



ece law
east coast environmental law

East Coast Environmental Law
Annual Report 2022

January 1 - December 31, 2022

Message from the Chair of the Board and Executive Director

Welcome to East Coast Environmental Law's 2022 Annual Report.

East Coast Environmental Law ("ECEL") celebrated its 15th year in 2022. There has been significant change and growth over those years, but the essence of the organization has remained. This is a testament to the original vision of the first volunteer Board of Directors in 2007. Protecting the environment, supporting communities, and advocating for more equitable and sustainable environmental decision-making in Atlantic Canada were and continue to be at the core of our vision and mission. This Annual Report highlights some of the ways we have pursued that vision and mission over the course of the year.

ECEL is guided by the thoughtful and considered approach of its volunteer Board of Directors. The six-year terms for three of our dedicated Board members come to a close this year. Lil MacPherson, a creative-minded entrepreneur with a heart of gold and a warrior spirit, has filled ECEL with positive energy and ideas. Lil is always so gracious in offering to support ECEL events with the wonderful catering and lovely spaces at the Wooden Monkey locations in Halifax and Dartmouth. Bakes Mitchell, who was part of the very first iteration of East Coast Environmental Law in the 1990s, has poured his energy into chairing the Governance and Nominations Committee. His genuine desire to bring positive and progressive people to ECEL and the effort he and the Committee have put in to making that happen will provide long-term benefits for the organization. Brian Hebert served as the Chair of the Board for five years and Past Chair for one. His calm and collaborative approach has been a most valuable asset to the Board and the organization as we charted our way through growth in the midst of COVID-19. We look forward to continuing our connection with Brian as he begins his first term on the Board of Ecojustice in April 2023.

ECEL is served by two very engaged and motivated staff lawyers. Throughout 2022, Mike Kofahl and Tina Northrup continued to demonstrate their passion for public-interest environmental law. Through their commitment, they deepened their understanding of key areas of environmental law, including marine and coastal law, climate change and energy law, and Indigenous laws in environmental contexts. The dedication of our staff lawyers has enabled ECEL to work on a diversity of projects that support communities and non-profit organizations with legal information, advice, and advocacy across Atlantic Canada.

Each year, ECEL attracts many law students who choose to engage with us as volunteers, placement students, summer interns, and research assistants, and we derive valuable benefits from their energy and experience. In 2022, our work was enhanced by students who joined us through the Pro Bono programs at Dalhousie and the University of New Brunswick, placements through the Schulich School of Law and Osgoode Hall, summer student positions, and Board membership.

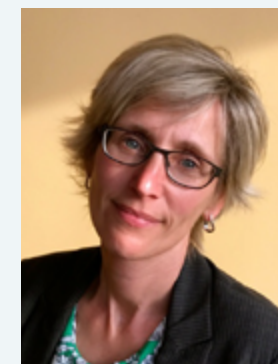
In addition to our Board members, staff, and students, ECEL exists because of the support of equally committed collaborating organizations, foundations that share our vision, and donors who see value in our efforts. We appreciate every relationship built and every donation received.

On September 17, 2022, ECEL founder Meinhard Doelle was tragically killed while riding his bicycle. It is truly impossible to articulate the depth of the loss felt by the environmental community, academic community, and far beyond. Meinhard made himself available to the staff and volunteers at ECEL for more than 15 years, no matter where he was living or how many other demands there were on his time. His family lovingly refer to him as the "master of time".

It has been our pleasure to add our skills and dedication to help nurture ECEL in 2022. As we go forward into 2023, we carry with us a reminder of how important it is to be present in the work that we do and the relationships we build.



Julia Pelton,
Chair of the Board



Lisa Mitchell,
Executive Director & Senior Lawyer



About East Coast Environmental Law

East Coast Environmental Law is an environmental law charity that provides public-interest environmental law services throughout Atlantic Canada.

Our Vision and Mission

We envision a future in which laws and legal systems protect ecological health and promote environmental and climate justice in Atlantic Canada. To that end, we advocate for progressive environmental laws and policies in Atlantic Canada, provide public legal education on environmental law, and share our legal skills to support individuals, communities, and organizations that are working to prevent or redress environmental harms.

Advocating for Progressive Environmental Laws and Policies

Aquaculture Regulation in Nova Scotia

In 2015, the Government of Nova Scotia amended Nova Scotia's regulatory framework for aquaculture. The amendments were intended to improve aquaculture regulation by implementing the recommendations of the independent panel report entitled *A New Regulatory Framework for Low-Impact/High-Value Aquaculture in Nova Scotia*. In 2021, the provincial government began a scheduled review of the 2015 amendments, and ECEL has been actively engaged in the review process. In 2022, senior lawyer Lisa Mitchell met with the consultant undertaking the review and provided them with written and verbal comments and valuable background materials previously prepared by ECEL. She also provided ongoing support to colleagues at the Ecology Action Centre as our organizations have collaborated to advocate for an improved regime.

Effective Protections for Species at Risk

In the winter of 2022, we published a report called **Simply Not Protected: An Evaluation of Prince Edward Island's Legal Framework to Protect Species at Risk**. The report assessed whether the species at risk provisions of PEI's *Wildlife Conservation Act* are being used to protect species at risk on the Island and found that those provisions are not being used at all. Additionally, the report found that the species at risk provisions of the *Wildlife Conservation Act* are weaker than the species at risk laws that exist elsewhere in Atlantic Canada and are not well-suited to protect imperilled species. We therefore called on Prince Edward Island's Minister of Environment, Energy and Climate Action to fulfil his duties and exercise his discretionary powers under the Act and also called on all government parties to work together to strengthen the Island's species at risk laws. The report led to **a presentation to PEI's Standing Committee on Natural Resources and Environmental Sustainability** by staff lawyer Tina Northrup and a subsequent presentation by the Deputy Minister of Environment, Energy and Climate Action and members of his senior staff. Ultimately, the Standing Committee recommended that the provincial government immediately create an Advisory Committee for species at risk and produce either new legislation or legislative amendments to strengthen protections for species at risk on the Island.



Forward-thinking Coastal Protection

Throughout 2022, the Government of Nova Scotia continued its work to develop regulations under the *Coastal Protection Act*, which was passed in 2019 but has still not been brought into force. We continued to advocate for strong regulations that will address foreseeable consequences of coastal erosion and flooding, sea level rise, and storm surges in the years to come. In August, **CBC coverage of the issue** featured staff lawyer Mike Kofahl addressing the risks of septic system failures and saltwater intrusion into domestic wells if the *Coastal Protection Act* regulations fail to take a forward-thinking approach. Final regulations for the *Coastal Protection Act* are anticipated in 2023, and we continue to engage with partners as we near the moment when the Act comes into force.

Sustainable Electricity Law and Policy

In the spring of 2022, the Government of Nova Scotia introduced proposed amendments to the *Electricity Act* and *Public Utilities Act* that addressed potential rate implications for Nova Scotians who supply net-metered solar-generated electricity to the grid and enabled the Utility and Review Board to set new performance standards for Nova Scotia Power Incorporated. Staff lawyer Tina Northrup gave presentations to the Law Amendments Committee, recommending that the government take a careful and considered approach to regulatory changes so that the renewable energy transition would be truly sustainable. The law amendments in the spring were the first of many amendments to electricity legislation in Nova Scotia throughout the year, and we continued to monitor the politically charged currents of electricity law and policy as the situation evolved.

Providing Public Legal Education on Environmental Law

Climate Risk, Responsibility, and Liability for Municipalities

In 2022, we produced written resources for CLIMAtlantic to address how climate change flooding may create legal risks, responsibilities, and liabilities for municipalities throughout Atlantic Canada. CLIMAtlantic is an organization that uses collaboration, networking, and partnerships to facilitate access to data and information that support climate change adaptation throughout the region, and we welcomed the opportunity to collaborate with them to provide public legal education on this important topic. **The full report** we prepared for CLIMAtlantic was shared publicly in December, along with **an accessible summary** that distills key findings. Webinar presentations to stakeholders were delivered in the autumn of 2022 and January 2023.

New Summary Series Volumes on Coastal Laws in Atlantic Canada

In 2022, we worked to prepare three new additions to our signature Summary Series: a volume on coastal laws in Newfoundland and Labrador, and two volumes (one in English, one in French) on coastal laws in Brunswick. Our work on these projects was funded by the Law Foundation Newfoundland & Labrador and the New Brunswick Law Foundation, respectively. You can now find the **[new volume on coastal laws in Newfoundland and Labrador](#)** on our website, along with the **[English-language volume on coastal laws in New Brunswick](#)**. The French-language volume on coastal laws in New Brunswick will be available on the website soon.

Sharing Our Legal Skills to Support Others Working to Prevent or Redress Environmental Harms

Environmental Law Inquiry Service

We continue to maintain a free Environmental Law Inquiry Service that is designed to provide general legal information about environmental law to members of the public who request it. Depending on our capacity and the degree to which requests for support align with our mandate, our inquiry responses may go further and provide tailored legal opinion and advice. In 2022, staff lawyers responded to roughly 25 inquiries addressing a range of questions from throughout Atlantic Canada. The time it takes to prepare an inquiry response varies depending on the novelty and complexity of the questions asked. Some inquiries demand a few hours of staff time, but most responses take one or more days' worth of work to prepare.

Public Participation in Environmental Decision-making

Proposed projects that could cause environmental harms typically trigger some kind of environmental decision-making process by government, whether that be a federal "impact assessment", a provincial "environmental assessment" or "environmental impact assessment", or a lower-level review carried out by an administrator before a specific permit or approval is granted. In 2022, we provided support to community groups and organizations within our networks who were navigating various kinds of environmental decision-making processes. In doing so, we worked to enhance public understanding of how environmental decisions are made and what it takes to challenge them when members of the public believe their concerns have not been addressed.

Restorative Justice for Harrietsfield

In the autumn of 2021, the prosecution of the numbered company 3076525 Nova Scotia Limited—a former operator of facilities connected with groundwater contamination in Harrietsfield, Nova Scotia—was referred to Nova Scotia's Restorative Justice Program. Throughout 2022, senior lawyer Lisa Mitchell and staff lawyer Tina Northrup continued to provide support to Harrietsfield community members as needed as the restorative justice process took shape.



East Coast Environmental Law Team

We are very grateful to our dedicated staff, engaged Board members, keen students and volunteers, and amazing supporters. Each plays an important role in advancing our vision and mission.

Board of Directors

Julia Pelton (Chair)	Jacob Melnyk
Erin Burbidge (Vice-Chair)	Bakes Mitchell
Tricia Barry (Secretary)	Chris Ortenburger
Dawn Madic (Treasurer)	Sherry Pictou
Brian Hebert (Past Chair)	Sara Seck
Mark Butler	Kieran Simpson
Lil MacPherson	Ian Stewart
Jason MacLean	Payton Tench

Staff

Lisa Mitchell, Executive Director & Senior Lawyer
Mike Kofahl, Staff Lawyer
Kostantina (Tina) Northrup, Staff Lawyer

Contractual Support

Catherine Cook, Graphic Design
Jesse Williams, Website Management

Students

John Alho	Clare Henderson
Peyton Carmichael	Rebecca Murray
Samuel Eisner	Emma Pandy-Szekeres
Kameron Faridani	Mark Prosper
Jonathon Frontain	Kieran Simpson
Moriah Greenhaw	

Law students who work or volunteer with East Coast Environmental Law receive opportunities to hone their legal research and writing skills and get a unique introduction to the world of public-interest environmental law.



Donors and Collaborators

East Coast Environmental Law receives ongoing in-kind and financial support from public and private foundations and institutions, as well as from individual patrons. These generous contributions are critical to our work, and we are grateful for them.

Our long-term sustaining supporters include:

ECHO Foundation
Graham and Susan Smith
Law Foundation of Nova Scotia
Marine and Environmental Law Institute, Schulich School of Law, Dalhousie University

Additional project funding and donations in 2022 were provided by:

Canada Summer Jobs Program
Catherine Donnelly Foundation
Canadian Environmental Network Environmental Planning and Assessment Caucus
CLIMAtlantic
Confederacy of Mainland Mi'kmaq
Conservation Council of New Brunswick
Ecology Action Centre
Environmental Trust Fund (Government of New Brunswick)
Impact Assessment Agency of Canada (Participant Funding Program)
New Brunswick Law Foundation
Law Foundation Newfoundland & Labrador
Schulich Academic Excellence Fund for Internships
World Wildlife Fund

Additionally, individual donations made by cheque or through our charity profile on the Canada Helps platform provided valuable contributions to our work in 2022.

East Coast Environmental Law Association
 Unaudited Statement of Financial Position
 As at December 31, 2022

	2022	2021
	\$	\$
ASSETS		
Current Assets		
Unrestricted Cash	218,562	197,252
Restricted Cash	49,462	49,765
Investments	441	443
Accounts Receivable	52,306	9,670
	<u>320,771</u>	<u>257,131</u>
TOTAL ASSETS	320,771	257,131
LIABILITIES		
Current Liabilities		
Accounts Payable & Accrued Liabilities	22,340	21,095
Deferrals	34,496	40,331
TOTAL LIABILITIES	56,836	61,426
NET ASSETS		
Unrestricted Net Assets	211,628	136,287
Internally Restricted Net Assets	52,308	59,419
TOTAL NET ASSETS	263,936	195,706
TOTAL LIABILITIES AND NET ASSETS	320,771	257,131

East Coast Environmental Law Association
 Unaudited Statement of Operations & Changes in Net Assets
 For the Month Ended December 31, 2022

	2022	2021
	\$	\$
REVENUE		
Direct Grants	143,147	173,540
Direct Projects	174,426	123,624
Direct Contributions	31,999	16,542
Other Revenue	8	16
TOTAL REVENUE	349,580	313,722
EXPENSES		
Program	192,017	194,080
Administrative	70,936	61,495
Fundraising	11,286	16,442
TOTAL EXPENSES	274,239	272,017
EXCESS/(DEFICIENCY) OF REVENUE OVER EXPENDITURE	75,341	41,705
UNRESTRICTED NET ASSETS - beginning of the year	136,287	94,581
UNRESTRICTED NET ASSETS - end of the year	211,628	136,286



ecelaw
east coast environmental law

www.ecelaw.ca

6061 University Avenue, PO Box 15000
Halifax, Nova Scotia B3H 4R2

admin@ecelaw.ca
902 494 7121