



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



Annual Report 2021-22



2021-22 OVERVIEW

After a year and then some of collectively adapting to pandemic waves, it was refreshing to resume in-person teaching last summer and to see our ELC team bloom as we welcomed new administrative and teaching staff for our next period of transition.

After almost 20 years in the Legal Director role, Calvin taught his last Clinic class in the fall and shifted to mentoring and working on special projects until his retirement in summer 2023. Knowing there were big shoes to fill, we hired two people to take over the Clinic lawyer roles. Patrick Canning joined the ELC in January, and Charis Kamphuis joins us in August. We also hired Gracie Chiu as our new administrative assistant.

Over the year we offered the Intensive Clinic for the first time in four years, accepted 12 lawyers into Cohort 8 of the ELC Associates Program, and started planning for in-person events with our Associates and Alumni, our first since 2019. We mentored 34 Clinic students, who provided over 2,500 hours of legal services to 23 client groups. In total, ELC staff, Articling Students, Coop students and Clinic students provided 6,500 hours of services to help resolve public interest environmental law issues that may not have otherwise received attention.

Gratefully, we welcomed increased funding and streamlined application and reporting processes from our core foundation funders. We also received fantastic support from private donors and from the [Janet Person Environmental Law Centre Endowment Fund](#), which was established last year as a wonderful legacy in support of

CLIENTS SERVED

- Environmental organizations (46%)
- Indigenous organizations (38%)
- Community groups (16%)



- Coastal
- Vancouver Island & Gulf Islands
- Interior
- Kootenays
- Lower Mainland
- Province-wide
- National



REGIONS SERVED

the ELC’s clinical program (click [here](#) for more information about Janet and her legacy); and we continued awarding ELC students who excel in their public interest environmental work with the annual [James H. C. Walker Memorial Award](#).

Our 2021-22 Annual Report provides an overview of our activities and impacts from the past year. We continued to see issues about upholding Indigenous authority and protecting and water from pollution. We’ve also begun to see a new theme emerge: the need for transparency and accountability in green advertising. This became clear upon the Canadian Competition Bureau’s decision regarding our complaint against Keurig, which shone a light on numerous other examples and inspired greenwashing to be the topic of this year’s Research-a-thon.

In addition, we reveal a few snapshots of our work over the past year under our five focus areas: healthy watersheds, sustainable communities, resilient coast, climate and energy and environmental justice, and we share results that work done in previous years is having on the ground today. Finally, we provide an update on our Good News Stories series, which was inspired by the 2021 Research-a-thon and served as our way of virtually celebrating our 25th anniversary.

Whether you are a client, donor, advisor, or student, we deeply appreciate the commitments you continue to make as we collaboratively work towards protecting and defending the natural environment. Amazingly, over the course of the year we interacted with [67 volunteers](#) as Clinic guest speakers, lawyers assisting with file supervision, and ELC Associates. Thank you to everyone in the ELC community for continuing to show up for us!

Sincerely, ELC Staff & Board

2021-22 BOARD & STAFF

Community Board Members

- 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
- Tara Marsden, Founder and Proprietor, Hlimoo Sustainable Solutions
- Devon Page, Executive Director, Ecojustice
- Supriya Routh, UVic Law Professor
- Nikki Skuce, Director, Northern Confluence Initiative

Student Board Members

- Russell Chiong
- Jack Jones
- Victoria Kacer
- Frances Miltimore
- Sean Price
- Andrea Vogel
- Jordan Yonge
- Lydia Young

Board Advisors:

- Lisa Harris
- Shawna Smith

Staff

- Patrick Canning, Clinic Lawyer
- Gracie Chiu, Administrative Assistant
- Deborah Curran, Executive Director
- Holly Pattison, Director of Operations & Communications
- Calvin Sandborn, QC, Legal Director

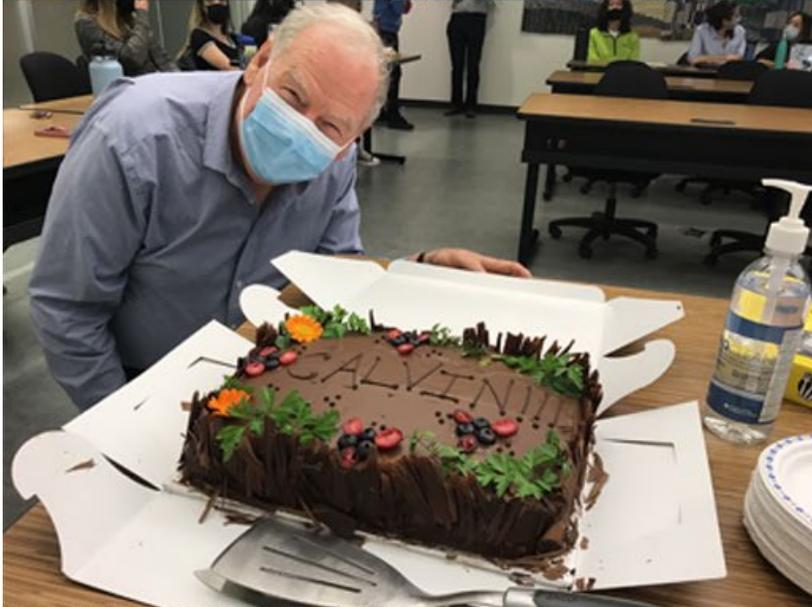
6590
HOURS
OF LEGAL SERVICES

42
PEOPLE





uvicelc
University of Victoria Faculty of Law



Liked by prenticep and 22 others
uvicelc Thanks to the helpers and attendees of this week's student welcome events! We loved talking to you and hearing what enviro issues are on your mind!
#climatechange #climatejustice #biodiversity

Collage of ELC people and activities:
Clockwise from upper L: Articled Student Christa Croos, Executive Director Deborah Curran (at the September welcome event), Coop Student Adele DesBrisay, Board member Sean Price and Board Advisor Lisa Harris, Christa Cross and ELC Admin Assistant Gracie Chiu, Clinic Lawyer Patrick Canning, Articled Student Edith Barabash, Communications & Operations Director Holly Pattison, Senior Lawyer Calvin Sandborn





UPHOLDING INDIGENOUS AUTHORITY

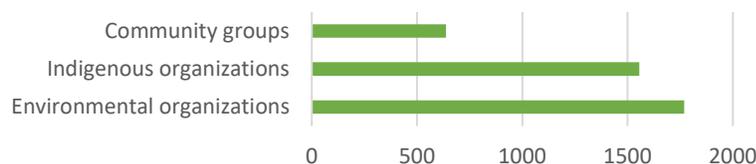
Indigenous communities have increasingly asked for our assistance with developing collaborative governance arrangements and approaches that better express their rights to manage and protect their relationships with the environment in their territories. We also continue to see demand for progressive tools and ideas for recognition of the rights of Indigenous communities to manage and safeguard their relationships with the environment in their territories and to respond to impacts from industrial pollution.

There has been particular interest in supporting Indigenous organizations working with local governments to exercise local government jurisdiction in support of ecological health and Indigenous interests. A significant component of this work is the restoration of riparian areas, ecological connectivity and harnessing the potential of water sustainability plans to achieve ecological governance structures. As one of the only organizations with a longstanding expertise in water law and governance, we are regularly asked to provide strategic advice on a range of *Water Sustainability Act* implementation and evaluation issues.

Stories of salmon needing to be trucked upriver due to low flows in the Cowichan and Koksilah watersheds have been emblematic of the growing water flow problems on the east coast of Vancouver Island over the past decade. Reaching an acute level, Cowichan Tribes and the Province of BC entered into a Memorandum of Understanding to undertake a joint scoping exercise for a Water Sustainability Plan in the Koksilah watershed to address flow issues caused by a variety of factors. Because of our expertise in water and watershed issues, both parties invited Deborah Curran with the support of ELC students to be an advisor to this unique and exciting collaborative watershed management project. Over the past 24 months, the Steering Committee has undertaken technical studies, identified common areas of agreement, and made recommendations to leadership in Cowichan Tribes and the Province of BC to move forward with a water sustainability planning process. This work came to fruition on March 11, 2022, when the Province of BC designated the first ever Water Sustainability Plan process under the

HOURS OF SERVICE BY CLIENT TYPE

Students, Articled Students and Co-op Students



Water Sustainability Act for the Xwulqw'selu – Koksilah Watershed. Water Sustainability Plans have the potential to uphold Indigenous authority, incorporate collaborative governance arrangements, and address water quality and quantity issues over the long term.

Other work upholding Indigenous authority in the past year included continued research for an Indigenous Leadership Council on ways in which Indigenous laws could be integrated into local government bylaws and plans, and ongoing support to the First Nations engaged in the unique watershed co-governance processes in the Nicola Valley. Building on our work for [The Case for a Guardian Network Initiative](#) submission, we are collaborating with Indigenous partners to examine ways of enhancing the authority of Guardians and to implement Indigenous protected and conserved areas.



The opportunity provided an inside look into the legal work required for work in the field of environmental law specifically, and skills needed for being a successful lawyer more generally. Overall, one of the most beneficial classes I have taken at UVic Law.

Clinic student 2021-22



PROTECTING WATER AND LAND

Much of our ongoing work involves helping communities who are concerned about protecting and governing water and watersheds. From improving regulations for plastics recycling or emissions, to developing responses to protect public health from contaminated waterways, to providing assistance with advocacy to challenge questionable water-use choices, this past year we continued to see growing demand for tools and ideas for managing water and to mitigate or prevent industrial impacts of resource and water extraction.

At the end of June, a hovering heat dome caused temperatures to soar far above normal ranges in many BC communities for days on end. With climate change models predicting more high temperatures and deepening draught conditions, many people are concerned about water scarcity, and there is an urgent need to assess and manage BC's water resources. Over 90% of BC residents agree that fresh water is our most precious resource and 85% of BC residents agree that fresh water is a basic human right. However, there is little information about watersheds in the province, and BC's groundwater licensing system is only just getting underway. We are hearing from Indigenous and community organizations across the province that applications for new licences for groundwater use for water bottling and other commercial uses are mounting absent robust water monitoring, data and acknowledgement of Indigenous rights to water. These concerns and others are underscored in our submission to the BC Provincial Government: [Water for the Future: Why BC Needs an Immediate Moratorium on New Water Bottling Licences](#).

Prepared on behalf of the Golden and District Water Protection Committee, the submission makes five specific recommendations:

1. Place a moratorium on new licences to extract groundwater for water bottling.
2. Extend the moratorium on new licences for water bottling purposes at least until watershed-based governance is in place.
3. Restrict water licenses for water bottling purposes to short-term licences only.
4. Obtain the consent of Indigenous governing organizations before issuing new water licences; and
5. Charge higher water rental for water extraction.

This problem is not unique to the Golden area. Communities across the province are alarmed at the increasing number of applications – even in arid areas – to commercially extract water for bottling and export. Our clients joined with the [Canadian Freshwater Alliance](#) and others to support the ELC's recommendations and to launch a

provincial campaign aimed at raising awareness of the water bottling issue and providing interested citizens with information and [tools](#) on how to organize as individuals or communities in order to call for change.

Our submission led to inquiries from other Indigenous and community organizations concerned about groundwater licencing for water bottling companies, and the BC Association of First Nations passed the resolution titled “Call for a Water Moratorium on all Pending and Current Water Bottling Licenses in BC” at their Spring Assembly (2022).



It feels wonderful to create something that will hopefully be of use to a community and re-affirms all the reasons I wanted to come to law school in the first place!

ELC Clinic student 2021-22



GREENWASHING: EXPOSING THE NEED FOR TRANSPARENCY AND ACCOUNTABILITY

Good results often take time to percolate. This theory held when we finally heard back from the federal Competition Bureau this January about a [submission](#) we filed in 2019. Their response also seemed to better reveal greenwashing as a public interest environmental law issue in need of more attention.

While it took the Competition Bureau three years to investigate Keurig for false and misleading recyclability claims about their coffee pods, the results were precedent setting. Keurig was ordered to stop their misleading advertising, fined \$3 million, and ordered to donate \$800K to an environmental charity approved by the Competition Bureau.

This decision opens up the possibility of future deceptive advertising claims against all companies who “greenwash” their products. It is an important case that addresses the fundamental issue that consumers cannot make informed choices if they have false information.

Ironically, the submission was prompted by Keurig’s email to us claiming their coffee pods were part of the answer to plastics problem. The email had come to Calvin Sandborn in response to an op ed he wrote with Margaret Atwood about proposed solutions to deal with plastics pollution, an issue [the ELC has worked on since 2017](#). When Keurig brought their ads about the recyclability of their product to Calvin’s attention, he thought they sounded too good to be true. Turns out he was right.

After investigating, we put forward the argument to the Competition Bureau that Keurig’s coffee pods require much more extensive cleaning and preparation than advertised and are actually banned from municipal recycling in most places in Canada. Not only were coffee pods not the positive environmental solution as advertised, they were also interfering with recycling systems at significant cost in terms of money and environmental damage.

Shortly after the decision was released, we learned from a [Time](#) article that after our [request for an inquiry into the failure to control Elk Valley’s coal mine pollution](#) received national media coverage last summer, the company responsible for mining operations released an ad campaign, which *Time* suggested was an example of climate disinformation and greenwashing. These and other examples inspired the topic for Research-a-thon 2022.

The Research-a-thon is a one-day event planned by law students in collaboration with the Law Library and the ELC. Student volunteers gather together for a short but intense period of time to generate high-quality research in support of a public interest environmental law issue in BC.

The fourth annual Research-a-thon brought together 23 students to research the issue of greenwashing and how companies may be misleading consumers about their products being green. The day-long event included a virtual keynote lunch presentation by ELC alum Andhra Azevedo, now a lawyer with Ecojustice and founder of the Research-a-thon activity when she was a law student at UVic.



The opportunity to do hands-on work for a real client on a live matter left me feeling both humbled and excited for what the future holds.

ELC Clinic student 2021-22



ELC'S 5 FOCUS AREAS

ELC supports conservation and Indigenous organizations to achieve their long-term goals for environmental health and biodiversity by providing them with legal capacity. We complete 20-40 files and train over 30 students a year, regularly engage lawyers in the public interest and private Bar, and provide public education opportunities through posting reports and other resources on our website.

1. Healthy Watersheds

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

- Recognizing that coal mine pollution in the Elk Valley was causing serious damage to fish, we prepared a [submission to the Commissioner of the Environment and Sustainable Development](#) and the Auditor General of Canada seeking an inquiry into Canada's failure to control Elk Valley's coal mine pollutions. The submission generated significant interest and support from a variety of parties, including groups and officials across the border and the Ktunaxa Nation, which has called for a moratorium on assessments of new coal mines in the Elk Valley and, in a submission to the federal and provincial governments, mentioned support for the ELC's inquiry request. In a recent development, the [International Joint Commission wrote an unprecedented letter to the US and Canadian governments](#) indicating their concern and belief that this matter should come to them from both countries as a joint reference.
- When a coalition of groups alerted us to the need to urgently protect key salmon and sturgeon habitat, we prepared a [submission requesting a new Wildlife Management Area for Heart of the Fraser](#) that was supported by 28 fish and wildlife organizations. The submission analyzed a variety of legal options to protect fish habitat and suggested the area could ultimately be considered under the stewardship of local First Nations as an Indigenous Protected and Conserved Area as part of BC's commitment to reconciliation.
- In collaboration with a First Nation, we developed recommendations for working with provincial and federal laws to protect areas through establishing Indigenous Protected and Conserved Areas.
- Examining a utility company's liability under the *Fisheries Act*, we developed recommendations to restore salmon to a river.

2. Sustainable Communities

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

- After documenting evidence of harm to birds, we prepared [submissions to the Commissioner of the Environment and Sustainability](#) requesting an investigation into the impacts of overhead transmission lines on the Delta Causeway at Roberts Bank on bird mortality and arguing that failure to act may be contrary to the *Species at Risk Act*.
- When clients came to us to investigate how to stop black bear dens from inadvertently being destroyed by industrial activities, we prepared a series of law reform [recommendations to the Wildlife Act](#). The client is using the submission in a [new campaign](#) asking the public to call on the provincial government to enact legal protection for bear dens.
- Focusing the BC Conservation Officer Service, we prepared a [public submission](#) to the Special Legislative Committee on Reforming the *Police Act* and recommended the jurisdiction of the Office of the Police Complaints Commissioner be extended to include Conservation Officer Service constables.
- We examined the current standards and guidelines for contaminants of concern in locally harvested food for an Indigenous client and provided recommendations for when those standards and guidelines are exceeded.

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 by developing tools to advance marine-use planning, assessing and improving enforcement, and keeping industrial activities accountable to the public. The ELC's collaborative work on developing a coastal strategy for BC was featured in the current government's priority to develop the BC Coastal Strategy Protection Plan.

- We addressed the long-term closure of shellfish harvesting in Coles Bay in collaboration with the Pauquachin First Nation. After a [series of recommendations were presented to local government](#) last summer, work continued into the spring term with Intensive Students investigating other strategies to restore Indigenous shellfisheries.
- We developed a series of recommendations to address air and water pollution produced from maritime shipping and supporting the burning of cleaner fuel, and we examined and assessed the impacts of marine shipping.
- We investigated options to prevent marine birds from accidentally being caught in fish nets.
- We examined how enforcement under the *Fisheries Act* may help protect fish from mining pollution.

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.

- When a community group came to us with concerns over a proposed petrochemical/plastics complex, we prepared [submissions asking BC's Minister of Environment to appoint an independent panel of experts to conduct environmental assessment hearings](#). This led to further submissions [informing local government about their authority to hold public meetings about the proposed development and to call for a more comprehensive environmental assessment](#). When one of the three projects was withdrawn but the one seeking to build on agricultural land was proceeding, we provided [an argument to the Regional District supporting reasons why they should deny the proponents application to the Agricultural Land Commission](#). Most recently, we prepared [submissions asking the provincial government to designate a proposed](#)

[project as reviewable to order that an independent panel of experts conduct the assessment and public hearings](#). In response to our submission, we learned that the Environmental Assessment Office is conducting a special review process to determine whether they will act with the Minister to establish an Environmental Assessment and an independent panel with public hearings.

- For an Indigenous community, we provided best practices recommendations for the regulation of mining effluent releases.
- We explored legal issues concerning the construction and expansion of rail lines in an Indigenous client's territory.
- We supported an environmental organization in identifying opportunities to intervene and advocate for improvements to mineral tenure in BC.

5. Environmental Justice

The ELC advocates for the rights of participation, transparency, fair treatment, and meaningful involvement by Indigenous and non-Indigenous 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.

- In support of a Peruvian Indigenous women's group trying to protect a local river in a Peruvian court, [we collaborated with the Justice and Corporate Accountability Project to prepare an Amicus Curiae Brief](#). The brief, which draws on our previous work with the BC First Nations Energy and Mining Council on the [Case for a Guardians Network Initiative](#) as well as many other ELC projects, highlights examples of Canadian governments recognizing Indigenous laws and jurisdictions, co-governance arrangements, and expanded powers for Indigenous groups under colonial laws. It also shows the growing recognition of Indigenous law within state environmental impact assessment processes in Canada.
- In collaboration with an Indigenous community, we developed comprehensive recommendations on how to protect and manage a variety of cultural heritage resources.
- We investigated legal options for an Indigenous client dealing with contamination from current and closed mining operations that is affecting water quality in a major river.
- We analyzed a recent court decision to identify potential opportunities to use cumulative effects strategies for a broad range of ecosystems and activities.

Working on a file with a client on the other end is a rewarding experience, especially when the impacts include furthering reconciliation and climate change mitigation efforts.

ELC Clinic student 2021-22



GOOD NEWS STORIES: THE CELEBRATION CONTINUES

As part of our 25th Anniversary celebration, we shared a series of Good News Stories that were inspired by the 2021 Research-a-thon, titled *Good Stories Movement: 25 Years of Public Interest Environmental Law in BC*, the goal of which was to share stories of positive change in public interest environmental law. The exercise virtually brought together students with environmental leaders who shared stories about public interest environmental successes, many of them involving ELC work. The topic was inspired in part by Filipino lawyer Antonio Oposa Jr., who spearheaded the [Good Stories Movement](#) with the intent of providing hope and inspiration to those who sometimes feel like environmental changes are not happening quickly enough (or at all.)

To date, three Good News Stories have been shared, and more are planned for the coming year:

- Melinda Skeels, now a Partner at Ratcliff LLP, spoke about her work as an articulated student at the ELC to help launch a [BC Auditor General investigation into the provincial government’s release of privately held Tree Farm Licences](#), which ultimately led to the creation of new parks at Jordan River, Sandcut Beach and Sooke Pot Holes.
- ELC client Denise Foster of Save Estuary Land Society shared how the ELC’s involvement in her group’s [concern over a local estuary](#) was the catalyst to community involvement and protection of a vital ecosystem.
- Sunny LeBourdais, Director of Transformation with the Qwelminte Secwepemc, shared the inspiring story of Stk'emlupsemc Te Secwepemc Nation’s dedication to preserving and honouring the culturally significant site Pípsell through [upholding Secwepemc Law and legal processes and their approach of Walking on Two Legs](#), during which process she acted as Project Coordinator.

We train the next generation of public interest environmental lawyers



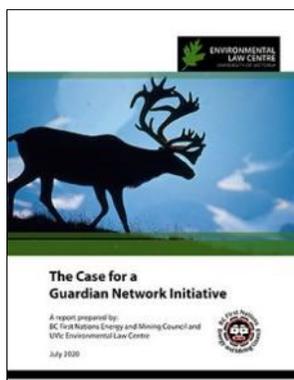
RESULTS (FRUITS OF OUR PAST LABOUR)

It is said that if the only tool you have is a hammer, every problem looks like a nail. The ELC's toolkit is more like a Swiss Army knife: multi-purpose and adaptable for the situation at hand. You can see this variety below in the snapshot selection of recent outcomes achieved as a result of our work:



Last year we told you about our work with the Victoria Fire Fighters Association on protecting public health, marine life, and waterways through law reform regulating the use of fire retardants as set out in our submission, [*Raising the Alarm: the Case for Better Flame Retardant Regulation in Canada*](#). In response, the federal government announced in August 2021 that they are [banning over a dozen flame retardants and reviewing others to see if they pose health or environmental harms](#).

The federal Minister of Health's December [Mandate Letter](#) included direction to "implement an action plan to protect Canadians, including firefighters, from exposure to toxic flame retardants found in household products" as part of strengthening the *Canadian Environmental Protection Act*.



Our 2020 report [*The Case for a Guardian Network Initiative*](#) called on governments to provide major funding and law reform to support Indigenous Guardian groups who monitor and enforce environmental laws on their territory. Shortly after our report was released and *Globe and Mail* [op-ed](#) published, the provincial government contacted us to say they were examining our report; and, at their request, we provided them with additional detailed information on Guardians. In August, the federal minister of environment responded, committing \$173 million to Guardian programs over the next five years across Canada. Provincially, BC committed in its March 2022 [Declaration on the Rights of Indigenous Peoples Act Action Plan](#) to co-developing policies, programs and initiatives to "advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge," and indicated this would include Guardian programs.



Over the past few years, [our work to develop and coordinate strategic law reform for the production, use, recycling and disposal of plastics](#) helped lead to action by both the federal and provincial governments to [approve local bans on single-use plastics](#), establishing a legal framework to provide for province-wide bans of single-use plastic items, and a federal commitment to ban harmful single-use plastics and to have zero plastic waste by 2030. We also [recently provided submissions to government in response to their proposed regulations to ban single use plastics](#).



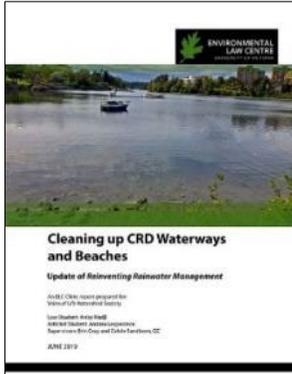
Work we began almost five years ago to [address a public health emergency arising from deteriorating water quality and other ecological conditions at Elk and Beaver Lake](#) triggered a comprehensive response from local governments and a [provincial government announcement to provide significant funds for cleanup](#). While investigating this issue, the lake’s clean-up coordinator advised us that the new [Code of Practice for Agricultural Environmental Management](#), which the ELC directly triggered with [our actions on pollutions in the Hullcar Valley](#), was helping to address upstream agricultural pollution by significantly improving agricultural practices upstream.



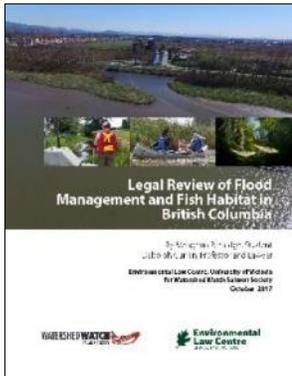
In late March 2022, the provincial government released [Declaration on the Rights of Indigenous Peoples Act Action Plan](#), which included commitments to modernize the *Mineral Tenure Act* in consultation and cooperation with Indigenous organizations and communities. The ELC has worked on Mining Law Reform for a number of years, including the need for mineral tenure reform, and joined with organizations throughout the province in 2019 to launch the [BC Mining Law Reform platform](#), which is intended to guide mining law reform in BC for the next decade. The Action Plan also had commitments to undertake watershed planning and the collaborative governance of water with Indigenous communities, a goal that ELC staff have been supporting for many years.



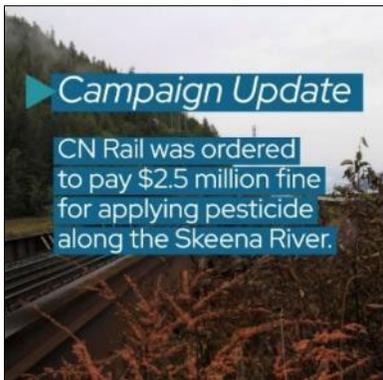
In early April we learned that the provincial government was releasing an interim policy changing bonding rules for mining, which is a priority area of concern addressed in the [Mining Law Reform platform](#). The interim policy requires new mines and any existing mines having less than five years of remaining minerals reserves to post full reclamation security. Upon release of the policy, Chief Permitting Officer for the Ministry of Energy, Mines and Low Carbon Innovation thanked the BC Mining Law Reform Network and acknowledged that the [Polluter Pays](#) report helped inform the new policy.



In 2019, the [ELC attended local government meetings and presented a series of recommendations](#) to improve stormwater management in the Capital Region, which was a follow-up to our original [2010 report on stormwater](#). In Victoria's 2021 budget includes [\\$4.1 million in storm drain rehabilitation](#).



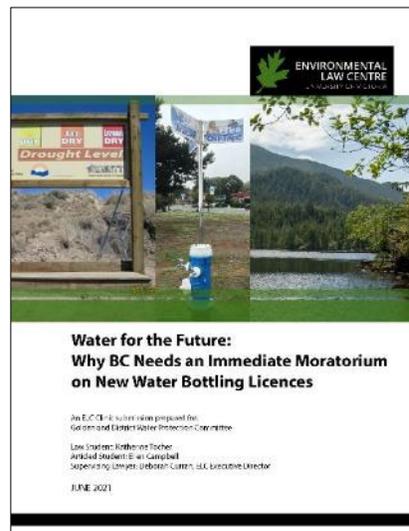
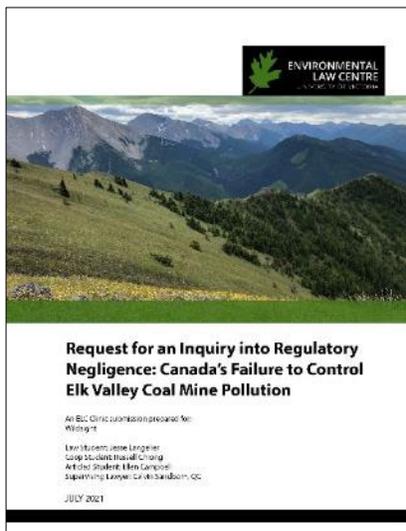
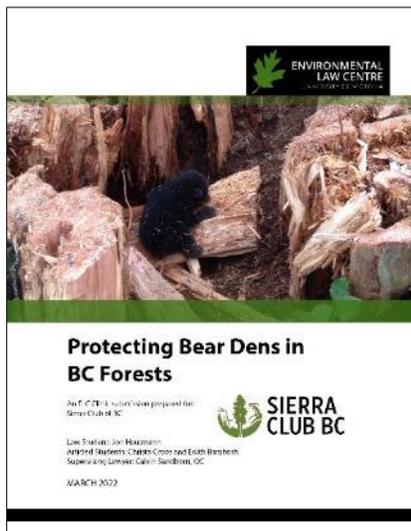
ELC work from 2017 on [flood management and fish habitat](#) for the Watershed Watch Salmon Society helped lead to the Union of BC Municipalities passing an important resolution for wild salmon and for lower Fraser communities last summer. *Resolution NR16 – Flood Risk Mitigation Through Green Infrastructure and Natural Assets* asks the federal and provincial governments to require and fund nature-based solutions for flood management.



Our contributions from 2018 helped to obtain \$100,000 in provincial fines and [\\$2.5 million in federal charges in May and September of this year](#) against in CN Railway for failing to obtain authorization to spray pesticide along 150km of the CN Skeena rail corridor adjacent to key salmon habitat and for violating the *Fisheries Act* by using pesticides in or around waters frequented by fish.



Early in 2022, BC and the Skagit Environmental Endowment Commission and the Province of BC [announced that they had purchased Imperial Metal's mining claims in the 5300 hectare Skagit Valley "Donut Hole"](#) – the area of spotted owl habitat which has long separated Manning Provincial Park from Skagit Valley Provincial Park. The ELC has provided recommendations and ongoing advice regarding tenure purchasing as far back as [2005](#), and as recently as 2018, when we prepared a legal opinion regarding the legal impacts if BC carried through with a plan to conduct logging in the Donut Hole.



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 2021-22.

1. [Request That Coal Mine Pollution Issues in the Kootenay/Kootenai River Watershed Be Referred to the International Joint Commission](#)
2. [Protecting Bear Dens in BC Forests](#)
3. [Request for an Audit and Examination of BC Hydro Funding of the Fish and Wildlife Compensation Program](#)
4. [Comments on Canada's Draft Single-Use Plastics Prohibition Regulations](#)
5. [Comprehensive Environmental Assessment Application Regarding a Proposed Natural Gas Liquid Recovery Project](#)
6. [Competition Bureau Investigation into Coffee Pods Recyclability Claims](#)
7. [Protecting Herons and Other Birds from Overhead Transmission Lines](#)
8. [Submission on a Natural Gas Liquid Recovery Project's Current Agricultural Land Commission Non-Farm Use Application](#)
9. [Legal Memo on Jurisdiction of Local Governments to Oppose a Proposed Petrochemical Complex](#)
10. [Submission in support of a Provincial Wildlife Management Area in the Heart of the Fraser](#)
11. [Kukama Women's Federation Amicus Curiae Brief](#)
12. [Prince George Ethylene Project Regional Assessment Request](#)
13. [Water for the Future: Why BC Needs an Immediate Moratorium on New Water Bottling Licences](#)
14. [Request for an Inquiry into Regulatory Negligence: Canada's Failure to Control Elk Valley Coal Mine Pollution](#)
15. [Submission: Conservation Officers: The Need for Independent Public Oversight](#)



MEDIA SNAPSHOT

Selected media mentions from the past year. For more ELC media, see: <http://www.elc.uvic.ca/about-us/elc-in-the-media/>

Water and Watershed Management and Protection

- [Areas hard hit by B.C. drought now the target of bottled water corporations](#) (2021 Nov 17) *The Narwhal*
- [Pauquachin First Nation asks North Saanich for additional help to restore shellfish harvest in Coles Bay](#) (2021 Oct 8) *Victoria News*
- [Up Front - Water for the Future](#) (2021 Aug 31) *Shaw TV*
- [Chemical flame retardants increase danger levels](#) (2021 Aug 22) *Times Colonist*
- [Campaign calls for public action to protect B.C. water from corporate bottlers](#) (2021 Aug 1) *Kamloops News*
- [Well water fears prompt calls to halt proposed bottling plant near B.C. village](#) (2021 Jul 27) *CBC News*
- [Report calls for ban on water-bottling plants in increasingly arid B.C. Interior](#) (2021 Jul 24) *Vancouver Sun*

Mining and Energy Law Reform

- [Law reform network supports First Nation's challenge against mining claim laws in B.C.](#) (2021 Nov 04) *Canadian Lawyer*
- [B.C. First Nation brings constitutional challenge to province's Gold Rush-era](#)

[mineral tenure law](#) (2021 Nov 04) *The Lawyer's Daily*

- [Talk of potential sale of Teck coal mines prompts concerns about contamination in B.C.'s Elk Valley](#) (2021 Oct 4) *The Narwhal*
- [Environmental Watchdog Urged to Probe Canada's 'Regulatory Failure'](#) (2021 Sep 07) *Flathead Beacon*
- [Investigate water pollution in B.C.'s Elk Valley, environmental groups urge federal agencies](#) (2021 Jul 22) *The Globe and Mail*
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- [Victory in Canada: Keurig Fines CA\\$ 3 Million for False Advertising](#) (2022 Spring) *ELAW Advocate*
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- [Thousands of birds victims of Delta port's power lines, submission contends](#) (2021 Dec 07) *Delta Optimist*
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- [Letter to the editor: Opposition appreciated](#) (2021 Dec 30) *Prince George Citizen*
- [Westcoast Olefins pulls out of Polyethylene Project, still going ahead with Pineview plant](#) (2021 Oct 20) *CKPGToday.ca*
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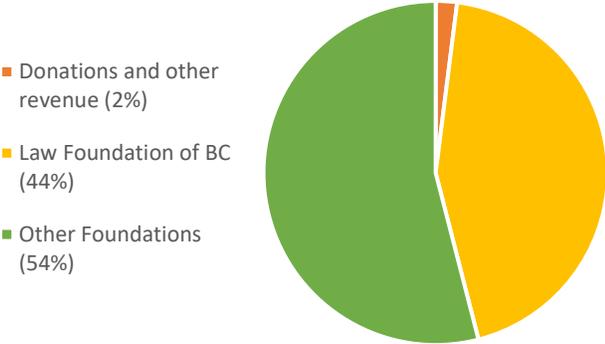


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