



ECELAW Annual Report 2011

January 1 to December 31, 2011

ece law
east coast environmental law

Note from the Chair

2011 has been another exciting year for ECELAW. During this year, ECELAW has continued its support of environmental and community groups facing environmental law challenges. We have continued to provide opportunities for law students to work on real life problems and offer invaluable advice to community groups under the supervision of environmental law experts from the law school and the practicing bar. At the risk of leaving out important initiatives, let me highlight a few of ECELAW's efforts during the past year.

ECELAW's flagship programs, our training workshops, our summary series, our electronic library and our inquiry service had another strong year. The topic of our workshops and summary series this year was the environmental assessment (EA) process. ECELAW delivered workshops in Halifax, Yarmouth and Charlottetown. The topic was chosen in part because EA is at a critical juncture in its development. On the one hand, there are significant improvements needed to deliver on the promise that EA can be a powerful tool toward sustainability. On the other hand, the process, particularly at the federal level, is under threat from those who view it as a barrier to development rather than an essential tool for sustainable development.

2011 was also yet another year of transition for ECELAW. Deborah Carver, who so effectively guided us through our early development, left us in September to pursue her other passion, the fine arts. We were very fortunate that Lesley Griffiths, with a long history in the region as an environmental planner, EA panel member, facilitator and environmental consultant, agreed to join us as our new Executive Director. ECELAW is very fortunate to have someone with Lesley's experience and dedication at the helm.

Our funders have continued to support us through difficult financial times. Without the wonderful support from the NS Law Foundation, ECELAW would not be able to do its work. The PEI Law Foundation also generously enabled us to take our workshop to the Island. We also appreciate the ongoing support from Nova Scotia law firms.

During 2011 ECELAW worked with over 20 clients, originating from three provinces, addressed additional inquiries, gave valuable opportunities for eight law students to work on pro bono projects, supervised three students on placement doing much needed research, published two summary series volumes, contributed ideas to law reform initiatives, and worked with the environmental community on key issues and initiatives. Big accomplishments for a very small NGO – but just addressing the tip of the iceberg. As the only organization dedicated to providing environmental law information and advice in the public interest in the whole of Atlantic Canada, there is a huge need for our services.

One big step forward in 2011 was gaining charitable status. I would encourage our supporters to take advantage of this in the coming year – look for online and traditional giving opportunities on ECELAW's website.

I look forward to working with our board, staff and our funders to continue to develop ECELAW to fill the void that existed for so long in Atlantic Canada in terms of environmental law capacity and practical educational opportunities for law students interested in environmental law.

Meinhard Doelle
Chair, ECELAW

Contents

Note from the Chair	2
Table of Contents	3
Governance	4
Vision & Mission	4
Board of Directors	4
Operations and Administration	7
Staff	7
Students	7
Office and Meeting Space	7
Charitable Status	7
Activites	8
Public Awareness & Access to Environmental Laws	8
Workshops	8
Environmental Law Resources	8
Environmental Law Inquiry Service	8
Educating Environmental Law Professionals	9
Projects, Research and Collaboration	9
Funders	10
Statement of Financial Position	11

Governance

Vision & Mission

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.

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

- Awareness and 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

The directors on ECELAW's Board bring knowledge and experience from a variety of perspectives -- academic, environmental non-governmental organizations, student, legal practitioner, government and financial. The only change in 2011 was that student representative Mallory Treddenick was replaced by Sylina Jones.

Members of ECELAW's Board of Directors met eight times in 2011, and also served on the Governance, Communications, Fundraising and Strategic Planning, Programming and University Liaison Committees.

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, specializing in environmental law from Dalhousie University in 2005. While a law student, she co-chaired the Environmental Law Students' Society. Tricia is a board member of Ecojustice and is currently on maternity leave.

Mark Butler, B.A., M.A., has undergraduate and graduate degrees in Environmental Studies and 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 this period the organization has grown in size from 2 to 25 staff members and has become the largest environmental organization in Atlantic Canada. He currently sits on the provincial Roundtable for Environment and Sustainable Prosperity. Previously, 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, and is the Associate Director of the Marine & Environmental Law Institute and the Director of the Marine & Environmental Law Program. 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. In 2010-11 he served 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*; *From Hot Air to Action: Climate Change, Compliance and the Future of International Environmental Law*; and *Promoting Compliance in an Evolving Climate Regime*.

David Hopper, B.D.E.P., B.A., M.E.S. 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 third year law student at the Schulich School of Law. 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, including animal welfare, immigration, Aboriginal, labour and employment. Currently Zeynep is a co-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. Jessie currently lives in Halifax where she practices law in the areas of real property and energy/natural resources as an associate with McInnes Cooper.

Linda Lusby, MSc, LL.B., Professor of Environmental Science, taught at Acadia University for 28 years until her retirement in June 2011. 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 has served on the Challenge Advisory Panel for Canada's Chemicals Management Plan and on the Board of the Canadian Standards Association. Previously she 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. In retirement she is planning to continue her research interests in a consulting role, plus enjoy life in the Annapolis Valley and play with her dogs.

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 Tax Law, Business Law and Environmental Law as a partner at BOYNECLARKE LLP in Dartmouth, Nova Scotia. For three years Rob has been part-time faculty at the Schulich School of Law at Dalhousie University, having taught a graduate level course in the Faculty of Management's School for Resource and Environmental Studies for two previous years. Since he was called to the bar Rob has completed continuing professional education courses as part of the Canadian Institute of

Chartered Accountants' two year In-Depth Tax Course, and he remains a member of the Canadian Tax Foundation and the Canadian Bar Association. Rob has been involved with ECELAW since its inception in 2007.

Reuben Penner, B.A., B.A., M.A., (Treasurer) is passionate about sustainable communities and is currently establishing a local food distribution network that will link local farmers with Halifax restaurants. 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.

Derek Schnare, 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 and 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, 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. 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 and worked briefly with a communications firm in Toronto.



photo: randymugford.com

Operations and Administration

Staff

Deborah Carver B.E.S., LL.B., LL.M had been ECELAW's Executive Director since 2009 and continued to fill this role until September 2011, when she left to pursue other interests, becoming the new owner of Studio 21 Fine Art. Deborah brought to ECELAW her knowledge and experience as a practicing lawyer, together with experience in senior management, communications and development roles at NSCAD University and Salter Street Films. Her academic background included environmental studies as an undergraduate and environmental law.

In November ECELAW appointed Lesley Griffiths, B.A., M.L.S., B.D.E.P. as the new Executive Director, working on a half-time basis. Lesley has over 30 year's experience as a community and environmental planner with her own consulting firm. She has had extensive involvement in environmental assessment from many different perspectives including chairing three federal-provincial review panels, most recently the Lower Churchill Hydroelectric Project, and being process lead for the Fundy Tidal Energy Strategic Environmental Assessment.

Students

Student involvement plays a vital role in developing ECELAW's overall capacity. ECELAW greatly appreciates the contributions made by the following law students:

Zeynep Husrevoglu, Board member and website volunteer

Sylina Jones, Board member

Fraser Thomson, Environmental Law 2 placement, winter 2011

Ryley Mennie, Environmental Law 2 placement, winter 2011

Conor Doyle, Environmental Law 2 placement, winter 2011 and summer research assistant

Jamie-Lynn Kraft, Schulich Summer Research Student

Lisa Gillich, workshop coordinator, BOYNECLARKE summer student

Sarah Shiels, student coordinator of the ECELAW online library
and

Members of the Environmental Law Students Society, research assistants

Please excuse any omissions.

Office and Meeting Space

A permanent home remains high on ECELAW's priority list but in the meantime the Marine and Environmental Law Institute at the Schulich School of Law has generously continued to provide ECELAW with temporary office space. The location is very advantageous, giving ECELAW proximity to both students and faculty at the law school and in the rest of Dalhousie University.

We also appreciate the generosity of the College of Sustainability at Dalhousie in providing meeting space for the Board.

Charitable Status

Thanks to the hard work of several Board members ECELAW finally received the good news that we have been granted charitable status by the Canadian Revenue Agency. This will enable ECELAW to approach certain foundations for which this is a requirement and also to broaden the scope of our fundraising, through targeted campaigns and online giving.

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 2011, ECELAW, with the support of partners Ecojustice, the Province of Nova Scotia and BOYNECLARKE, delivered workshops on Environmental Assessment to over 50 participants in two Nova Scotia locations, Halifax and Yarmouth. Presenters and writers included Michael Atkinson, Director of the Atlantic region with the Canadian Environmental Assessment Agency; Peter Geddes, Manager of Environmental Assessment with Nova Scotia Environment; Stephen Hazell, Managing Partner of Ecovision Law and associate counsel to Ecojustice on Federal EA and climate reform; Meinhard Doelle, Chair of ECELAW and Associate Professor at Schulich School of Law (Dalhousie University); Nathan Sutherland, Associate in the Halifax office of Stewart McKelvey; and Deborah Carver, Executive Director of ECELAW.

In November, with support from the Law Foundation of PEI, and the Province of PEI, ECELAW was able to deliver a workshop on the same topic in Charlottetown to 30 participants. Island Nature Trust assisted with logistics. Presenters and writers included Greg Wilson, PEI Environment, Labour and Justice; Carolyn Peach Brown, UPEI; Laura Spurway, Peter Ghiz Law; and Peter Mushkat and Meinhard Doelle, ECELAW.

All workshop participants received copies of a companion publication, also published through the ECELAW website as part of the Summary Series – “Environmental Assessment: Legal Toolkit for Nova Scotia” and “Environmental Assessment: Legal Toolkit for Prince Edward Island”.

Environmental Law Resources

Largely through the volunteer efforts of students ECELAW maintained and updated its online library. Materials from Newfoundland and Labrador were added to those of the other three provinces.

Environmental Law Inquiry Service

ECELAW provides an environmental law inquiry service that includes two components. We provide summary legal information in response to inquiries from individuals, community and environmental groups. We also have a fund that allows us to refer some of the inquiries we receive to an environmental lawyer in private practice for an initial consultation.

In 2011 we worked with over 20 clients from Nova Scotia, PEI and New Brunswick. Areas of concern included coastal access; the provincial coastal strategy; protection of agricultural land; onshore oil and gas developments, including hydraulic shale fracturing; fur farming; contaminated sites; forestry management, including clearcutting; urban development; mining and quarrying; watershed management; fish kills; biosolids; and energy developments and projects, including wind and nuclear power.

photo: randymugford.com

ECELAW is very appreciative of the support provided by a small group of environmental lawyers in private practice who accept referrals from ECELAW at a modest fee. It is important to note that the level of ECELAW's environmental law inquiry service reflects our current resources rather than the potential demand for information and legal assistance on environmental matters – ECELAW is confident in saying that the need far outstrips our ability to respond. We view the expansion of our environmental law inquiry service as a priority and as an excellent funding opportunity for 2012 and beyond.

Educating Environmental Law Professionals

Three students worked with ECELAW in 2011 through the environmental law placement program, available 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. Topics this year included the potential for an Environmental Bill of Rights for Nova Scotia, the regulatory context for the shale gas industry and the role for municipalities, and the use of private prosecution in cases of water pollution.

Members of ECELAW's board have also been supervising students in the Pro Bono Program (<http://probono.law.dal.ca/>) at the Schulich School of Law for many years. In the fall of 2011, ECELAW formalized its role and now supervises all of the environmental pro bono projects through the Environmental Research Team. This team of students works on projects for both local non-governmental environmental organizations and ECELAW, producing a useful body of work on current environmental law issues. The students' work is reviewed by an insured lawyer and posted on ECELAW's website. For certain projects, the students will present their work publicly where appropriate.

For the 2011-2012 year, ECELAW has supervised the legal research of eight students on various environmental law issues, including the following:

- researched regulation of waste water from fracking in Atlantic provinces
- researched landowner rights when approached about fracking sights on personal property and produce short informational pamphlet/paper
- completed an access to information request.
- produced an informational with tips on how to write a good, successful access to information request
- researched legality of approval of forest management plans in Newfoundland
- monitored the NS Legislative Assembly and provide updates
- produced research paper on the proposal for an Environmental Auditor/Environmental Commissioner in Nova Scotia
- assisted with submissions on draft Community Easement Act.

Projects, Research and Collaboration

This year ECELAW continues to liaise and collaborate with public, community groups and government, and to work on developing research and project initiatives.

ECELAW contributed to law reform initiatives on three occasions, providing detailed comments to the review of the Nova Scotia Environment Act, and the draft Nova Scotia Contaminated Sites Regulations, and preliminary comments to the review of the Nova Scotia Environmental Goals and Sustainable Prosperity Act (followed by a more complete submission in 2012). In addition ECELAW has been working with the Coastal Coalition of Nova Scotia to provide input to the Province's Coastal Strategy initiative, in particular providing advice to assist with the drafting of a model coastal statute. ECELAW also collaborated with the Provincial Oceans Network by developing a research paper on existing coastal management legislative tools. This work was funded through the Schulich School of Law. ECELAW also hosted a planning meeting to further address the need for an Environmental Bill of Rights in Nova Scotia.

ECELAW attended the forum on "Exploration and exploitation of hydrocarbons in the Gulf of St. Lawrence: Coastal Communities Concerns", Les Iles de la Madeleine, and participated in liaison meetings with the other environmental law associations across Canada.

The potential for a new industry in Nova Scotia and New Brunswick to exploit shale gas has resulted in considerable public interest and concern. As well as developing a research paper through the environmental placement program, ECELAW made presentations at a workshop in Halifax sponsored by MP, Megan Leslie, and at a conference in Truro, "Protecting Our Communities: A Conference on Shale Gas and Fracking".

ECELAW is very grateful to the members of the legal community of Nova Scotia and PEI who have collaborated with us 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.



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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

PROJECTS:

Law Foundation of Prince Edward Island

Government of Prince Edward Island

Government of Nova Scotia

CONTRIBUTORS:

BOYNECLARKE

Stewart McKelvey

McInnes Cooper

STATEMENT OF FINANCIAL POSITION

as at December 31, 2011

REVENUES	
Government grants	\$ 1,000
Workshop fees	\$ 1,935
Interest	\$ 4
Investment Income	\$ 912
Law Foundation of Nova Scotia	\$ 63,750
Contributions from Foundations	\$ 7,000
Other Contributions	\$ 3,554
	<u>\$ 78,154</u>
EXPENSES	
Administration	\$ (14,930)
Professional Development	\$ (3,303)
Public education and awareness	\$ (42,035)
Legal Education	\$ (5,757)
Legal Services, Inquiries and Referrals	\$ (14,148)
Research Projects	\$ -
Capital assets purchased with revenues	\$ -
	<u>\$ (80,174)</u>
EXCESS OF EXPENSES OVER REVENUES	\$ (2,020)

STATEMENT OF BALANCES

as at December 31, 2011- after adjustments

Opening Balance 2011	\$ 34,226
Closing Balance 2011	\$ 23,595
GIC (Cash Reserve)	<u>\$ 52,000</u>
	\$ 76,507

STATEMENT OF FINANCIAL POSITION

as at December 31, 2011

ASSETS	
Cash	\$ 23,595
Reserve Fund: Cash	\$ 3,056
Term deposits	\$ 52,000
Donations receivable	\$ 52,912
Computer	\$ 7,000
	\$ -
	<u>\$ 85,651</u>
LIABILITIES	
Accounts payable and accrued liabilities	
Deferred contributions	\$ 3,421
NET ASSETS	<u>\$ 3,421</u>
Internally restricted net assets	
Unrestricted net assets	\$ 55,056
	<u>\$ 27,174</u>
	<u>\$ 82,230</u>
	<u>\$ 86,651</u>



photo: randymugford.com

East Coast Environmental Law
ECELAW

6061 University Avenue
Halifax, Nova Scotia
Canada
B3H 4H9

Website: www.ecelaw.ca
Email: info@ecelaw.ca
Telephone: 1 902 489 7997

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