

A scenic view of a dense forest with a large pine tree in the foreground. The forest is lush and green, with rolling hills in the background under a clear sky.

ece law  
east coast environmental law

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**ECELAW Annual Report 2015**

January 1 to December 31, 2015



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## Chair and Vice Chair's Message: Reuben Penner and Mathieu Poirier

East Coast Environmental Law experienced a significant amount of growth this past year. While we were sad to see our Executive Director Jamie Simpson leave to Newfoundland to pursue an articling opportunity, we have been delighted with our new Executive Director, Aaron Ward. Aaron quickly transitioned into the role, allowing the organization to continue building on the momentum that Jamie had begun. As the region's only non-profit organization dedicated to the effective use of environmental laws in Atlantic Canada, a strong Executive Director is critical, and we were blessed to have had two such individuals in the past year alone.

With the growing number of active issues that ECELAW deals with on a daily basis, we were in need to increase our human resource capacity. In midyear, ECELAW hired Lisa Mitchell, a founding board member who has been ECELAW's environmental lawyer on a contract basis for the past number of years, as our first Senior Staff Lawyer. Lisa's vision and leadership has been and continues to be instrumental in carrying out our inquiry work and leading large projects such as our environmental rights campaign in the Maritime Provinces during this time of growth.

ECELAW also increased the Executive Director role from a part time position to a full time position, made possible through Aaron's fundraising success. With this growth in employee capacity, ECELAW is well positioned to manage the opportunities and challenges throughout the upcoming year as we act on our new strategic plan we developed in the fall.

While 2015 was a year of growth, it was also a year of change. In March 2015, we said goodbye to a number of foundational Board members who finished their second and last terms with ECELAW. Past Chair Jessie Irving and past Vice-chair Nathan Sutherland each played key roles in maintaining and progressing ECELAW's development. It is a testament to the foundational vision established by the initial board members that the organization has been able to transition to an entirely new set of directors and still flourish.

Looking ahead, the next year is building up to be another period of growth for our organization. We look forward to working with an increasing number of individuals who contribute so much to ECELAW, be they staff, students, board members, volunteers, funders, or individual donors. Each and every one of these individuals moves ECELAW forward in meeting its vision of a future where innovative and effective environmental laws and their application provide Atlantic Canadians with a clean, healthy environment.

## Executive Director's Message: Aaron Ward

My first year as Executive Director was exciting and multifaceted. 2015 was transitional not only for myself – I stepped down from ECELAW's Board of Directors to take on this staff role in April 2015 – but for our organization as a whole.

As mentioned by Reuben and Matt above, 2015 marked a series of significant departures for ECELAW: former Executive Director Jamie Simpson departed to complete his legal articles in Newfoundland. Board Chair Jessie Irving and Vice-chair Nathan Sutherland completed their final terms and moved into advisory roles. Several other Board Members or key volunteers moved on to other opportunities.

While ECELAW did say goodbye to several individuals who were foundational to our creation and success, it would be apt to describe ECELAW's 2015 not as a period of loss, but one of renewal and growth. As with any small non-profit, ECELAW's organizational capacity, direction, and creativity depends in large part on fresh faces and fresh ideas. I'm proud that this past year saw the addition of capable staff, board members, and student and community volunteers. Together, we are well-equipped and prepared to carry out ECELAW's strategic vision for the future: a vision that includes stability, organizational growth, greater public visibility, and increased collaboration and partnership with major ENGOs.

I'm proud of ECELAW's 2015 accomplishments. We secured additional funding which provided organizational stability and allowed us to create expanded, permanent staff positions. We released a series of reports that garnered unprecedented media attention, cementing ECELAW's reputation as Atlantic Canadian environmental law and policy experts. We grew and strengthened our organizational network, collaborating closely with regional and national ENGOs, as well as with an expanded roster of student volunteers. While there remains much important work to be done, I feel that ECELAW is poised to make 2016 our strongest yet, marked by continued growth, stability, and exceeding the expectations of our stakeholders and the public.

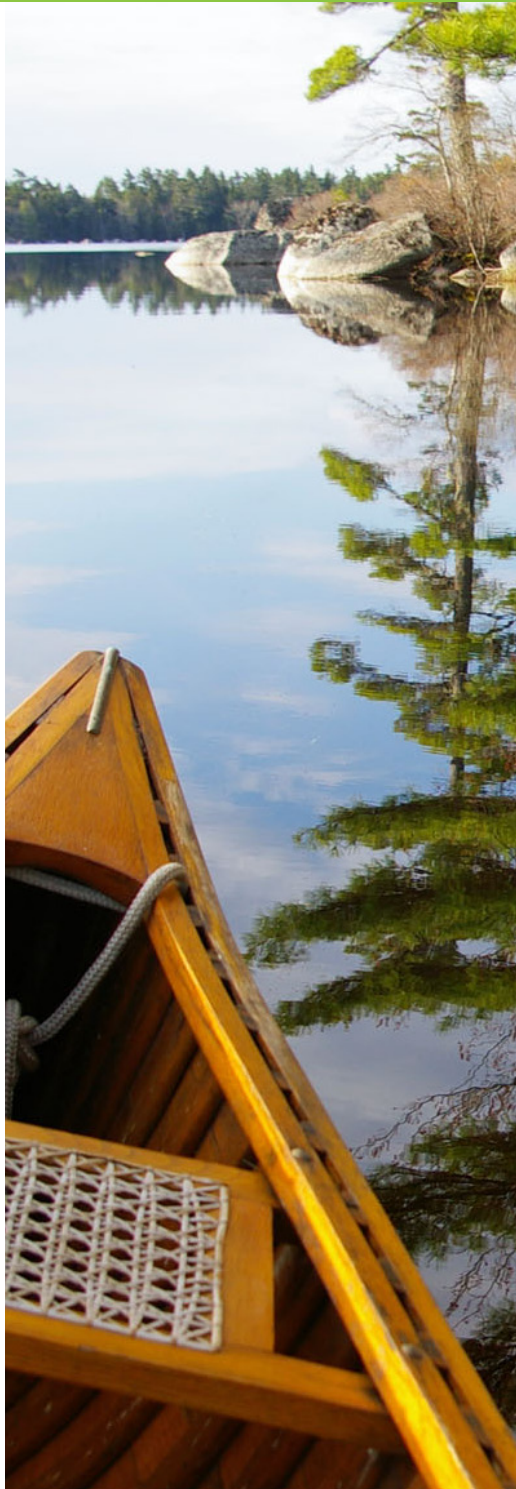
On a personal note, my transition from private lawyer to ECELAW ED has been both challenging and rewarding. I am grateful for the opportunity to continue to work alongside ECELAW's talented staff, volunteers, and stakeholders, and look forward to working toward making our shared vision for ECELAW a reality.

## Lawyer's Message: Lisa Mitchell

After almost 4 years of providing contract legal services to ECELAW, I was proud to accept the first staff lawyer position for this incredible organization in June of 2015. Creating this staff position and increasing the Executive Director role from part-time to full-time symbolizes ECELAW's growth and stability and demonstrates leadership and commitment from staff and volunteers.

Strategic planning and increased capacity at ECELAW has led to new opportunities. Over the past year we have provided more direct legal advice to clients than ever before and we have engaged with our colleagues at Ecojustice on eight different initiatives ranging from contaminated drinking water to ocean dumping. ECELAW is the only non-profit environmental law organization in Atlantic Canada and Ecojustice is the only national such organization, our collaboration has provided legal advocacy for communities and the environment in a way that has never existed in the past.

At ECELAW we continue to pursue our original vision of innovative and effective environmental laws and the fair application of those laws in Atlantic Canada. Whether it is establishing an innovative law to protect every person's right to live in a healthy environment or seeking the fair application of existing laws to protect drinking water or species at risk, our vision remains the same. As we move forward into 2016, we remain committed to this vision and will work to extend our support and improve our service to communities in New Brunswick, Prince Edward Island and Newfoundland and Labrador.



## 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.

### Strategic Plan

In September, 2015, the ECELAW's staff, board of directors, and key volunteers attended a full-day strategic planning session with facilitator Michael Hope-Simpson.

ECELAW affirmed our organizational priorities for 2015-2018 as follows:

- Continuing to provide our core 5 types of programming:
  1. A legal service which responds to environmental law inquiries from the public
  2. Responsive work on emerging environmental issues
  3. Providing educational opportunities for Law Students
  4. Medium to long term project-based work on key environmental issues
  5. Publishing and reporting on environmental law issues of public interest and concern
- Strengthening and consolidating organizational capacity and operations to be positioned for longer-term stability and for growth
- Moving toward full time staff positions
- Incrementally extending our geographical reach to better cover the region; and
- Strengthening targeted areas of our programming, thereby strengthening the impact and profile of environmental law in the Atlantic Region.

## Board of Directors

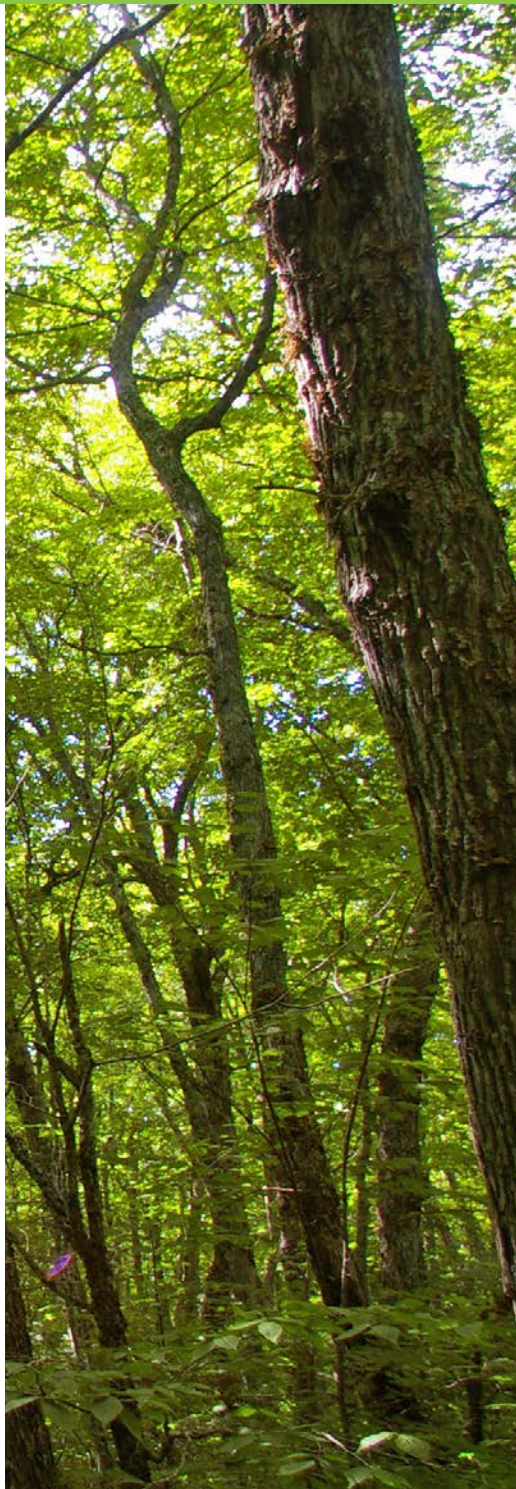
**Reuben Penner, MA, MBA, CPA, CMA (Chair)** is a Financial Analyst at the IWK Health Centre. Graduating with a B.A. in International Development Studies at the University of Winnipeg, he then moved to Halifax where he completed a B.A. Classics at the University of King's College, an M.A. in Classics from Dalhousie University, and an MBA and CMA designation from St. Mary's University. Reuben has a keen interest in Not-For-Profit governance and financial management.

**Mathieu Poirier, BAsC, MBA, JD, (Vice Chair)** is a management consultant in Deloitte's Halifax office. Matt is a graduate of Dalhousie Law School, where he completed the Environmental Law specialization program. Prior to graduation, he completed a legal internship at West Coast Environmental Law in Vancouver, BC. Matt has also received an MBA from Saint Mary's University and a Mechanical Engineering degree from the University of Waterloo. In his spare time, he enjoys climbing, hiking and kayaking.

**Kevin Reinhardt, CPA, CA (Treasurer)** is a senior accountant with Deloitte, in Halifax and works in the Assurance and Advisory practice. He has worked on a myriad of companies including public, private and not-for-profit, with experience in financial statement preparation, finance and governance. He began his career in 2007 in the banking and finance industry with the Bank of Canada, Canada's central bank, as a Research Assistant (Economist). He holds an BA (hons) in Economics (Mount Allison University) and a Masters of Development Economics (Dalhousie University). Kevin lives in the Purcell's Cove area and enjoys hiking and running in his spare time.

**Dr. Moira McConnell, PhD,** was a member of the ECELAW Board since October 2012 until 2015. Until her retirement in 2015, Dr. McConnell was a Professor of Law at Dalhousie University and the Associate Director of the Marine & Environmental Law Institute (MELAW). Dr. McConnell has also been a Co-director of Dalhousie University's Marine Affairs Program and is a former Executive Director of the Law Reform Commission of Nova Scotia. She is member of a number of organizations including the International Academy of Comparative Law, the IUCN - Commission on Environmental Law (CEL), the Society of International Economic Law, the International Commission of Jurists (ICJ - Canada, Canadian Council), Canadian Council on International Law, Canadian Maritime Law Association, Women in International Trade and Shipping (Canada) (WISTA) and Lawyers for Social Responsibility. She is an Co-editor of the international interdisciplinary Ocean Yearbook (1998 ff), an Associate Editor of the Yearbook of International Environmental Law (2006 ff), and is on the editorial boards of the WMU Journal of Maritime Affairs, the Global Journal of Comparative Law and the Journal of Arbitration and Mediation. She has published widely in the fields of international law, law of the sea, international labour law, governance systems, corporate governance, administrative and constitutional law, environmental law, maritime law and policy, social justice and human rights.

**Deborah Carver, LLB, LLM,** was trained as a lawyer, receiving her LL.B. from Dalhousie University and her LL.M. from the London School at Economics with a focus on marine and environmental law. She practiced law with Stewart, MacKeen and Covert from 1979 to 1985. Currently, Deborah is the Owner and Director of a commercial art gallery, Studio 21 Fine Art in Halifax. Previously she served as the Executive Director of East Coast Environmental Law Association for two years. Between 2003 and 2005, Deborah was the Executive Director, Special Projects and then Interim VP University Relations at NSCAD University where her



responsibilities included acting as the frontline representative of the university in communications, media and community relations. Prior to 2002, Deborah worked in the film and television industry for Salter Street Films and The Independent Film Channel Canada.

**Benjamin Ojoleck, BSc**, is a third-year law student at the Schulich School of Law at Dalhousie University, and will be graduating in 2016 in the Environmental Law specialization program. His interests lie in renewable energy law, conservation and sustainable resource use. In his spare time he enjoys bouldering, camping and foraging.

**Catherine Abreu** is one of Canada's foremost sustainable energy campaigners. As the Ecology Action Centre's Energy Coordinator, she advances policies that enhance Canada's investments in energy efficiency and renewable energy while phasing out the use of fossil fuels. Most recently, Cat was proud to join the official Canadian delegation at the 21st Conference of Parties to the United Nations Framework Convention on Climate Change in Paris, France.

**Heather J. Hill BA (Hons), LLB**, has practised law, has owned and operated a tourism/accommodations business, and presently teaches business subjects at Acadia University and the Nova Scotia Community College. Her presence on the board of ECELAW reflects her passionate commitment to a healthy environment. Heather's interests include hiking, biking, and soccer, as well as traveling with family and friends, and hosting international students.

**Vinidhra Vaitheeswaran, B.Sc. (Hon), J.D. candidate**, is a second-year student at Dalhousie's Schulich School of Law in Halifax.

**Derek Simon, B.B.A, LL.B**, is a partner at Burchills LLP in Halifax.



# Operations and Administration

## Executive Director

**Aaron Ward, BSc, JD** received both his law degree and certificate of specialization in environmental law from Dalhousie University in 2011. During law school, Aaron developed a keen interest in environmental law and authored major papers on Canadian electricity regulation and climate change. In 2009 he completed a legal internship and authored a major paper regarding the international regulation of forest carbon for EcoSecurities, an Oxford, UK-based subsidiary of J.P. Morgan. In 2010 Aaron completed research regarding the regulation of electricity in Quebec and New Brunswick under the supervision of Professor Meinhard Doelle, on behalf of the Atlantic Provinces Economic Council.

After completing his legal education, Aaron articulated with and subsequently accepted an associate lawyer position with the Halifax-based firm Wickwire Holm. There, Aaron developed a practice comprised of advising clients regarding environmental regulation and general litigation. In 2015, Aaron accepted his current position as Executive Director of ECELAW.

## Senior Staff Lawyer

**Lisa Mitchell, B.A., LL.B, M.E.S.** received her law degree from Dalhousie in 1991 and followed this with a Masters of Environmental Studies from the School for Resource and Environmental Studies (Dalhousie, 1994).

Lisa spent four years developing federal pesticide legislation with the Pest Management Regulatory Agency in Ottawa before engaging in a Nova Scotia based private practice exclusively in the area of environmental law. Over the years, she developed a broad-ranging practice base that includes governments, non-government organizations, private-sector companies, community groups and individual clients. Her expertise in this area originated in the challenging field of agri-environmental law and has expanded to include contaminated sites, environmental impact assessment, water regulation, professional and corporate environmental liability, coastal management and other areas.

Lisa has provided advice and training on environmental legislation and policy in Nova Scotia, New Brunswick, Newfoundland and Labrador, Prince Edward Island, Ontario and to the federal government. Since 2012 she has served as the lawyer for the East Coast Environmental Law Association and accepted her current role as senior staff lawyer with ECELAW in June of 2015.

## Students

ECELAW continues to provide mentorship to students at the Schulich School of Law through the Environmental Law Student Society and the Pro Bono Canada program. Our work with student provides a direct benefit to ECELAW's research capacity.

ECELAW thanks our student volunteers based at Dalhousie for their contributions:

- Old-growth forest: Olga Koubrak
- Environmental Rights: Myles Thompson, Melia Moorhouse, Dan Vanclleaf
- ECELAW Information Library: Iain Macdonald, Mike Kofahl, Amy Prosper, Carla Cichowska, George Franklin, Logan Grant, Melissa Pike

## Office and Meeting Space

ECELAW greatly appreciates the generosity of the Marine and Environmental Law Institute at the Schulich School of Law in providing us with office and meeting space, enabling ECELAW to work closely with both students and faculty at the law school and other faculties at Dalhousie University.

# Activities

## Public Awareness and Publications

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 to understand the legal and policy framework that governs protection of the environment and ensure environmental laws are effectively used, improved and strengthened.

In 2015 ECELAW released the following reports, all of which can be viewed on our website:

Protected on Paper Only: Evaluation of Nova Scotia's legal obligations to protect and recover mainland moose and other species at risk (February 2015)

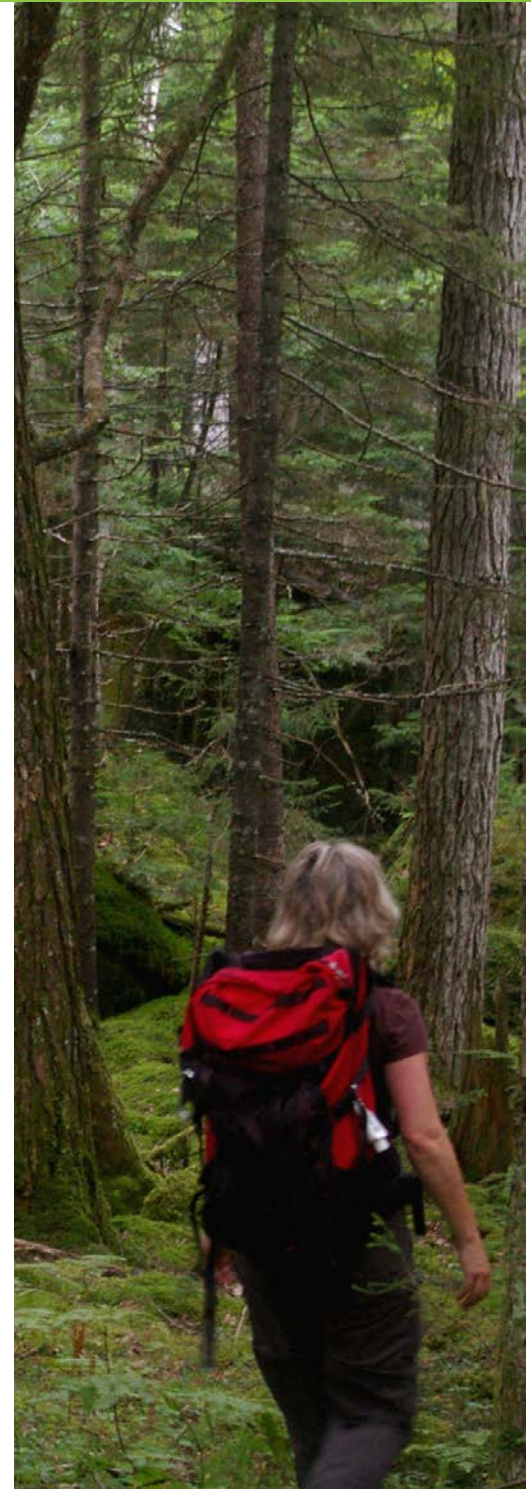
- In partnership with the Dalhousie Environmental Law Students Society, including Stephen Evans, and with generous funding from Mountain Equipment Co-op, ECELAW published a report outlining the Nova Scotia government's failure to enforce its own laws regarding species-at-risk.

Environmental Law Overview for Newfoundland and Labrador (April 2015)

- ECELAW was honoured to host a workshop in St. John's, Newfoundland and Labrador, for over 30 stakeholders in April, 2015. As part of the workshop, ECELAW published an introduction to the key environmental laws in the province, which allowed stakeholders without legal experience to build important background knowledge and capacity within the community. ECELAW's workshop and related work was made possible thanks to the Law Foundation of Newfoundland and Labrador.

Aquaculture Regulation in the Post Doelle-Lahey Era: an Analysis of Nova Scotia's New Regulatory Framework (November 2015)

- In late October, 2015, the Nova Scotia Government released a long-awaited overhaul of the Province's aquaculture regulatory framework. Building on our considerable experience in researching and providing recommendations regarding aquaculture regulatory reform, ECELAW published an analysis of the new framework in early November, 2015. The report was produced thanks to the generous funding of the Sage Foundation.



Forest Biomass Energy Policy in the Maritime Provinces: Accounting for Science (December 2015)

- With the support of the Sage Foundation and in the wake of a landmark global climate deal reached in Paris, ECELAW released a report calling into question the carbon impact of widespread biomass energy use. ECELAW's report called on provincial governments in the Maritimes to change their renewable energy policies to bring them in line with the current scientific understanding of the impacts of biomass energy.

## Environmental Law Inquiry Service

With the financial support of the Nova Scotia Law Foundation, ECELAW offers environmental law advice and information to individuals and community groups through our inquiry service. In some instances we facilitate more detailed advice and support through either Staff Lawyer, Lisa Mitchell, or by referral to external counsel.

ECELAW received a steady stream of inquiries in 2015. We worked with and provided advice to individuals, community groups, and larger ENGOs on a variety of issues. Some of our key inquiries included:

- Alton Natural Gas storage and pipeline project (Native Women's Association)
- Aquaculture licence renewal (Community of Port Mouton),
- Formal request to Environment Canada for investigation related to aquaculture fish mortality following superchill event,
- Release of oil from a sunken vessel (Manolis L Citizens Response Coalition),
- Drinking water contamination (Community of Harrietsfield),
- Complaint to the Ombudsman (Community of Harrietsfield),
- Quarry development (Blackpoint, Middleton, Tantallon),
- Enforcement of the Fur Industry Act (Ecology Action Centre)

## Educating and Mentoring Environmental Law Students

ECELAW continues to work closely with students and faculty at Dalhousie University and beyond in order to expand the reach and impact of our research and publications. This includes facilitating the ECELAW student placement course, working with Dalhousie's Environmental Law Students' Society, taking on a group of students under the Pro Bono Students Canada program, and more.

In 2015, ECELAW worked with Environmental Law Placement Student, Stephen Evans, to develop the publication Protected on Paper Only: Evaluation of Nova Scotia's legal obligations to protect and recover mainland moose and other species at risk. Stephen completed important research on species at risk under the supervision of ECELAW as part of a placement course offered to students at the Schulich School of Law at Dalhousie University.

ECELAW worked with LLM student Olga Koubrak to produce research on the regulation of old-growth forests in New Brunswick. This research will in part inform a major publication by ECELAW on old-growth forests, produced in partnership with the Mersey Tobiatic Research Institute, in 2016.

2015 marked an expansion in ECELAW's student mentorship program to the Environmental Law Society at the University of New Brunswick, and participation in the Environmental Justice and Sustainability (EJS) Clinic Program at Osgoode Hall Law School.

ECELAW sincerely appreciated the opportunity to be one of the first ENGOs to participate in the EJS Clinic Program and extend our thanks to program co-directors Stepan Wood and David Estrin and to our 'virtual placement' student Jessica Karban. Jessica produced valuable research pertaining to several current ECELAW files ranging from endangered species to contaminated sites.

Myles Thompson, Melia Moorhouse and Dan Vancleef, all students at the Schulich School of Law at Dalhousie University, worked with ECELAW to conduct foundational research regarding provincial environmental rights for Nova Scotia, New Brunswick and PEI.

Through the Pro Bono Students Canada program at Dalhousie, students Iain Macdonald, Mike Kofahl, Amy Prosper, Carla Cichowska, George Franklin, Logan Grant, and Melissa Pike worked to update and overhaul ECELAW's online information library, a database regarding environmental laws in Atlantic Canada that is offered free of charge to the public.

## **Collaboration with Other Non-Profit Organizations**

In 2015, ECELAW continued to strengthen existing relationships with other environmental non-profit organizations, and to create new ones as well. ECELAW collaborated with the following organizations in the past year: David Suzuki Foundation, Ecojustice, Sierra Club Atlantic, Ecology Action Centre, West Coast Environmental Law, Centre Quebecois du droit de l'environnement, and the Mersey Tobatic Research Institute.

Our environmental law workshop was successful due to collaboration with the Newfoundland and Labrador Environmental Network, along with several individual stakeholders in St. John's and beyond.

In keeping with our environmental rights initiative, ECELAW has been serving as a member of Team Policy, part of the New Brunswick Children's Environmental Health Collaborative. Team Policy has been the primary force behind the development of a provincial Bill of Rights to Support Children's Environmental Health.

In Nova Scotia, ECELAW chairs the Environmental Rights Working Group, which includes representation from the Ecology Action Centre, Wooden Monkey, David Suzuki Foundation, Ecojustice, ENRICH, Sierra Club Atlantic and the Green Interview.



## Funders

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

### **Core Funders:**

Law Foundation of Nova Scotia

Marine & Environmental Law Institute, Schulich School of Law, Dalhousie University

ECHO Foundation

### **Project Funders:**

Catherine Donnelly Foundation

Law Foundation of Newfoundland and Labrador

Mersey Tobeatic Research Institute

Sage Environmental Program

### **Individual and Corporate Funders:**

McInnes Cooper

Jessie Irving

Anonymous Individual Donors

# 2015 Financial Statements

East Coast Environmental Law  
STATEMENT OF OPERATIONS  
Year Ended December 31, 2015

	2015 Unaudited	2014 Unaudited
<b>Revenue</b>		
Direct Grants	97,808	102,208
Direct Support or Contributions	9,468	1,115
Government Grants	-	10,600
Other Income	1,197	441
<b>TOTAL REVENUE</b>	<b>108,473</b>	<b>114,364</b>
<b>EXPENSES</b>		
Salaries & Wages Expense	52,218	25,490
Research and Direct Project Costs	28,383	55,835
Indirect Project Costs	2,356	7,011
<b>Total Program Expense</b>	<b>82,958</b>	<b>88,336</b>
<b>Management and Administrative Expense</b>	<b>31,089</b>	<b>11,140</b>
<b>Fundraising Expense</b>	<b>3,139</b>	<b>751</b>
<b>TOTAL EXPENSE</b>	<b>117,185</b>	<b>100,226</b>
<b>EXCESS OF REVENUE OVER EXPENSE</b>	<b>(8,712)</b>	<b>14,138</b>

East Coast Environmental Law  
STATEMENT OF FINANCIAL POSITION  
As of December 31, 2015

	2015 Unaudited	2014 Unaudited
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash	74,032	67,588
Investments	61,698	61,698
Accounts Receivable	107,131	27,403
<b>Total Current Assets</b>	<b>242,861</b>	<b>156,688</b>
<b>TOTAL ASSETS</b>	<b>242,861</b>	<b>156,688</b>
<b>LIABILITIES &amp; EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts Payable	10,974	11,116
Deferred Revenue	50,508	16,354
Other Liabilities	-	53
<b>Total Current Liabilities</b>	<b>61,482</b>	<b>27,524</b>
Long Term Deferred Revenue	60,000	-
<b>Total Liabilities</b>	<b>121,482</b>	<b>27,524</b>
<b>Equity</b>		
Unrestricted Net Assets	61,962	69,748
Internally Restricted Net Assets	59,416	59,416
<b>Total Equity</b>	<b>121,379</b>	<b>129,165</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>242,861</b>	<b>156,688</b>



**ecelaw**  
east coast environmental law

## Annual Report 2015

6061 University Avenue  
Halifax, Nova Scotia  
Canada  
B3H 4H9

Website: [www.ecelaw.ca](http://www.ecelaw.ca)  
Email: [info@ecelaw.ca](mailto:info@ecelaw.ca)  
Telephone: 1 902 489 7997