

**ENVIRONMENTAL  
LAW CENTRE**



# **Annual Report 2024-25**





## 2024-25 OVERVIEW

Much like the wind-pollinated Vanilla leaf featured on the cover of this year's Annual Report, the ELC is shaped by movement, adaptation and connection. Our past few years have involved moving from one space to another within the Faculty of Law during the building of the National Centre for Indigenous Laws (stay tuned for our final move later this summer into new clinic space in this incredible building), experimenting with new team models, and adapting our legal approaches to an ever-changing legal-political climate. But as we move through these changes, the core work of our programs endures and, thanks to our many partners, flourishes. Almost every day we receive a message reminding us of the long history and deep impact of the ELC community. We are immensely grateful to have the privilege of stewarding these connections and recognize that it is the collective progress of our community of clients, donors, advisors, and students who make our work of protecting and defending the natural environment possible. On behalf of all ELC Board and staff – thank you for your continued support in helping us to protect the natural environment.

The ELC Clinic Program provides legal aid, legal research, law reform, and legal education services to Indigenous organizations, community members, and conservation organizations in British Columbia. It also provides hands-on legal skills training and education for law and articling students. Through this Program, over the past year we offered three sessions of the Clinic and mentored 29 Clinic

students, who provided over 2,750 hours of direct legal services to 46 client groups. In total, ELC staff, articling students, coop students, research students and Clinic students provided more than **6,850 hours of legal services** to help understand and resolve public interest environmental law issues.

We delivered in-person legal information, training and strategic advice many matters, including working with Indigenous Nations or organizations on Indigenous Protected and Conserved Areas, Indigenous-local government leadership (chiefs and mayors) for collaborative watershed planning, protecting eelgrass, developing green bylaws, and responding to the demand for critical minerals. Also during this time, much work went into the redesign of our recently launched new [website](#), and we refreshed our visual identity to align with our future home and renewed vision.

**6,850**  
**HOURS**  
OF LEGAL SERVICES

**39**  
**PEOPLE**





In addition, we co-organized a Research-a-thon with ELC Club members that explored the use of provincial injunctions as legal responses to environmental challenges, and we mentored students interested in governance roles within in the ELC Society, supporting their growth in public interest environmental law and non-profit leadership.

Our other core program, the ELC Associates Program, offers training for lawyers who practice or have an interest in practicing public interest environmental law. In the past year, we engaged the 14 lawyers in the current Cohort 9 of the Associates Program in five webinars on a variety of topics, such as project finance for permanence for marine protected areas, dealing with cumulative effects, Indigenous Protected and Conserved Areas in BC, and using new legal mechanisms to advance environmental protection and address pollution issues.

All this activity rests on the steady and engaged financial support we receive from foundations and others as partners in our work – for which we are so grateful – which has allowed us to develop legal resources and tools to help communities, build new client relationships, and strengthen existing ones.

This 2024-25 Annual Report highlights the breadth and impact of our activities. We are honoured to work with Indigenous organizations in asserting their authority and relationships with the environment, to empower communities with legal knowledge, and to respond to growing concerns over environmental issues with practical and accessible resources and tools.

# ENVIRONMENTAL LAW CENTRE

## 2024-25 BOARD & STAFF

### Community Board Members

- Patricia Cochran, UVic Law Professor
- Lisa Fong, KC, Partner, Ng Ariss Fong
- Brenda Gaertner, Lawyer, Mandell Pinder LLP
- John Gailus, Partner, Cascadia Legal LLP
- Darcy Lindberg, UVic Law Professor
- Nikki Skuce, Director, Northern Confluence Initiative
- Karenna Williams, Lawyer, Huberman Law Group

### Student Board Members

- Ryan Balachandran
- Sina Rudrum-Steinhauer
- Kiana Froese
- Nicole Green
- Paarth Mittal
- Katya Tarasoff
- Summer Tyance

#### Student Board Advisors:

- Isaac Beech
- Nick Noble

### Staff

- Gracie Chiu, Administrative Assistant
- Deborah Curran, Executive Director
- Holly Pattison, Director of Operations & Communications
- Patricia Weber, ELC Clinic Lawyer
- Shannon Otruba, ELC Lawyer
- Adele DesBrisay, ELC Articled Student (Jan-May 2024)
- Chad Wilkinson, ELC Articled Student (Aug-Dec 2024)
- Alice Le Bihan, ELC Articled Student (Jan-May 2025)







## Our 2024-25 Activities in Photos

*Clockwise from top left: 1. Sunshine Coast Green Bylaws Workshop (Chad Wilkinson, Deborah Curran, Darlene Tymo of the Halfmoon Bay Community Development Forum, and Suzanne Senger, Executive Director of the Sunshine Coast Conservation Association); 2. Holly Pattison on a tour of the National Centre for Indigenous Laws (NCIL) building (in one of the ELC's new offices!); 3. Patricia Weber and Alice Le Bihan in front of the new NCIL building (the crane is at the outside of the office shown in image 2); 4. ELC staff meeting in Deborah Curran's Environmental Studies office; 5. Holly Pattison, Gracie Chiu, Shannon Otruba and Patricia Weber on a fall team walk; 6. Indigenous Protected and Conserved Areas Workshop (Chad Luke, Kerri Gardner, Deborah Curran, Adele DesBrisay and Karenn Williams)*





## UPHOLDING INDIGENOUS AUTHORITIES

This year, we deepened our support for Indigenous-led approaches to watershed governance, Indigenous Protected and Conserved Areas (IPCAs) and other ecological responsibilities. These efforts have resulted in innovative tools and adaptable models for Indigenous communities as part of their exercise of their authority. We also provided local and other governments with pathways to support Indigenous jurisdiction.

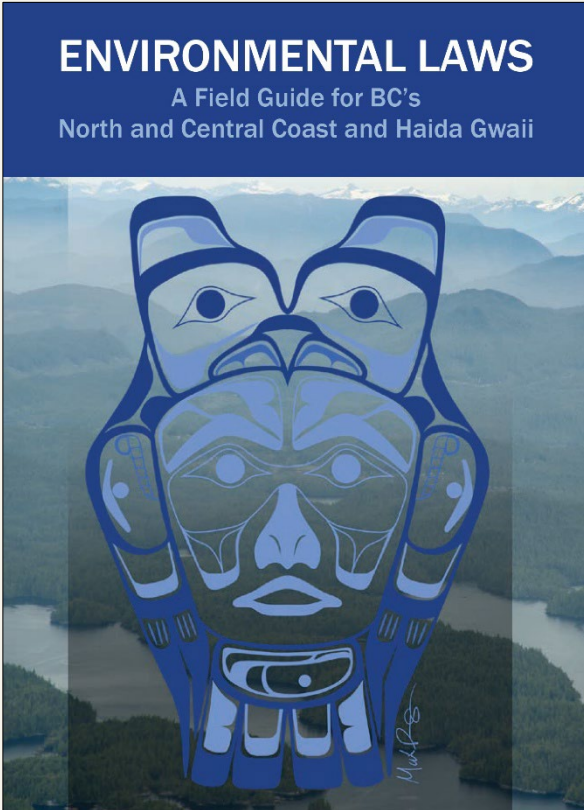
We worked with several First Nations on local government bylaw reform projects and in developing laws/policies based on Indigenous legal orders, including setting water flow and quality standards that water users must follow within their territories. As a modern expression of their laws, the intent is that the documents put both proponents and the provincial government on notice as to what behaviour is expected. Notable examples include existing ELC client projects with the [Gitanyow Hereditary Chiefs Axs Ayookxw Water Policy](#) and the Athabasca Chipewyan First Nation's [tu bet'a ts' ena With Water We Live](#). Our work included legal education at workshops with Indigenous and local government leaders on ways that local governments can uphold and support Indigenous authority. Having replicated our bylaw review methodology and developed submissions to several local governments on behalf of different First Nations, we have a solid template to use with Indigenous communities in supporting their relationships with local governments. See, for example, the ELC project for Tsleil-Waututh Nation [Collaboration for Protecting Eelgrass](#).

Another example of this work is a comprehensive report detailing the state legal tools that support IPCAs, which we are in the final stages of completing. In recent years, there has been growing interest in IPCAs and other tools as Indigenous-led ways to represent and elevate Indigenous rights and responsibilities and to establish long-term commitments to conservation. IPCAs refer to a variety of land protection initiatives but are primarily understood to be lands and waters where Indigenous governments have a primary role in protecting and conserving ecosystems through Indigenous laws, governance, and knowledge systems. We have workshopped our research on how state laws are responding to IPCAs in Canada with our client First Nation (leadership and staff) as well as staff from the provincial government, who are working with them on IPCA implementation. To be released as a significant report on IPCAs in Canada, our client First Nation advanced not only their own agenda but supported their strategic approaches by building the capacity of state government staff and their own lawyer using ELC work. The final report will be released soon, accompanied by workshops and webinars to broaden its impact.

With approximately 40% of our clients being Indigenous Nations, individuals, or organizations, we are grateful that this work continues to grow in reach and relevance, strengthening relationships and attracting new partners.







## RESOURCE HIGHLIGHT

### ENVIRONMENTAL LAWS: A FIELD GUIDE FOR BC'S NORTH AND CENTRAL COAST AND HAIDA GWAI

Over the past year, we partnered with Coastal Stewardship Network (CSN) to update a tool that Indigenous Guardians use in the field as they monitor and protect their territories. *Environmental Laws: A Field Guide for BC's North and Central Coast and Haida Gwaii* is a user-friendly guide to the most common state laws and regulations that Guardians in the field may need to know. The new *Field Guide* reflects changes in federal and provincial laws and updates to the Great Bear Rainforest Agreements, and it focuses on the parts or sections of laws and regulations that are most relevant to the work of Guardians on the coast. It has an updated layout for easier use in the field and features the artwork of Haítzaqv artist and knowledge holder Maxwell Johnson Sr., who is known in the community for mentoring Haítzaqv youth and leading the painting of the Haítzaqv liáci (Heiltsuk Bighouse) in Bella Bella. In his Artist Statement, Maxwell notes the Hemas with Eagle Headdress image represents the one who oversees things in the territory.

*The handbook the ELC helped us to update is an important tool for Guardians during their territory patrols, allowing them to quickly find relevant legislation when they see suspicious activity, enabling them to better address the issue, and thus protect the environment, by preventing illegal activities through education.*

Aroha Miller, CSN Program Manager (Consultant)  
Coastal First Nations-Great Bear Initiative







## SHARING LEGAL KNOWLEDGE AND STRENGTHENING COMMUNITY CONNECTIONS

In addition to publishing our public work online and through newsletters, we collaborated with partners over the past year to share our research and legal tools through workshops, symposiums, and forums across the province.

Following the release of our [\*Collaboration for Protecting Eelgrass\*](#) report, we were invited to participate in the Tsleil-Waututh Eelgrass Symposium to discuss legal strategies for the restoration and protection of eelgrass, particularly in Bedwell Bay, which is under imminent threat. Led by the Tsleil-Waututh Nation, the event brought together key decision makers and eelgrass experts in the region to align on strategies for protecting eelgrass in Burrard Inlet. We also supported our client in presenting the report's recommendations to local government staff.

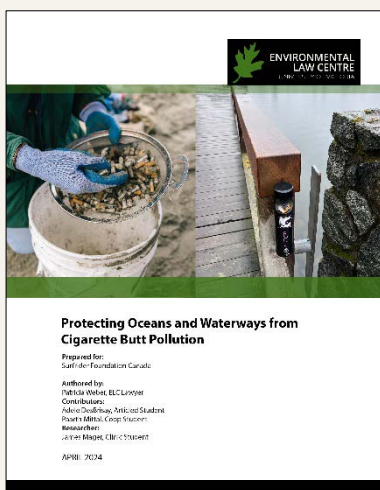
We presented our [\*Green Bylaws for the Sunshine Coast\*](#) report on how the multiple local governments in the Sunshine Coast could strengthen their ecosystem protections through green bylaws at a workshop attended by elected officials, planning staff and citizens from the Sunshine Coast Regional District, District of Sechelt, Town of Gibsons, and shíshálh and Skwxwú7mesh Úxwumixw (Squamish) Nations. Our presentation focused on the tools and legal mechanisms available to bring the different municipalities and electoral areas together to manage growth and climate risks in a manner that prioritizes conservation and biodiversity protection across the region. As noted in our report, using regulations to protect sensitive ecosystems will assist addressing regional challenges already under discussion: protecting and conserving existing ecological systems while restoring and planning for regeneration wherever possible; climate-resilience and thinking about extreme weather events caused by climate change; reconciliation-related goals; and planning for how to address the region's housing needs.

At the BC Assembly of First Nations Water Forum, we represented our work with an Indigenous Leader client on two reports exploring how to better protect the Fraser River, which is ecologically, culturally and economically vital to British Columbia and the many Indigenous Nations that have always relied upon its salmon and flows. While there is no public data available on the amount of daily discharge into the Fraser River watershed, the combined estimate of permitted effluent discharge amounts to more than 4.6 billion litres per day. This makes it imperative to properly monitor and manage the risks to the River. We were also invited, along with our client, to speak about this work at a World Water Day event, which featured the film *The Spirit Who Swims* about the importance of the River and of salmon's spiritual and material importance to Indigenous Peoples along the Fraser River.

Being invited to share our collaborative work directly with communities – to listen, respond, and support local efforts to protect land and water – remains one of the most significant highlights of our work.







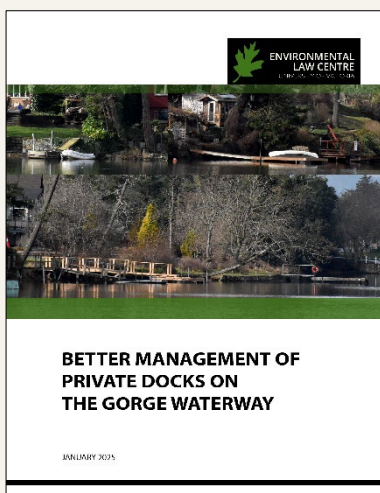
## RESOURCE HIGHLIGHT

### PROTECTING OCEANS AND WATERWAYS FROM CIGARETTE BUTT WASTE

Discarded cigarette butts remain a leading source of plastic pollution, especially in the marine environment. Discarded butts containing thousands of toxic chemicals and microplastics, which stay in the environment for extended periods of time, poisoning water, birds, fish, plants and other marine life. [\*Protecting Oceans and Waterways from Cigarette Butt Waste\*](#) explores solutions ranging from extended producer responsibility programs to outright bans, which have been considered in Canada but never implemented. Beyond banning butts as litter, the report evaluates the pros and cons of potential solutions, explores how other jurisdictions approach the issue and focuses on options that have the most likelihood of success. It may take community persistence in asking governments to make changes, but the efforts could significantly benefit our ecosystems. Our clients at Surfrider Foundation are using the recent submission we prepared on their behalf to discuss opportunities for dealing with cigarette butt pollution with decision makers.

*Thank you again for the fabulous research. This is the exact type of resource we needed to start the conversation with senior staff and elected officials.*

Lucas Harris, Surfrider Foundation



## RESOURCE HIGHLIGHT

### BETTER MANAGEMENT OF PRIVATE DOCKS ON THE GORGE WATERWAY

The Gorge Waterway is known in Greater Victoria as a popular swimming and boating area. But safe access to water activities may be at risk if measures are not taken to better monitor and control environmental impacts. One aspect in protecting the Gorge waters is through proper management of private docks.

Prepared for the Veins of Life Watershed Society (VOLWS) this past year, [\*Better Management of Private Docks on the Gorge Waterway\*](#) highlights the risk to local ecosystems from private docks and provides solutions to start addressing the issue. VOLWS believes that many of the 150 or so private docks in the Gorge, Upper Harbour and Greater Victoria area do not comply with government rules intended to protect the aquatic environment.

*We are immensely grateful for the expertise and support provided by the ELC... Their commitment to environmental justice strengthens our capacity to protect our watersheds and ensure that our children inherit a world teeming with biodiversity and beauty.*

John Roe, Veins of Life Watershed Society







## EMPOWERING COMMUNITIES THROUGH LEGAL TOOLS AND RESOURCES

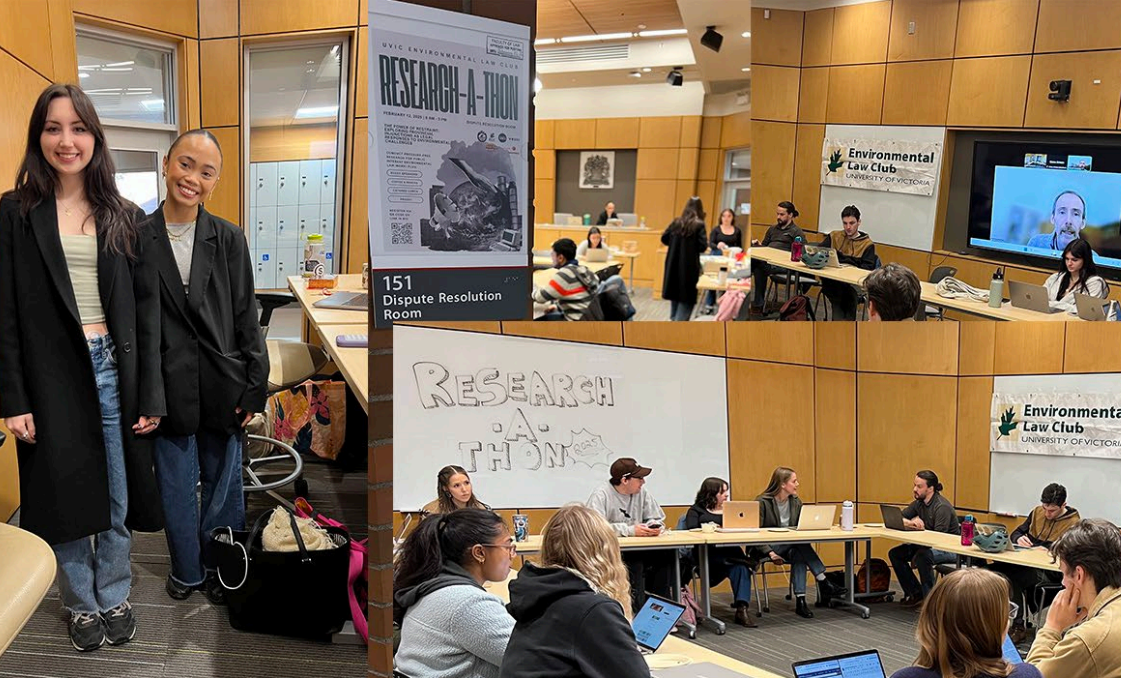
The ELC Clinic offers us many opportunities to provide our clients with legal tools and resources that they can use in their communities and beyond. This year we released eight public resources, including two that have particularly broad and long-term impacts.

In partnership with Coastal Stewardship Network (CSN), we updated a tool that Indigenous Guardians use in the field as they monitor and protect their territories. Indigenous Guardians provide a critical function in their territories, acting as the eyes and ears on their lands and waters. Patrolling their waters and lands, Guardians monitor and record data about the unique habitats and species, take part in data collection for research projects, conduct public education and outreach, and observe activities that may need to be reported for enforcement to Crown agencies. *Environmental Laws: A Field Guide for BC's North and Central Coast and Haida Gwaii* is a user-friendly guide to the most common state laws and regulations that Guardians in the field may need to know. Originally published in 2011, the *Field Guide* is probably one of our most widely used resources. Many Guardian teams have a copy of the *Field Guide* on their boats, and it is also used for training purposes. The new *Guide* reflects changes in federal and provincial laws and updates to the Great Bear Rainforest Agreements, and it focuses on the parts or sections of laws and regulations that are most relevant to the work of Guardians on the coast.

We also released another guide that empowers citizens interested in enforcing environmental laws. Prepared on behalf of Watershed Watch Salmon Society (WWSS), *A Citizen's and Lawyer's Guide to Private Prosecutions in British Columbia* explains how individuals can use private prosecutions as a tool to prompt action and obtain accountability for environmental harms that might otherwise go unchecked. The process is not used very often because it is not well known and has a reputation for being difficult to conduct to completion. Private prosecution cases must be properly prepared – and most are not. The *Guide* is intended to help address that issue. It provides step-by-step practical guidance about the key considerations involved in bringing high-quality private prosecutions that meet or exceed the standard expected of public prosecutors. From how to gather the evidence to prove an offence to discussing legal principles, the *Guide* is intended for clients to use with their lawyers to tackle private prosecutions as a team. WWSS plans to conduct online public workshops about the guide in the coming years to encourage its use by citizens, organizations and their lawyers to initiate private prosecutions as a tool for environmental protection.

By creating and sharing tools and resources in collaboration with our clients, we help extend their reach and impact across communities committed to environmental protection.





## RESEARCH-A-THON 2025: INJUNCTIONS

Student enviro-volunteerism was on display again this year for the 8th annual Research-a-thon.

The annual ELC Research-a-thon is a one-day event where students gather to focus on a single issue and generate research to support public interest environmental law in BC. Organized by the ELC Club with support from the Environmental Law Centre and UVic Libraries, this year's theme was *The Power of Restraint: Exploring Provincial Injunctions as Legal Responses to Environmental Challenges*. At the event, students were asked to research provincial injunction policies and cases across Canada. The work involved gathering information on injunctions specifically filed for or against natural resource extraction projects and companies, and the permitting of use of the environment. In the environmental law context, injunctions are court orders that are typically used to remove land defenders from the sites of proposed industrial or natural resource projects, as has happened at Fairy Creek, the Trans Mountain pipeline's Burnaby terminal, and the UniSt'ot'en Camp.

Guest speaker Patrick Canning shared insights from his extensive experience with injunction law, describing it as "beautiful, elegant, frustrating and horrifying." Originally intended as equity law to bring fairness and flexibility to activities that may involve protest and freedom of speech, Patrick noted that changes in procedures over the years have made it more challenging and dangerous for land defenders and others to respond successfully to injunctions. While this trend is concerning, Patrick is convinced there is lots of room for new arguments to be made, particularly given the conflict between Indigenous legal orders and common law injunctions.

The research generated during the event will directly support ongoing ELC Clinic work, reinforcing the value of student contributions to real-world legal challenges.







## CASE ROSTER AT A GLANCE

The ELC receives many more requests for assistance each term than we can address. Thankfully, we are guided by a case selection policy and process. In addition to providing an educational component for students, our policy guides us to look for cases with the potential to make a significant contribution to the development of environmental law. We also consider our five focus areas: Healthy Watersheds and Airsheds, Resilient Coasts, Sustainable Communities, Climate and Energy Equity, and Environmental Justice. As a glance at our past year's list of new and continuing cases (edited for confidentiality) shows, the result of our process is a selection of diverse cases that call for a variety of legal approaches, which provides rich learning opportunities for students.

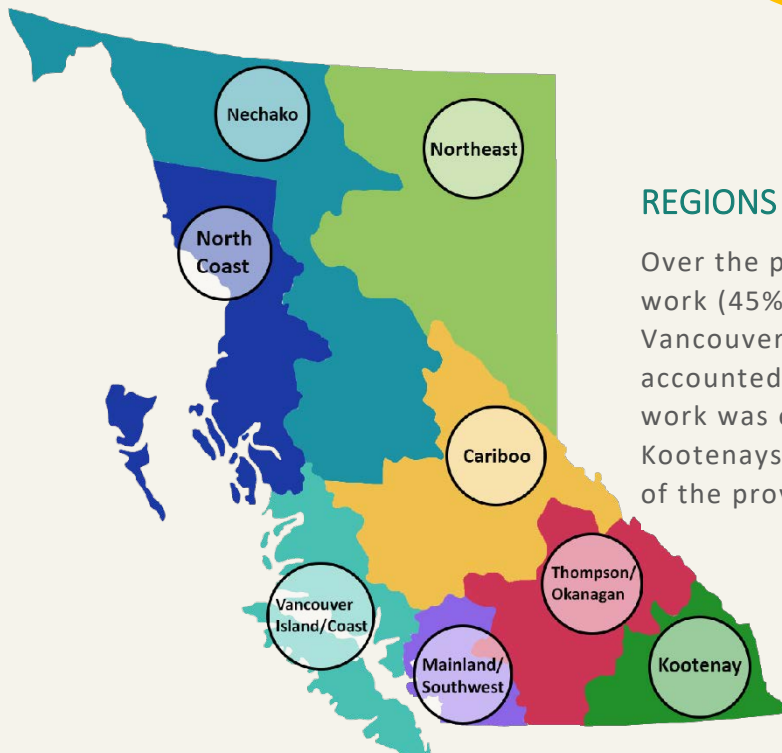
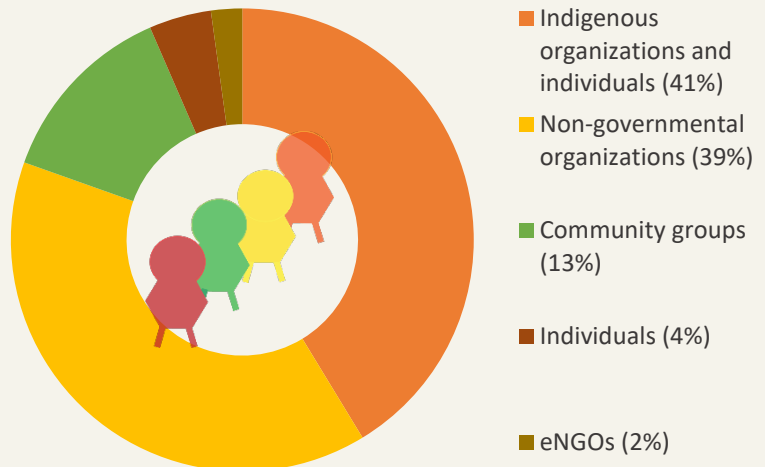
1. Protecting the Fraser River
2. Addressing an Oil Tailings Spill on an Indigenous Nation's Territory
3. Eliminating Cigarette Butt Litter in the Oceans
4. Protection and Management of Aquatic Habitat and Watershed
5. *Wildlife Act* Reform Process Submission
6. *Mineral Tenure Act* Reform Process Recommendations
7. Environmental Finance Mechanisms for Cruise Ship Monitoring
8. Amending Water Licences for Fish and Communities
9. Injunctions Briefs and Indigenous Legal Orders
10. Restoring Indigenous Shellfish Harvesting
11. Improving BC's Extended Producer Responsibility Programs
12. Environmental Justice Program: BC Laws
13. Rebalancing the Relationship Between a First Nation and Municipality
14. Analyzing Mine Bonding Legislation
15. Green Bylaws - A Gap Analysis
16. Burning Waste to Energy in BC
17. Provincial Law Responding to Indigenous Law
18. Remining and the Circular Economy
19. Ensuring Public Safety from Earthquake Hazards Associated with Hydraulic Fracking
20. Legal Liabilities Associated with the Land Application of Biosolids
21. Getting Pharmaceuticals and Other Chemicals out of the Salish Sea
22. Assisting a First Nation with Protected and Conserved Areas on Their Territory
23. Assisting an Indigenous Organization Incorporate their Laws into Local Government Laws
24. Protecting Forested Aquifer Recharge Areas
25. Citizens' Guide to Private Prosecutions of Environmental Crimes in BC
26. Protecting Eelgrass Beds as an Ecosystem-based Strategy for Climate Change Adaptation
27. Preparing a *Species at Risk Act* Emergency Order to protect an endangered species
28. Investigation to Protect Communities from a Flooding Tunnel
29. Protecting Peatlands in an Indigenous Nation's Territory
30. Challenging Illegal Private Docks
31. Environmental Laws Field Guide for BC's North and Central Coast and Haida Gwaii



32. Working with an Indigenous Nation to Incorporate their Laws and Priorities into Collaborative Land Use Planning
33. Collaborative Governance for Watershed Health
34. Green Bylaws for the Sunshine Coast
35. Removing Barriers to Indigenous-led Conservation Solutions
36. Working with an Indigenous Nation to Develop their Water Policy
37. Managing Water Flows to Protect Fish Habitat and Spawning Grounds
38. Examining Approval of a Transmission Line through Caribou Habitat
39. Working with a First Nation to Reclaim Harvest of Traditional Foods
40. Considering the Feasibility and Challenges of Banning Fossil Fuel Ads
41. Amending an Effluent Discharge Permit to Better Monitor Groundwater
42. Advancing the Circular Economy in BC through Law Reform
43. Understanding National Marine Conservation Area Governance
44. Research and Data Sovereignty

## COMMUNITIES SERVED

Through our work on new and ongoing Clinic files, this year we supported 19 Indigenous organizations or individuals, 18 non-government organizations, six community groups, two individuals and one public interest environmental law non-governmental organization.



## REGIONS SERVED

Over the past year, the majority of our files work (45%) dealt with province-wide issues. Vancouver Island and Coastal regions accounted for 35% of our files, and then our work was evenly distributed through the Kootenays, Mainland and Northeast regions of the province.



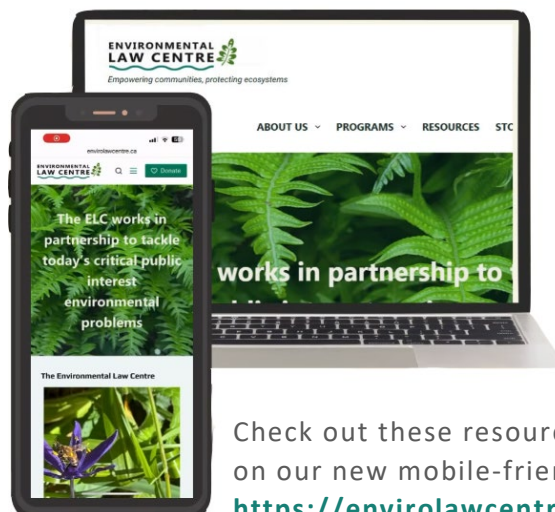




## PUBLICATIONS

Clinic activities in this grant period included legal aid, legal research, law reform, and legal education activities. Work that we can share publicly is available on our website under [Resources](#). Below is a list of all the reports we publicly released in 2024-25.

1. [Collaboration for Protecting Eelgrass](#)
2. [Environmental Laws: A Field Guide for BC's North and Central Coast and Haida Gwaii](#)
3. [Better Management of Private Docks on the Gorge Waterway](#)
4. [Green Bylaws for the Sunshine Coast](#)
5. [A Citizen's and Lawyer's Guide to Private Prosecutions in British Columbia](#)
6. [Fraser River Protection: An Initial Assessment of the Legal Failure for Cumulative Impacts](#)
7. [Lowering the Cost of Conservation: A Call to Reform Mineral Tenure Compensation in BC](#)
8. [Protecting Oceans and Waterways from Cigarette Butt Pollution](#)



Check out these resources and much more on our new mobile-friendly webpage:  
<https://envirolawcentre.ca/>



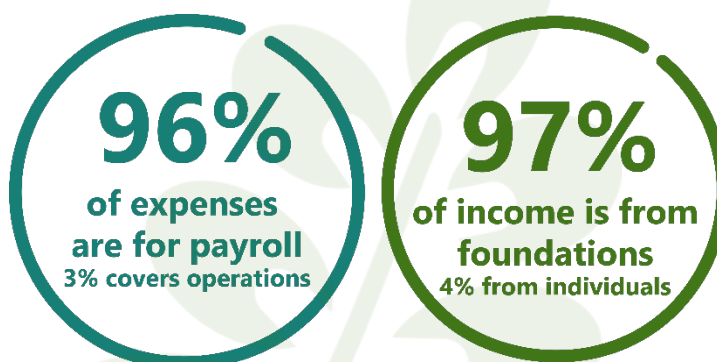


## MANY THANKS FOR YOUR PARTNERSHIP!

We recognize that many hands sustain the ELC. Working in partnership with students, clients, the Law Faculty, Board members, lawyers, foundations, and our individual donors. ELC staff are especially grateful for your many contributions and for continuing to engage with us so meaningfully.

A variety of foundations and individual donors provide us with ongoing and core support. We are so privileged and share our heartfelt thanks to the Law Foundation of British Columbia, North Family Foundation, Sitka Foundation, MakeWay Foundation, Wilburforce Foundation, and the *Janet Person Environmental Law Centre Endowment Fund* for allowing us to continue doing this work. We are also grateful to the Real Estate Foundation of British Columbia for project funding.

We continue to diversify our revenues through private donations, for which we again saw an increase over the past year. We are pleased to see this trend continue as we continue to move through our next transitional stages of organizational sustainability. We deeply appreciate all our donors – thank you!



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

