



ECELAW Annual Report 2009  
January 1 to December 31, 2009

ece law  
east coast environmental law

## Note from the Chair

The East Coast Environmental Law Association (ECELAW) is the product of years of hard work by students and faculty at Dalhousie, environmental law practitioners and the environmental community in Nova Scotia. Until ECELAW was created in 2007, Atlantic Canada was the only region of the country not served by a not for profit environmental law organization. ECELAW is similar to other environmental law organizations in Canada, but with a unique focus on developing educational opportunities for law students, serving the environmental community, and promoting effective environmental laws on the east coast of Canada.

The recent economic downturn provides new challenges, but also offers new motivation to explore meaningful integration of environmental, social and economic prosperity. Recent efforts, such as the province's commitment to sustainable prosperity as its economic strategy, ongoing implementation the Environmental Goals and Sustainable Prosperity Act, and the creation of an independent energy efficiency agency provide the foundation for the types of changes needed to seriously move toward sustainability in Nova Scotia. ECELAW has a critical role to play in supporting and enhancing these efforts in Nova Scotia and similar ones in the rest of Atlantic Canada.

Even through the current time of financial uncertainty, the strong support from our funders has continued. In particular, we have been fortunate to receive tremendous support from the Nova Scotia Law Foundation and Ecojustice, our two major funders to date. In addition, we have had enthusiastic financial support from the legal community and beyond. With a very generous contribution from Mountain Equipment Coop this year, we were able extend the reach of our Summary Series and Summer Workshops into PEI. Thanks to all of you, ECELAW is poised to move forward with its critical work.

We continue to respond to environmental law inquiries from community groups and members of the public in Nova Scotia and our online environmental law library is growing. Take a moment to try it out at [www.ecelaw.ca](http://www.ecelaw.ca) and let us know what you think.

As we move from building the organization to focusing on our substantive legal work, we expect to start pursuing more project and research initiatives. One of our first achievements in the educational components of ECELAW's mission was the re-establishment of the environmental law placement program at Dalhousie Law School in 2009. We will also continue to develop our partnerships with Dalhousie Legal Aid on environmental law litigation and with the new College of Sustainability at Dalhousie University on interdisciplinary educational opportunities.

I would personally like to take this opportunity to thank all our supporters for the hugh contribution they have made to ECELAW. We have a committed board without which ECELAW would not exist. A special thank you this year goes to our Executive Director, Deborah Carver, for her tremendous efforts since her arrival last summer. I look forward to continuing to work with all of you to make ECELAW a constructive voice for effective environmental laws, for serving those in need of our legal services and for enhancing education.

Meinhard Doelle  
Chair, ECELAW

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## Governance

## Vision & Mission

East Coast Environmental Law (ECELAW) was incorporated under the Societies Act of Nova Scotia as of April 2007. In September 2009, the Board of East Coast Environmental Law Association adopted amendments to its Bylaws and to its Vision and Mission Statements to align more closely with its work:

**Vision:** ECELAW envisions a future where innovative and effective environmental laws and the just application of those laws provide Atlantic Canadians with a clean, healthy environment, which will make a positive contribution to the quality of life of its present and future inhabitants and visitors.

**Mission:** ECELAW will promote the development and just application of innovative and effective environmental laws in Atlantic Canada through:

- Awareness & Understanding - increasing public awareness of and access to environmental laws.
- Education - aiding in the education of future environmental law professionals.
- Collaboration - working with the public, community groups and government to strengthen environmental laws in Atlantic Canada.

## Board of Directors


Members of ECELAW's Board of Directors met monthly in 2009, and also served on the Governance Committee, Communications Committee, Fundraising and Strategic Planning Committee, Programming Committee and a new University Liaison Committee.

ECELAW's Directors represent a large range of interests, expertise and experience: from academic, environmental non-governmental organizations, student, legal practitioner and financial management perspectives. Student representation is an important element on the board as the Bylaws require that Board members include two law students.

**Tricia Barry**, B.Sc., LL.B., (Vice Chair to July 2009) is a lawyer who spends her spare time outdoors or indoors thinking about how she can help preserve the outdoors. She holds an undergraduate degree in Environmental Studies and Biology from the University of Victoria. Before starting law school, she worked at the Land Conservancy in Penticton, British Columbia and completed the Yamnuska Mountaineering Skills and Outdoor Leadership Semester in Canmore, Alberta. She graduated with a Bachelor of Laws with a specialization in environmental law from Dalhousie University in 2005. While a law student, she co-chaired the Environmental Law Students' Society. Tricia articulated for a law firm in Vancouver that specializes in municipal law. On maternity leave, she practices at Stewart McKelvey where her main fields of interest are in the areas of environmental and municipal law.

**Mark Butler**, B.A., M.A., has an undergraduate and graduate degree in Environmental Studies. Mark is currently the policy Director of the Ecology Action Center. Mark began working with EAC as a volunteer and became the Marine Coordinator in 1996, and the Managing Director in 2001. During the period in which Mark has worked with EAC, the organization has grown in size from 2 to 25 staff members and has become the largest environmental organization in Atlantic Canada. Before joining Ecology Action Center, Mark worked as a marine educator, a fisheries consultant both in Canada and overseas, and as a deckhand on commercial fishing boats. His passions include bird watching, mushroom collecting, ship watching, spending time with his son, and eating fresh fish, caught right.





**Meinhard Doelle**, B.Sc., LL.B., LL.M, JSD, (Chair) is an Associate Professor at the Schulich School of Law, Dalhousie University, where he specializes in environmental law, is the Associate Director of the Marine & Environmental Law Institute and the Director of the Marine & Environmental Law Programme. He has attended the UN climate change negotiations since 2000, first as a non-governmental member of the Canadian delegation and more recently as a registered observer. From January to May 2008, Meinhard was a visiting scholar at the Environmental Law Center of the International Union for Conservation of Nature in Bonn, Germany. He currently serves on the federal provincial environmental assessment panel for the Lower Churchill hydroelectric project in Labrador. He has written on a variety of environmental law topics, including climate change, energy, invasive species, environmental assessments and public participation in environmental decision-making. His most recent books are entitled “Environmental Law: Cases and Materials”, “The Federal Environmental Assessment Process, a Guide and Critique” and “From Hot Air to Action: Climate Change, Compliance and the Future of International Environmental Law”.

**Nathan Furness**, B.BA, CA, (Treasurer from September 2009) was born in Sydney, Australia. Nathan received his Bachelor of Business, majoring in Accounting with an extended major in Professional Accounting from the Queensland University of Technology in 2003 and became a member of the Australian Institute of Chartered Accountants in 2007. Nathan recently relocated to Deloitte’s Halifax office from Deloitte’s Brisbane, Australia office where he worked in the assurance and advisory team for the past six years. As part of the Brisbane team, Nathan was a part of the internal quality group who were responsible for ensuring the local team were aware of and implementing all new technical developments and changes in firm policy. Nathan also has vast experience with IFRS and is involved in the audits of both public and private companies.

**David Hopper**, BDEP, BA, MES is a land-use planner and geographer who worked in provincial government (BC and NS) for over 30 years. In 2004 he moved to the Nova Scotia Department of Environment where he is the private land conservation coordinator for the Protected Areas Branch. David is part of the team directly engaged in protecting 12% of the province for conservation by 2015 required by the Environmental Goals and Sustainable Prosperity Act. David has a long interest in land and waterway reclamation and is a national board member for the Canadian Land Reclamation Association (CLRA) and the cofounder and past chair of CLRA’s Atlantic Chapter and the Atlantic Reclamation Conference (ARC). David’s interests in the arts include being cofounder and past chair of the Linda Joy Media Arts Society, a 25 year old non-profit organization which presents awards to aspiring filmmakers in Atlantic Canada.

**Jessie Irving**, B.Sc., LL.B, (Vice Chair from August 2009) has been involved with East Coast Environmental Law since 2007, first as a student member, then as a Board Member following her graduation from Dalhousie Law School in 2009. Jessie grew up in Prince Edward Island, completed a Bachelor of Science with Honours in Biology at Mount Allison University in New Brunswick and completed her law degree at Dalhousie Law School with a Certificate of Specialization in Environmental Law. She was involved with several student organizations at Dalhousie, including the Environmental Law Students Society. She also sat as a student member on the Board of Trustees for Dalhousie Legal Aid Services. Jessie currently lives in Halifax where she is completing articles with McInnes Cooper and will join that firm as an associate in 2010. She has an interest in environmental assessment and renewable energy issues.

**Neil Jones**, B.A., C.A., (Treasurer to August 2009) graduated from St. Francis Xavier University with a Bachelor of Business Administration with a major in Accounting. He then went on to receive his Canadian Chartered Accountancy designation through the Atlantic School of Chartered Accountancy and worked for Ernst & Young Inc. until 2001. He has provided a variety of accounting, insolvency, and corporate restructuring services to a broad range of industries and was responsible for overseeing formal receivership and bankruptcy file proceedings within Atlantic Canada. In addition, he assisted Ernst & Young professionals in acquisition, divestiture and due diligence engagements. Neil left the province in summer 2009 and therefore resigned from the ECELAW Board at that time.

**Tamara Lorincz**, B.A., B.Com, M.B.A., LL.B., is the Executive Director of the Nova Scotia Environmental Network. She is currently on the national board of Ecojustice Canada and has also served on the Ecology Action Centre's Board of Directors and briefly on the Management Committee of the Nova Forest Alliance. In 2003, Tamara graduated with a combined M.B.A./LL.B. (Masters of Business and Law) degree from Dalhousie University. As well, she received an Environmental Law certificate and an Environmental Management specialization. Tamara is also a part-time researcher in the area of Aboriginal Law and has helped teach Business Ethics to undergraduate students during the winter semester at Dalhousie University. She is a collaborator on the Canadian Business Ethics Research Network and a member of the Research Network for Business Sustainability.



**Linda Lusby**, MSc, LL.B. PH.D, Associate Professor, Acadia University, has been teaching at Acadia since 1983 and involved with the Environmental Science Program since its inception in 1992. Currently she serves as the Acting Head of the Department of Earth and Environmental Science. Her research area of interest is the Environmental Law and Trade Policy Implications of Agricultural Biotechnology. Previous research interests include sustainable communities and the dermatological and environmental effects of textile processing chemicals. Linda is the Vice Chair of Health Canada's Science Advisory Panel, a member of the Canadian Biotechnology Advisory and of the Board of the Canadian Standards Association, President of the Pan American Standards Commission (COPANT), and former Chair of the Standards Council of Canada.

**Rob Miedema**, B.Sc.H, LL.B., received his LL.B. from the Dalhousie University in 2005 with Certificates of Specialization in Environmental Law and Business Law. He was admitted to the Nova Scotia Bar in 2006 and now practices law as an associate at Boyne Clarke in the areas of Taxation, Business Law, Contracts and Trusts, and Environmental Law. In 2009 he completed the Canadian Institute of Chartered Accountants' two year In-Depth Tax Course. Outside of his practice, Rob also teaches at Dalhousie University including an introductory law course to graduate students in the Faculty of Management's School for Resource and Environmental Studies in 2008 and 2009. In 2010, he is teaching a course about business associations at the Schulich School of Law. Rob is the Chair of the Canadian Bar Association, Nova Scotia Branch Environmental, Energy and Resources Law Section, a member of the Canadian Tax Foundation and the Canadian Bar Association.

**Lisa Mitchell**, B.A., LL.B., M.E.S., is a lawyer and principal of LJM Environmental Law & Consulting. She has a Masters of Environmental Studies from the School for Resource and Environmental Studies, Dalhousie University and fifteen years of experience working in the areas of environmental law, policy and environmental management. Lisa's law practice is exclusively in the area of environmental law. She has developed a broad-ranging practice base that includes governments, non-government organizations, private-sector companies and individual clients. The foundation of her legal experience is in the design and drafting of regulatory tools and the communication of those tools to stakeholders and interested parties. Her expertise in this area originated in the challenging field of agri-environmental law and expanded to include contaminated sites, environmental impact assessment, water regulation and other areas.



**Peter Mushkat**, B.A., LL.B., graduated from Dalhousie Law School in 1986, and has since been working in the areas of marine and environmental law as a consultant, researcher and teacher. He teaches environmental law, international environmental law and administrative law at Dalhousie in the undergraduate Environmental Science Program offered by the Faculty of Science. He also delivers an online introductory course in environmental law for Acadia University. He has been involved with the Legal Information Society of Nova Scotia as principal author and editor of *A Guide to Environmental Law for Nova Scotians*. In 2002, Peter joined the Society on a part-time basis to develop, administer and deliver a variety of law-related projects.

**Derek Schnare**, B.Sc., LL.B., is currently an Articled Clerk at Hennigar, Wells, Lamey & Baker in Chester, Nova Scotia. He graduated from Dalhousie Law School in 2009 with a Certificate of Specialization in Environmental Law. Prior to entering law school, Derek completed a Bachelor of Science degree at Saint Mary's University (Honours and Co-op: Environmental Studies; Major: Geography) and worked as an Environmental Consultant, focusing on the management of contaminated sites. His volunteer experiences have included efforts in environmental law & policy reform and the promotion of green roof implementation, in addition to strategic planning, event planning and fundraising.

**Nathan Sutherland**, B.A., LL.B., is an associate in the Halifax office of Stewart McKelvey, practicing in the Litigation Group with a special interest in environmental, immigration, energy and natural resources law. Nathan is a graduate of Dalhousie Law School, where he was a member of the school's competitive environmental law moot team and involved in student organizations promoting social justice and the health of the environment. Apart from his involvement with ECELAW, Nathan is active in the community and volunteers on immigration and refugee issues. He has supervised Schulich School of Law pro-bono students on environmental and mental health law projects. Prior to his law career, Nathan graduated from McGill, worked briefly with a communications firm in Toronto and did a CIDA internship in Zambia.



**Mallory Treddenick** is in her second year at the Schulich School of Law, Dalhousie University, having completed an Honors BA in Psychology with a Minor in Criminology at University of Western Ontario. Although she is not specializing in Environmental Law, she has taken a special interest in the local environmental issues. She is on the executive of the Environmental Law Students Society, which helps with the background research for the ECELAW Summary Series. She will be graduating in 2011, and will subsequently article with the Department of Justice Canada, in Halifax.

**Peter Tyedmers**, B.Sc., LL.B., Ph.D., is an ecological economist whose recent research explores the biophysical costs and relative sustainability of fisheries and aquacultural production systems. He earned his Ph.D. from the Resource Management and Environmental Studies program at the University of British Columbia where he evaluated both the salmon farming industry and the commercial salmon fishery in British Columbia using ecological footprint and energy analysis. Prior to undertaking his Ph.D. Peter received a B.Sc. (Hons.) in Earth Science from the University of Waterloo and an LL.B. from the University of British Columbia. More generally, his research interests include refining biophysical accounting tools to better assess the sustainability of alternative technologies, and the substitution of ecosystem services by technology systems.

**Maren Zimmer**, B.E.S. will graduate from the Schulich School of Law, Dalhousie University, in Spring 2010. She obtained a Bachelor Degree in Environment and Resource Studies from the University of Waterloo in 2005. Maren worked in the environmental consulting field at SNC-Lavalin for two years before starting law school. Her work at SNC-Lavalin exposed her to issues surrounding contaminated sites. Maren is an active member of the Environmental Law Students Society at Dalhousie Law School. In this role she has worked hard to encourage partnerships among various environmental groups on campus.

## Operations and Administration

### Staff

In September 2009, ECELAW hired a new Executive Director, Deborah Carver B.E.S., LL.B., LL.M. whose recent experience in senior management, communications and development roles is helping the Board further develop the organization's capacity and profile. Deborah is Co-Chair of the Nova Scotia Environmental Network's Law and Policy Caucus and a member of the Canadian Environmental Network's Environmental Planning and Assessment Caucus. Deborah is ECELAW's sole full time employee. Her work is supported by generous time commitments from Board members and law students.

Having benefitted for a year from space in the Weldon Law Building at Dalhousie University, ECELAW has accepted the invitation to join the Dalhousie University College of Sustainability as a Community Partner. This relationship will enhance ECELAW's opportunities to develop partnerships within the university community and with other organizations in Atlantic Canada

### Students

Without student involvement, ECELAW would be unable to fulfill its mandate. Many students have participated in our work in 2009 and our thanks go to all of them. Some have volunteered as Board members, committee members or researchers; others have worked for ECELAW as part-time or summer employees; and still more attend and contribute to our events and workshops.

They include:

Maren Zimmer: summer employee; Board member

Jaime J. Wilson: part-time employee

Brigid Wilkinson: summer employee; committee member

Mallory Treddenick: Board member

Frederic Perron-Welch: part-time employee

Zeynep Husrevoglu: committee member

and

Members of the Environmental Law Students Society: research assistants

Please forgive us if we have missed some of you!



## Activities

As described in its mission statement, ECELAW is engaged in activities related to

1. increasing public awareness of and access to environmental laws;
2. educating future environmental law professionals; and
3. collaborating with the public, community groups and government to strengthen environmental laws in Atlantic Canada.

### Public Awareness & Access to Environmental Laws

ECELAW's activities towards increasing public awareness and access to environmental laws include, on the one hand, offering workshops, publications, information and online resources; and, on the other hand, responding to inquiries with information and support. Our primary audiences are community and conservation organizations and individuals who are involved with those organizations. Our objective is to build their capacity so that we can work together to ensure environmental laws are effectively used, improved and strengthened.

### Workshops

The ECELAW 2009 Summer Workshops and Summary Series Volume III publication built capacity in individuals and organizations in Atlantic Canada around the topic of private prosecutions. Doug Chapman, Fraser Riverkeeper, of the Waterkeepers' Alliance, was our guest presenter at the workshops and brought a wealth of experience in bringing polluters to justice. One-day workshops were held during the week of July 27-31st in Annapolis Royal and Halifax, Nova Scotia, and with additional funding from Mountain Equipment Co-op, a third workshop was held in Charlottetown, PEI.

The responses to evaluation questionnaires distributed at our 2009 summer series environmental law workshops indicated that 100% of attendees found the sessions useful. Similarly, 95% of attendees indicated that they would look to ECELAW in the future for resources, and visit ECELAW offices to do legal research. This feedback clearly expressed the need and desire for further environmental law information, education and expertise.

ECELAW also offered the public two other learning opportunities this year. In September 2009, ECELAW and the Nova Scotia Environmental Network jointly sponsored a visit by Beatrice Olivastri, Executive Director of Friends of the Earth Canada, to speak on the subject of environmental rights. Earlier in the

year, Friends of the Earth published a “Scorecard” that ranks each jurisdiction in Canada on the provision of public involvement and transparency in environmental legislation.

In March 2009, ECELAW held a Canadian Environmental Assessment Agency (CEAA) 101 workshop in partnership with the Canadian Environmental Network. The workshop goal was to engage the public in the upcoming seven-year review of the Canadian Environmental Assessment Act. It included presentations from federal and provincial officials and three representatives of Nova Scotia community groups who had direct experiences with environmental assessment.

## **Environmental Law Resources**

As a result of funding from the Halifax Regional Municipality Community Grants Program, ECELAW’s website [www.ecelaw.ca](http://www.ecelaw.ca) now includes an online information library of resources - environmental case law, publications and legislation - relevant to Atlantic Canadians. We will continue to expand and improve the library as time goes on. The ECELAW website also offers a directory of legal practitioners who practice in environmental law.

## **Inquiries**

ECELAW assists the public with environmental law issues by providing an inquiry phone line and email address. Through this service, we support individuals and organizations that need assistance finding their way through the complexity of environmental law with limited resources. Many inquiries that we receive are made by those who have become informed by our workshops, publications or website. ECELAW offers them summary information and support. In addition, a small group of dedicated lawyers in private practice have agreed to accept referrals from ECELAW if legal counsel is required. ECELAW is able to cover the cost of a first consultation at a very modest fee when a referral is made.

In 2009, ECELAW dealt with a variety of wide-ranging issues of lasting public importance, including water, mining, energy, protected places, species at risk, environmental assessment. A number of inquiries have led to ongoing relationships with clients for whom we provide ongoing legal support. The impact of ECELAW’s work cannot be assessed simply by the number of inquiries. At least one-half of those who use our services are groups, ranging from local community-based organizations to broad interest-based coalitions.

## **Educating Environmental Law Professionals**

ECELAW has established a significant reputation over the past three years in environmental law education. In 2009, ECELAW re-established the environmental law placement program at the Schulich School of Law, Dalhousie University. Beginning in the 2010 winter term, students can take a credit course by a placement with ECELAW during which they will work either directly with us or with another organization on an environmental law project. In



future, we expect that our educational role will be enhanced through our growing relationships with the Dalhousie University College of Sustainability and the Dalhousie Legal Aid Clinic.

## Projects, Research and Collaboration

ECELAW's research and project initiatives entail collaboration with the public, community groups and government with the aim of strengthening environmental laws in Atlantic Canada. During the summer of 2009, the Board identified a number of potential projects and partners and we are now engaged in presenting proposals to funders. Potential projects cover a variety of areas including: provincial environmental assessment, strategic environmental assessment, the 7 Year Review of the Canadian Environmental Assessment Act; solid waste enforcement; contaminated sites; green building; and coastal governance. The Board intends that by the end of the 2010 Fiscal Year, there will be a significant increase in project based activity and funding.

ECELAW has developed a closer relationship with Ecojustice Canada in the last year. ECELAW's developing mandate for research, education and summary information, together with our relationship with the private Bar, serves many needs of those who require environmental law support in the region. However, there is also a role in Atlantic Canada for the Ecojustice approach to law reform through establishing legal precedents in the Courts. ECELAW and Ecojustice now consult regularly on appropriate and mutually beneficial strategies and sharing of resources and information. ECELAW is also very grateful to Ecojustice for its financial support to date.

There are many other environmental organizations with which ECELAW is pleased to have collaborated in the past year, including:

Ecology Action Centre	Nature of Conservancy of Canada
Nova Scotia Environmental Network	Island Nature Trust (PEI)
Canadian Parks and Wilderness Society (Atlantic)	PEI Environmental Network
Sierra Club (Atlantic)	New Brunswick Environmental Law Society
Nova Scotia Nature Trust	Canadian Environmental Network

Members of the legal community have supported ECELAW by acting as referral lawyers, agreeing to include their names on the ECELAW online directory and attending our events and workshops. ECELAW hopes to share more resources and information with the private Bar in future.

# Funders

Thank you to our funders and supporters.

## MAJOR:

- Law Foundation of Nova Scotia
- EcoJustice Canada
- Marine & Environmental Law Institute, Schulich School of Law, Dalhousie University

## PROJECTS:

- Mountain Equipment Coop
- Canadian Environmental Network

## CONTRIBUTORS:

- Stewart McKelvey
- Boyne Clarke
- Wickwire Holm

## STATEMENT OF FINANCIAL POSITION AS AT DECEMBER 31, 2009

<b>Assets</b>	
Cash	\$95,075.16
Term deposits	\$0.00
Donations Receivable	\$15,938.00
Expenses chargeable to the next year	<u>\$0.00</u>
	<b>\$111,013.16</b>
<b>Liabilities</b>	
Bank loan	\$0.00
Accounts payable and accrued liabilities	\$354.00
Deferred contributions	<u>\$0.00</u>
	<b>\$354.00</b>
<b>Net Assets</b>	
Net assets restricted for endowment purposes	
Internally restricted net assets	\$53,700.00
Unrestricted net assets	<u>\$56,959.16</u>
	<u>\$110,659.16</u>
	\$111,013.16
<b>Revenue</b>	
Fees	\$0.00
Provincial government grants	\$0.00
Seminar fees	\$1,665.00
Interest	\$120.00
Contributions from Foundations	\$101,938.00
Other Contributions	<u>\$44,520.18</u>
	<b>\$148,243.18</b>
<b>Expenses</b>	
Administration	\$49,790.11
Seminars	\$5,660.96
Conference	\$2,830.48
Public awareness and training	\$25,296.65
Capital assets purchased with revenues	<u>\$6,459.62</u>
	<b>\$90,037.83</b>
<b>Excess of Revenues over Expenses</b>	<b>\$58,205.34</b>
Cash in Bank at the beginning of the year	\$47,596.00
Cash in Bank at the end of the year	\$95,075.00

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