moore Foundation.



Indigenous Laws in the Context of Conservation

March 2021

This report examines two successful Indigenous Protected and Conserved Areas (IPCAs) – SGaan Kinghlas-Bowie Seamount Marine Protected Area and Thaidene Nëné – looking at how Indigenous laws are being applied in each context. The report considers the opportunities and challenges of joint jurisdiction, and provides recommendations on how recognition of Indigenous jurisdictions and authorities for the establishment and operation of IPCAs can advance effective conservation and provide a pathway for reconciliation. Co-produced by West Coast Environmental Law, Olthuis Kleeer Townshend and the Conservation Through Reconciliation Partnership, with support from Environment & Climate Change Canada.

PEOPLE OF WEST COAST



From top left (row by row):

Alexis Stoymenoff, Hanna Araza, Alison Obrecht, Erin Gray, Eileen Stephens,

Ella Barrett, Alan Chou, Fiona Koza, Eugene Kung, Michael Bissonnette,

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Sunshine Waisman, Maxine Matilpi, Julia Kidder, Stephanie Hewson, Rayanna Seymour-Hourie

Shelby Lindley, Anna Johnston, Andrew Gage, Deborah Carlson, Jessica Clogg

Barbara Everdene, Dr. Larry Reynolds

2020-2021 LAW STUDENTS AND LEGAL VOLUNTEERS

Russell Chiong	Jenna Jeffrey	Rebekah Smith	Sunshine Waisman
Lauren Graham	Jack Jones	Gillian Thiel	

2020-2021 EDRF LAWYERS

Each year, West Coast works with talented lawyers across BC who represent clients through the Environmental Dispute Resolution Fund (EDRF), working at partial pro-bono rates. We would like to acknowledge the following lawyers who worked on EDRF cases in 2020-2021:

William Andrews	Christopher Harvey, Q.C.	Michael Ng
Arden Beddoes	Sean Hern	Daniel Reid
Morgan Blakely	Anthony Ho	Krista Robertson
Matt Boulton	Tim Howard	Noah Ross
Rebeka Breder	Emma Hume	Margaret Sages
Elizabeth Bulbrook	Nathan Hume	Kevin Smith
Alexia Cadoret	Matthew Jackson	Erica Stahl
Karen Campbell	Rosie Jacobs	Maya Stano
Patrick Canning	Bertha Joseph	Kris Statnyk
Neil Chantler	Ian Knapp	Cheryl Tobias, QC
John Cliffe, QC	Michael Lee Ross	Chris Tollefson
Carla Conkin	Robert Lesperance	Krista Vaartnou
Joseph Deuling	Lilina Lysenko	Matthew Voell
Tanner Doerges	Angela McCue	Michael Welsh
Phil Dwyer	Bruce Mclvor	gid7ahl-gudsllaay lalaxaaygans
Lisa Fong, Q.C.	Daniel McNamee	(Terri-Lynn Williams-Davidson)
Jessica Ginsburg	Ian Moore	David Wu
Jason Gratl	Stephen Mussell	
Erin Gray	Matthew Nefstead	

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 provide environmental legal support for BC communities in every corner of the province. It helps us to achieve success in our Access to Justice programs, and 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 longstanding and diverse partnerships of our foundation funders.

In 2020-2021, we were supported by the following foundations from across Canada and beyond:

RESEARCH FOUNDATION:

- 444S Foundation
- Bullitt Foundation
- Environment Funders Canada
- Gencon Foundation
- glasswaters foundation
- Global Greengrants Fund (Swift Foundation)
- Gordon and Betty Moore Foundation
- MakeWay Foundation
- McConnell Foundation
- Millipede Foundation
- North Growth Foundation
- Pacific Institute for Climate Solutions
- Sitka Foundation
- Patagonia (Tides Foundation)
- Vancouver Foundation

The Research Foundation also received funds for legal and related work conducted through collaborations with the Canadian Parks & Wilderness Society, Nature United, WWF Canada, Central Coast Indigenous Resource Alliance, University of Guelph, and Secretariat of the Haida Nation.

ASSOCIATION:

- Real Estate Foundation of BC
- Salal Foundation
- WestWind Foundation

The Association also received funds for legal and related work conducted through collaborations with the BC First Nations Energy and Mining Council, Canadian Environmental Network, Canadian Parks & Wilderness Society, Environmental Law Reform Group, First Nations Fisheries Council, Nature Canada, Oceans North Conservation Society, Simon Fraser University, and Tseil-Waututh Nation.

FINANCIAL STATEMENTS

REVENUES

	For year ended April 30, 2021				For year ended April 30, 2020
	Association	Foundation	EDRF	Total	Total
Law Foundation of BC	470,000	-	-	470,000	470,000
Allocation to EDRF	(150,000)	-	150,000	-	-
Donations	7,135	266,128	5,213	278,476	303,179
Grants & Contracts Earned	337,799	1,279,657	-	1,617,456	1,735,660
Other Income	344,836	206,703	26	551,565	352,609
Total Revenue	1,009,770	1,752,488	155,239	2,917,497	2,861,448

GRANTS AND EXPENSES

Personnel Related	739,113	1,098,873	-	1,837,986	1,693,583
Professional Services	8,642	7,789	-	16,431	19,515
Rent & Office Expenses	136,286	140,180	-	276,466	253,652
Amortization	8,636	7,495	-	16,131	10,336
EDRF Grants	-	-	155,213	155,213	150,000
Program Expenses	120,718	283,118	26	403,862	441,735
Fundraising	-	6,468	-	6,468	12,867
Administration Fee	-	212,651	-	212,651	210,716
Total Grants and Expenses	1,013,395	1,756,574	155,239	2,925,208	2,792,404
Excess of revenue for the year	(3,625)	(4,086)	-	(7,711)	69,044

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.

TRANSFORMING THE LEGAL LANDSCAPE DEPENDS ON SUPPORTERS LIKE YOU

Thank you for joining West Coast in our pursuit to protect the environment using legal strategies. Like you, we recognize the need to protect the environment does not stop during a worldwide pandemic.

COVID-19 brought on many changes within our communities. While the pandemic may have temporarily shifted the world's focus, the need to protect nature and the global climate has never been clearer. Fortunately, this past year has demonstrated how, if we work collectively, we can take the urgent steps required to address a global concern.

In this Impact Report, you've read about the progress and advances that our donors made possible during the past year. We want to extend our deepest thanks to our community for being part of the movement to stand up for strong laws to preserve clean water, guard the air that we breathe and steward the lands we share.

We work diligently to ensure that the interests of communities and the environment are considered in law and policy decisions. Our lawyers work exceptionally hard – putting their legal skills to work on behalf of nature and healthy communities. They are daring and passionate about their work. And they rely on the support of people like you.

By acting as a watchdog, we help ensure that corporations and governments are held accountable for their actions and abide by legislation. And when it's time for the laws to change, we come to the table with expert analysis, innovative solutions and clear recommendations for reform. There will always be powerful interests seeking to weaken or exploit Canada's environmental laws. Supporting West Coast Environmental Law helps to "even the scales," giving community members a stronger voice in the decisions that affect the land, air and water we rely on.

West Coast receives funding from foundations that are dedicated to protecting the environment and from generous individual donors who give to us monthly or once per year. We rely upon donations to do the work we do. These gifts provide West Coast with the flexibility that enables our team to pivot and redeploy resources when an emergency strikes.

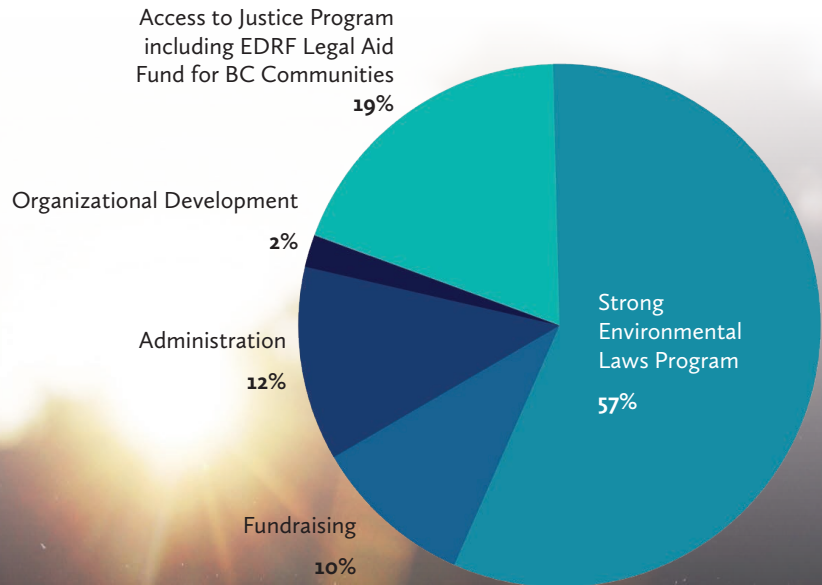
Our mission is to make sure that the environment is in better condition for the next generation. This is our commitment to you. With your continued support, together, we'll continue to stay on top of our legal programs and work together toward a healthier planet.

Alison Obrecht
Director of Development



WHERE YOUR DONATION GOES:

76% to programs
14% to administration
10% to fundraising



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: 700 – 509 Richards Street, Vancouver, BC V6B 2Z6
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 in ensuring that environmental protection is enshrined in law – while realizing great tax savings.

Donations can be made online to the Research Foundation at <https://wcel.org/donate>, or to the Association at <https://www.wcel.org/donate-west-coast-environmental-law-association>.

Call 604-601-2509 for more information and other giving options.



WEST COAST Environmental Law

West Coast Environmental Law harnesses the power of law to solve complex environmental challenges.

We are transforming environmental decision-making and strengthening legal protection for the environment through collaborative legal strategies that bridge Indigenous and Canadian law. By putting the law in the hands of communities and creating legal risk for those who would harm our land, air and water, we are building the collective power to achieve a more just and sustainable future for all.

West Coast Environmental Law
#700 – 509 Richards Street
Vancouver, BC V6B 2Z6

xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) &
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Phone: 604-684-7378 or 1-800-330-WCEL

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Charitable Registration #11929 2415 RR0001

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