



WEST COAST
Environmental Law

2023-2024 IMPACT REPORT



A MESSAGE FROM THE PRESIDENT & EXECUTIVE DIRECTOR

Celebrating 50 years of transforming the legal landscape. Since 1974, West Coast Environmental Law has been committed to transforming the legal landscape in ways that are more sustainable, more democratic and more just. This year, as we mark our ‘golden’ anniversary, we are reflecting on the past five decades of safeguarding the environment through law – and looking ahead at what the next five decades will bring.

From humble beginnings as a student-run legal clinic, West Coast has grown to become one of Canada’s leading environmental law organizations, working to strengthen our environmental safety net through innovative legal solutions grounded in both Indigenous and Canadian law. This annual report shares stories of the impact our work has had in 2023-2024.

Over the years we’ve weathered storms, both literal and metaphorical. The deepening crises of climate change and biodiversity loss are sobering, but there are victories – large and small – that drive us to continue our work. This year, we celebrated many significant milestones that will benefit nature and communities, including new policy frameworks for protecting biodiversity both federally and in BC; newly-declared Indigenous Protected and Conserved Areas (IPCAs); strong momentum for BC communities to sue Big Oil; and the launch of BC’s first-ever Coastal Marine Strategy.

Of course, we know our work is far from over. The climate emergency is harming our communities, in more and more dramatic ways. Forests, lands and waters continue to be put at risk. And we cannot ignore the social, economic and other inequities that are interconnected with the environmental problems we face.

Despite these complex challenges, we have hope for the next 50 years. We believe in using the power of the law to address environmental challenges – because it works. Through our diverse range of programs, West Coast will continue to shape innovative legal solutions, guided by our values, the communities we serve, and our commitment to environmental justice.

To our donors, funders, supporters, volunteers, partners, clients and allies far and wide – thank you for standing with us. We’ve said it before, and we’ll say it again: our work would not be possible without you.

We hope you will join us as we write the next chapter.



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

JESSICA CLOGG

**EXECUTIVE DIRECTOR
& SENIOR COUNSEL**



A handwritten signature in black ink, appearing to read 'L. Matthaus'.

LISA MATTHAUS

BOARD PRESIDENT

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We gratefully acknowledge that West Coast Environmental Law's main office is located in xʷməθkʷəy̓əm (Musqueam), səl̓ílwətaʔt̓ (Tsleil-Waututh) and Skw̓x̓wú7mesh (Squamish) territories.

ABOUT US

WEST COAST ENVIRONMENTAL LAW

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 local, provincial, federal and 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. The land and marine stewardship of inherent title holders has played an integral role 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 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.

We support the self-determination of Indigenous peoples and the revitalization of strong, living Indigenous laws, consistent with the UN Declaration on the Rights of Indigenous Peoples and calls to action such as those of the Truth and Reconciliation Commission. This understanding is foundational to our mandate, and enriches and strengthens our shared legal landscape.

We believe that diverse communities must be involved in developing, applying and upholding the law in order for legal orders and human societies to thrive, and to protect the environment we rely on. We are committed to building community and individual capacity to engage with law and environmental decision-making to achieve shared environmental goals. Through deep community connections and mutual learning, we build more resilient solutions and become more effective legal practitioners.

This annual report is a joint publication of the West Coast Environmental Law Association, the West Coast Environmental Dispute Resolution Fund Society (EDRF) and the West Coast Environmental Law Research Foundation. For highlights of Association/EDRF programs see pages 6–15, and for Research Foundation programs see pages 16–25.

OUR SISTER ORGANIZATIONS

West Coast Environmental Law is made up of three provincially incorporated societies: West Coast Environmental Law Association, West Coast Environmental Law Research Foundation and West Coast Environmental Dispute Resolution Fund Society.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

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 helped individuals, community groups and Indigenous nations to hire lawyers to help them protect the environment in negotiations, mediation, in court or before government tribunals.

ASSOCIATION

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

RESEARCH FOUNDATION

West Coast Environmental Law Research Foundation is a registered charity producing trusted, in-depth legal research to shape laws, regulations, standards and objectives that 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 the effectiveness of environmental laws and regulations.

BOARD OF DIRECTORS

West Coast Environmental Law Association / EDRF Society

Jonaki Bhattacharyya
Lisa Matthaus
Lorene Oikawa
Gavrielle Tran
Kris Statnyk
Tracy Wachmann

West Coast Environmental Law Research Foundation

Taylor Behn-Tsakoza
June Bird
Kimbaya Carriere
Lisa Fong
Lisa Matthaus
Lorene Oikawa
Kris Statnyk
Gavrielle Tran
Sheri Walsh
Karena Williams

Honorary Board

David Anderson
James Hoggan
Greg McDade K.C.
Eden Robinson

***In memory:** West Coast would like to pay tribute to the late Hon. John Fraser K.C., longtime honorary board member who passed away in 2024.*

* 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).



Photo: Benji Engle, Vancouver

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 to help organizations, community groups and individuals hire lawyers and experts; 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.

ACCESS TO JUSTICE

Individuals and grassroots community groups play a vital role in protecting the environment in BC. West Coast's Access to Justice team works with First Nations, organizations, community groups and individuals concerned about the impacts of climate change and resource extraction on their cultural practices; their own health; the quality of their air and water; and forests that provide carbon storage, wildlife habitat, and protection from flooding and landslides.

Our **Summary Legal Advice** program and the **Environmental Dispute Resolution Fund (EDRF)** offer legal information and advice to environmental defenders across BC, as well as funding to retain lawyers and experts, connections to resources, and moral support. We provide legal tools to empower them to take on environmental challenges, protecting the health of their communities and the land, air and waters they are in relationship with.

NOTABLE CASES

DEFENDING OLD-GROWTH IN THE WEST KOOTENAYS

Last Stand West Kootenay (LSWK) has successfully reduced the amount of forest, including old-growth stands, that can be harvested annually in the Kootenay Lake region by 13.4% with the help of their lawyer Benjamin Isitt and the EDRF. After the group's successful appeal to the Ministry of Forests including legal submissions and expert evidence, the Kootenay Lake Timber Supply Area's allowable annual cut has been reduced from 634,861 cubic metres to 550,000, and harvesting from old-growth is limited to 4.6% of that area.

LSWK raised concerns about biodiversity loss, threats to species at risk including grizzly bear, wolverine and southern mountain caribou, threats to the community's water supply and the increased risk of wildfire and flooding from over-harvesting.

OPPOSING OPEN-PIT MINING IN ROSSLAND, BC

Rossland area residents contacted us in 2023 about environmental concerns regarding a proposed open-pit magnesium mine near their town. The mine, proposed by West High Yield (WHY) Resources, would be located in an area 7.5 kilometres from Rossland known as Record Ridge. Residents are concerned about the lack of transparency around this proposal, about the environmental impacts, including the destruction of critical flora and fauna habitat, and the potential health impacts on their communities.

Concerned local residents formed the Save Record Ridge Action Committee (SRRAC) and with the help of the EDRF, they worked with lawyer Benjamin Isitt and several experts to make legal submissions and expert reports supporting SRRAC's advocacy for an environmental assessment of the proposed mine. In August 2024, SRRAC celebrated as the BC Environmental Assessment Office concluded that the mine would need a full assessment to proceed.



Bruce Gibbons, far right, has been fighting against commercial water extraction in the Comox Valley since 2018

PROTECTING ACCESS TO WATER ON VANCOUVER ISLAND

The Merville Water Guardians are standing up for their community's access to water with the help of the EDRF and lawyer Noah Ross. The community group filed a Petition for Judicial Review of a decision by the Comox Valley Regional District, which allowed a resident to make use of his Provincial Water Licence by storing water extracted from the local aquifer in large, bulk storage tanks to facilitate loading of tanker trucks. The District approved this seemingly industrial land use as a Home Occupation business, contrary to their existing bylaw.

The Guardians advocate to protect the stability of their own aquifer and to defend the water which is critical to us all. Their case was heard in June 2024, and the decision is forthcoming.

“ In a summer where we have experienced prolonged and extreme drought, it seems ludicrous to allow a commercial business to extract water from the aquifer and sell it for commercial profit, and approve that industrial use of land in a rural residential neighbourhood. It is just wrong, and we are so grateful for West Coast Environmental Law's help to challenge the decision.

BRUCE GIBBONS

MERVILLE WATER GUARDIANS

BY THE NUMBERS

SUMMARY ADVICE



117

GROUPS / PEOPLE HELPED WITH SUMMARY ADVICE

ENVIRONMENTAL DISPUTE RESOLUTION FUND



37

GRANTS AWARDED FROM MAY 2023 - APRIL 2024



\$188.9K*

FUNDING AWARDED MAY 2023 - APRIL 2024

** Includes Law Foundation funds allocated to EDRF grants, plus cost awards and unused grant funds returned to EDRF and regranted in 2023-2024*





From L-R: Summer law students Rosemary 昕禾 Xinhe Hu, Emily Sabourin, Summer Tyance, Kai Fig Taddei and Zac Couture

BUILDING THE ENVIRONMENTAL LAW BAR

All the legal experts at West Coast had to begin somewhere, and we understand that developing skills and experience in a real-life setting, with mentorship, is important for aspiring lawyers. We're committed to providing those opportunities for law students.

This summer we welcomed five energetic law students to our team, and are so grateful for their contributions, which included working with staff lawyers to assist with legal research, public legal education and law reform advocacy. During the academic year, three additional students completed internships at West Coast through UBC-Pro Bono Students Canada and the Osgoode Law School intensive program.

“ Working at West Coast Environmental Law has been truly magical. I have been able to delve into the heart of legal research, client intake, and law reform discussions that centre the very values and principles that made me want to pursue a law degree.

ZAC COUTURE

2024 SUMMER LAW STUDENT

“ It has been a privilege to learn from and alongside a group of humans who are committed to both supporting the revitalization of Indigenous laws and transforming Canadian law.

KAI FIG TADDEI

2024 SUMMER LAW STUDENT

ENVIRONMENTAL LAW ALERT

West Coast's Environmental Law Alert program provides accessible information, news and legal analysis to help members of the public better understand the laws and policies that affect the environment. Through our award-winning blog, as well as our newsletters, webinars and other online resources, our experts provide trusted information about key issues and developments in environmental and Indigenous law – as well as opportunities for readers and supporters to get involved.



Oct-Nov 2023: We published a detailed blog and hosted a webinar series analyzing the Supreme Court of Canada's decision on the constitutionality of the *Impact Assessment Act*. Hundreds of attendees from a range of sectors joined to learn about the decision and discuss the potential implications for the environment and federal climate policy.



Dec 2023: Following the release of BC's draft Biodiversity and Ecosystem Health Framework, we widely shared our analysis, resources and expert recommendations, to encourage supporters to make their voices heard on the matter, contributing to the approximately 7000 submissions received.



Oct-Nov 2023: After a misleading legal backgrounder by a law firm sparked a backlash against proposed amendments to BC's *Land Act* to implement the *Declaration on the Rights of Indigenous Peoples Act*, we published a response setting the record straight. This blog post resulted in media coverage and our lawyers being invited to appear publicly to correct the record.

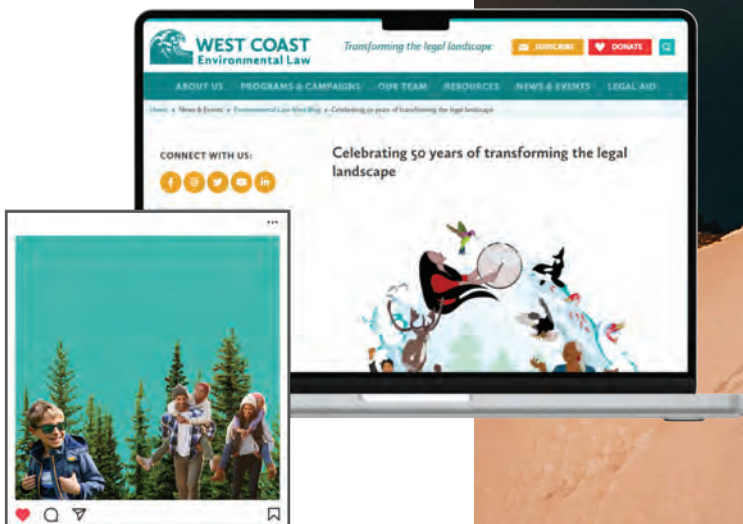




Photo: Michal Mckerlich/Unsplash

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. For 50 years, we have played 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, we continue to act as a watchdog, advocating for strong regulations and enforcement.

In addition to our law reform work, West Coast conducts research and advocacy surrounding the intersection of Indigenous rights, climate change and finance – which includes analyzing and communicating legal and financial risks of continued fossil fuel expansion.

We also provide legal support for Indigenous lawmaking initiatives, and advocate for greater recognition of Indigenous laws and jurisdiction by Crown governments and institutions through our RELAW (Revitalizing Indigenous Law for Land, Air and Water) program.* This includes legal work supporting the establishment of Indigenous Protected and Conserved Areas (IPCAs) and other contemporary expressions of Indigenous law. A project grant from the Law Foundation of BC is supporting West Coast's Indigenous lawmaking work over a three-year period (2024-27). We gratefully acknowledge their support.

*RELAW is a joint program of the West Coast Environmental Law Association and the West Coast Environmental Law Research Foundation



Bad Rock Tour with Naxaxalhts'i (Sonny McHalsie), Stó:lō historian and the BC Wildlife Federation (LFFA-RELAW Project) / Photo: Rayanna Seymour-Hourie

INDIGENOUS LAW AWARENESS IN THE LOWER FRASER

This year, our RELAW program (Revitalizing Indigenous Law for Land, Air and Water) continued work on a multi-year project in collaboration with the Lower Fraser Fisheries Alliance (LFFA). The project's first phase focused on research and synthesizing of legal principles of the peoples of the Lower Fraser related to watershed and fisheries governance. We continue to provide pro-bono legal services for the LFFA, including awareness, communications, public legal education, and advisory assistance.

Education is key in shifting the social fabric of our society, as well as our ability to influence decision-makers, and eventually reform Canadian laws. A few key activities through 2023 and into 2024 included the hiring of LFFA's Executive Assistant who is also a RELAW Coordinator and participated in our RELAW Co-learning Program in 2023-24. The LFFA Executive Assistant/RELAW Coordinator organized and executed LFFA-RELAW land-based tours to support with educating key audiences about the laws of the peoples of the Lower Fraser. One significant land tour was with the BC Wildlife Federation to build relationships and share with them on **sxwōxwiyám / sxwəxwəyém** (oral histories describing the distant past) and the laws of the peoples of the Lower Fraser.



FOSSIL FINANCE & INDIGENOUS RIGHTS

The climate crisis and Indigenous rights violations are inextricably interrelated and so are their solutions: respecting Indigenous rights will result in better decisions for the planet, and therefore, respecting Indigenous rights must be a fundamental part of a just transition.

West Coast's work highlights this crucial intersection, targeting Canadian banks for their ongoing funding of fossil fuel expansion and projects that do not have the free, prior and informed consent (FPIC) of impacted Indigenous nations.

The Trans Mountain Pipeline Expansion (TMX) is a prime example of what can go wrong when you dismiss Indigenous rights and concerns. This year, we paused to grieve as the overbudget pipeline and tanker project's risks became real. We continue to be steadfastly opposed to Trans Mountain and to shine the light on the risks of other fossil fuel expansion projects. TMX's legacy will be one of the Canadian government's most costly mistakes, and our ongoing participation in the CER Interim Toll hearings will help reveal just how costly a mistake it will be.

In 2023-2024, we also focused our attention on the big five Canadian banks, who are regularly among the top fossil financiers in the world. Along with our clients, we pushed RBC (Royal Bank of Canada) to adopt an enhanced FPIC due diligence policy and have it reviewed as a part of a racial equity audit. We engaged with the other banks as well, seeking to improve their policies and practices to better respect Indigenous rights.



Staff Lawyer Georgia Lloyd-Smith with CPAWS-BC partners Alicia Elgert and Kate MacMillan delivering postcards to Parliamentary Secretary for Fisheries and Aquaculture Kelly Greene / Photo: CPAWS-BC

A BLUEPRINT FOR THE COAST

In 2019, West Coast and the Canadian Parks and Wilderness Society (CPAWS-BC) started the Blueprint for the Coast campaign, calling on British Columbia to adopt a coastal protection strategy and law. The campaign has drawn a large coalition of support from organizations, communities, and residents from throughout the province concerned about the future of coastal ecosystems and communities.

The BC government heard our call, and in 2020 committed to co-developing a “coastal marine strategy” with coastal Indigenous nations. One of the roles of the newly created (at that time) Ministry of Water, Land and Resource Stewardship (WLRS) has been to serve as a hub for coastal management and to lead the process of developing the strategy. In December 2022, the Ministry released a Policy Intentions Paper for a Coastal Marine Strategy for British Columbia.

In July 2024, we were thrilled to see the Province of BC release its first Coastal Marine Strategy. The Province worked with coastal Indigenous nations to develop the Strategy, which outlines four themes: healthy coastal marine ecosystems, resilience to climate change, thriving coastal economies and communities, and informed governance.

Under these themes are nine goals and 24 supporting actions to achieve its vision for “a diverse, productive, and resilient coastal marine environment that is valued in its own right and that supports the prosperity, health and well-being of coastal communities now and into the future.” For the next 20 years, the Strategy will guide provincial actions on planning and decision-making.

As we move into the implementation phase, we are focused on ensuring that the Strategy aligns with the *United Nations Declaration on the Rights of Indigenous Peoples*, to ensure decisions about the coast are made with First Nations. We also will work toward ensuring the Strategy is enshrined in law, and that its actions are supported by sufficient funding.

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:

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



CLIMATE ACTION

CLIMATE LEGISLATION

This year has been a devastating one for wildfires and other climate impacts across Canada. Now more than ever, we need federal leadership in setting ambitious emissions targets and enacting laws to help us meet those targets. Big Oil is doing everything it can to delay progress, with incessant lobbying and false narratives by industry groups like the Pathways Alliance threatening to undermine climate action.

But they won't succeed. West Coast belongs to a coalition of groups from across the country advocating for an oil and gas emissions cap that will make the sector do its part towards meeting Canada's climate target. Our legal expertise is informing submissions and advocacy from all corners of the country, and we are hopeful that we will secure an oil and gas emissions cap within the next year.



Sep 2023: West Coast joined more than 250 climate, labour, health and faith organizations calling for a strong emissions cap.



Dec 2023: We responded to the proposed Regulatory Framework for an Oil & Gas Sector Greenhouse Gas Emissions Cap, recommending ways to strengthen the cap, make it apply more broadly and remove loopholes that would undermine its effectiveness.

“Capping pollution from the oil and gas sector is a no-brainer. This move to regulate climate pollution is squarely within the federal government's jurisdiction, and it's an essential piece of the policy puzzle when it comes to reducing emissions and meeting Canada's climate targets.”



Burnaby residents at City Hall in February 2024 to show support for joining the class action lawsuit against Big Oil / Photo: Force of Nature Alliance

SUE BIG OIL

The Sue Big Oil Campaign, which West Coast Environmental Law founded and acts as Secretariat to, challenges BC local governments to recognize their climate costs and work together to recover a fair share from global fossil fuel companies. With the support of dozens of volunteer action teams and several partner organizations, nine BC local governments have now pledged to work towards a class action lawsuit against Exxon, Shell and other major polluters. Our communities, and our planet, cannot afford for fossil fuel companies and investors to make massive profits while we pay for the harm that they cause.



In the last year, **seven local governments in BC** have pledged to support and contribute financially to a possible class action lawsuit against fossil fuel companies, bringing the total to nine.



Over 12,000 British Columbians have signed the Sue Big Oil Declaration, calling on their local governments to take action.



Community Outreach Coordinator Dean Rohman and Street Legal Team volunteers engaging community members around the Sue Big Oil campaign



GREEN COMMUNITIES

Water, and more specifically, our relationships with water in urban areas have been at the heart of our Green Communities program for many years. Water doesn't acknowledge administrative boundaries, so we work to find ways through siloes in planning and decision-making to support community and ecosystem resilience in a changing climate. In 2023-2024 we continued to support relationship building across neighbouring communities, particularly between local governments and First Nations, as an opportunity to unlock nature-based approaches to climate adaptation and work in good ways that help to implement the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP). We also advocated directly to decision- and policymakers for better laws and policies.



Mar 2024: With the Lower Fraser Floodplains Coalition, we began a series of sub-regional gatherings (Coastal & River Tidal and Mid & Upriver) with First Nations and local governments for dialogue about critical infrastructure, local essential services and nature-based approaches to reducing flood risk and building climate resilience. Guests included representatives from 17 First Nations and 20 local governments.



May 2024: As co-chairs of the Public Advisory Committee, we presented recommendations for the next 10-year Metro Vancouver Liquid Waste Management

Plan to city engineering staff from across the region, highlighting opportunities to reduce pollutants and improve watershed health for fish and other species.



July 2024: Together with the Emergency Planning Secretariat, we were invited to the Metro Vancouver Flood Resiliency Committee to discuss next steps towards a regional flood strategy, facilitated through the Lower Fraser Floodplains Coalition.



Photo: RELAW Team



REVITALIZING INDIGENOUS LAW

Through the RELAW (Revitalizing Indigenous Law for Land, Air & Water) Program, we work alongside First Nations partners to revitalize, express and enforce their Indigenous laws to address environmental challenges in their territories. Our RELAW Program has two major branches: RELAW Projects & the RELAW Co-learning Program.

RELAW PROJECTS

RELAW lawyers offer pro-bono legal services to support First Nation partners in strategizing ways to assert their inherent jurisdiction, and express their worldviews taught by their stories and knowledge holders, through public legal education and communications, written laws, plans, declarations and other legal instruments. Our lawyers and RELAW partners have been hard at work. Some exciting announcements from last year include adding a new RELAW Project and redefining an existing RELAW Project.

KWIKWASUT'INUXW HAXWA'MIS FIRST NATION DECLARES AN INDIGENOUS PROTECTED AND CONSERVED AREA

Lawyers provided drafting, strategic advice and communications support to Kwikwasut'inuxw Haxwa'mis First Nation on declaring their Hada & Kakweikan IPCA on November 16, 2023 and are currently working on supporting implementation measures.

MOWACHAHT/MUCHALAHT FIRST NATIONS RELAW PROJECT

The Salmon Laws RELAW work was updated this year to a more focused project, shifting from a partnership with the Nuu-Chah-Nulth Tribal Council (NTC) to one with Mowachaht/Muchalaht First Nation (MMFN), a member Nation of the NTC. Notably, we assisted MMFN in declaring the Salmon Parks as an IPCA in November 2023.

RELAW CO-LEARNING PROGRAM

The RELAW Co-learning Program is an initiative that empowers Indigenous nations to revitalize and apply their own laws to environmental governance. Through collaborative retreats and tailored support, the program provides co-learners with tools, knowledge, and resources needed to articulate and implement their legal traditions. Co-learners engage in hands-on activities, discussions, and community-building efforts that strengthen their capacity to steward their lands and waters, while adding to our RELAW network. In our 2023-2024 cohort, we had a total of 20 co-learner participants from and/or working for Seabird First Nation, Citxw Nlaka'pamux Assembly, Tr'ondek Hwech'in, Kaska River Dena Council, Nuxalk Nation, Tlingit & Haida Indian Tribes of Alaska, Taku River Tlingit First Nation, Ts'msyen (Lax Kw'alaams), Anishinaabe, Squamish Nation, Leqa:mel and Wuikinuxv.

TELLING THE RELAW STORY: OUR NEW FILM & BLOGS

In December 2023, RELAW produced our new film, “Nurturing RELAWs Roots: Standing up Indigenous Law.” We also released a blog in Spring 2023 featuring RELAW team reflections on the past eight years of revitalizing Indigenous laws with Nations.

TELLING THE RELAW STORY: COMMUNITY OUTREACH ACTIVITIES

Outreach efforts raise awareness and build connections, inviting grassroots community members to engage with our RELAW Program, while building awareness for our RELAW Projects and partners who are leading in the revitalization, application and enforcement of their Indigenous laws grounded in inherent jurisdiction. RELAW boothed at two community events in 2024: Cedar, Sage & Sweetgrass at the Museum of Surrey; and Turtle Island Festival, Turtle Island's largest Indigenous-led festival which features Indigenous and BIPOC voices, education and talent.



Hereditary Chiefs at the Hada & Kakweikan IPCA Declaration in November 2023 / Photo: Georgia Lloyd-Smith



RELAW Retreat Blanketing Ceremony, Brew Creek Centre Whistler BC, May 29 2024 / Photo: Michelle Carmichael

“ I have been reminded often by elders in my own community and others that standing up our own laws is vital and that we must prioritize passing this knowledge down to our younger generations who will one day take over this work. The first RELAW retreat I attended in 2018 was a calling for me to return to my roots. I was new to work that was centred around Indigenous law revitalization and have been growing and expanding my understanding of what this means ever since.

SHELBY LINDLEY

STAFF LAWYER, RELAW



Photo: Luke Miller (Unsplash)

ENVIRONMENTAL GOVERNANCE

FEDERAL ACCOUNTABILITY

Canada needs strong environmental laws to protect nature, communities and the climate. At West Coast, it is our job to secure those laws, monitor their implementation and advocate for course-correction where necessary. This year, we did all of those things. From securing a commitment to a new nature accountability law to advocating for fixes to the *Impact Assessment Act*, we helped build a stronger environmental safety net to safeguard people and the places we love.



Feb 2024: After the Supreme Court of Canada ruled that the *Impact Assessment Act* overstepped federal jurisdiction, we co-chaired a meeting between the Environmental Planning and Assessment Caucus and the Impact Assessment Agency of Canada to discuss amendments that would address the Court’s concerns without weakening the Act.



Jun 2024: Since 2021 we have been advocating for a biodiversity accountability law to ensure that Canada meets the nature targets of the Global Biodiversity Framework it signed on to in 2022. This June, the federal government tabled Bill C-73, a proposed *Nature Accountability Act*. It needs strengthening, but we are hopeful that with our help, it will be amended to make sure Canada halts and reverses nature loss.



Gitxaala delegation standing in front of the Courthouse / Photo: Alexis Stoymenoff

TOWARDS MINING JUSTICE IN BC

West Coast has argued for decades that BC’s automated process for granting mineral claims breaches BC’s constitutional duties to First Nations, while also hindering land use planning and posing obstacles to the creation of protected areas. The past year saw a major milestone in changing this gold rush-era regime when Gitxaala Nation, West Coast’s client, won its legal fight against automatically-granted mineral tenures in its territories.



May 2023: BC Supreme Court hearings concluded in Gitxaala’s mineral tenure legal challenge.



Sep 2023: The Court released its decision, declaring that BC’s automated process for granting mineral claims breaches the constitutional duty to consult and accommodate First Nations. The Court suspended its ruling for 18 months to allow for the design of a new regime, declining to set aside the specific mineral claims challenged by Gitxaala and refusing to grant a declaration that the mineral tenure regime is inconsistent with the *UN Declaration on*

the Rights of Indigenous Peoples (UNDRIP) – Gitxaala appealed these latter parts of the decision, while celebrating the win.



Mar-Jun 2024: Gitxaala and the provincial government partially settled the appeal and BC issued orders stopping new mineral claims and certain mining activities in Gitxaala territories.



Jul 2024: The provincial government released a timeline for introducing new mineral tenure legislation that aligns with UNDRIP by 2026.



PRIORITIZING BC BIODIVERSITY AND ECOSYSTEM HEALTH

In 2023, three years after the provincial government committed to enacting legislation prioritizing biodiversity and ecosystem health, we celebrated a big step forward with the release of BC's draft Biodiversity and Ecosystem Health Framework. The Framework is intended to provide strategic direction to align BC laws and practices with commitments to uphold Indigenous rights and make healthy ecosystems a priority across all resource sectors. This Framework will be key to shaping a future BC law for biodiversity and ecosystem health – a law that could be transformative for the health of forests, lands and waters across the province.

Alongside allies, West Coast has been busy advocating and engaging with the provincial Ministry of Water, Land and Resource Stewardship (WLRS) to advance these goals. Our team engaged in extensive discussions with WLRS staff regarding the draft Framework, highlighting gaps and areas for improvement, and working to ensure this new initiative and proposed legislation are as strong as possible.



Nov 2023: After extensive advocacy by West Coast and our partners, the BC government released its draft Biodiversity and Ecosystem Health Framework, which commits the Province to prioritize biodiversity and ecosystem health across all government decisions.



Dec-Jan 2024: We played a leading role in mobilizing British Columbians and supporters to submit feedback on the Framework – providing our expert legal analysis and recommendations, and collaborating with allies

on technical briefings, webinars and lobby trainings to encourage community members to meet with their MLAs. More than 7000 submissions were made on the Framework, mostly in support of its vision and key actions.



Sep 2024: We joined Neighbours United and other allies for a province-wide “Families for Forests” Day of Action. Together, we encouraged supporters to write to their local BC election candidates to call on them to prioritize healthy forests by establishing new legislation for biodiversity and ecosystem health.

MARINE PROTECTION

This year we celebrated leaps forward in ocean protection across all orders of government. Several coastal Indigenous nations have declared or are working towards the declaration of marine Indigenous Protected and Conserved Areas (IPCAs). Coastal Indigenous nations, Canada and the Province of BC finalized a major funding agreement to protect the Great Bear Sea, which will ensure long-term sustainable conservation financing for the region. West Coast's marine team has worked hard to support these developments, and demand for our legal services continues to grow. We have also expanded our work to include identifying legal tools to address emerging issues like offshore renewable energy and underwater noise, as well as ongoing threats from ghost gear and other plastic pollution. As we look to the future, strong legal protections will be our best tool to weather the changing winds of our times and to protect the coast and ocean for generations to come.



Mar 2024: Following advocacy by West Coast and ocean environmental organizations around the world, Canada signed the international High Seas Treaty, a year after it was finalized. The treaty enables the international community to protect the high seas, by establishing marine protected areas (MPAs) and conducting environmental impact assessments. Canada's signature moves the treaty closer to ratification.



Jun 2024: Transport Canada renewed its mandatory measures to address cruise ship pollution, first introduced as a one-year interim order in June 2023 in response to West Coast's 2021 report on this issue with Stand.earth.



Jun 2024: Coastal Indigenous nations, Canada and the Province of BC announced the signing of a Project Finance for Permanence (PFP) agreement, which lays out the long-term financing of the MPA Network in the Great Bear Sea and is a major step towards ensuring lasting protection of the region. West Coast has acted as a conservation stakeholder in the development of the MPA Network and provided strategic legal advice to environmental organizations and coastal Indigenous nations.



Jun 2024: We published the first-ever comprehensive analysis of the legal tools available to regulate underwater noise in Canada, in collaboration with East Coast Environmental Law and WWF-Canada. "Canada's Ocean Noise Strategy: Legislation and Policy Analysis" preceded the release of the federal government's own draft strategy to address underwater noise.



SELECT PUBLICATIONS

WEST COAST ENVIRONMENTAL LAW ASSOCIATION



LOWER FRASER FLOODPLAINS FORUM: 2023 DIALOGUE ON REGIONAL ACTION
(November 2023)

As a member of the Lower Fraser Floodplains Coalition, West Coast works with a diverse range of partners to develop a more principled and collaborative approach to flood resilience for the Lower Mainland. This report summarizes outcomes from the Coalition’s third forum in June 2023, which brought together leadership and senior staff from 20 local governments, 14 First Nations, two regional governments, many provincial and federal agencies, and agriculture associations to talk about opportunities, priorities, and next steps for regional collaboration on flood resilience.

WEST COAST ENVIRONMENTAL LAW RESEARCH FOUNDATION



GENDER-BASED ANALYSIS PLUS: RESPECTFUL ENGAGEMENT FOR EQUITABLE OUTCOMES
(May 2024)

While industrial projects like mines, pipelines and dams can create jobs and other economic benefits, they also often pose serious environmental, social, cultural, safety and health risks that are disproportionately borne by different populations. Gender-based analysis plus (GBA+) – required under Canada’s *Impact Assessment Act* – is a means of addressing these inequalities. This informational booklet describes what GBA+ is, why it is important, and good practice for effective GBA+ in impact assessment.



CANADA'S OCEAN NOISE STRATEGY: LEGISLATION AND POLICY ANALYSIS
(June 2024)

To mitigate and manage underwater noise, the federal government committed in 2020 to develop a draft national Ocean Noise Strategy. This report, commissioned by WWF-Canada and conducted by East Coast Environmental Law and West Coast Environmental Law, is intended to help make sense of the current legal environment surrounding underwater noise management in Canada – and to inform the creation of a strong strategy.



PEOPLE OF WEST COAST (2023-2024)

Jessica Clogg,
Executive Director & Sr. Counsel

LEGAL & PROFESSIONAL

Alida Morris
Andrew Gage
Anna Johnston
Deborah Carlson
Erin Gray
Estella White – ɥinačacišt
Eugene Kung
Fiona Koza
Gavin Smith
Georgia Lloyd-Smith
Jessica Magonet
Joanna El-Mikati
Kathà Lafferty
Maxine Hayman Matilpi

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Kai Fig Taddei
Kylie Schatz
Rosemary 昕禾 Xinhe Hu
Samuel Clarkson
Summer Tyance
Tora Oliphant
Zachary Couture



EDRF LAWYERS (2023-2024)

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 2023-2024:

Angela McCue
Anne Muter
Anthony Ho
Ben Isitt
Carla Conkin
Chris Tollefson
David W. Wu
Eric Pedersen
Erica Stahl
Ian Moore
Jason Gratl
Jonathan Chatten
Joshua Lam
Kevin W. Smith
Lisa Fong
Matthew Boulton

Matthew Nefstead
Matthew Voell
Michael Ng
Michael Welsh
Morgan Blakley
Myron Barr
Noah Ross
Patrick Canning
Rachel Ariss
Rhys Volkenant
Richard Pearce
Ruben Tillman
Ryan McCracken
Sean Hern
Tarlan Razzaghi



Photo: Jamie Boh Creative / Hoyt Photography

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. Funding from the Law Foundation enables us to provide environmental legal support for BC communities in every corner of the province. This funding helps us achieve success in our Access to Justice programs and allows us to leverage additional funds from other granting agencies, companies, and individuals.

FOUNDATION FUNDING

West Coast is honoured by the longstanding and diverse partnerships of our foundation funders. Program support from private, community, and family foundations is a crucial component of West Coast’s overall funding. In 2023-2024, we were supported by the following foundations and organizations from across Canada and beyond:

Association:

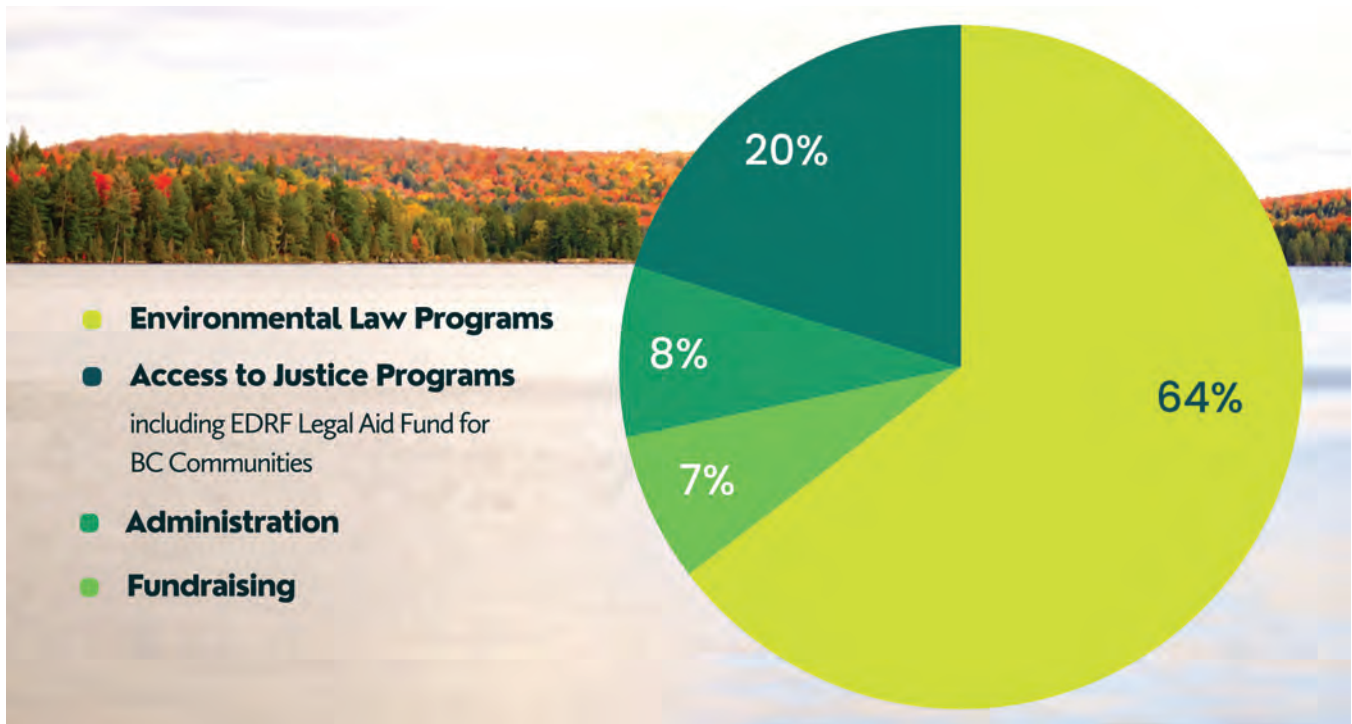
- The Law Foundation of British Columbia
- Real Estate Foundation of BC
- Wells Gray Tours
- WestWind Foundation

Research Foundation:

- 444s Foundation
- Catherine Donnelly Foundation
- Environment Funders Canada
- Gencon Foundation

- glasswaters foundation
- Gordon and Betty Moore Foundation
- Impact Assessment Agency of Canada
- McConnell Foundation
- Metcalf Foundation
- North Family Foundation
- Sitka Foundation
- Swift Foundation
- Trottier Foundation
- Vancouver Foundation
- Wilburforce Foundation

WHERE YOUR DONATION GOES



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 Wavemaker:** 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 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.
- **Tribute or Memorial Gifts:** Make a gift on behalf of someone special, 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.

CHARITY LEGAL NAME:

West Coast Environmental Law Research Foundation

ADDRESS:

#700 – 509 Richards St., Vancouver BC V6B 2Z6

REGISTERED CHARITY NUMBER: #11929 2451 RR0001

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

THANK YOU FOR SUPPORTING OUR WORK

In my time at West Coast, I have been lucky to work and learn from colleagues who have an immense breadth of knowledge and insight into the complexities of environmental advocacy. From legal experts to strategists and communicators, each of our staff members plays an integral role in shaping our work.

For our organization, environmental justice is at the heart of our work. We recognize that Indigenous, Black, and people of colour (IBPOC) and low-income communities disproportionately bear the burden of climate change and environmental stressors. We also acknowledge the interconnectedness of social justice issues and the environment.

At a time when environmental harm seems to be happening in all areas of the world, our organization is pushing back against the idea that this is inevitable. We are calling for change. From working on a BC Coastal Marine Strategy, to advocating for a Biodiversity and Ecosystem Health Law and stronger environmental assessment laws, to supporting individuals who are courageously standing up for the land, air, and water around them, my colleagues are doing incredible legal research and advocacy work.

This is where our donors and funders come in. Every donation we receive allows West Coast to remain responsive and act on emerging environmental challenges. The support we receive from dedicated foundations and individuals allows us to provide environmental legal aid, environmental law research and analysis, and education services, to promote protection of the environment and public participation in environmental decision-making.

The information included in this report is just a sample of the work that we were able to accomplish this year. Our funders, donors, supporters and volunteers are all key players in these successes and many more.

We know inaction is not an option. We know hopelessness is not an option. Now is the time to take collective action. We're so grateful to our donors and funders who show us their actions by financially supporting this work. We're so grateful to have you alongside us.



A handwritten signature in white ink, appearing to read 'S. Nepal', positioned below the circular portrait.

SAMBRIDDHI NEPAL

DIRECTOR OF DEVELOPMENT

FINANCIAL STATEMENTS

REVENUES

	FOR YEAR ENDED APRIL 30, 2024				FOR YEAR ENDED
	Association	Foundation	EDRF	Total	APRIL 30, 2023
Law Foundation of BC	543,111	-	-	543,111	488,278
Allocation to EDRF	(176,987)	-	176,987	-	-
Donations	2,452	291,670	-	294,122	438,234
Grants & Contracts Earned	752,505	1,909,098	-	2,661,603	2,554,038
Other Income	302,078	135,247	-	437,325	468,804
Total Revenue	1,423,159	2,336,015	176,987	3,936,161	3,949,354

GRANTS AND EXPENSES

	FOR YEAR ENDED APRIL 30, 2024				FOR YEAR ENDED
	Association	Foundation	EDRF	Total	APRIL 30, 2023
Personnel Related	1,063,887	1,565,757	-	2,629,644	2,458,754
Professional Services	9,114	10,791	-	19,905	19,806
Rent and Office Expenses	237,954	172,092	-	410,046	313,023
Amortization	23,639	13,195	-	36,834	31,804
EDRF Grants	-	-	176,987	176,987	153,577
Program Expenses	87,487	252,450	-	339,937	520,148
Fundraising	-	23,157	-	23,157	14,634
Administration Fee	-	290,575	-	290,575	324,882
Total Grants and Expenses	1,422,081	2,328,017	176,987	3,927,085	3,836,628
Excess revenue for the year	1,078	7,998	-	9,076	112,726

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.



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.

#700 – 509 Richards St., Vancouver BC V6B 2Z6
xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish)
& səl ilwətaʔt (Tseil-Waututh) Territories

Phone: 604-684-7378 or 1-800-330-WCEL

Fax: 604-684-1312

Email: admin@wcel.org • **Web:** www.wcel.org
Charitable Registration #11929 2415 RR0001

Cover image: View of the northern lights from the Selkirk Mountains in Revelstoke, BC. Photo by William Eaton.