



WEST COAST AT 25

**WEST COAST ENVIRONMENTAL LAW
ANNUAL REPORTS 1998 -1999**

A Quarter-Century of Accomplishment

In the day-to-day struggle to advance the environmental agenda it is easy to lose sight of just how far we have already come. When West Coast first opened its doors twenty five years ago, much of the framework for environmental protection we now take for granted had yet to be established. Such fundamental concepts as environmental assessment, pollution prevention, the precautionary and polluter-pays principles were not even part of the public policy debate of those days.

Today, we also take for granted our right to participate in government decisions that will affect the environment. But when West Coast Environmental Law was founded, these democratic rights didn't exist. That is why West Coast was founded with a mission to both promote the cause of environmental law reform and to empower citizens so that they could work together to bring about progressive change.

During the past quarter century, we have been able to mark many important milestones as we have worked with our partners to build a robust body of environmental law—from local habitat protection,

pollution control and resource conservation laws, to a growing number of international environmental agreements about climate change, hazardous waste trade and biodiversity protection. Along the way, we have engaged all levels of government as well as the international community in working to address the difficult and complex ecological challenges that unsustainable economic and resource policies have caused.

Over the years, we have also been successful in establishing the mechanisms for public input into environmental decision-making—from BC's Environmental Appeal Board, environmental assessment processes (both provincial and federal levels), to freedom of information legislation. We have also helped put the tools for change directly into the hands of environmental and community groups throughout BC and across Canada. Our 1-800 number allows residents from anywhere in BC to call our lawyers and staff for

environmental information and assistance. Our Environmental Dispute Resolution Fund has provided community groups with more than \$2 million to hire lawyers and experts when environmental problems can only be solved by direct legal action.

Looking back on this progress, it is clear that West Coast has played a leading role in promoting, raising public support for, and then shaping many



of the major environmental legal developments of this past quarter century. Indeed some of the most significant achievements of these years, from “zero” discharge regulations for pulp mill effluents, and legally mandated environmental assessment processes, to BC’s contaminated sites legislation might not have happened but for our work. The rigor and objectivity of analysis, together with our commitment to working with all groups in society to bring about progressive environmental law reform, have been critical to this success.

As this special edition of our annual report also reveals, in many ways our role as a member of Canada’s environmental community has been, and continues to be, unique. The reasons are many: our longevity, the diversity of the issues that we take on, our focus on translating sound environmental policies into binding legal commitments, and because of the fundamental importance we place on building the capacity of other environmental and community groups.

Building capacity, from the grassroots to international networks, has been fundamental to every aspect of our work. We have been able to put this commitment into action by founding coalitions to foster progressive environmental change in several areas. From the Pulp Pollution Campaign and BC’s Endangered Species Coalition to the Common Front on the World Trade Organization and Smart Growth BC, we have helped bring together diverse interest groups to work toward common environmental and societal goals.

Recharging Our Batteries

However, too often these days, we find ourselves fighting defensive struggles to maintain the gains we have fought so hard to win against the onslaught of an agenda that seeks to reduce environmental regulation, privatize our forests and water, and eliminate the right of the public to participate in environmental decision making.

Therefore, on the occasion of our 25th birthday, we thought it would be appropriate to pause for a moment, and take some encouragement from our past successes—to celebrate the very considerable accomplishments of the past twenty-five years. So, in a departure from the typical format of our annual report we are dedicating this 25th edition to marking some of the most important victories that West Coast, and our allies, have been instrumental in achieving.

It is clear that we have a great deal more progress yet to make. But, appreciating how much ground we have already covered provides the best evidence that we will succeed in overcoming the difficult challenges ahead.



Nancy Morgan, *President*

and



Steven Shrybman, *Executive Director*





1974

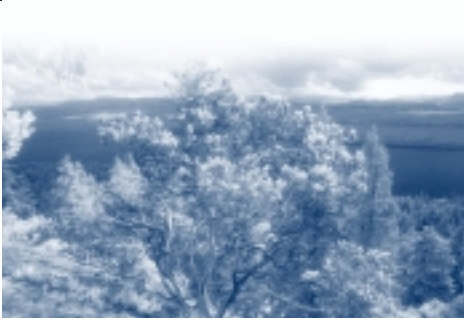
- West Coast Environmental Law comes to be. The **Vancouver Environmental Law Centre** is created to provide a legal advice service for environmental problems. The headline in the *Vancouver Province* reads: "Legal eco-guerillas hope summer centre will endure."
- We receive our first grant from the **Law Foundation**, marking the beginning of our long-standing and productive relationship.

1975

- The Vancouver Environmental Law Centre is incorporated. The foundation for our modern-day environmental legal objectives is set: providing environmental legal advice, public environmental legal education, and environmental law reform.
- The Vancouver Environmental Law Centre Association becomes the **West Coast Environmental Law Association**.

1976

- We publish the **first issue of *Econotes***, our newsletter as it was then called. It is two typewritten sheets long. Postage costs six cents.
- **Our first publication**, *A Study of Legislation Affecting the Environment of British Columbia*, provides a comprehensive survey and analysis of the state of the law. It is designed for legal practitioners, environmental consultants, planners and interested members of the public. First published in a format allowing for annual revision of statutes, by 1980, its success leads to an updated version, and it is renamed *Environmental Law: British Columbia Handbook*.



1977

- The **West Coast Environmental Law Research Foundation** is founded.
- We publish *Land Use Law*, by John Ince. This work serves as a companion piece to our *Study of Legislation Affecting the Environment*. Using informal language, it explains how land use is regulated in British Columbia, outlining the numerous government agencies that regulate the land, and introduces readers to key legal elements of urban planning, zoning, crown land, resource land and protected land.
- Our **library**, the largest collection of environmental legal materials in the province, opens to the public. Today, our library holdings are fully catalogued and accessible to the public, and the card catalogue can be read online.

- The West Coast Environmental Law Research Foundation assumes all of the Association's educational activities. Its objective is "to support or conduct legal research to develop standards and objectives that will ensure the **maintenance of environmental quality**."
- **Forest Act and Ministry of Forests Act.** We make submissions to the Royal Commission on Forest Resources in November 1975. In 1976, Commissioner Peter Pearse acknowledges that the problem of the day is to rationalize timber production with the protection of the environment and other social values. Many of the Royal Commission's recommendations are implemented through the 1978 *Forest Act* and *Ministry of Forests Act*, although the new legislation does not change the fundamental timber focus of forestry law in BC.

1978

1979

- We begin work on uranium mining. In the summer, we receive funding from the **Royal Commission of Inquiry into Uranium Mining** (RCIUM) to conduct research and prepare a brief on interjurisdictional aspects of uranium mining, and to participate in technical hearings.



1980

- We act as coordinator for the **Fraser River Estuary Forum**, a joint federal-provincial task force formed to resolve land-use conflicts along the Fraser River.
- The Royal Commission of Inquiry into Uranium Mining provides us with a grant to hire part-time counsel to assist in our work reviewing **environmental impacts on uranium mining**. Later this year, we are present at the daily hearings, and we prepare a 90-page Interim Summation when the RCIUM is cancelled by Order in Council.
- **Canadian Environmental Protection Act**. We work on the *Environmental Contamination Act* amendments. These become part of the *Act* and are eventually rolled into the *Canadian Environmental Protection Act*.



1981

- The **Environmental Management Act** is passed, creating the Environmental Appeal Board. For the first time, BC's citizens have a legal right to public participation in environmental decision making.
- We publish ***Making the News***, by Michael Ura. This little book has become a valued tool for environmentalists and community members who want to better understand how the news media works. It provides concise insight on the nature and functioning of the media, and how to work with journalists to more effectively bring issues into the public forum. *Making the News* is reprinted and updated numerous times, and is still in demand today.
- We present a brief to the Standing Committee on National Resources and Public Works, calling for a **full public inquiry** before any decision is made to lift the **moratorium on oil and gas exploration** and production off the coast of BC.
- We launch the **Chemical Hazard and Pesticide Information Centre**. The Centre offers a public library, research service, workshops, and a telephone service.

1982

- **Moratorium on Offshore Oil and Gas Exploration**. With increasing industry pressure for resumption of oil and gas exploration off the West Coast, we appear before the federal House of Commons Standing Committee on National Resources and Public Works. We call for legislating the moratorium, and for a public inquiry into the dangers of oil and gas exploration before government makes any decision. Subsequently, the province and federal government agree to an assessment.
- We start representing the Peace Valley Environmental Association at the BC Utilities Commission hearings on the **Site C hydroelectric project on the Peace River**. This is the first hearing of this type under the recently enacted *BC Utilities Commission Act*.

1983

- We represent “**Save Our Salmon**,” a public interest organization opposed to a proposed coal strip-mine adjacent to the Quinsam Lake System. We successfully obtain a full public inquiry into the proposed mine, which would have had disastrous environmental impacts, including the destruction of the local salmon fishery.
- We appear as an **expert witness on pesticide registration** before a coroner’s inquest into the death of a farmworker caused by organophosphate poisoning. All of our recommendations are accepted by the coroner.
- We initiate a test case involving a **civil public nuisance action against** a company for **damage to fish habitat**. This is the first instance in which a public nuisance action is used to compensate the general public for damage to the environment.
- We work with the Environmental Protection Service on amendments to the *Ocean Dumping Control Act*, and with the Lower Mainland Refuse Project on the development of the first BC Waste Management Plan for solid wastes.

1984

- We publish the *Citizen’s Guide to the Environmental Appeal Board*, by Calvin Sandborn. Following the establishment of this quasi-judicial board in 1981, we determine that there is a need in the environmental community for a better understanding of the EAB. In 1984, we respond by publishing this *Guide*, which provides information and insight on all aspects of the board’s mandate, and a detailed course in how to effectively research, prepare and present a case at an appeal hearing. The *Guide* also provides surveys on the types of cases more likely to succeed at these hearings, and information on how to challenge decisions made by the board. The *Citizen’s Guide* is updated in 1987.
- We represent citizens at the Quinsam Coal hearings, and commence a judicial review of the grounds that there has been a denial of natural justice. We successfully **prosecute the Central Okanagan Regional District** for applying a pesticide too close to fish-bearing waters.

1985

- We draft and promote a **Pesticide Right to Know** bylaw, which is approved in 1987 by the City of Vancouver. This landmark bylaw ensures public notification of pesticide spraying, and is used as a model by communities across Canada.
- We represent a coalition of environmental organizations in a **test case in federal court to clarify the legislative requirements of the federal pesticide registration process**: *Association for the Protection of Fur-Bearing Animals et al v. Minister of Agriculture*.
- We provide an extensive program of **law reform proposals to the National Energy Board**, proposing that environmental concerns become a priority item in the national electricity export policy.

1986

- We represent a coalition of organizations applying to intervene in a major constitutional case regarding **the protection of fish habitat in the Nechako River: *Attorney General v. Aluminum Company of Canada et al*, BCSC.**
- We obtain an injunction against the experimental use of the pesticide Garlon within a traditional **First Nations fishing area on the Skeena River.**



1987

- We successfully represent the **Islands Protection Society** in a judicial review of the decision of the Environmental Appeal Board not to hold an oral hearing on the Society's appeal of two forest herbicide use permits in the Queen Charlotte Islands. Supporting our position, Mr. Justice Oppal holds that it would be "fundamentally wrong.../to hear and determine matters of such public importance without holding public hearings."
- We stop a harvest of rare **Peale's peregrine falcon chicks**, which prompts an inquiry that leads to a moratorium on such harvests.
- The City of Vancouver approves our draft of the ***Pesticide Right to Know bylaw***, becoming the largest city in North America to pass such a bylaw.

1988

- We establish the important precedent that draft reports on the **Nuclear Safety** committee of the Atomic Energy Control Board not be excluded from public access under the federal *Access to Information Act*.
- We play a critical role in shaping the proposed ***Canadian Environmental Protection Act***, and achieve 70 specific improvements to the *Act* and its precursor, the *Environmental Protection Act*, through many written submissions and a presentation to the Parliamentary Committee.
- We press for pesticide regulation to **protect farm workers under the BC Workers Compensation Board**. Arguing that workers should know about hazardous chemicals in the workplace, we advocate for a right-to-know mechanism in the forthcoming Workplace Hazardous Materials Information System.
- We sow the seeds for the **Pulp Pollution Campaign**, by publicizing the extent of non-compliance by the BC pulp and paper industry with federal and provincial standards. Over forty organizations with a combined membership of over 200,000 join. This huge coalition successfully presses the BC pulp and paper industry to spend over \$500 million within two years to reduce production of toxic organochlorines.



1990

1989

- We successfully lobby for the introduction of **new provincial anti-sapstain regulations** to prevent rainfall from leaching toxic chemicals off of treated lumber into fish-bearing waters.
- We publish **Toxic Real Estate in British Columbia** by William Andrews, Waldemar Braul, and James Russell. This groundbreaking three-part series addresses the complex problems of contaminated sites in the province, and informs the coming years of debate about toxic contamination of real estate. Part I explains the sources and basic issues of soil contamination and toxicity. Part II examines legal liability for contaminated sites, reviewing its source in contract law, pollution torts and statute law. Part III sets out a draft statute aimed at preventing pollution, and constructing a mechanism to identify and assign liability for the clean up of contaminated sites. This work becomes the foundation for the first contaminated sites regulation in BC.
- We are instrumental in new provincial regulations which **ban lead solder in plumbing**, which prevents lead contamination in drinking water.
- The **Environmental Dispute Resolution Fund** is founded.

- We undertake a large project on toxic contamination in BC. The resulting publications provide a critical overview of the state of contaminated land in the province, and lay the foundation for the first contaminated sites regulations. The attention of this work also turns the **spotlight on the contaminated Expo lands**, which now need extensive clean-up.
- We publish **Law Reform for Sustainable Development in British Columbia**. This handbook, published by the BC Sustainable Development Committee of the Canadian Bar Association, is an important compendium of provincial-level law reform proposals. It is an initial attempt to propose significant restructuring of provincial law to better protect BC's environment. It is collectively produced by environmental lawyers from across BC, many of whom have passed through West Coast's doors as students, staff, directors or volunteers. A companion volume, **Sustainable Development in Canada: Options for Law Reform**, is produced by the National Sustainable Development Committee of the CBA. Contributing authors to this title include a number of our honorary directors, as well as our current executive director.
- With EDRF support, the **Ingenika Tribal Association (Tsay Kay Dene Nation)** obtains legal advice to evaluate their remedies for damages suffered from excessive pesticide spraying by forest companies on traditional lands.

1991

- **Access to Information—Success—*Freedom of Information and Protection of Privacy Act*.** West Coast Environmental Law introduces a motion for bar association support for BC access to information legislation. Subsequently, West Coast works on improvements to draft legislation. West Coast directors Murray Rankin and David Loukidelis are key advocates for strong legislation. BC's laws become among the best in Canada.
- **Household Toxics.** We publish *Preventing Toxic Pollution—Toward a BC Strategy*. Author Brad Wylynko goes on to draft regulations for stewardship of household waste.
- Over the years, the EDRF has funded the Earthcare Society in a number of permit appeals before the Environmental Appeal Board, most notably with respect to the granting of pesticide use permits. This solid record helps **establish the legitimacy of environmental concerns about pesticide spraying**, and the legitimacy of using the Environmental Appeal Board to challenge these decisions.

1992

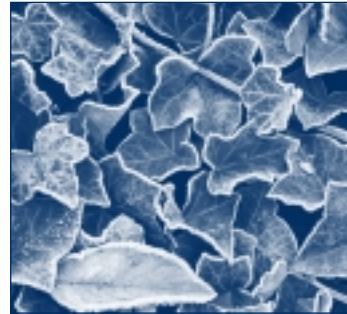
- As a result of pulp pollution campaign, **BC introduces new pulp mill regulations requiring all pulp mills in the province to eliminate organochlorines** by December 31, 2002. These regulations are among the most stringent in the world, and are used as models for legislation world-wide.
- **SLAPP suits** (Strategic Lawsuits Against Public Participation) **become an issue**, and we provide important advice about SLAPPs to citizens and ENGOS.
- **Friends of the Oldman River. This landmark Supreme Court of Canada decision was won with EDRF funding.** The Supreme Court upheld federal jurisdiction to undertake environmental assessment through the *EARP Guidelines Order*, precursor to the *Canadian Environmental Assessment Act*.
- **Federal Environmental Assessment—Success—*Canadian Environmental Assessment Act*.** After years of advocating the need for new comprehensive environmental assessment legislation, Parliament finally passes the *Canadian Environmental Assessment Act* in 1992.



1993

- **Toxic Real Estate in British Columbia—Success—*Contaminated Sites Legislation*.** Following up on the publication of our reports on toxic real estate, BC passes sweeping amendments to the *Waste Management Act*. We continue to take a lead role among environmental groups.
- The Commission on Resources and the Environment (CORE) is established, and we provide critical funding to ENGO participants involved in these multi-stakeholder land use negotiations. We assist eight ENGOs to participate in the Vancouver Island, Cariboo/Chilcotin and Slocan Valley CORE processes.
- ELIB—the Electronic Legal Information Base—launches. Computer users can access our library and selected publications via modem. A project started by then-executive director Bill Andrews, ELIB goes on to become the West Coast website in 1995.
- **Friends of Glencoe Cove.** The success of this EDRF funded case lies in the fact that the result is the setting aside of a significant area of protected land through the use of conservation covenants on Vancouver Island. This case also shows the linkage between the EDRF and our law reform agenda, which has been prominent in advocating the use of conservation covenants for land protection.

1994



- **Household Toxics—Success—*Paint Stewardship Regulations*.** BC regulations represent an important innovation in promoting waste reduction and toxics from land fill. West Coast alumni Brad Wylynko drafts the new regulation.
- **BC Endangered Species Coalition** formed, spearheaded by staff counsel Linda Nowlan of West Coast and the East Kootenay Environmental Society. Twenty-five groups join the Coalition. The goal is effective endangered species legislation at federal and provincial levels.
- **Conservation Covenants—Success.** After a two year West Coast campaign, the provincial government finally passes the *Land Title Amendment Act, 1994* enabling nongovernment conservation covenants and removing disincentives to covenants. Reforms to the *Land Title Act* allow conservation organizations to hold permanent, legally binding commitments to protect privately owned land.

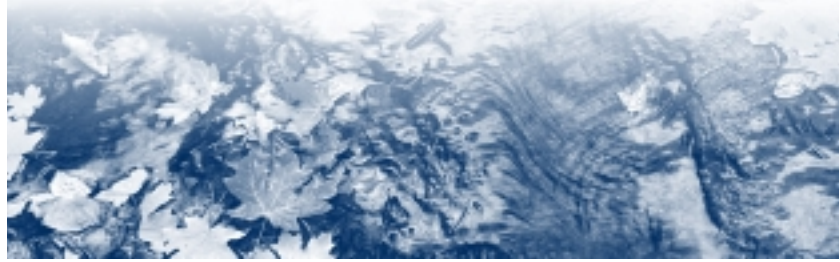
1995

- After years of work and advocacy by West Coast and other environmental groups, **the BC *Land Titles Act* is amended to allow non-governmental organizations to hold conservation covenants on private land.** As a result of this groundbreaking work, dozens, and possibly hundreds of covenants protecting sensitive ecological land have been registered in BC. Since there is no central covenant registry, there is no real way to tell just how much land has been protected using conservation covenants.
- **Clean Vehicles and Fuels Success: Clean Air Amendments.** After West Coast identifies flaws in the *Waste Management Act*, the government enacts new laws allowing the adoption of California vehicle standards in BC.
- ***Internal Trade Agreement 1995.*** From 1994 to 1996, provinces and the federal government negotiate an internal trade agreement. The provincial government submits a report by West Coast Environmental Law to the intergovernmental negotiating team, leading to changes to allow environmental protection provisions.
- **The Internet: We launch the first free public online access to environmental legal information,** first as a bulletin board and then on the internet. The first free online public access to environmental statutes in BC shames the BC government into making statutes and regulations available online. We also launch the first free online library catalogue linked to the full text of books and reports.
- ***BC Environmental Assessment Act.*** We drafted model legislation in 1979. Staff Counsel Ann Hillyer is in the key stakeholders group that advises government on the *Act* and regulations prior to it being brought into force, and works with John Cashore, while in opposition, to draft a private members Bill which ultimately leads to this important legislative milestone.



1996

- ***Leaving a Living Legacy: Using Conservation Covenants in British Columbia*** by William Andrews and David Loukidelis. Following up on the enactment of the *Land Titles Amendment Act*, we publish this guide to considering, planning and enforcing conservation covenants. This guide included sample covenants, photographs, frequently-asked questions, and an in-depth explanation of legal elements of conservation covenants. As with earlier West Coast guides, *Leaving a Living Legacy* also examines relevant statutes and associated legal issues.
- With EDRF funding, the **Friends of the Stikine** are able to successfully prove that the use of hovercraft by a mining company to transport gold ore to Alaska is destroying fish habitat. And while an EDRF funded lawsuit is denied, the pressure mounted with EDRF support puts an end to the use of the hovercraft.
- ***Protecting British Columbia's Wetlands: A Citizen's Guide*** by Linda Nowlan and Bill Jeffries. Despite being



one of the earth's greatest—yet unprotected—natural resources, wetlands have long remained in the background of environmental law reform. This Guide attempts to redress that problem by shifting attention to these fragile ecosystems. *Protecting British Columbia's Wetlands* introduces wetland science, outlines the laws relating to wetland protection, and proposes specific changes to the laws and policies affecting wetlands ecosystems.

- **Toxic Real Estate in British Columbia—Success—Contaminated Sites Regulations.** After seven years of work by West Coast, the BC Government finally passes contaminated sites regulations. West Coast Director Wally Braul plays a key role in regulatory development.
- **Oceans Act—Bill C-98.** We advocate successfully for including principles for the application of the *Act* such as sustainable development and the precautionary approach, mandatory implementation of plans for integrated coastal zone management, and expansion of the purposes for which marine protected areas can be created.

1997

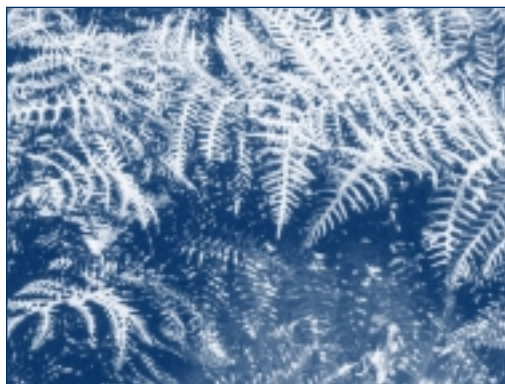
- **The World Trade Organization: A Guide for Environmentalists** by Steven Shrybman. This report, published with a coalition of environmental and social justice organizations, is a critical examination of the WTO.
- **Conservation Covenants—Success. Local Government Statutes Amendment Act.** Five years after we initially call for tax incentives for conservation covenants, the province passes legislation allowing municipalities to reduce tax rates on riparian land covered by conservation covenants.
- **Household Toxics—Success—Residuals Stewardship Regulations.** Following up on the passage of the Paint Stewardship Regulation in 1994, BC expands on its mandatory stewardship program for household toxics.
- **Climate Change—Success—Kyoto Protocol.** Facing international and domestic pressure from environmental groups, Canada calls for more aggressive emission limits to greenhouse gas emissions. We represent the Climate Action Network on Canada's delegation to climate change negotiations in Kyoto, Japan. West Coast and other NGOs identify major loopholes in proposed provisions on greenhouse gas sequestration by forests. The provisions are then changed.

1998

- **BC's Clean Vehicles and Fuels initiative**—with West Coast playing a lead role—ultimately influences the federal government to announce a 30 PPM sulphur limit in gasoline. This limit is to come into effect in 2005. Health experts estimate that this requirement will avoid 2,100 premature deaths and over 3 million asthma symptom days by 2020.
- ***Environmental Management Amendment Act.*** When provincial government proposes legislation to offload administration of environmental regulations to private sector committees, we react quickly, critiquing the lack of safeguards in this fundamentally flawed legislation. Government subsequently dumps the legislation.



- ***Mining Rights Amendment Act.*** With no input from environmentalists or wilderness advocates, government tries to ram amendments to the *Mineral Tenure Act* through the legislature. The proposed legislation guarantees compensation for holders of mineral claims on newly created parkland. With only days between the introduction of the legislation and third reading, we write a scathing critique of legislation and appear before a legislative committee. The legislation still passed but with significant improvements.
- ***We publish Turning Down the Heat: Emissions Trading and Canadian Implementation of the Kyoto Protocol.*** This detailed assessment of the role emissions trading can have in reducing Canada's greenhouse gas emissions is written by Chris Rolfe. We subsequently begin planning an advocacy campaign for ecological tax reform as the center plank in any emission reduction strategy. We call for a national review of ecological tax reform.
- West Coast and the University of Victoria Eco-Research Chair bring together a wide coalition of conservation groups, farm preservation groups, landscape architects, sprawl opponents, urban planners, social justice advocates and sustainable transportation groups to discuss the need for a new Smart Growth organization in BC. The new organization, **Smart Growth BC**, will be devoted to land use and development practices that enhance the



quality of life in communities, preserve ecological integrity, and save money over the long term.

- **Multi-lateral Agreement On Investment (the MAI).** We play an active role in working with labour, environmental and social justice groups to expose the potential impacts of this international agreement for investor rights. Our analytical work, translating the jargon of the MAI into every-day terms and exposing its far reaching impacts on environmental and conservation goals is widely circulated in Canada, the US and Europe. Environmental and cultural critiques of the MAI are instrumental in persuading France to withdraw from negotiations, which proves fatal to this international project.

1999

- Former West Coast Director David Anderson is appointed **Federal Minister of the Environment**.
- Former West Coast friend, ally and confidant Joan Sawicki is appointed **BC Minister of Environment, Lands and Parks**.
- **Access to Information.** David Loukidelis, who served for years on our Board and played a key role in advocacy efforts, is appointed BC's Information Commissioner.
- We coordinate the **Campaign to Save BC's Public Lands**, a network of environmental, labour and social justice groups to respond to the proposed privatization and deregulation of up to 120,000 hectare of land on Vancouver Island, Haida Gwaii and the Sunshine Coast. We make submissions on the implications of forest privatization for the environment, communities and the honourable resolution of the First Nations land question. The BC government abandons its proposal to use land as currency to compensate logging giant MacMillan Bloedel for lost cutting rights due to park creation.
- We publish the ***Guide to Forest Land Use Planning***, by Mark Haddock. Part of our forestry outreach program, the Guide is a comprehensive reference to the laws, regulations and policies governing forest land use planning in British Columbia. The *Guide* provides a tool that communities can use to facilitate their participation in forest land use planning. It provides accessible information about a very complex and multi-layered process by explaining strategic planning, higher level plans and operational planning in British Columbia. The *Guide* also gives in-depth insight into the *Forest Practices Code*, land designations, and relevant federal and provincial legislation.

1999: A Year in Review

This past year has been a particularly productive one for West Coast as we have been able to **substantially increase our work across the full spectrum of our core mandate**: law reform and research; community legal education and representation; and, our library and internet site. Among the most noteworthy of our accomplishments are the following:

Law Reform/Research

During this past fiscal year West Coast was:

- The **Canadian Action Network on Climate Change's** standard bearer to international climate change negotiations in Bonn and Buenos Aires—joining the official Canadian Delegation to those meetings.
- The only environmental group to be invited to join the federal **Voluntary Sector Roundtable Initiative** which was established to find ways to unshackle the work of charities, particularly in the area of advocacy work.
- The author of a highly critical report concerning the ***Environmental Management Act (Bill 40)*** which played a role in persuading the government to withdraw the Bill.
- A member of a high level Deputy Ministers



Committee (DFAIT) to develop an international strategy that would ameliorate some of the more corrosive impacts of **NAFTA investment rules** on public policy and law.

- The Canadian Environmental Network's delegate to **Basel Convention negotiations concerning the export of hazardous waste** from developed nations, including Canada, to the third world.
- Key to a **campaign to save public lands** which successfully discouraged a government plan to privatize over 30,000 of public forest land.
- At the center of the debate about the policy, legal and fiscal implications of "**Credit for Early Action,**" a series of proposals which would allocate the enormous costs associated with meeting Canada's international commitments to combat climate change.
- The author of several submissions to federal and provincial parliamentary committees providing a critical assessment of the public policy implications of the **Multilateral Agreement on Investment**.
- A member of the ***Canadian Environmental Assessment Act, Regulatory Advisory Committee*** to Canada's Minister of Environment.

Major Publications

In addition to publishing dozens of monographs, fact sheets, newsletters and formal submissions this past year, we also published the following major publications:

- **Guide to Forest Land Use Planning:** which provides a comprehensive reference to law, regulations, and policies which govern forest-land use planning in BC. We published this guide in an updateable loose-leaf format and on-line as well.
- **Agenda for Cleaner Transportation:** how transportation planning and individual decisions about transportation use can impact air quality in the urban environment.
- **A Comprehensive Brief on Credit for Early Action:** identifying the serious pitfalls associated with present schemes for recognizing greenhouse gas emission reductions in the absence of binding regulatory requirements.
- **An Environmental Guide to the World Trade Organization:** identifying the broad diversity of adverse impacts on environmental policies and law.
- **Preserving BC's Coast—A Regulatory Review:** prepared for a BC task force on nearshore habitat loss prevention.
- **How the Multilateral Agreement on Investment (MAI) will impact BC forest and fishery resources:** offering a detailed comparison of BC statutory provisions for these resource sectors against MAI rules.

Workshop Series

- **Forest Land Use Planning:** we delivered a number of workshops on forest land use planning to communities across BC. These will continue in the year ahead and involve partnerships with First Nations.
- **Selling Clear Air:** a two-day workshop for

environmental groups, professionals and citizens about the use of market instruments to address climate change.

- **Fish Habitat Protection:** we delivered a series of community-based workshops around the lower mainland and on Vancouver Island. These workshops will continue and reach more remote communities across the province.
- **International Trade and Investment:** we delivered a number of workshops and lectures concerning the impact of international investment treaties on the regulatory framework that now applies to BC resource sectors.
- **Conservation Covenants:** and other initiatives to protect private land—a number of workshops in this ongoing series were convened this year.

Library/Web Site

We created an interactive version of our Guide to Forest Land Use Planning which allows readers to provide feedback while online. We also plan to develop an **interactive on-line workshop** for those who can't attend the real thing.

Our Web site continues to be **one of the most widely utilized sources of environmental legal information in the country**. We routinely log in excess of 15,000 hits a month and often have more than 5,000 user sessions during the same period.

Building Alliances

We believe that **building alliances with all sectors of society is critical to the success of our work**. Without them we will not be able to create

the broad societal consensus needed to establish a new paradigm for development that respects ecological limits while bringing about a far more equitable allocation of this earth's resources. This past year, West Coast staff served as members of:

- The steering committees of **BC Environment Network forest and water caucuses** and as a co-chair of its **international affairs caucus**.
- The **Canadian Environment Network's toxic caucus** and on the steering committee of **Canadian Climate Action Network**.
- The founding group of **Smart Growth BC** which will begin to operate as a stand-alone organization in the year 2000.
- The steering committee of the **Common Front on the World Trade Organization**, and as a member of the **International Forum of Globalization**.
- The steering **Committee of the BC Endangered Species Coalition**—which this past year added 1,400 Canadians to a national email list to “Save our Species,” created listserves, slide shows, strengthened relationships with the faith sector, and organized National Days of Action for Species.
- The founding group and steering committee of the **MAI-Not network**—a working committee of NGOs working to raise public awareness and debate about the Multilateral Agreement on Investment.
- A **Chinese Outreach Project** with



representatives from Vancouver's Chinese speaking communities to build a working relationship that will engage these communities more directly with environmental issues.

- A member of the **Regional Advisory Committee of the Canadian Coast Guard** as part of a spills prevention initiative to protect coastal ecosystems.
- The **Leadership for Environment and Development** program of the National Roundtable on Environment and the Economy.

Legal Representation

We help put the tools for change directly into the hands of environmental and community groups throughout BC and across Canada. **Our 1-800 number allows residents from anywhere in BC to call our lawyers and staff for environmental information and summary legal advice**—we

answered hundreds of such requests last year. If more detailed advice is required, our Environmental Dispute Resolution Fund (EDRF) can provide the resources needed by individuals and groups to acquire additional legal and technical support.

The EDRF provides BC residents with funding for legal and expert advice to address environmental problems in their community. With funding provided by the Law Foundation of BC, **the EDRF allocated approximately \$180,000 this past year to community groups from every region**

of British Columbia. Among the more significant of these grants was funding to support:

- Intervention by a coalition of environmental groups participating in the inquiry conducted by the **Special Commission on Skytrain** review, established after this multi-billion-dollar public transit project was exempted from environmental review.
- To assist the **Cowichan Estuary Preservation Society** with a private prosecution of Fletcher Challenge for releasing pollutants into the Chemainus Estuary, and a judicial review of the subsequent decision by the Crown to stay these proceedings.
- To assist the **Friends of Cortes Island** in a successful appeal of a sewage disposal permit. In addition to a favourable ruling, this case appears to have advanced the scope of the Environmental Appeal Board's jurisdiction
- To assist **Environmental Watch** in a successful appeal to the BC Supreme Court of a decision by the Environmental Appeal Board denying a member of the group standing with respect to an appeal of a permit issued to Howe Sound Pulp and Paper.
- To assist **FarmFolk/CityFolk** with an application for judicial review of a decision by the BC Cabinet to overturn a decision by the Agricultural Land Commission (ALC) that 136 hectares of farmland near Kamloops not be removed from the Agricultural Land Reserve to make way for a development known as Six-Mile Ranch. In consequence of the case, the government appointed UBC's Dean of Agriculture to lead a public consultation that ultimately restricted the power of cabinet to intervene in similar cases in the future.

Financials

West Coast Environmental Law Statement of Revenues and Expenditures

REVENUES	1998-99	1997-98
General		
Law Foundation operating support	461,750	461,750
Law Foundation EDRF grants	180,000	180,000
Donations, memberships & investments	63,553	23,256
Fees for legal education services	86,171	11,770
Foundations	283,413	200,878
TOTAL	1,074,887	877,654

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, EJLB Foundation, Endswell Foundation, Environmental Canada, Forest Renewal BC, Habitat Conservation Trust Fund, Lazar Foundation, Ministry of Employment and Immigration (BC), Natural Resources Canada, Real Estate Foundation, Urban Salmon Habitat Program, Wilburforce Foundation, and Youth Options (BC Hydro).

Financials

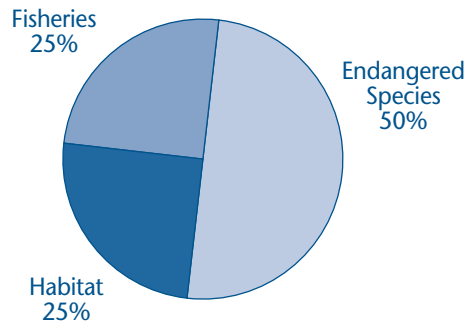
West Coast Environmental Law Statement of Revenues and Expenditures

EXPENSES	1998-99	1997-98
General		
Audit, accounting and legal	26,678	21,583
Fundraising	29,456	10,812
Leases and equipment	37,497	23,070
Library collection and website	14,653	16,611
Phone, fax, email, courier	37,821	34,556
Professional liability insurance	23,263	21,079
Publications and member services	28,220	25,488
Rent, utilities and maintenance	42,535	42,190
Supplies and stationery	12,195	9,058
Travel and training	24,062	24,371
Wages and subcontracts	492,930	465,072
Directed		
Climate Change	15,781	9,829
Education and Outreach	12,269	10,115
Endangered Species Campaign	68,456	68,190
Environmental Dispute Grants	180,000	180,000
Forestry Education	23,809	0
Private Land Protection	18,459	4,375
TOTAL	1,088,084	966,399
	-13,197	-88,745

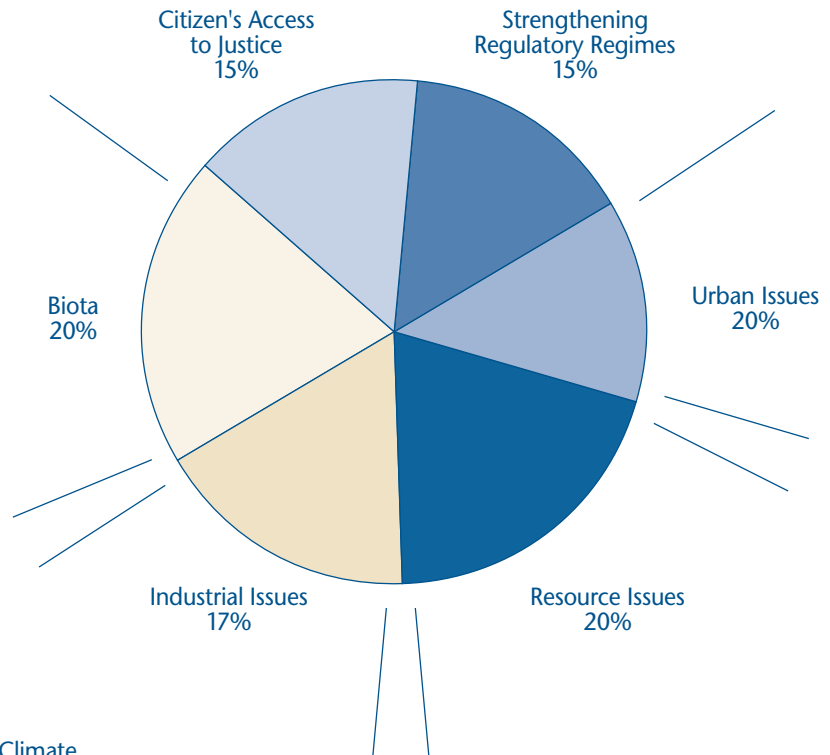
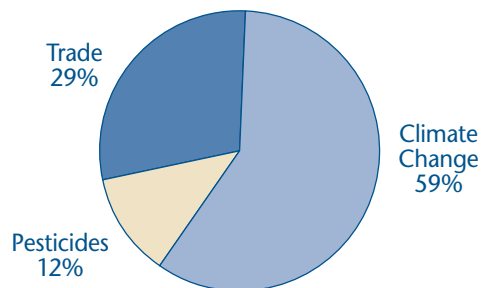
Complete audited statements available on request

Environmental Issues

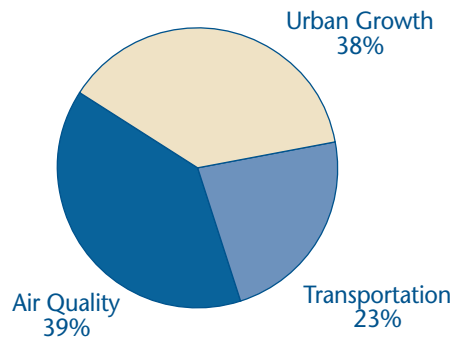
Biota



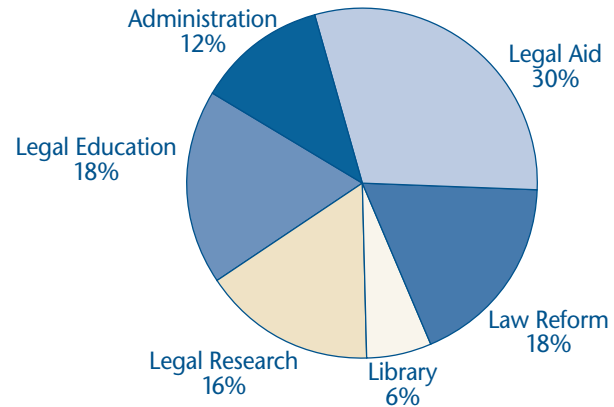
Industrial Issues



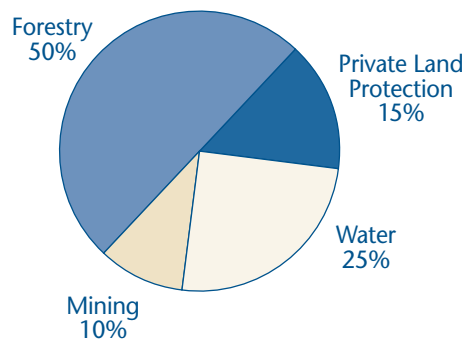
Urban Issues



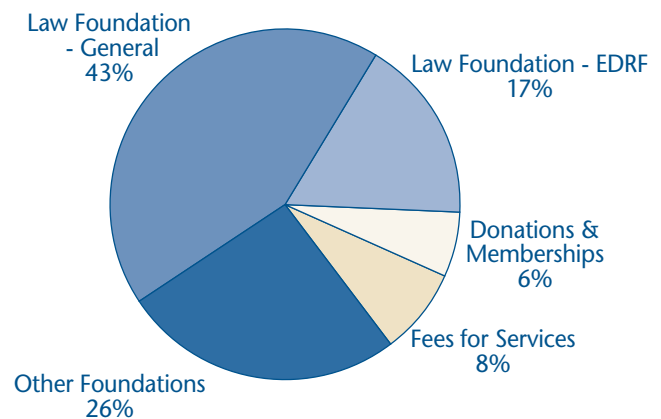
Program Areas



Resource Issues



Sources of Support



Board of Directors:

Jim Atwater, Wally Braul, Jessica Clogg (to March 1999), David Cohen (to April 1999), David Driscoll, Tanner Elton, Sarah Groves, Nancy Hannum, Fred Henton, Sandra Isaac, Jef Keighley, Helga Knoté, Murray Lott, Nancy Morgan, Tom Perry, David Russell, Simone Sangster and Ray Schachter. Honorary members: Thomas Berger, Garth Evans, Christopher Harvey, Ross McClellan, Greg McDade, Andrew Thompson.

Staff:

Steven Shrybman, Executive Director; Linda Nowlan, Chris Rolfe, Karen Campbell, Jessica Clogg, lawyers; Kate Smallwood, Endangered Species Coalition coordinator; Christopher Heald; systems & newsletter; Alexandra Melnyk and Cynthia Linderbeck, administrative assistants; Karey Katzsch and Selena Sit (summer 1999), Ellen Hui (summer 1998): youth interns; Sandra Janzen, librarian (to June 1999); and Catherine Ludgate, administration & development.

Volunteers:

Stella Bastidas, Laurel Brewster, Bethan Davies, Deidre Derworiz, Ingrid Edelmann, Catherine

Lamborn, Zhanna Malinsky, John Oliver, Johannes Schumann, and Ellen Shrybman.

EDRF Lawyers:

Bill Andrews, Judy Atkins, Wendy Baker, Rob Botterell, Wally Braul, Thomas R Buri, John Conroy, Robert Cooper, Kevin Cowan, Bruce Fairley, Andrea Finch, Steve Frame, Susan Fraser, Andrew Gage, Kevin Gillese, Mark Haddock, Ann Hillyer, Patricia Houlihan, Christopher Lemon, Brent Lokash, Susan Loney, Ronald MacIsaac, Richard Margetts, Kenyon McGee, Brenda McLuhan, Inga Nykwist, Carol Reardon, Don Skogstad, Anthony Tobin, Bruce Torrie, Ben van Drimmelen.

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.



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