

WEST COAST ENVIRONMENTAL LAW

The background of the entire page is a teal-tinted photograph of a rugged coastline. In the foreground, dark, jagged rocks are visible, with white foam from waves crashing against them. A steep, rocky hillside rises from the shore, covered in a dense forest of tall, thin evergreen trees. In the distance, the ocean stretches to the horizon under a cloudy sky. The overall color palette is monochromatic, dominated by various shades of teal and blue.

ANNUAL REPORTS 2000-2001

Changing Times for Environmental Protection

Political events here at home and around the world set the stage for much of West Coast Environmental Law's work in 2000-2001.

As West Coast's year began in 2000, Canada was gearing up for a federal election. When the election finally occurred, the re-elected Liberals set several environmental benchmarks for progress in their current term.

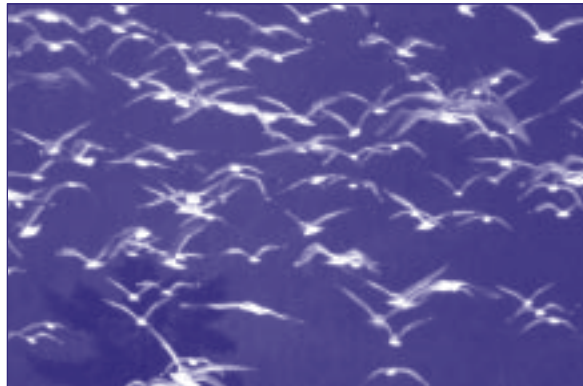
And, as our year ended, BC was on the verge of its own election campaign, which produced a new government with a broad mandate for change, including change that may profoundly affect BC's environmental protection laws.

On the international stage, the year saw the lead-up to the Bonn Climate Summit in July 2001. The summit produced an important international agreement setting out detailed rules necessary for the Kyoto Protocol to be an effective first step in mitigating climate change.

While each of these developments presents challenges, they also provide critical opportunities to make progress in key areas of

our work – sustainable forests, emissions control and better biodiversity protection amongst others.

Here is an overview of West Coast Environmental Law's activities between May 1, 2000 and April 30, 2001.



Air and Atmosphere

Climate Change

West Coast took a leadership role preparing environmental organizations to participate effectively in the Bonn Climate Summit. Working with an international network of climate change campaigners we provided research, analysis and policy solutions that helped set the terms of the debate leading up to the Summit. West Coast has worked to identify solutions that are fair, economic and pragmatic, but which do not compromise environmental integrity.

Through both domestic and international forums, West Coast played a strong role in research and policy development relating to at least three key climate change issues: emissions trading, carbon sink crediting and compliance. In these areas, the rules and legal mechanisms determine whether or not the environmental goal of reducing greenhouse gas pollution is actually achieved.

Our publications, including “Torpedoing Kyoto,” with its strong critique of Canada’s carbon sink thinking, helped modify the Federal government’s final position going into the Bonn Summit so real progress on emissions reduction couldn’t be avoided.

And our series of briefing notes for delegates to the 6th global climate summit, “The Earth in Balance: Briefing Notes for the November 2000 Climate Summit,” provided environmentalists with the information they needed to negotiate for tough standards that would be effective in reducing emissions and protecting the globe’s climate. West Coast’s environmental analysis of competing proposals helped ensure the adoption of effective rules that would start the world on a path to reduced greenhouse gas emissions.

From the feedback we’ve received we’re confident that West Coast’s work on these complex issues is critical to continued environmental progress as Kyoto is implemented in Canada.

Air Quality

West Coast continued to work to improve air quality here in Canada, providing advice to the federal and provincial governments on ozone, fine particulate pollution and vehicle emission reduction. And completing a two-year project, West Coast collaborated with the University of Victoria and the Sierra Legal Defence Fund to write and publish “Cleanair.ca – a citizen’s action guide.” Cleanair.ca provides air quality activists with scientific, legal and policy-making tools to help them effectively advocate for clean air.

Publications

- “Torpedoing Kyoto: Will Canada’s approach to forest sequestration sink the Kyoto Protocol?” (May 2000)
- “Sinking the Climate: Will Canada’s approach to forest sequestration sink the Kyoto Protocol?” (September 2000)
- “The Earth in Balance: Briefing Notes for the November 2000 Climate Summit” (October 2000)
- “Report Card on OECD Nations’ Climate Treaty Positions” (November 2000)
- “Upstream Emissions Trading – the Great Leap Forward for Ecological Tax Reform?” (June 2000)
- “Cleanair.ca – a citizen’s action guide” (published by Sierra Legal Defence Fund, written by West Coast Environmental Law and the Environmental Law Centre, December 2000)



Workshops, Conferences and Alliances

- Greenhouse Gas Emission Reduction Trading Project
- Canadian Climate Action Network
- International Climate Change Consultative Committee
- Conference of the Parties to the UN Framework Convention on Climate Change
- UN Framework Convention on Climate Change Subsidiary Groups Meetings
- Northwest Climate Response Coalition
- Clean Air Society



Water

Drinking Water Quality

It shouldn't take a tragedy like Walkerton to get politicians and policy makers to improve the laws and resources that help provide clean and safe drinking water for all Canadians. Unfortunately, that seems to be the case.

In BC, drinking water quality is a real problem for many small and medium sized communities. BC has more boil water advisories than any other province. This year West Coast made it a priority to improve BC's antiquated drinking water laws, proposing tougher water quality and testing rules. Many of these were adopted by the previous government just as our year ended, and just prior to the provincial election.

And, as we learned after the election, the issue isn't won yet. BC's new government has rescinded the new testing standards, and is reviewing the new drinking water protection legislation.

Cruise Ship Pollution

BC's marine environment is one of our greatest natural resources. But it is under increasing threat from one of BC's newest and fastest growing industries. Cruise



ship pollution is growing as BC's cruise ship industry booms. Sewage, waste chemicals, greywater, bilgewater and garbage all end up in BC's coastal waters as more and more passengers make the trip to Alaska.

West Coast worked on a comparison of Canadian and American laws that shows the US and Alaska are far ahead of Canada and BC when it comes to controlling cruise ship pollution.

Publications

- Safe to Drink? The gaps in BC's water quality protection laws
- Safer to Drink? West Coast's comments on BC's proposed new drinking water protection legislation
- The Accord to Prohibit Bulk Water Imports – Will it Actually Hold Water?

Workshops, Conferences and Alliances

- International Law Conference – West Coast reviewed new developments in international water law
- Fish Habitat Protection Workshops, Sechelt, Nanaimo, Prince Rupert, Massett, Kamloops
- Urban Salmon Habitat Program, Courtenay, Surrey, Abbotsford, Squamish, Langley

Forests

The protection of BC's forests remains central to West Coast's work, with our emphasis on improving compliance with sound forest management practices through both regulatory and market mechanisms.



Forest Practices

Since the mid-nineties, strengthening, implementing and monitoring the Forest Practices Code has been a difficult challenge for us at West Coast and other groups working on forest issues. Regulatory relief has been a key goal of the industry despite the fact that the Code hasn't been fully implemented. And increasingly, government is listening to the forestry industry.

Government has proceeded on "results based" forestry management pilot projects through which industry could be exempted from virtually any forest practices regulation. West Coast's careful analysis of each pilot regulation has played a key role in ensuring that pilots met the legal tests required, including equivalency with the outcome and standards of the Forest Practices Code.

The pace will only pick up in the coming year as the new government moves to implement its campaign promise to review all aspects of the current Forest Practices Code and replace it with a comprehensive "results based" code. Our job will be to make sure the province does not turn back the clock on real sustainable forestry using the Code review process to lower environmental standards.

Forest Certification

One way to ensure governments can't turn back the clock is to make sure the market is responsive to consumer demands for the products of a sustainable forest industry.

While most attention is focused on the movement to develop consumer awareness around the destruction of old growth and particular forests and watersheds, West Coast's forest certification work is instrumental on the other side of the equation: the development of alternative markets for environmentally sustainable wood products.

Our certification work is building one of the key tools for identifying and promoting more sustainable wood products so consumers have clear, environmentally sound alternatives. Working with a team of industry, labour, First Nations and scientific experts, West Coast has played a key role in drafting strong environmental standards into the certification process. As a result, consumers will have clear alternatives in the wood products market.

Forest Land Use Planning

Over the last decade, government and industry have recognized broader interests in forest land use. This year we continued our work with First Nations, building capacity through workshops on strategic and operational forest land use planning.

Publications

Guide to Forest Land Use Planning, updated March 2001.

Workshops, Conferences and Alliances

- Forest Stewardship Council BC Standards Team
- Clayoquot Sound Central Region Board Forest Land Use Planning Workshop
- Metlakatla Forest Land Use Planning workshop
- Cariboo Tribal Council Forest Land Use Planning Workshop
- Ts'kway'laxw Forest Land Use Planning workshop
- Weyerhaeuser Public Advisory Group – Forest Practice Code Pilot Seminar
- Kitselas / KitsumKalum Land Use Planning workshop
- BC Environmental Network Forest Caucus



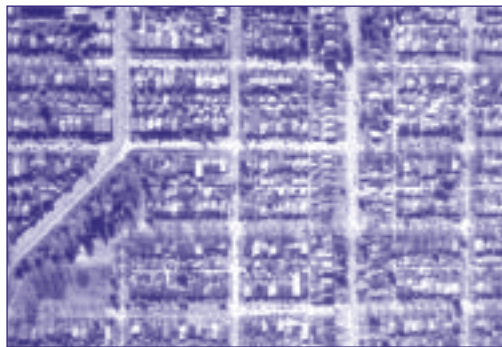
Land

Urban Growth

Traffic congestion, habitat loss, lost green space, air pollution, overcrowding and endless suburbs: what used to be lower mainland problems are now Vancouver Island problems and Okanagan problems. In fact there isn't one town or city in BC that's immune to the problems of population and urban growth.

To respond, West Coast stepped up its efforts to develop tools to fight urban sprawl. This year West Coast published the innovative citizen's tool kit "Smart Growth Guide to Local Government Law and Advocacy." The Smart Growth Guide is a comprehensive guide to the laws and processes that shape urban British Columbia. It highlights tools citizens can use to curb sprawl and protect special places, covering municipal and regional land use, transportation, forest land, agricultural land and green space protection.

West Coast held workshops in key developing regions for individuals, citizen groups, businesses and municipal and provincial government officials working on the social, environmental and economic issues that come with urban growth. West Coast used these workshops to build awareness around sustainable urban land use, to assess the needs of those working to curb sprawl, and to build support for a new organization. This work culminated with the launching of Smart Growth BC in late 2000. Smart Growth BC is a



new organization focusing on alternatives to urban sprawl and the preservation of green space.

Several new initiatives will soon be underway to maintain momentum on sustainable urban growth issues. West Coast is working with activists, the private sector, municipal institutions and industry professionals to identify and reduce the "green" tape that makes it uneconomic to incorporate green practices into building and development. As well, we are exploring green building concepts and pilot projects with potential in the Vancouver region.

Conservation Covenants

In the mid nineties, the BC Government made it easier to establish land conservancies to protect environmental, heritage and other values on private land. The government was acting on

legislative recommendations put forward by West Coast and other environmental groups working on land conservancy.

Since the new legislation opened up this area of environmental preservation, West Coast has been hosting workshops for groups and citizens interested in nature conservancy. This year West Coast has drawn on its unique knowledge and experience in this area to produce two citizen guides designed to take landowners and other interested parties through the steps required to preserve environmental values on private land.

Publications

- Smart Growth Guide to Local Government Law and Advocacy
- Giving it Away: Tax Implications of Gifts to Protect Private Land
- Greening Your Title: A Guide to best Practices for Conservation Covenants

Workshops, Conferences and Alliances

- 14 Smart Growth Workshops in communities throughout the Georgia Basin and the Okanagan



Mining and Contaminated Sites

Sometimes something is so commonplace that we can't imagine any issues surrounding it... Until it ends up in our backyards. That's the situation many communities find themselves facing when it comes to aggregate mining, better known as sand and gravel. It's one of the most important building materials, and many pits are adjacent to urban and suburban areas. It's not until a new permit is issued that residents often become concerned over this kind of industrial activity. West Coast has been involved in several high profile cases involving sand and gravel pits, including the permit issued for a pit in the Pitt river watershed and another in a Nanaimo suburb.

To help citizens provide meaningful input into the provincial review of aggregate policy, West Coast has developed a citizen's primer that describes the current process and identifies effective reform options.

Publications

- The Aggregate Review: A West Coast Primer
- Submission to the Aggregate Advisory Panel



Environmental Law Services

West Coast has taken an active role in improving laws and using laws to protect our environment. One way we do this is by supporting groups and individuals in understanding and resolving environmental issues. West Coast provides this support through both direct funding under the Environmental Dispute Resolution Fund and through our free summary advice program.

EDRF

For ten years now, West Coast has helped citizens find ways to actively protect our environment and their quality of life through our Environmental Dispute Resolution Fund. This program provides financial support for legal and expert assistance to individuals and groups trying to solve environmental problems big and small across BC.

This year West Coast provided assistance and advice to hundreds of groups and individuals from every corner of our province. Here's a sample of the cases on which West Coast worked.

Georgia Strait Crossing

While our senior governments are busy planning a national park system for the Southern Gulf Islands, they're also considering a huge new industrial project to run a natural gas pipeline right through the middle of this unique and environmentally sensitive region.



With West Coast's help the Georgia Strait Crossing Coalition convinced the government to hold an environmental assessment hearing under the Canadian Environmental Assessment Act, and the Coalition is intervening in this hearing.

Pitt River Area Watershed Network

The EDRF funded a lawyer for the Pitt River Area Watershed Network (PRAWN). And with the help of that lawyer, and tremendous commitment on the part of members of the community, PRAWN was able to force both the federal and provincial governments to recognize the serious environmental problems that would occur if a proposed sand and gravel pit went ahead. Facing both legal and public opposition, the pit operator eventually withdrew the application.

Britannia Mine

Driving to Squamish on the Sea to Sky highway, it's hard to miss the Britannia Mine. Abandoned for years, toxic leachate from the mine site is still the leading point source of metals contamination in North America. Negotiations on cleaning up this contaminated site have been underway for years and, with West Coast's support, the Environmental Mining Council of British Columbia has participated in

virtually every step along the way, to ensure that mine owners are held responsible for clean up, and that government protects the public from further environmental harm or financial liability.

Mount Matheson Conservation Society

A legal opinion and pressure by an EDRF-funded lawyer provided the Mount

Matheson Conservation Society with the ability to negotiate the purchase and protection of land slated for a housing development on the southern tip of Vancouver Island. The purchase protects a drinking water supply and sensitive wetlands.

BC Lung Association

Beehive burners are antiquated technology used to burn wood waste. Although they pose a major human health hazard, the government has repeatedly backed away from phasing the burners out. The EDRF funded the BC Lung Association to appeal a number of beehive burner permits to the BC Environmental Appeal Board on a variety of grounds related to the significant health impacts directly attributable to the burners.



Environmental Citizenship

Since our inception, West Coast has had the philosophy that education and outreach are necessary for the law to be an effective tool in the hands of citizens seeking to improve environmental protection and ensure sustainability. And we also believe that the law itself must change to ensure citizens can make themselves heard.

This year West Coast has undertaken some exciting projects to expand the awareness and utility of environmental law.

伸展至華人社區

Building Bridges

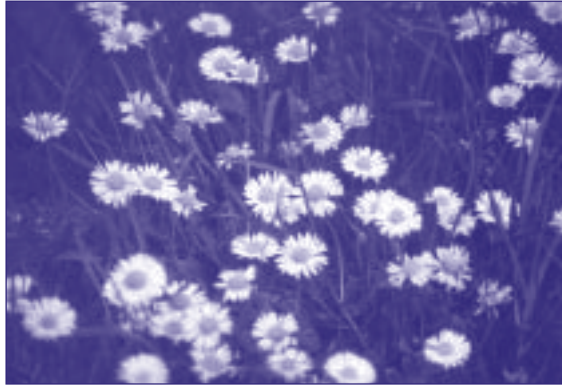
West Coast Environmental Law, the United Chinese Cultural Enrichment Services Society (SUCCESS) and the Association for the Promotion and Advancement of Science Education (APASE) have recently formed a working group to explore ways in which we can strengthen relationships between groups in the Asian community and environmental organizations. Building Bridges, our new outreach program, will expand on this work to provide environmental information and tools to the Mandarin and Cantonese speaking communities in the Lower Mainland.

Canada and the Future of International Law

With international law – including trade law – becoming more important in setting standards and objectives on key environmental issues, West Coast organized “Canada and the Future of International Law” conference. The conference, as well as West Coast’s climate change publications, have helped to build broader public awareness of the nature and extent of the actions Canada is taking to fulfill obligations under international environmental agreements such as the Framework Convention on Climate Change, the Biodiversity Convention and the Montreal Protocol concerning Ozone depleting substances.

Sustainability Commissioner

Accountability is a key concept in law reform. To better ensure the provincial government is accountable for its environmental commitments, West Coast worked with the government and environmental groups to develop legislation establishing an environmental commissioner. Modeled on similar positions in the federal and Ontario governments, the Commissioner would have been responsible for auditing provincial government initiatives with respect to the environment. The BC Liberal government repealed the Act in the summer of 2001



Anti-SLAPP Legislation

When powerful companies with deep pockets come under scrutiny for environmental infractions, they have been known to use the law to fight back, hiring lawyers and launching lawsuits with the simple purpose of tying up resources and limiting dissent. Using the courts this way has come to be known as ‘strategic lawsuits against public participation’ or SLAPPs. West Coast has long sought legislative protection against these actions. This year we were pleased to take part in the design of BC’s anti-SLAPP legislation, which was introduced into the legislature as our year drew to a close.

Publications

- Developing a Response to Strategic Lawsuits Against Public Participation in British Columbia

Financials

West Coast Environmental Law Statement of Revenues and Expenditures

REVENUES	2000-01	1999-00
General		
Law Foundation operating support	461,750	461,750
Law Foundation EDRF grants	180,179	180,000
Donations, memberships & investments	68,586	185,224
Fees for legal education services	10,117	120,064
Foundations and agencies	522,367	483,510
TOTAL	1,242,999	1,430,548

Thanks

Our grateful thanks to the **Law Foundation of BC** for their continued generous support. The Law Foundation continues to provide operating funds, and support for our Environmental Dispute Resolution Fund.

We are also grateful to the following foundations and agencies for their support this past year: Brainerd Foundation, Bullitt Foundation, Canadian International Development Agency, David and Lucile Packard Foundation, EJLB Foundation, Elizabeth Haub Foundation, Endswell Foundation, Environmental Assessment Office (BC), Fisheries and Oceans Canada, Fisheries Renewal BC, Forest Renewal BC, German Marshall Fund, Human Resources Development Canada, Lazar Foundation, Millennium Bureau of Canada, Ministry of Employment and Immigration (BC), Real Estate Foundation, Vancouver Foundation, W. Alton Jones Foundation, Wilburforce Foundation, and Youth Options (BC Hydro).

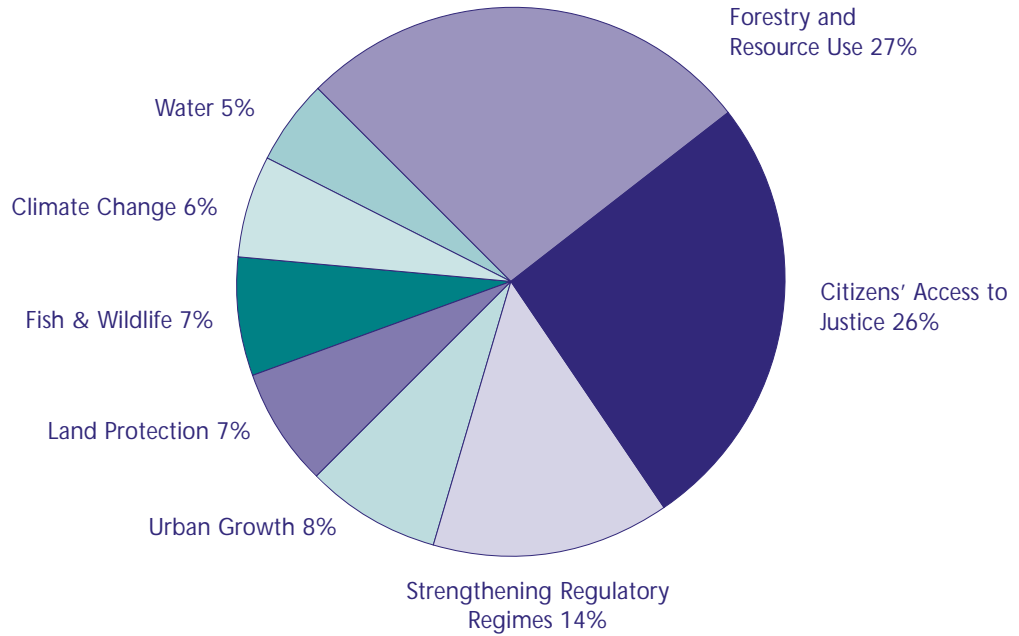
Financials

West Coast Environmental Law Statement of Revenues and Expenditures

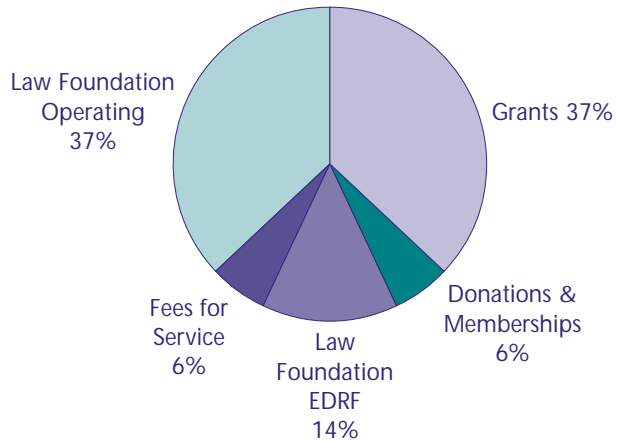
EXPENSES	2000-01	1999-00
General		
Audit, accounting and legal	32,262	21,979
Communications and development	35,093	33,653
Leases and equipment	61,864	31,567
Library collection and website	12,808	15,057
Phone, fax, email, courier	44,279	45,762
Professional liability insurance	21,426	18,660
Publications and member services	20,723	24,363
Rent, utilities and maintenance	46,149	43,540
Supplies and stationery	10,401	6,253
Travel and training	28,152	12,067
Wages and subcontracts	481,552	530,213
Directed		
Climate Change	305	801
Education and Outreach	-	3,425
Endangered Species and Habitat	60,063	162,581
Environmental Dispute Grants	180,679	180,000
Fish and Oceans	541	8,922
Forestry Education	171,182	21,482
International	24,145	-
Mining and Land	-	10,281
Private Land Protection	23,847	23,935
Smarth Growth	7,583	-
TOTAL	1,263,054	1,194,541
	(20,055)	236,007

Complete audited statements available on request

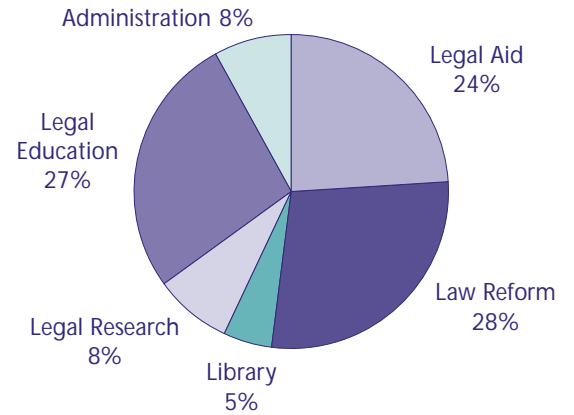
Areas of Work



Sources of Support



Program Areas



Staff

Steven Shrybman, Executive Director (to July 2001); Linda Nowlan, Acting Executive Director (to August 2000), Executive Director (from January 2001); Chris Rolfe, Karen Campbell, Jessica Clogg, lawyers; Kate Smallwood, Endangered Species Coalition coordinator (to August 2000); Kathy Grant, Environmental Dispute Resolution Fund and Community Outreach Coordinator; Christopher Heald; systems and newsletter; Alexandra Melnyk, office manager; Ceciline Goh, administrative assistant (from February 2000); and Catherine Ludgate, administration & development (to September 2000).

Volunteers and Project Workers

Sanjeet Thaliwal; Sasha Nowicki; Laura Kine; Jen Metcalfe; Nicholas Blenkinsop; Patrick Beaton; Garima Arya; Scott Waters (Spring 2000); Rodney Wilts (Fall 2000); Carly Hyman (Winter 2001); and Peter Wood, Forest Certification Coordinator (from January 2001)

Board of Directors

Jim Atwater, Wendy Baker (from September 2000), Wally Braul, Jutta Brunnee, Ardyth Cooper, Tanner Elton (to September 2000), Sarah Groves, Nancy Hannum, Ann Hillyer (to September 2000), Jef Keighley, Helga Knotte, Murray Lott, Nancy Morgan(to

September 2000), Pat Moss, Tom Perry (to September 2000), Stuart Rush (from September 2000), David Russell (to September 2000), Simone Sangster (to September 2000) and Ray Schachter. Honorary members: Thomas Berger, Garth Evans, Christopher Harvey, Ross McClellan, Greg McDade, Andy Thompson (to February 2000).

EDRF Lawyers

Bill Andrews, Judy Atkins, David Austin, Wendy Baker, Glen Bell, Gregory Corson, Bruce Fairley, Andrea Finch, Susan Fraser, Christopher Devlin, Michelle Ellison, Lisa Fong, Andrew Gage, Mark Haddock, Ann Hillyer, Patricia Houlihan, Susan Loney, Richard Margetts, Kenyon McGee, Brenda McLuhan, Don Skogstad.

West Coast Environmental Law is one of Canada's oldest public interest environmental law centres. Since 1974, we have been providing legal advice, law reform and legal education services to protect our environment and promote public participation in environmental decision-making. We are grateful to the hundreds of friends and donors who have supported us over the years and to the many foundations who have contributed to our work. In particular, the Law Foundation of BC has been an unwavering supporter of West Coast, and shares our mission to make legal services broadly and freely available to ensure access to justice for all.





West Coast Environmental Law

1001 - 207 West Hastings, Vancouver, BC CANADA V6B 1H7

phone: 604.684.7378 or 1 800 330 WCEL (in BC)

fax: 604.684.1312 email: admin@wcel.org www.wcel.org

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