



ECELAW Annual Report 2010

January 1 to December 31, 2010

ece law

east coast environmental law

## Note from the Chair

It can be said that in 2010 East Coast Environmental Law has hit its stride. We have a committed board without which ECELAW would not exist. We have a variety of generous funders contributing to our work. Our substantive legal activities covered a range of topics from aquaculture and fur farm legislation to environmental assessments and a draft environmental Bill of Rights. We have a full time Executive Director. With generous grants from the Law Foundations of New Brunswick and PEI, we were able to extend the reach of some of our key services to all Maritime Provinces. Although thanks are due to all of ECELAW's friends and supporters, the Law Foundation of Nova Scotia has been our key funding partner and without it ECELAW would not be fulfilling its mandate of a constructive voice for effective environmental laws, serving those in need of our legal services and enhancing education.

As ECELAW matures as an organization, it is natural that our Board membership changes. ECELAW said goodbye in 2010 to a group of Board members who contributed to the establishment of our organization. We owe them a round of applause. Their departure marks the creation of an ECELAW alumni network that we know will continue to support our vision.

Nathan Furness B.B.A., CA, served as Treasurer for a year only but during that time we appreciated his highly professional attention to the financial life of ECELAW. Nathan can still be found at Deloitte's, Halifax.

Tamara Lorincz, B.A., B.Com, M.B.A., LL.B., was a hugely energetic Board member of ECELAW from its conception. As Executive Director of the Nova Scotia Environmental Network and a member of the Board of Ecojustice Canada, she helped link our organization to its grass roots constituency and to the national network of environmental legal organizations.

Lisa Mitchell, B.A., LL.B., M.E.S., was also part of the original and highly committed ECELAW Board. As the only environmental law sole practitioner in Nova Scotia, she has been invaluable in the development of ECELAW's mandate – linking us to the communities that need ECELAW's services and clearly and intelligently delivering presentations at our workshops. Lisa continues to practice law in Wolfville, Nova Scotia and is an ongoing legal resource to ECELAW.

Peter Tyedmers, B.Sc., LL.B., Ph.D., continues to be an important link for ECELAW into Dalhousie University's Faculty of Management where he is Associate Professor and Academic Program Coordinator. Collaboration with students and faculty in non-law programs is essential to offering interdisciplinary educational opportunities and improving environmental laws and policies.

Maren Zimmer, B.E.S., LL.B., served ECELAW in an exemplary fashion as student Board member and summer employee. Maren is on the road and in the air in northern Manitoba for her articles and we expect that she will be a long time friend of ECELAW.

A special thank you this year goes to our Executive Director, Deborah Carver, for her tremendous efforts since her arrival last summer.

Upcoming reviews of the NS Environment Act, the Environmental Goals & Sustainable Prosperity Act, and the Canadian Environmental Assessment Act will ensure a busy year ahead. With a new Strategic Plan in place, we will be moving ahead to bring to fruition our aspirations for adding professional staff to ECELAW and developing an environmental law clinic program.

Meinhard Doelle  
Chair, ECELAW

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## Governance

### Vision & Mission

**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

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. In 2010, we welcomed a new student Board member – Zeynep Husrevoglu – who was also our summer workshop coordinator. Our new Treasurer, Reuben Penner, joined us after the conclusion of the 2010 year but just in time to be responsible for our end of year financial reporting.

Members of ECELAW's Board of Directors met bi-monthly in 2010, and also served on the Governance Committee, Communications Committee, Fundraising and Strategic Planning Committee, Programming Committee and University Liaison Committee. One significant achievement was a Board Retreat that focused on strategic planning. The drafting of a new Strategic Plan will be finalized in early in 2011.

**Tricia Barry**, B.Sc., LL.B., LL.B., 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 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., 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 is the Director of the undergraduate Environmental Science Program offered by the Faculty of Science at Dalhousie where he also teaches environmental law, international environmental law and administrative law. 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.

**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 nongovernmental 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. 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”.

**David Hopper**, BDEP, BA, MES is a land-use planner and geographer who has 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 as required by the Environmental Goals and Sustainable Prosperity Act. He 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.

**Zeynep Husrevoglu**, B.A., is a second year law student at the Schulich School of Law who originally hails from British Columbia. She has her Bachelor of Arts in Political Science from Brock University (2007). Zeynep has a strong passion for environmental law, as well as other areas of law, specifically where it intersects with the rights of minorities. Currently Zeynep is the vice-chair of the Environmental Law Student Society, a student run organization that strives to promote a sustainable community at the law school.

**Jessie Irving**, B.Sc., LL.B, (Vice Chair) has been involved with East Coast Environmental Law since 2007, first as a student member, then as a Board Member. Jessie grew up in Prince Edward Island, completed a Bachelor of Science with Honours in Biology at Mount Allison University in New Brunswick and 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 an associate with McInnes Cooper. She has an interest in environmental assessment and renewable energy issues.

**Linda Lusby**, MSc, LL.B., Professor, has been teaching at Acadia University since 1983 and in the Environmental Science Program since its inception in 1992. Currently she serves as the Program Director for the Environmental Science Program within the Department of Earth and Environmental Science. Her research areas of interest include ecosystem services; science policy; and a localized risk management approach to agricultural biotechnology. Previous research interests include strategic impact assessment for sustainable communities and the dermatological and environmental effects of textile processing chemicals. Linda currently serves on the Challenge Advisory Panel for Canada's Chemicals Management Plan and is on the Board of the Canadian Standards Association. Previously she has served as the Vice Chair of Health Canada's Science Advisory Panel, a member of the Canadian Biotechnology Advisory Committee and the Council of Science and Technology Advisers for the Federal Government. Her 25 year involvement with Canada's National Standards system included terms as Vice-Chair and then Chair of the Standards Council of Canada, President of the Pan American Standards Commission (COPANT) and Canada's representative to the Council and Technical Management Committee of ISO.

**Rob Miedema**, B.Sc.H, LL.B., received his LL.B. from 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 LLP in the areas of Taxation, Business Law and Environmental Law. In 2009 he completed the Canadian Institute of Chartered Accountants' two year In-Depth Tax Course. In 2010 Rob became part-time faculty at the Schulich School of Law at Dalhousie University, having previously taught a graduate level course in the Faculty of Management's School for Resource and Environmental Studies. Rob is a member of the Canadian Tax Foundation and the Canadian Bar Association and he has been involved with ECELAW since 2007.

**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 is the Director of the undergraduate Environmental Science Program offered by the Faculty of Science at Dalhousie where he also teaches environmental law, international environmental law and administrative law. 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.

**Reuben Penner, B.A., B.A., M.A.**, (Treasurer from January 2011) is currently the Business Relations Representative for the Business Alliance for Local Living Economies of Nova Scotia (BALLENS) in the Halifax region where he is continuing to develop BALLENS' member network and "Buy-Local" campaign. Reuben grew up on a farm in Manitoba and later completed his first bachelor's degree in International Development Studies at the University of Winnipeg. He then moved to Halifax where he completed a bachelor's degree in Classics at the University of King's College, and then a master's in Classics from Dalhousie University. In summer 2010, he co-founded with Immigrant Settlement and Integration Services *The Garden Patch Project*, a project aimed at building a network of community gardens in the Fairview and Clayton Park area.

**Derek Schnare**, B.Sc., LL.B., B.Sc., LL.B., is an Associate 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**, B.A., 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.

## Operations and Administration

### Staff

ECELAW's Executive Director since 2009 is Deborah Carver B.E.S., LL.B., LL.M.. With a career start as a practicing lawyer, Deborah has experience in senior management, communications and development roles at NSCAD University and Salter Street Films. Her academic background covers environmental studies as an undergraduate and environmental law. In addition to her many responsibilities as the ED of ECELAW, Deborah is 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.

### Students

Without student involvement, ECELAW would be unable to fulfill its mandate. Many students have participated in our work in 2010 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; others have contributed to our work through their Environmental Law 2 placement assignments; and still more attend and contribute to our events and workshops.

They include Law Students:

Maren Zimmer, Board member to May 2010

Mallory Treddenick, Board member

Zeynep Husrevoglu, Summer Workshop Coordinator, Board member

Leslie Bateman, Environmental Law 2 placement winter 2010

Brigid Wilkinson, committee member

Lauren Kautz, Summer Research Assistant

Sarah Sheils, volunteer (Online Library)

Lindsay O'Reilly, Pro Bono placement

Melissa Saunders, Pro Bono placement

and

Members of the Environmental Law Students Society, research assistants

Erin Burbidge, LL.B., MRES candidate, Research Assistant

Please forgive us if we have missed some of you!

### Space

ECELAW has operated for the past year and a half from temporary office space that has been generously made available by the Marine and Environmental Law Institute of the Schulich School of Law and the College of Sustainability, both at Dalhousie University. A permanent location for our work would be a tremendous advantage as the work of the organization increases. However, our association with our academic colleagues as a community partner is an extraordinary advantage, allowing us to work closely with students and faculty while at the same time acting informally as an outward facing ambassador for the expertise – legal and environmental - that exists at the University.

## 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 provides workshops, publications, information and online resources and responds to inquiries with information and support. Our intent is to assist community and conservation organizations and the individuals who are involved with them so as to help them understand the legal and policy framework that governs protection of environmental resources and thereby ensure environmental laws are effectively used, improved and strengthened.

### Workshops and Publications

In July 2010, ECELAW delivered workshops to over 100 participants in 3 Nova Scotia locations – Sydney, Halifax and Liverpool. Seventy percent of participants had never attended an ECELAW workshop before. The theme of the workshops and the companion publication was “Who Owns the Coast?” Presenters included: Howard Epstein – Professor, Schulich School of Law; Deborah Carver – ED ECELAW; Derek Simon – lawyer, Burchells; Nathan Sutherland – lawyer, Stewart McKelvey; Meinhard Doelle – Professor, Schulich School of Law; Lisa Mitchell – lawyer, LJM Environmental Consulting. An exit survey indicated a very high level of satisfaction with the content of the workshops.

For the first time, ECELAW was fortunate to receive funds from the Law Foundations of PEI and New Brunswick for workshops in those provinces. ECELAW presented a workshop on November 18th and 19th at the Farm Centre in Charlottetown. A new publication titled “Environmental Law for Land and Sea: PEI” was distributed. Assisting with the project were Workshop Coordinator Will Horne, Publication Coordinator Laura Spurway and an Advisory Committee of Jacinta Gallant (lawyer), Gary Schneider (Vice Chair, EcoPEI), Jackie Waddell (Executive Director, Island Nature Trust). Presenters included: Dr. Carolyn Peach Brown - Director of Environmental Studies at UPEI; Scott Barry – lawyer, Stewart McKelvey; Jessie Irving – lawyer, McInnes Cooper; Deborah Carver – ED ECELAW; Howard Epstein – Professor, Schulich School of Law; Jackie Waddell – ED Island Nature Trust. As part of this project, ECELAW made significant changes to its online information library to add easily accessible resources on environmental law for residents of Prince Edward Island.

A workshop was also held at the campus of Université de Moncton on November 27th, in partnership with the New Brunswick Environmental Law Society. Workshop Coordinator Will Horne and Publication Coordinator Scott Kidd were key to its success. Presenters included: Maggie Coffin Prowse – lawyer, Coffin Prowse Law Office and lecturer, UNB Law School; Scott Kidd, LL.B. - Legal consultant and lecturer in Environmental Law, UNB St. John; Derek Simon - lawyer, Burchells; and Deborah Carver - ED ECELAW. New Brunswick materials are now available on the ECELAW online library as is the new publication “Environmental Law for Land and Sea: New Brunswick”. A French version is in translation.

ECELAW also hosted two other learning opportunities this year:

- In March, “EGSPA@2010”, a discussion on where Nova Scotia is on the targets set by the Environmental Goals and Sustainable Prosperity Act, with panelists Chris Bryant, N.S. Office of Policy and Priorities; Mark Butler, Policy Director, Ecology Action Centre; and Bill Lahey, Assistant Professor, Schulich School of Law.
- In June, An Update on Canadian Environmental Assessment with Mike Atkinson, Director, Atlantic Region, Canadian Environmental Assessment Agency

And as co-host:

- In December: Public Presentation and Q&A with Scott Vaughn, Commissioner of the Environment and Sustainable Development and Leaders from the NS Environmental Community



## Environmental Law Resources

As noted already, ECELAW's website now contains information directly relevant to and accessible by residents of PEI and New Brunswick as well as Nova Scotia. This occurred as part of a major change in design for the ECELAW Online Library which now has improved searchability. Visit <http://www.ecelaw.ca/information-library/>

## Inquiries

ECELAW's inquiry phone line and email address was busy in 2010, providing individuals and organizations with assistance in finding their way through the complexity of environmental laws. A small group of dedicated lawyers in private practice have accepted referrals from ECELAW for a first consultation at a very modest fee.

In 2010, ECELAW's work with communities and ENGOs dealt with a variety of wide-ranging environmental issues of public interest, including: impacts of finfish aquaculture; coastal development and sea level rise; the effects of intensive fur farming on water quality; the possible impact of hydraulic shale fracturing; protection of agricultural lands from development; and the use of biosolids as fertilizer. A majority of those who use our services are groups, ranging from local community-based organizations to broad interest-based coalitions.

## Educating Environmental Law Professionals

An environmental law placement program is now in place as a credit course at the Schulich School of Law, Dalhousie University. Students can work either directly with ECELAW or with another organization on an environmental law project. One student in winter 2010 and three students in winter 2011 are engaged in projects that involve collaboration with: the Nova Scotia Department of Environment on solid waste management; Sierra Club and Ecology Action Centre on regulation of hydraulic shale fracturing; a community group in southwestern Nova Scotia on regulatory control of the effects of mink farming on water quality; and the Nova Scotia Environmental Network on a model environmental bill of rights for Nova Scotia. ECELAW is pursuing the possibility of an environmental law clinical program at the Schulich School of Law, building on the expertise of the Dalhousie Legal Aid Service.

## Projects, Research and Collaboration

ECELAW is continually at work to develop research and project initiatives in collaboration with the public, community groups and government. Our connections with sister environmental law organizations across Canada have become well developed this year, especially with Ecojustice with whom we consult regularly and which celebrated its 20th anniversary with a reception in Halifax in October. ECELAW's presence at national conferences such as the annual meeting of the EPA Caucus of the RCEN in March 2010 and the February 2011 "Renewing Environmental Law" conference in Vancouver provide opportunities to share information and strategies. At the regional level, ECELAW broadened its reach with participation in such events as the "Rural Policy Forum" in Tatamagouche, NS (November 2010) and the Coastal Zone Canada Conference, Charlottetown, PEI (July 2010).

Government relations are very important to ECELAW. Many government officials, federal, provincial and municipal, have attended our workshops. We intend to keep a dialogue going that is constructive and open. ECELAW hopes to be a resource to government for development of law and policy. Whenever possible, we have participated in consultations such as those around Nova Scotia's coastal and renewable energy strategies.

Some of ECELAW's work is directed at improving our environmental laws. For example, with other members of the Coastal Coalition of Nova Scotia, we are interested in developing a legal framework to manage activities on the coast of Nova Scotia. Another key area of interest is to improve access to justice and transparency of decision-making through an Environmental Bill of Rights. In March 2010, we completed a paper for the Environmental Planning and Assessment Caucus of the Canadian Environmental Network (RCEN) titled "Inter-jurisdictional Coordination of EA: Challenges and opportunities arising from differences among provincial and territorial assessment requirements and processes", available at <http://rcen.ca/caucus/environmental-planning-and-assessment/resources>. This paper is one of several that support national efforts to improve environmental assessment at provincial and federal levels.

Members of the legal community of Nova Scotia, PEI and New Brunswick have collaborated with ECELAW this year. They have supported us by generously providing funding to our programs, acting as presenters at our workshops, accepting referrals of inquiries, agreeing to include their names on the ECELAW online directory and attending our events. ECELAW hopes to share more resources and information with the Bar in future.

## Funders

Thank you to our funders and supporters for their generosity to ECELAW.

### MAJOR:

Law Foundation of Nova Scotia  
Marine & Environmental Law Institute, Schulich School of Law, Dalhousie University  
College of Sustainability, Dalhousie University

### PROJECTS:

Law Foundation of Prince Edward Island  
Law Foundation of New Brunswick  
Canadian Environmental Network

### CONTRIBUTORS:

Boyne Clarke  
Cox Palmer  
Stewart McKelvey  
Wickwire Holm

**STATEMENT OF FINANCIAL POSITION** as at December 31, 2010

<b>Assets</b>	
Cash	\$34,126
Term deposits	\$50,000
Donations Receivable	\$ -
Computer	\$839
Expenses chargeable to the next year	\$100
	<u>\$85,065</u>
<b>Liabilities</b>	
Bank loan	\$ -
Accounts payable and accrued liabilities	\$ -
Deferred contributions	\$ -
	<u>\$ -</u>
<b>Net Assets</b>	
Net assets restricted for endowment purposes	\$ -
Internally restricted net assets	\$5,056
Unrestricted net assets	<u>\$80,009</u>
	<u>\$85,065</u>

**STATEMENT OF OPERATIONS** for the year ended December 31, 2010

<b>Revenue</b>	
Fees	\$ -
Provincial government grants	\$ -
Seminar fees	\$4,172
Interest	\$6
Contributions from Foundations	\$11,536
Law Foundation of Nova Scotia	\$66,563
Other Contributions	\$14,750
	<u>\$97,026</u>
<b>Expenses</b>	
Administration	\$(20,633)
Seminars	\$(3,117)
Conference	\$(3,262)
Public awareness and training	\$(80,023)
Capital assets purchased with revenues	\$(839)
	<u>\$(107,875)</u>
<b>Excess of Revenues Over Expenses</b>	<u>\$(10,849)</u>
<b>Statement of Balances</b>	
Opening Balance 2010	\$41,494
Closing Balance 2010	\$34,226
GIC	\$50,000
Cash Reserve (incl. in Closing Balance 2010)	\$5,056

East Coast Environmental Law  
ECELAW

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