



Environmental Law Club

UNIVERSITY OF VICTORIA

President's Report

The new Executive came together in the summer. It was immediately obvious that I had a talented, motivated and capable group to work with. Throughout the year, they all generated many amazing ideas and directions for the club. UVic continues to attract passionate environmentally minded law students and I know that I leave the Club in good hands as I move on.

The ELC's major events are recounted elsewhere in this newsletter, but I wanted to highlight a couple of things we did over the course of the academic year. First year representative Sam Rapoport took care of the composting all year, keeping countless apple cores and banana peels out of the garbage. For the third year in a row, we sent a delegation of students to the annual Mill Hill Park scotch broom cleanup, this year spearheaded by Jenn Cameron. The ELC was also proud to co-sponsor a public symposium on urban sprawl. Ethan Krindle and Amy Walsh worked closely with organizers to put on an extremely successful and well-attended event that kept awareness high on the issue of the Jordan River TFL deletions. Finally, as April exams loomed, the ELC hosted an environmental movie lunch to help us all keep things in perspective.

My personal thanks for such a successful year go out to the Executive, the ELC Society, the Law Foundation, the UVic LSS and, of course, our wonderful members.

-Eric Regehr



East Sooke Hike

On a crisp, sunny morning in late September nine nature-loving law students bravely left their law books at home and embarked on an epic hiking trip to East Sooke Park. Despite the fact that the trip commenced at 9 a.m. and the hike leader had provided a less than accurate hand-drawn map, with the help of our resourceful first years and their GPS tools we all managed to meet safely at the parking lot. The Coast Trail meanders gently along the edge of the forest, providing a spectacular view of the ocean. It was also a great opportunity to meet students across all years in law school, discuss first week experiences, first impressions of law school and love for Vancouver Island, all while breathing air fresher than in any library. After a few hours we returned to the beach and had lunch in the sun, making promises to reunite for more outdoor adventures throughout the term. We left for home feeling refreshed and even more inspired to use our legal skills to protect beautiful BC landscapes.

- Tharani Balachandran

Bike 2 School Week

September 2009 saw the second annual Bike to School Week, which I hope will become the ELC's flagship event. Building on the great idea of Hart Shouldice, the indefatigable Anna Johnston spearheaded organizing and running the event. By moving the event from October to the third week of September and focusing on first years, our goal was to create awareness in recent Victoria arrivals about the feasibility and fun of taking to the bike lanes.

To say the least, the event was a smashing success. We used guided rides from different neighbourhoods, daily and weekly prizes donated from local bike shops, and free coffee or tea to entice riders onto their bikes. Once we got them here, we provided information on Victoria's bike vendors and the safest (and, maybe more importantly, least hilly) routes to UVic. We facilitated about 150 trips to school in only four days.

In the midst of stimulating our leg muscles, we stimulated our brains by bringing in Sharon Mascher from the University of Western Australia to discuss Australia's proposed Carbon Trading Scheme and the issue of carbon trading more generally. The talk was not only interesting in itself, it also served to place our individual choice to pedal in the larger scheme of reducing humanity's global footprint.

- Eric Regehr

Environmental Law Negotiation

On November 13th, 2009, the UVIC ELC Negotiation Team descended on UBC as the two time defending champion. The first year students proved to be a strong competitive force this year with the whole team of negotiators being drawn from the first year class. Elisa Penn, Sam Rapoport, Darcy Lindberg, Laura Baradoy, Caleb Behn, Sarah Arngna'naaq, Alison Edgar, and Tasha Gooch engaged in a Transboundary Water Negotiation Simulation that brought to life the difficulties of negotiating between parties with different motivations and resources. Everything from social implications to economic considerations, and of course environmental repercussions, were discussed in an intense fact specific simulation during which the UVIC negotiators proved to be excellent representatives of their respective "countries."

The duo of Caleb Behn and Sarah Arngna'naaq negotiated



their way into the final round of competition, which proved to be a very complicated, formal, and in-depth negotiation involving three groups that had clearly put a lot of thought and work into their negotiating strategies. As a result of the high caliber performance by all of the competitors, all three groups, six competitors in total, were rewarded in a three-way tie for first place! So UVIC's title as negotiating champions is safe for one more year! The UBC Environmental Law Group did a fantastic job hosting students from UBC, UVIC, and the University of Calgary. The catering, venue, and volunteer judges added to the success of the event. Thank you to UBC and congrats to the negotiators!

- Irene Sattarzadeh



Student Clinic Project: Access Denied

On February 3rd 2010, the ELC, on behalf of the Dogwood Initiative, made submissions to the Special Committee to Review the Freedom of Information and Protection of Privacy Act. The submissions were based on the ELC report "Access Denied: Abuses and Failures Under the Freedom of Information and Protection of Privacy Act". This report provided extensive review of government data on the use and application of the Act; review of important cases decided by the Information and Privacy Commissioner; and provided recommendations to improve the Act.

The project provided an excellent opportunity to work with a public interest client. Client interaction is a crucial part of the practice of law, and under the supervision of an ELC lawyer, students can develop the knowledge and experience necessary to understand and implement client goals. Through the oversight of the lawyer, projects are given direction and students do not feel lost in the seas of legislation and regulation that dominate our legal system. The project also provided excellent learning opportunity for researching legislation, policy, and government accountability tools.

The most rewarding part of the project, and most ELC clinic projects, is seeing real changes based on involvement with a client and their goals. In this case, the analysis and recommendations provided to the legislative committee will be given consideration in legislative reform. Further, the Globe and Mail, CBC, and various other media outlets used the report to highlight the need for change to the Act. This created more political pressure to improve the Act and force government to comply with its own laws.

-Morgan Blakley

Green in Eugene

Every year since 1983, the city of Eugene, Oregon has hosted the Public Interest Environmental Law Conference (PIELC), an annual gathering of hundreds of the greatest innovators working in environmental and legal fields. This year, a group of five intrepid ELC students made their way to the conference between February 25th-28th, thanks in part to the generous assistance of the Law Foundation of BC and the Environmental Law Centre Society.

The conference featured more than 150 panels on a vast range of topics. Some panels were scientific in nature, such as on the environmental effects of mining practices; others were legalistic, such as panels on legal strategies for protecting water rights; while still others stuck to pragmatic subjects, such as how to set up your own public interest firm. The ELC's own Calvin Sandborn presented a study on the damaging effects of stormwater runoff, including its impacts on salmon-bearing streams and on sewage systems.

Perhaps the most valuable aspect of the conference, however, is simply the opportunity to meet legal professionals of every stripe who have made successful and fulfilling lives out of shaping environmental change.

- Ethan Krindle



Salmon Month

This November, the ELC turned its gaze to British Columbia's salmon. While the collapse of the Sockeye run last year was what turned our attention to these majestic fish, we were happy to see that at Goldstream park, thousands of Chum are still struggling upstream to the shallow rainforest pools to end their lives and start the next generation. Sander Van Hees, a friend of the ELC from the Netherlands, was enthralled by his first trip into a real West Coast rainforest. His fresh perspective and eager photograph snapping helped the rest of us remember why it is we choose to live here. Further inspiration was provided by Lia Preyde, whose love of the salmon is such that she battled through a knee injury so that she could take in this year's Goldstream run.

After observing the salmon run, some intrepid club members (and one brave canine) crossed the highway to scale the massive railway trestle crossing Niagara Creek. Gaps between the railway ties on the trestle allow for an unobstructed and stomach-churning view straight down to the valley bottom, some 40m below.

The ELC envisions a British Columbia where local communities, environmental groups, and First Nations have the legal tools and resources to advocate effectively for the restoration, conservation, and protection of this province's unique and diverse environment.



The next week, the ELC invited two knowledgeable speakers from different backgrounds to speak about the state of B.C.'s salmon. Judah Harrison, staff lawyer at Canada's leading public interest environmental law firm, Ecojustice, began by speaking about the recently announced federal Salmon Inquiry. Following him with a discussion of the recent B.C. Supreme Court decision to give the federal government authority over fish farms was Rob Fleming, MLA for Swan Lake and NDP Environment Critic. With so much legal, political and ecological uncertainty affecting B.C.'s salmon, this is sure to be a hot topic for the ELC in the years to come.

– Danny Oleksiuk

Summer Retreat

In August the ELC Summer Coordinators organized a day trip to the Sooke Potholes.

The potholes are unique geological formations - deep pools in the river - that offer some of the best freshwater swimming in the region. The Sooke River is the second largest on southern Vancouver Island and home to a productive salmon run every fall. Fifteen ELC members and friends (hailing from as far as St. Louis and Copenhagen) made the trek out to Sooke to explore the river and its beautiful surroundings. We were also happy to welcome on our trip incoming first year student Alex Etchell, whose presence was a result of some diligent Facebook stalking of the incoming first year class. Our swimming and cliff-jumping adventures were topped off by a gourmet picnic next to a waterfall, and I think it's safe to say we all had a fantastic day. Thanks to all who came out!

- Sarah Orr

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