

Are Fish Farms Unconstitutional?

West Coast funds biologist Alexandra Morton to find out

Fish farms have to be one of the most contentious environmental issues in the province. So it's surprising to learn that the province – which has authorized the approximately 140 farms around the province – may be acting unconstitutionally. But that's just what Alexandra Morton, a biologist who has been one of the leading critics of fish farms, is going to court to allege.

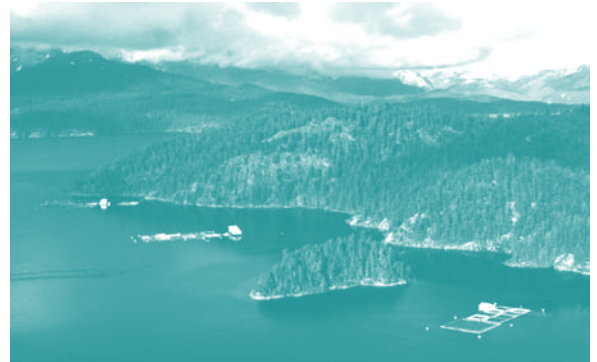
The controversies over open net fish farms have been increasing as studies pile up – many of them by Morton – demonstrating that these farms are allowing sea lice to infect juvenile wild salmon, which has a devastating impact on wild stocks. One recent study, examining wild stocks in the Broughton Archipelago, co-authored by Morton in *Science* (Dec. 2007) projects that the wild pink salmon runs in the area will be virtually extinct within four salmon generations if nothing changes in sea lice infestations.

Under natural conditions, sea lice – which are native to B.C.'s waters – do not generally come into contact with the most juvenile phase wild salmon. However, open net fish farms located close to the mouth of a salmon spawning river gives sea lice an opportunity to thrive in areas where they didn't before. According to Morton's studies and those of scientists worldwide, farm-origin lice attack young salmon as they swim past on their outmigration into the sea.

After West Coast staff lawyer Andrew Gage introduced Morton to Greg

McDade, former Executive Director of Sierra Legal Defence Fund and a leading environmental lawyer, she hired him to come up with legal options to fight fish farms. McDade focused in on the federal government's decision to leave the regulation of fish farms to the province.

"Under Canada's constitution, the federal government has the power to regulate 'sea coast and inland fisheries'," explained McDade. "But it is the province that has stepped in and given fish farms the green light. B.C.'s government doesn't have a responsibility to protect wild salmon and it shows."



Fish Farming in BC, is it unconstitutional? Photo: Courtesy of SlideFarm.

Morton, together with the Area E Gillnetters Association, the Vessels Owners Association and the Wilderness Tourism Association, launched their constitutional challenge in the B.C. Supreme Court on May 6th. Their petition argues that fish farms are "fisheries" and
See **Fish Farms**, continued on page 6

Pinecone Burke Park Saved from Power Lines

Environmental Assessment of controversial Pitt River IPP is on hold

On March 26th environmentalists won a major battle against the Pitt River power project – a plan to dam and divert eight major tributaries of the upper Pitt River to generate power, and to build powerlines through Pinecone Burke Provincial Park. Environment Minister Barry Penner, facing strong public opposition, announced that the power lines would not be allowed through the park, casting doubt on the financial viability of the entire project.

This issue was widely covered in the media, which highlighted the wide-spread public opposition to the project. Less visible, however, was the role West Coast Environmental Law's

Environmental Dispute Resolution Fund played in stopping the power project.

In January 2007, the Burke Mountain Naturalists (BMN) became aware that Northwest Cascade Power Ltd. had just submitted a proposal to the BC Environmental Assessment Office to build hydroelectric generation facilities on all major tributaries of the Upper Pitt River. These plans outlined for the first time the plans to run power lines through Pinecone Burke Park. Running power lines through a provincial park would be a violation of the *Park Act*, and BMN Conservation Chair Elaine Golds wanted to know how the environmental assessment office could consider a
See **Power Lines**, continued on page 6

INSIDE...

- *Youth Conference in Prince Rupert discusses tanker traffic*
- Also: Municipal Update on BC's new Climate Change laws



Bait & Switch?

There's been a lot of encouraging news coming out of Victoria in recent weeks. I've counted almost a half-dozen congratulatory press releases just on the new carbon tax bill – and deservedly so. The consensus has been growing, here and elsewhere, that a carbon tax is one of the most effective strategies in curbing greenhouse gas emissions, apportioning the biggest costs to the biggest users. The problem is that no jurisdiction on this continent has been brave enough to take it on, in the face of massive opposition by big business – at least not until last month, in Victoria. The details are still being clarified (and we all know that's where the devil resides), but for a government to take such a stand on climate change is, well, heroic.

Even before the confetti settles around the carbon tax bill, there is news of another piece of legislation that will allow the government to bring B.C.'s tailpipe emission levels in line with the much lauded California standards.

At a recent lunch, the guest speaker, scientist and geologist and author of the seminal book on climate change *The Weather Makers*, Tim Flannery, talked about his admiration for our province's leadership, calling B.C. a North American model on climate change action.

So what then are we to make of the government's enormous subsidies to the oil and gas industry? Because at the same time that Victoria is leading the way in cutting carbon emissions, it's also setting

a different kind of record in funding oil and gas development. This year's budget saw a 24 percent increase in subsidies to fossil fuel producers, totalling approximately one billion dollars over the next three years. The budget also provides continued funding and promotion of coastal oil and gas drilling.

Why, at a time when we are ostensibly trying to move away from fossil fuels, are we giving a billion tax dollars to the largest industrial emitter of greenhouse gasses in the province? And why indeed, when oil companies are reporting their biggest profits ever?

In the same week that Victoria announced the new tailpipe emissions standards, Exxon Mobil Corp announced its best ever first quarter with a net income of \$10.89 billion; Petro-Canada set a record profit of more than \$1 billion, almost double that of a year ago; BP posted a 63% surge in net profits to \$7.6 billion, while Shell reported its highest profit level to date of \$9.8 billion.

Overall, oil prices have increased nearly six-fold since 2002, due mostly, economists say, to surging demand from emerging economies. And prices increased at the pump, during the same first quarter, gas prices jumped an average of 22%. In a recent poll, 80 percent of British Columbians ranked climate change as their number one concern. The public is showing that it's willing to make sacrifices, pay a little more, live in smaller spaces, if it will help to protect the planet a little longer. Yet even as we change our



lightbulbs, turn down the thermostat and learn to love public transit, we are unwittingly financing the very thing that worries us most, the increased production of greenhouse gasses. We're doing it through our provincial taxes, which subsidize the biggest industrial emitters to produce ever more emissions, and through the increased prices at the pump to boost their profitability even further.

Undercutting its own citizens' efforts to combat climate change is insulting. And playing both sides of the fence is dishonest. While the government continues to actively encourage the growth of the oil and gas industry in BC, it is doing both.

– Patricia Chew

West Coast Environmental Law has been BC's legal champion for the environment since 1974. Our mandate is to empower citizens and organizations to use the law to protect our environment and to advocate for the innovative solutions that will build a just and sustainable world. We:

- Have helped establish mechanisms for public participation in decision-making and to champion key legal reforms.
- Act as a watchdog; alerting British Columbians to the weaknesses in existing and new laws, and the potential impacts of change.
- Make environmental law accessible to citizens through community legal education.
- Help thousands of British Columbians resolve critical environmental issues by providing legal advice and access to legal and technical representation.



You can donate securely to West Coast Environmental Law online at www.wcel.org/give

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West Coast Environmental Law staff and project workers are: Patricia Chew, executive director; Jessica Clogg, Andrew Gage, Susan Rutherford, Margot McMillan, Andrea Hilland, Greg Gowe, staff lawyers; Todd Monge, EDRF and development coordinator; Ceciline Goh, office administrator; Allison Grose, executive and administrative assistant; Ingrid Molloy, systems administrator.

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BC Government Busy with Climate Change Laws

Last year, the *Greenhouse Gas Reduction Targets Act* promised that BC would reduce its greenhouse gas emissions by 80% by 2050. This year's laws - and there were several in the spring session - finally begin to put some meat on that promise.

The *Carbon Tax Act* has been the best publicized and most controversial of the initiatives. Bill 37 explains how the tax will be set and collected, and guarantees that it will be kept revenue neutral. When this *Act* is passed, BC will be the first jurisdiction in North America to apply a carbon tax to consumers - an important milestone.

Two statutes address greenhouse gas emissions from vehicles. Bill 16 allows the government to require that ethanol or other biofuel be mixed into BC fuel. This is not necessarily a good thing,

biofuels have become increasingly controversial with worldwide food shortages and the tripling of prices, many now question the wisdom of turning food into fuel.

Emissions from power plants - including banning coal-fired power plants unless they capture and store all of their emissions - are covered in the *Greenhouse Gas Reductions (Emissions Standards) Act* (Bill 31).

One of the most significant new pieces of legislation is Bill 18, the *Greenhouse Gas Reductions (Cap and Trade) Act*. It sets the groundwork for a major emissions trading system which the government would impose on industry. Done right, this would be a major step forward in the fight against climate change.

Other laws however offset some of the climate change gains. Bill 14 amends the *Transportation Investment Act* to pave the way for the twinning of the Port Mann Bridge. Some sections of the greenhouse gas laws seem intended to facilitate the burning of waste (incineration) and the purchase of energy from Independent Power Producers. Bill 23 replaces the *Health Act* with a new *Public Health Act* which, while in many ways positive, removes the powers of local governments to terminate health hazards.

However, for a government which had been all but written off by the environmental movement, the good news for now outweighs the bad.

- Andrew Gage

First Nations Advancing FSC Standards

On April 16, 2008, West Coast Environmental Law, in collaboration with Dogwood Initiative, conducted a strategic workshop with West Moberly First Nation Chief and Council.

The intent of the workshop was to advance Forest Stewardship Council (FSC) certification on West Moberly treaty lands. FSC is the green mark of approval, similar to organic food certification, which guarantees to consumers that forest products come from sustainably managed forests. West Coast was one of the principal drafters of the FSC BC Regional Standards, and is dedicated to ensuring that the standards are given effect on the ground.

West Moberly First Nation is located in the Peace Region of British Columbia, approximately 90 kilometers southwest of Fort Saint John. West Moberly is a signatory to Treaty 8, an agreement between First Nations and Canada, which was signed in 1899. The treaty protects certain lands as well as Aboriginal rights to hunt, fish and trap throughout West Moberly's traditional territory.

In recent years, West Moberly First Nation has been inundated with numerous resource developments that threaten their way of life. Examples include the proposed Site C hydro electric project, oil and gas developments, coal bed methane exploration, and unsustainable logging. West Moberly is concerned about the long-term and cumulative effects of these developments on the land and environment.

West Moberly First Nation understands that their treaty rights are intrinsically connected to the natural world that surrounds them. For example, healthy habitat is required to support the fish and wildlife populations necessary for the West Moberly to be able to exercise their treaty rights to hunt, fish and trap. Moreover, West Moberly has a right to the land itself and intends to protect the integrity of their treaty lands for their own



Photo courtesy of Dogwood Initiative

well-being and for future generations. West Moberly would like to see FSC certification for all forestry activity in their territory. One major forest company, Tembec, has already committed to pursuing FSC certification in West Moberly lands. The other major forestry operators in the area - Canfor, West Fraser and BC Timber Sales - are not yet pursuing FSC certification.

West Moberly Chief and Council made a formal commitment to collaborate with West Coast and Dogwood Initiative in developing a multifaceted strategy to compel all forest companies operating in West Moberly territory to adopt FSC standards. The April 16 workshop was the first step in the development of a broader strategy to give effect to FSC Standards on the ground. Strategy development is now underway.

- Andrea Hilland

NW Youth Environmental Conference

Youths Gather in Prince Rupert to Learn about Tanker Traffic Issue

Here's a surprising statistic: Aboriginal youth are the fastest growing demographic in BC, that is according to Government data. Motivated by this statistic, and in recognition that these youth will be the leaders of tomorrow in their communities, West Coast Environmental Law co-organized the Northwest BC Youth Environmental Leadership Conference in April to focus on the oil tanker moratorium.

The youth conference was held in Prince Rupert from April 10 to 13, 2008, and brought together 18 youth (ages 15 to 20) from six northwest coastal communities with significant First Nations populations: Bella Bella, Hartley Bay, Kitimat, Skidegate, Prince Rupert and Laxgalts'ap (also known as Greenville, and one of the four main Nisga'a villages).

One of West Coast Environmental Law's core mandates is to provide legal education services to the public, and the youth conference was a natural follow-up to the outreach we have been doing in northwest coastal communities over the last several years.

For example, in November 2007, West Coast embarked on a 10-day speaking tour of several north coastal communities (Skidegate, Queen Charlotte City, Old Masset, Masset, Hartley Bay, Prince Rupert) to meet with local governments elected and hereditary leaders in First Nations communities, marine planners, conservation groups, other stakeholders and the public to present information about the tanker traffic moratorium.

The Issue

West Coast has been actively working to achieve a legislated ban on oil tanker traffic in the waters of Dixon Entrance, Hecate Strait and Queen Charlotte Sound for several years. This area contains some of BC's most pristine coastline and important marine habitats, and overlaps significantly with the Great Bear Rainforest.

In 1972, the federal government banned oil tanker traffic in this region

following public outcry over the potential environmental impacts. The moratorium was later expanded to prohibit coastal oil and gas exploration and drilling. A provincial ban on tankers and coastal drilling quickly followed the federal moratoria.

In 1994, however, the provincial government repealed the regulation imposing the moratorium on coastal drilling. And since 2001, the BC government has advocated opening BC's coast to oil and gas. More recently, in the 2007 and 2008 Energy Plans, the government reaffirmed its commitment to pursue coastal exploration and drilling.



Youths at the conference, concerned about the growing threat of oil industry exploitation. Photo: Greg Gowe

At the same time as the provincial government is promoting offshore oil exploration and drilling, multi-national oil and gas companies have put forward several project proposals for BC's coast, most notably pipelines from the Alberta tar sands to ports on BC's central and north coast, including Kitimaat. It has already begun - at least 14 tankers have travelled up the narrow Douglas Channel to Kitimaat over the last few years to offload condensate - a mix of petrochemicals that is used in to dilute heavy oil - for export to the tar sands.

It is West Coast's position that a legislated, permanent ban on oil tanker traffic off BC's central and north coast would achieve two important environmental goals. First, it would serve to protect BC's fragile coastline from catastrophic oil spills. Second, it would ensure that BC does not undermine its own aggressive global warming mitigation strategy by facilitating the growth of the Alberta tar sands.

The need to protect BC's coastline from massive oil spills is abundantly clear when one considers the environmental havoc wreaked by the Exxon Valdez incident almost 20 years ago. Almost 41 million litres of heavy oil spilled from the damaged tanker on to Alaska's coast line. The oil spill resulted in the deaths of between 250,000 to 500,000 seabirds, 2,800 to 5,000 sea otters, 300 harbour seals, 250 bald eagles, 22 orcas and 12 river otters, as well as the destruction of billions of salmon and herring eggs. In December 2007, a group of scientists concluded that the Exxon Valdez oil spill was responsible for the collapse of Alaska's herring fishery, and that the fishery may never recover.

It is an accepted fact that the Alberta tar sands are already one of the largest sources of greenhouse gas (GHG) emissions in the world; worse yet, Alberta is on record stating that it intends to triple production by 2016. It is because of the tar sands that Alberta accounts for 40 percent of Canada's GHG emissions despite having only 10 percent of the population.

Despite these alarming figures, the Alberta government's GHG reduction measures have been negligible. In January of this year, Premier Ed Stelmach introduced a climate change policy - not legislation - that allows Alberta's emissions to increase until 2020, followed by only a 14 percent reduction by 2050.

In contrast to our neighbour to the east, BC is taking a leadership position in the fight against global warming. For example, the *Greenhouse Gas Reduction Targets Act* came into force on January 1, 2008 requiring BC to decrease our total GHG emissions by 33 per cent by 2020, and 80 per cent by 2050 (as compared to 2006 figures). The BC Government then followed up this initial piece of climate change legislation with a host of related bills in the Spring 2008 legislative session, including bills that will introduce a carbon tax (Bill 37), allow BC to establish a "cap-and-trade" greenhouse gas reduction system for large companies (Bill 18) and that will reduce

Continued on next page

vehicle tailpipe emissions (Bill 31). (See related story in this issue: *BC Government Busy with Climate Change Laws*)

Youth Conference

West Coast organized the Prince Rupert youth conference with the Na na kila Institute, a Kitimaat-based First Nations environmental organization, and the Living Oceans Society. Funding for the conference was provided by the Vancouver Foundation, the Northern Rivers Initiative – Hewlett and by Mountain Equipment Co-Op.

The conference kicked off with our two key-note speakers, Ginger Gosnell-Myers and Cliff Atleo Junior. Ms. Gosnell-Myers, an accomplished young woman of Nisga'a and Kwakwak'awak heritage, delivered a powerful talk about the need for of all young people, but particularly First Nations youth, to become engaged with the issues affecting their communities. Cliff Atleo Jr. is half Tsimshian and half Nuu-chah-nulth and will be starting his Master's degree in Indigenous Governance at the University of Victoria in September 2008. He drew on the stories he had been told as a child by the elders in his community to inspire the participants.

The next day saw a full slate of presentations: West Coast discussed the key laws pertaining to tanker traffic, greenhouse gas emissions and the exercising of our democratic rights. Professor Rick Steiner, from the University of Alaska, presented scientific information about the Exxon Valdez spill and the possible implications of an oil spill on BC's coast. The youth also had the opportunity to meet the MLA for the North Coast riding – Gary Coons – and ask him some questions about the issues facing their respective communities.

The remainder of the conference consisted of the youths working in small groups with Reel Youth, a professional film company from Vancouver, to produce short videos that speak to their vision for a better world, as it relates to tanker traffic and the environment more generally. Once completed, the videos will be submitted to youth film festivals.

Conclusion

Because of the large distances involved, the irregular ferry schedules and the

challenges presented by inclement weather, it is not easy for individuals and communities on BC's northwest coast to come together to learn about, and discuss, environmental issues of regional importance. Yet, the young people easily grasped the issues and made them their own. A group website is already underway to allow these young leaders in training to stay in touch. The power in seeing 18 youth

from six remote communities transform into a cohesive, regional group over the course of three and half days is perhaps the biggest reason why West Coast believes so strongly in the public education platform of its environmental law reform mandate.

– Greg Gowe

Profile: Greg Gowe - Staff Counsel

An interesting and unusual route – via the Panama Canal – led lawyer Greg Gowe to West Coast Environmental Law.

A local boy, Greg was born and raised in North Vancouver. He studied political science, attaining a BA at UBC and a Masters degree at the University of Victoria, before leaving for Montreal, where he received his LL.B (with distinction) from McGill University. He was called to the Bar in 2002.

In 2002, he returned to Vancouver, where he worked for Lawson Lundell LLP until the end of 2006. His legal practice there involved representing and advising companies and individuals in all facets of labour and employment law, including hearing work.

In early 2007, Greg's life took a different turn. Looking for a change and a chance to explore other opportunities, Greg and his fiancé took a 10 ½ month odyssey to the Panama Canal and back in their trusty Volkswagen van. While he reports that the van broke down on the third day of the trip, leaving them stranded in Newport, Oregon for five days, this incident proved be the worst setback they would have as they navigated through crumbling infrastructure of Mexico and Central America, dealt with very un-Canadian law enforcement and endured chaotic borders.

The trip also solidified Greg's desire to make a bigger impact, a bigger contribution, to improve the environment. "From white sand beaches, to jagged coastlines to mystical rainforests, we saw environmental beauty at its best on the trip, but also environmental degradation at its worst. It made me realize how lucky we are to live in Canada, where many people take environmental protection very seriously" Greg says.

On his way back, Greg checked websites for possible employment opportunities back home where he could use his legal skills to make a difference, and, coincidentally, landed upon West Coast which was looking for a lawyer to work in the energy sector. After a phone interview poolside from Puerto Vallarta, the rest, as they say, is history. Greg started work with West Coast in November 2007, and has been applying his skills to improve oil and gas legislation and uphold the oil tanker moratorium in coastal BC.



EDRF In Action

In addition to the success of Burke Mountain Naturalists discussed in the article on Page 1, the EDRF has recently had two other important wins and has awarded a new grant to **Friends of Clayoquot Sound**:

In April, **Living Oceans Society**, armed with a legal opinion funded by the EDRF, met with Environment Minister Barry Penner to discuss the necessity of salvaging logging equipment in Robson Bight that contained 10,000 litres of diesel fuel. A week later, the province and federal government announced their intention to remove the logging equipment from this critical orca habitat. Living Oceans Society believes that the legal opinion played a key role in their efforts to press the government to clean up this sensitive ecological reserve.

Canadian EarthCare, represented by EDRF Lawyer Bill Andrews, is happy that Chevron Canada Limited has agreed to pay some of the legal costs of cleaning up contamination at a former Chevron gas station in Salmon Arm, BC. The group had intervened before the B.C. Court of Appeal in the case of *Gehring et al. v. Chevron Canada Limited et al.* after a judge had ruled that Chevron was off the hook. Rather than proceed with an appeal, Chevron agreed to a settlement with the current owner of the property, paying at least some of the clean-up costs (the terms of the settlement are confidential).

The EDRF recently funded the **Friends of Clayoquot Sound** to develop legal strategies to oppose exploratory drilling for a potential copper mine on Catface Mountain. The site of the proposed mine is clearly visible from Tofino and could threaten the ecology and groundwater of this biologically diverse area.

Fish Farms, continued from page 1

the province has no business authorizing them. West Coast's Environmental Dispute Resolution Fund has granted \$17,640 towards the cost of the court case, which is the first of its kind.

"The province is doing a shameful job of protecting wild salmon from sea lice and other fish farm damage," said Morton, explaining why she is bringing this challenge. "I appreciate the support that West Coast has shown in helping to bring this constitutional challenge. The science is being ignored." Many of the fish farms that are causing serious impact on wild salmon have applied to expand. "It is essential to straighten out who is in charge of regulating fish farms in BC," says Morton, "that is why we are going before the courts."

- Andrew Gage

Pinecone Burke Park, continued from page 1

project that was illegal.

With EDRF funding, BMN hired Langley-based environmental lawyer Mark Haddock to investigate. Haddock found that the power company was preparing an application to the B.C. Ministry of Environment to have the power line route removed from Pinecone Burke Provincial Park. Under a little known policy called the Provincial Park Boundary Adjustment Policy, approved by Cabinet in 2004, industries can ask the provincial government to change the boundaries of any provincial park.

"We were shocked to find that BC Parks would consider changing the boundaries of a park simply because a power company wanted to build some power lines," said Elaine. "It took us five years of research, campaigning and due process under the government's Protected Areas Strategy to get this park established, and it was unthinkable that a company could simply walk in and ask for key wilderness areas to be deleted from the park. In addition, the project would have significant impacts on prime fish and wildlife values in the Upper Pitt, so we had more than one reason to fight this project."

After being pressed by Mark Haddock, the Ministry of Environment clarified that they would carry out both the environmental assessment and the park boundary adjustment processes separately and simultaneously. Understanding both processes allowed the BMN and other groups to know when and how to mobilize public opinion. Meanwhile, Haddock helped BMN prepare submissions to both the Environmental Assessment Office and BC Parks, pressing for a fair and open process that respected the different statutory responsibilities.

"Mark helped us navigate the process," said Elaine. "Our submissions were based in law and science, and we knew where we should try to direct public opposition."

The opponents of the power project represented diverse interests – from fishing to outdoor recreation to protected areas organizations and their members. One public meeting about the proposed changes to the boundaries of Pinecone Burke Park had to be shut down due to fire concerns after the room was filled to overflowing. When this public meeting was held again in a larger venue, some weeks later, the public voiced its concerns loudly and clearly.

And the government heard them — at least on the issue of changing the park boundaries. Minister Barry Penner's announcement that the powerlines would not be allowed to go through Pinecone Burke Provincial Park came one day after this last public meeting.

In theory, Northwest Cascade Power Ltd. could try to press ahead with the Environmental Assessment using a more costly route for its powerlines, but the alternate route also raises significant environmental and logistical issues and may require access through a different part of the park. For the time being, the project is in limbo and the Environmental Assessment on hold while the company considers its next move. For the moment, at least, the park protectors can breathe a sigh of relief.

"In addition to blocking these transmission lines, this issue has highlighted the problems with simply re-writing park boundaries to accommodate industry," noted Haddock. "I'm hopeful that BC Parks has got that message – and that the policy will be amended to better protect our parks."

- Andrew Gage

Municipal Update

Local Governments Step Up to the Plate

Wearing all of their various “hats”, local governments – as owners of property, as community partners and as regulators – are fast becoming significant actors in BC’s sustainability sector. This update tracks some of the recent movement. For more details, visit our **Smart Bylaws Guide** at (<http://www.wcel.org/issues/urban/sbg/>).

Civic policies and partnering opportunities

As leaders, it is important for local governments to get their own houses in order first, before they can lead on sustainability issues. Some of the strategies undertaken to make progress on capital expenditures and operations include: adoption of green building standards for new civic construction, establishment of green purchasing policies, retrofitting of buildings and streets to install “green technology”, and embarking on community-scale planning initiatives (e.g. community energy use and conservation, extreme weather events, or affordable housing).

Local governments are also increasingly partnering with others to advance their objectives. Some recent examples include solar roofs, district energy, and automotive co-ops. Climate action is also top of mind. At least 115 local governments have now endorsed BC’s Climate Action Charter, which commits them to carbon-neutrality by 2012.¹ Fifty-one BC local governments (more than from

any other province) are now “Partners for Climate Protection”, a Federation of Canadian Municipalities program.

Innovative bylaws, to regulate private sector activity and to create incentives

Local governments are facilitating progress in the private sector through bylaws and incentive programs, which include:

- Adoption of alternative or low impact development standards;
- Establishment of limits on impermeable area (including requirements for green roofs);
- Requirements for on-site rainwater management;
- Requirements to right-size the building’s heat source;
- Design guidelines that stipulate orientation to the sun and wind, and access to shade;
- Property tax exemptions to incent dense growth or to build green;
- “Sustainability checklists” that guide planning and development application decisions; and
- Fast-tracking and recognition programs that encourage and reward green buildings.

Upcoming changes to provincial law

Many are welcoming the province’s new Green Code, which will establish energy and water conservation standards for new building construction.

If passed, Bill 27 (the Green Communities Bill) will also bring needed changes to the *Local Government Act* and Community Charter. Proposed amendments require local governments to establish greenhouse gas reduction targets as well as policies and actions for achieving them, in their regional growth strategies and official community plans (though not all local governments have these); allow local governments to establish development permit areas for purposes that include water or energy conservation or greenhouse gas emission reductions; allow local governments to pass bylaws enabling development cost charges to be waived or reduced on similar rationales; and will expand the application of “parking space” reserve fund money to purposes that include the provision of alternative transportation infrastructure (walking, bicycling, or public transit). Watch and wait.

In sum, action and the scope for action at the local government level continues to expand. West Coast is excited to observe the legal and policy changes and we are proud to support local governments in their quest to find the tools to make communities more sustainable.

– Susan Rutherford

¹ The District of Saanich has already established a Carbon-Neutral Plan and Reserve Fund.

Transitions

Organizational Announcement

West Coast welcomed **Ingrid Molloy** to the position of Systems Administrator. Ingrid brings a wealth of both technical and design expertise to West Coast, with a background in system administration, technical support, web development and graphic design. She has worked for industry leaders such as IBM, Cisco, Citrix and Compaq, and is currently honing her design skills at the Emily Carr Institute and BCIT. Welcome Ingrid!

We’re Moving!

We’re excited to announce that, after more than 30 years at our current office space, West Coast is moving to premises that now better meets our needs. As of **August 1st**, our new address will be :

#200 – 2006 West 10th Avenue, Vancouver, BC, V6J 2B3

Telephone, fax and email addresses will remain the same.

Lessons in Living: Carla Reed

Farmer. Social worker. Environmental activist. Grandmother. Philanthropist. At different points in her life, this elegant, unassuming woman has fulfilled all these roles with a surprising naturalness. Perhaps it's because her life has been untypical from the start.

For one thing, Carla Reed is third generation Chinese born. Her grandparents moved from Germany to Shanghai where her grandfather set up a business. After his premature death, her grandmother, clearly a woman of character, stayed on and opened up a hotel catering to foreigners. Her father was born, grew up speaking Mandarin and Shanghainese and married an English woman, who gave birth to Carla. Carla was just ten when World War II ended and they moved briefly back to Europe before settling in Canada. "[My husband] Len and I went back nine years ago, the first time since I left, and you know, the building where I grew up was still standing," Carla beams.

Carla married Len in Vancouver, a typical urban couple, but with a yearning for wide open spaces. Len subscribed to *Harrowsmith* and *the Organic Gardener*. But unlike many city folk who fantasize about "going back to the land", the Reeds walked the talk and bought ten acres in Abbotsford, moving there in 1972. "I guess you could say we were at the forefront of the living on the land movement," Carla concurred. "We weren't hippies, but we did take part in the bartering programme that was going on there – trading corn for a haircut, that sort of thing." Carla refers to their



spread as a "hobby farm" where she grew vegetables and berries "...and Len decided to become a rancher," Carla laughs, recalling how their cattle would escape from their pens. "It was a very happy period and a great experience for our kids, seeing where their food comes from, being a part of it." Later, Carla would return to her profession of social work, as head of the department at MSA hospital in Abbotsford.

Their love of the land nurtured a desire to protect it, and the Reeds became active in the conservation movement. Carla's first experience as an environmental activist was rallying opposition to a power plant that was to be built right across the Canada-US border. Their group, the Sumas Mountain Conservation Association, along with other grassroots groups, won the day when the National Energy Board vetoed the project.

Carla and Len moved to Maple Ridge three years ago, when his prostate cancer had advanced to the point of wanting medical facilities close by. After 46 years of marriage, he passed away in January 07. In the same year,

Carla also lost her mother. "It was a rough year, no doubt about it, but I had my daughter and grandchildren close by."

It was around that time too that Carla got in touch with West Coast Environmental Law. "I'd known about West Coast for many, many years, and I just liked what you do, the expertise of the legal mind working on problems in a way that most people can't tackle." She also likes the Environmental Dispute Resolution Fund (EDRF), "the idea of helping the grassroots, and lawyers working at a reduced fee, it's spreading the wealth."

In her clear-eyed, steady way, Carla has continued her lifelong practice of volunteering in the community. She tutors adults at the university in Mission and raises funds and cleans out pens at Katie's Place, a local cat shelter. She supports several charities, and she sings in the local community choir. She is many things to many people, but to West Coast, Carla is an angel: a committed environmentalist, benefactor and ally.

She explains her support this way: "West Coast embodies the best possible approach to environmental issues, working at a very local level, but with a particular professional expertise, on issues that affect everyone."

– Patricia Chew



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