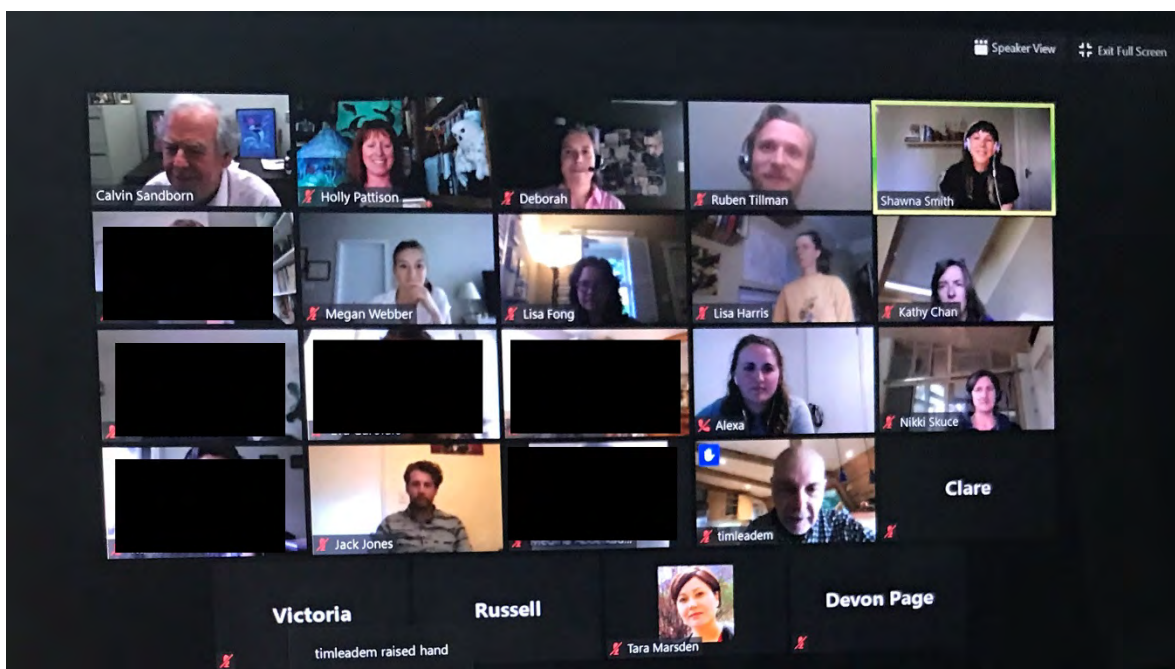




If it matters to BC's environment, we're on it



Annual Report 2019-20



Environmental Law Centre Society's 2020 Annual General Meeting

2019-20: A YEAR LIKE NO OTHER

Last May, we kicked off our new fiscal year with an alumni gathering, the Mining Law Reform Platform launch, and working with our Board to finalize a 3-year strategic plan. There was no way of knowing that by mid-March 2020 we would make a quick transition to working remotely and teaching the Clinic entirely online for the foreseeable future. However, despite the unknowns and adjustment periods, we can say with confidence that our work continues, our impact in the community resonates, and we have many successes to celebrate from this very unusual year.

Thanks to the collective dedication and resilience of our staff, students, clients and donors, this year we mentored 32 Clinic students, who provided 3,000 hours of legal services to clients across BC. Add to this total the work of our legal staff, articling students and coop students, and we contributed over 6,000 hours in legal services to helping resolve public interest environmental law issues that may not have otherwise gotten the attention they deserved.

Over the year we developed new strategies to reduce plastic pollution, helped more communities keep their drinking water safe, collaborated on law reform to protect BC's coast, and engaged with a number of First Nations on creative and cutting-edge solutions to their unique concerns. While we only focus on a few highlights in this report, at any given time we are working on dozens of files – each with their own unique problems and solutions.

This year we recognized that the [ELC Associates Program](#) has matured into a thriving public interest environmental law network. After 13 years and into our 7th Cohort of Associates, we have a critical mass of 83 lawyers connected to the program, many of them ELC alumni. These lawyers connect with us and each other to discuss today's most important public interest environmental law concerns. Driven by high interest in the program and our discussion topics, we are starting to open more of our webinars to the wider public interest legal community and to share some of the discussions publicly on our website.

38 
People

6,276     
Hours of Service

Out of the 50-plus media mentions the ELC received this year, one of our top highlights was certainly Focus Magazine's profile, which described the ELC as "the beating heart of environmental law reform in the province...one of British Columbia's most important shapers of public policy regarding environmental protection..." The article left us feeling proud of our amazing students and looking forward to tackling more pressing environmental issues as we plan for our 25th anniversary in 2021.

Whatever challenges arise this year, we can face them all and do so much more because of you – thank you for your support!

This year we provide you with a snapshot of what we did through the lens of three major areas: Action on Reducing Plastics Pollution, Launching the Mining Law Reform Platform, and Ocean Protection and Water Governance –and also give brief summaries of activities under our five focus areas.

- Deborah Curran, Executive Director
- Calvin Sandborn, Legal Director
- Holly Pattison, Director of Operations & Communications
- Tim Leadem, QC, Community Co-Chair (2019-20)
- Shawna Smith, Student Co-Chair (2019-20)
- ELC Board Members (2019-20)



The year started with a reception for ELC Alumni in May 2019 at the Bateman Centre in Victoria (top four photos) and ended with everyone (except for Calvin) moving all operations online.



ELC Club members at the 2020 Research-a-thon

ACTION ON REDUCING PLASTICS POLLUTION

The ELC has played a key role in bringing the regulation of plastic pollution to the centre of public debate and our contributions have generated action by both the federal and provincial governments. It started with the release of two reports on how a national plastics strategy could eliminate plastic waste, co-authoring an opinion article with Margaret Atwood, and receiving invitations to meet with politicians from both government and opposition. In June 2018, the federal government promoted an international Zero Plastics Waste Charter at the G7 summit; the House of Commons unanimously passed a resolution in Dec 2018 to establish a national strategy to combat marine plastic pollution; and in Feb 2019, the opposition tabled a Zero-Waste Packaging Act that would require that all consumer product packaging is either recyclable or compostable. Last summer, after we testified before the House of Commons Standing Committee on Environment and Sustainable Development, the federal government announced a ban on harmful single-use plastics as early as 2021; and in the fall began implementing a program to retrieve ghost fishing gear from the ocean.

On the provincial front, we called on BC to regulate single-use plastics in a submission prepared for Kids for a Plastic-Free Canada, and we delivered the report with our clients to government staff and elected officials in a meeting at the Legislature. Our young clients spoke passionately for change, and government has since indicated that new legislation and policy is on the way and that actions could include bans on several different types of single-use plastics.

In the past year, we have presented our work on plastics to communities, in webinars and at conferences. At one presentation, we were even joined by a former student, now a practicing lawyer, who did the original research on the first plastics report and who volunteered her time for the presentation.

In addition to our ongoing law reform efforts, the Competition Bureau let us know they are continuing their inquiry regarding our false advertising complaint about plastic coffee pods being easily recyclable. We have received international attention for our marine plastics work, and we partnered with students and law librarians to host a full day research-a-thon on plastics regulations in countries around the world.

Our work on this issue continues. We recently called for a Pollution Prevention Order against a plastic manufacturer on the lower Mainland for contaminating the Fraser River with plastic pellets, and in a soon-to-be-released report, we show how governments can enhance the plastic recycling system.



ELC Club Research-a-thon students (L to R) Maeve O'Neill Sanger, Will Kendon and Alexa Powell

*We train the next generation of public interest
environmental lawyers*



Members of the BC Mining Law Reform Network (May 2019)

LAUNCHING THE MINING LAW REFORM PLATFORM

The ELC joined with project partners, organizations, and community groups throughout the province to officially launch a [comprehensive mining law reform platform](#) in May 2019. The intent is that these recommendations, which outline law reform opportunities for specific aspects of mine exploration, siting, operations and decommissioning, will endure as a platform for many years. It may also help lawyers in other jurisdictions; for example, lawyers in Latin American countries have already contacted us seeking mining rules to better protect Indigenous people.

The platform is the result of our partnership with Fair Mining Collaborative, Mining Watch Canada, and First Nations Women Advocating for Responsible Mining. Nine ELC students provided research and wrote the original draft briefs. The final project included consultations with groups and legal experts throughout the province to gather feedback and to create the [BC Mining Law Reform Network](#), which has the formal support of over 30 Indigenous, environmental, community and scientific groups in BC.

The platform, composed of a [series of briefs](#), makes 69 recommendations for reform of laws for Indigenous rights, environmental assessment, granting of mineral tenures, water protection, waste management, management of closed and abandoned mines, placer mining regulation, environmental monitoring and enforcement, mine security requirements, and polluter pay requirements.

Mining is the only resource industry in BC that has never had a comprehensive legal review from a public interest perspective. The current regulations are costly to taxpayers and the environment with significant and ongoing impacts on communities. Disasters like the Mount Polley mine spill saw billions of litres of contaminated materials flow into Quesnel Lake, and the mine operation continues to discharge tailings into the Lake, which is a local drinking water supply. First Nations communities are still spending significant time and limited resources fighting to protect pristine areas in their territories and advocating for responsible mining. Landowners are unable to stop mining activities on their private property. And all BC taxpayers foot the bill for numerous abandoned or closed mines throughout the province that will continue to pollute the



Mining Law Reform Launch in Victoria, BC on May 2019

environment indefinitely. The member organizations of the BC Mining Law Reform Network are concerned that if nothing is done to change the rules to ensure that the companies responsible for mining operations also pay for their cleanup, the BC public will pay for the failures of many more mines in the years to come.

With our partners in the BC Mining Law Reform Network, we will continue to assist in educating communities about the platform so they understand why law reform is necessary and how to implement solutions.

*Your support helps us develop and support strong laws
that protect air, land and water*



Selkirk Trestle, Gorge Watershed

OCEANS PROTECTION AND WATER GOVERNANCE

Whether coastal, inland or underground, much of our work continues to involve protecting and governing water. There is continuing demand for progressive tools and ideas for managing water – and a recognition of the rights of Indigenous communities to manage and protect their relationships with the environment in their territories. As the water governance landscape changes throughout BC, First Nations are increasingly asking us to assist them with collaborative governance arrangements, to present legal tools and approaches for water co-governance and marine protected areas, and to respond to groundwater licence applications. ELC staff play a unique role in providing capacity and advice to First Nations and community organizations on watershed issues, and are currently advisors to the two water sustainability plan development processes in the province that are co-led by Indigenous communities and the provincial government. We are one of the only organizations that has longstanding expertise in water law and governance, and are regularly asked to provide strategic advice on a range of the *Water Sustainability Act* implementation and evaluation issues, which includes developing policies and other instruments for First Nations.

This year, we followed up on solutions we developed 10 years ago on managing stormwater. When we brought the issue to attention in 2010, local government took our recommendations seriously and went so far as to implement a stormwater utility tax. While some steps had been taken, continual discharge of sewage and contaminants into local waterways and the ocean called for a new report. Over the last year, a number of students presented our updated recommendations for stormwater management to local municipalities and the regional district. The regional board responded by requiring staff to prepare reports on what has been done since our original report and what recommendations are still outstanding.

Working in partnership with a number of organizations this past year, the ELC collaborated on developing a coastal strategy for BC. At a reception sponsored by West Coast Environmental Law and the Canadian Parks and Wilderness Society to launch the strategy, a number of ELC students were tasked with educating Members of the Legislative Assembly on a variety of ELC reports dealing with coastal issues. Linking oceans with terrestrial health, the reports ranged from preserving forage fish habitat, to dealing with plastic pollution, to preserving herring, to boat sewage and pharmaceuticals in sewage, and to the problems with seaweed harvest. The students drew on 11 ELC reports, and they did a great job of communicating solutions we have developed for each issue.



ELC's 5 focus areas

1. Healthy Watersheds

The foundation of strong economies, societies and watersheds is healthy land, water, and air. The ELC assists our clients in supporting long-term plans for managing natural resources use, stopping pollution, and creating better laws.

- This year we examined how Indigenous laws could be incorporated into decision-making processes, developed legal opinions on government's proposed groundwater licensing regulation, and made a series of recommendations to protect groundwater, fish and Indigenous rights. We created a series of legal tools for water stewardship, challenged the extraction of groundwater for bottling and export, and [revealed through a freedom of information request that the federal government skewed scientific reports](#) it had received on the status of endangered Steelhead. And as we worked on measures to address the toxic blue-green algae at Elk Lake, we learned that the new *Agricultural Code* – which the ELC triggered through our [actions on pollution in the Hullcar Valley](#) – is significantly improving agricultural practices upstream.

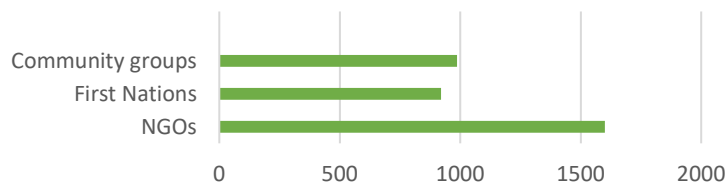
2. Sustainable Communities

The ELC works with community organizations to engage in better planning, educate councils on best practices, and provide innovative solutions for supporting efficient communities where energy, water and natural resource conservation thrives.

- In addition to [our work on reducing plastic pollution](#) and [improving stormwater management](#), this year we released a [series of tools for local governments to use to achieve 100% renewable energy by 2050](#), developed a [reference for citizens concerned about proper regulation of privately owned forest lands](#), responded to the provincial government's call for [input on potential reforms to the Forest and Range Practices Act](#), and investigated reforms to deal with growing wildfire danger in the wildland/urban interface.

HOURS OF SERVICE BY CLIENT TYPE

Students, Articled Students and Co-op Student



3. Resilient Coast

The ELC works with our clients to challenge threats to BC's unique coastal ecosystem, which is governed by complex regulatory relationships. We provide legal capacity through developing tools to advance marine-use planning, assessing and improving enforcement, and keeping industrial activities accountable to the public.

- In addition to our collaborative work to develop a *Coastal Protection Act*, we worked on a major research project on herring, which revealed that herring are being illegally exported to tuna fish farms, argued for the scope of an environmental assessment of a massive proposed oil shipping facility to be widened; developed [recommendations to protect forage fish spawning habitat](#), and assisted a First Nation with jurisdiction and marine area co-governance.

4. Climate & Energy

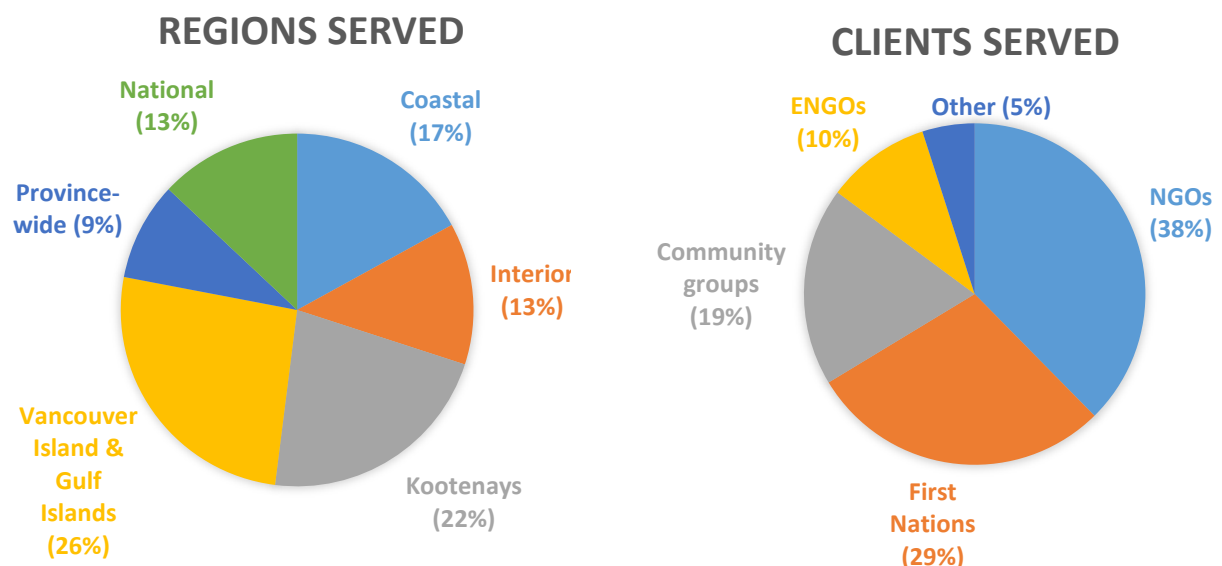
The ELC provides legal capacity to community organizations to advocate for the consideration of climate impacts in all regulatory decision making, and when necessary, challenge energy infrastructure, natural resource extraction, transportation, and export proposals.

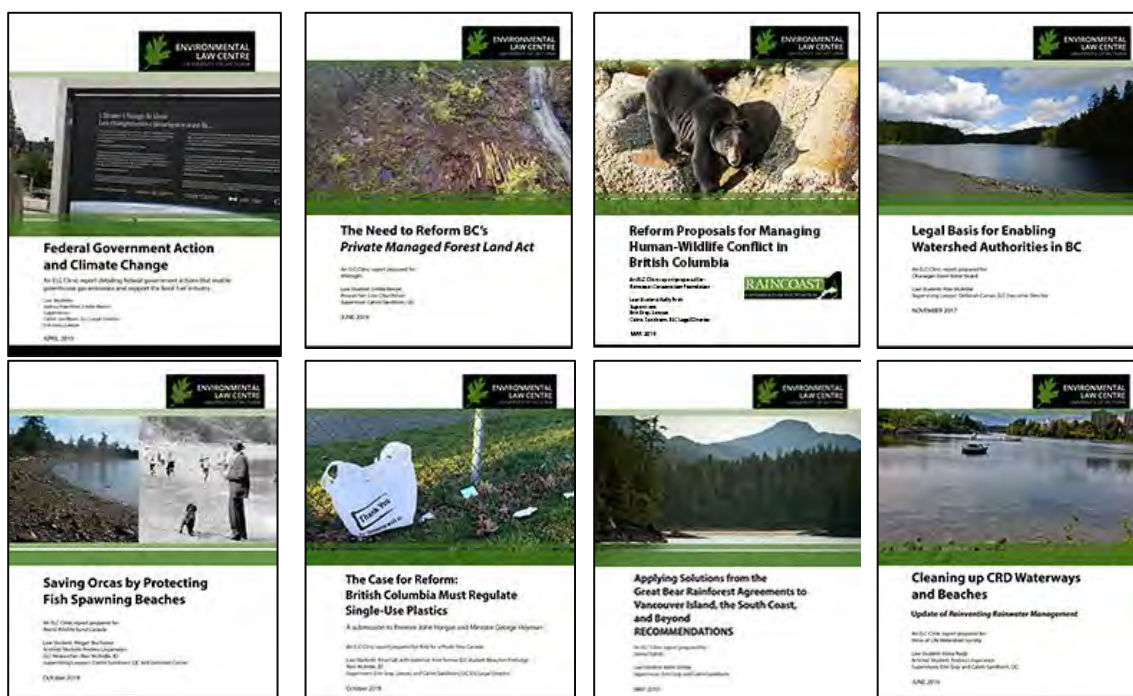
- In addition to releasing our [Mining Law Reform platform](#), we published a [report that comprehensively documents the massive subsidies that the Federal Government provides to fossil fuel industries](#), worked on how to legally structure a strategy to systematically reduce commuter-trip greenhouse gases, supported major climate change cases, and assisted a First Nation with the appeal of a pollution discharge permit that threatened populations of white sturgeon in the Fraser River.

5. Environmental Justice

The ELC advocates for the rights of participation, transparency, fair treatment, and meaningful involvement by First Nations and other communities in the development and enforcement of environmental laws, regulations and policies, and for law reform to support access to information and equitable treatment under environmental laws.

- This year we drafted a citizen's guide on how to prove that the public has a right to access particular wilderness areas, supported an intervenor advocating for public access rights in the Court of Appeal hearing of *Douglas Lake Cattle Company v. Nicola Valley Fish and Game Club*, and provided support for a civil liberties case where government is trying to force a community group to divest itself of information the group obtained on a government website. We [contributed to government consultations on proposed new environmental assessment rules](#) and regional environmental assessments, and we learned that our memo on the categories of projects that should be subject to environmental assessment has been used by the environmental caucus as it argues for improvement of proposed new Environmental Assessment legislation.





PUBLICATIONS

Work that we can share publicly is available on our website under [Publications](#). Below is a list of all the reports we publicly released in 2019-20.

1. [BC Mining Law Reform: A Plan of Action for Change](#)
2. [Federal Government Action and Climate Change](#)
3. [Tools for Municipal Governments in BC to Implement at Target of 100% Renewable Energy by 2050](#)
4. [Environment Assessment Act briefing note](#)
5. [Applying Solutions from the Great Bear Rainforest Agreements to Vancouver Island, the South Coast and Beyond](#)
6. [Cleaning up CRD Waterways and Beaches](#)
7. [Legal Basis for Enabling Watershed Authorities in BC](#)
8. [The Need to Reform BC's Private Managed Forest Land Act](#)
9. [Managing Human-Wildlife Conflict in BC](#)
10. [The Case for Reform: BC Must Regulate Single-Use Plastics](#)
11. [Saving Orcas by Protecting Fish Spawning Beaches](#)



(L-R) The ELC's Calvin Sandborn (Legal Director), Deborah Curran (Executive Director), Holly Pattison (Director of Operations and Communications)

MEDIA SNAPSHOT

The ideas for statutory and regulatory reform that emerge from this small, scholarly clinic have profoundly altered the legal and political landscape for generations of British Columbians yet to come. Stephen Hume, [UVic's Environmental Law Centre, 24 years strong](#) (2020 Mar 5) Focus Magazine

For our full media list, see: <http://www.elc.uvic.ca/about-us/elc-in-the-media/>

Plastics

- [BC must act now on single-use plastics](#) (2019 Dec 1) *Times Colonist*
- [Groups urge BC to ban single-use plastics](#) (2019 Oct 8) CTV News Vancouver Island
- [Teens want province to tackle 'throw-away plastic economy'](#) (2019 Oct 8) *Times Colonist*
- [Tread cautiously in looking at impact of plastic bag decision: law prof](#) (2019 Jul 18) *Lawyer's Daily*
- [PM's push for plastic-bag ban rooted at UVic](#) (2019 Jun 13) *Times Colonist*
- [Trudeau promises crackdown on plastic wastes — months after NDP MP won unanimous support for action](#) (2019 Jun 10) *Georgia Straight*

Coastal Protection

- [Esquimalt's expenses for ongoing oil-spill cleanup top \\$50,000](#) (2020 Feb 1) *Times Colonist*
- [New report on rainwater and pollutants in the CRD showing negatives on our water bodies](#) (2019 Jul 25) CFX 1070 interview with Erin Gray
- [BC must act to protect spawning beaches](#) (2020 Feb 23) *Times Colonist*

Mining and Energy

- [Canada's taxpayers and environment on the hook to polluting industries](#) (2020 Mar 26) Geopolitical Monitor
- [BC taxpayers on the hook for \\$1.2 billion in mine cleanup costs: chief inspector report](#) (2020 Mar 6) Narwhal
- [Time to update BC's 'frontier' mining laws, says lobby group](#) (2019 Nov 20) Lawyer's Daily
- [BC First Nations should require full clean-up costs up-front for mines: new study](#) (2019 Nov 8) Narwhal
- [Regulating mining in BC: BC mining operates in a regulatory framework that faces changes ahead](#) (2019 Nov 5) Lexpert
- [Groups call on BC to fund Indigenous monitoring of mines in traditional territories](#) (2019 Oct 30) Narwhal
- ['When are they going to ensure the polluter pays?': proposed BC mining reforms don't go far enough](#) (2019 Oct 25) Narwhal
- [BC municipalities commit to 100% renewable energy](#) (2019 Oct 13) Vancouver Co-op Radio interview with Deborah Curran
- [Canada's fossil fuel subsidies amount to \\$1,650 per Canadian. It's got to stop.](#) (2019 Oct 3) Narwhal
- ['Heads need to roll': Five years after Mount Polley mine disaster, prospect of charges stirs hope for justice](#) (2019 Jul 4) *Star Vancouver*
- [US senators press Horgan to clean up BC mine water](#) (2019 Jun 18) *Kimberley Bulletin*

Forestry and Land Management

- ['Indicative of a truly corrupt system': government investigation reveals BC Timber Sales violating old-growth logging rules](#) (2019 Oct 7) Narwhal
- [Thousands of BC's endangered whitebark pine logged on private land](#) (2019 Sep 5) Narwhal
- [The old-growth logging shutdown](#) (2019 Sep 1) *Times Colonist*
- [A chance to save BC's last ancient forests](#) (2019 Jul 18) *Times Colonist*
- [The government agency at the centre of BC's old-growth logging showdown](#) (2019 Jul 15) Narwhal
- [Old-growth forest should be returned to 30% of original level, researchers say](#) (2019 Jul 13) CBC News

Other

- [The right to roam BC's back roads to access Crown land](#) (2020 Jan 6) CFX 1070 interview with Calvin Sandborn
- [British Columbians fight US billionaire for the 'right to roam' in the wild](#) (2019 Dec 13) *Vancouver Sun*
- [The problem with bears in our backyards isn't a bear problem at all; it's a human one](#) (2019 Nov 29) *Globe and Mail*
- [BC's human-wildlife conflict response needs reform](#) (2019 Sep 20) *Georgia Straight*



Environmental Law Centre Society Strategy Planning Session (L-R): Calvin Sandborn (ELC Legal Director), Tim Leadem, QC (Board member), Kathy Chan (Board Member), Stuart Rush, QC (former Board Member), Clare Frater (Board Member), Shawna Smith (Student Board Member), Will Kendon (former Student Board Member), Conner Wear (former Student Board Member), Deborah Curran (ELC Executive Director), Holly Pattison (ELC Director of Operations and Communications)

BOARD

Community Board Members

- Oliver Brandes, POLIS
- Gillian Calder, UVic Law Professor
- Kathy Chan, UVic Law Professor
- Lisa Fong, QC, Partner, Ng Ariss Fong
- Clare Frater, Director of Trust Area Services, Islands Trust
- Tim Leadem, QC, retired Lawyer
- Devon Page, Executive Director, Ecojustice
- Supriya Routh, UVic Law Professor

Student Board Members 2019-20

- Diana Borges
- Christina Joynt
- Will Kendon
- Alexa Powell
- Maeve O'Neill Sanger
- Shawna Smith
- Andrew Spear
- Holly Stewart



ELC staff (L to R) Megan Webber (Admin Assistant), Alexa Powell (Spring 2020 Coop Student), Alex McArdle (Articled Student Aug 2019-Jan 2020), Ruben Tillman (Dec 2019 - Jun 2020)

STAFF

- [Deborah Curran](#), Executive Director
- [Calvin Sandborn, Q.C.](#), Legal Director
- [Holly Pattison](#), Director of Operations & Communications
- [Megan Webber](#), Administrative Assistant



MANY THANKS FOR YOUR SUPPORT!

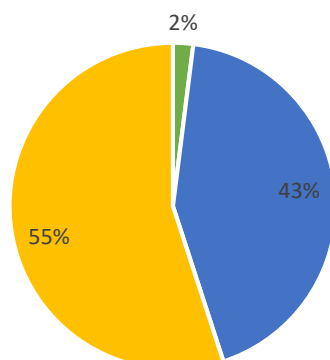
As we always say, many hands sustain the ELC. In addition to our staff, we receive support from the Law Faculty, Board members, students, clients, foundations and our individual donors.

Special thanks to the Law Foundation of British Columbia, the North Growth Foundation, the Oasis Foundation and to all of our individual donors for overall program support, and to the Sitka Foundation and the Vancouver Foundation for project support.

Thanks to you all, we are able to provide legal services to community organizations, First Nations, and individuals to improve environmental health for all British Columbians.

Revenues

- Donations and other revenue (2%)
- Law Foundation of BC (43%)
- Other Foundations (55%)



Expenditures

- Program Salaries and Benefits (75%)
- Program Activities (19%)
- Development and Program Administration (6%)

