



eceLaw
east coast environmental law

East Coast Environmental Law
Annual Report 2021

January 1 - December 31, 2021

Welcome to East Coast Environmental Law's 2021 Annual Report.

In the face of another challenging year, our staff, students, volunteers, and collaborators have made significant progress using the law to protect the environment, support communities, and influence more equitable and sustainable environmental decision-making in Atlantic Canada. This Annual Report highlights some of our activities and positive impacts over the course of the year.

Thank you to our Board members who generously volunteer their skills and resources to guide East Coast Environmental Law and support its activities. In 2021, we were privileged to welcome three new members to the Board of Directors: Jason MacLean (New Brunswick), Chris Ortenburger (Prince Edward Island), and Sherry Pictou (Nova Scotia). The Board worked diligently to establish East Coast Environmental Law's Strategic Plan for 2022-2024 and provided significant financial support to the organization through the annual Past Chair's Challenge and independent donations.

Thank you to our dedicated lawyers. They are exceptional and passionate professionals who have traded the certainty and financial rewards of a career in a private law firm or government office for the opportunity to practice environmental law in the public interest. Their passion and commitment is key to our success.

Thank you to the law students who work with us as volunteers, placement students, interns, and research assistants. In 2021, our capacity was enhanced by students who joined us through the Pro Bono Dalhousie program, placements through the Schulich School of Law and Osgoode Hall, and summer student positions.

Thank you to our collaborators. The Ecology Action Centre, the World Wildlife Fund, the Conservation Council of New Brunswick, and Ecojustice represent some of the incredible organizations who worked closely with us in 2021. Collaborations like these are key to our collective success.

Thank you to all of our donors and supporters. It can be difficult to raise the funds needed to engage on the many environmental and climate justice issues that require attention, but in 2021 we doubled our monthly donors and increased our core funding. We appreciate every relationship built and every donation received.

Collectively we have much to learn and much work to do to address the environmental and societal challenges we currently face. East Coast Environmental Law is ready to learn and to continue our work to protect ecological health and promote environmental and climate justice in Atlantic Canada.



Brian J. Hebert,
Chair of the Board

A handwritten signature in black ink, appearing to be 'B. Hebert'.



Lisa Mitchell,
Executive Director & Senior Lawyer

A handwritten signature in black ink, appearing to be 'Lisa Mitchell'.



About East Coast Environmental Law

East Coast Environmental Law is a regional environmental law charity based in Halifax, Nova Scotia, that provides public-interest environmental law services throughout Atlantic Canada. The organization began in 2007 as a group of volunteers made up of law professors, legal practitioners, law students, and members of the environmental community who were passionate about environmental issues and saw a pressing need for a public-interest environmental law organization in Atlantic Canada.

Our Vision

A future in which laws and legal systems protect ecological health and promote environmental and climate justice in Atlantic Canada.

Our Mission

Advocating for progressive environmental laws and policies for Atlantic Canada, providing public legal education, and sharing our legal skills to support individuals, communities, and organizations that are working to prevent or redress environmental harms.

What We Do

Healthy communities and healthy environments go hand in hand. All species need clean water, unpolluted air, uncontaminated land, and a liveable climate. To meet these needs, we also need laws and policies that create and support environmental and climate justice.

East Coast Environmental Law operates as a community-centered organization, committed to sharing our legal skills with those who seek environmental and climate justice for all species and the natural systems that support those species. We work with communities, public-interest organizations, governments, law students, and private legal practitioners to build capacity to improve environmental law and policy throughout Atlantic Canada.

Our lawyers, students, and volunteers advocate for progressive law and policy, provide accessible public legal education, and support communities seeking environmental and climate justice.

Advocating for Progressive Law and Policy

Meeting the Climate Emergency

The Government of Nova Scotia introduced the *Environmental Goals and Climate Change Reduction Act*, recognizing for the first time in Nova Scotian law that climate change is “a global emergency requiring urgent action”. This proposed new law was encouraging and came after many years of work on the ground to see the creation of provincial targets to address the climate emergency and the biodiversity crisis. Our lawyers actively engaged by collaborating with ENGO colleagues, making submissions and appearing before the Law Amendments Committee to support the proposed law and advocate for improvements.

Protecting the Coast

Nova Scotia’s *Coastal Protection Act* became law in 2019, but it is not in force, so it provides no protection to Nova Scotia’s coast or coastal residents. This law is an important tool to address the accelerating impacts of climate change. East Coast Environmental Law was proactive in laying the foundation for the creation of the *Coastal Protection Act*, and we continued that role in 2021 as the Government of Nova Scotia worked to design regulations that are necessary to make the Act operational. To learn more about our work on coastal protection, [visit the Coastal Protection project page on our website](#).

Recognizing Environmental Rights

East Coast Environmental Law has long championed the development of environmental rights laws in Atlantic Canada. We were pleased to see Green Party MLA Lynn Lund introduce Bill 108, a proposed *Environmental Bill of Rights*, in Prince Edward Island. To enhance public awareness of the Bill and provide accessible public commentary explaining why legal environmental rights are so important, we collaborated with our Island Board Member Chris Ortenburger to write blog posts on why we need environmental rights in the law. To read the blog posts, visit our website [here](#) and [here](#).

Stemming the Decline of Biodiversity

At an unprecedented pace, we are losing the biodiversity that enables all life. For many years, East Coast Environmental Law has advocated for law and policy that recognizes the critical importance of biodiversity and seeks to protect it. 2021 held a hint of promise in Nova Scotia, when a proposed *Biodiversity Act* was introduced. The law that was ultimately passed was significantly watered down following an industry-led media campaign that generated public opposition to the proposed law by spreading inaccurate information about its contents. But, in the end, Nova Scotia passed into law the first *Biodiversity Act* in Canada and the seeds for enhanced biodiversity protection have been sown. To learn more about our work on biodiversity issues, [visit the Biodiversity project page on our website](#).



Providing Accessible Public Legal Education

Open-net Pen Fin-fish Aquaculture and Public Engagement in Regulation

After almost 10 years of no new open-net pen salmon farms in Nova Scotia, the industry plans to increase annual production by more than tenfold. With several new applications being considered and a new regulatory approval process that includes a new Aquaculture Review Board, coastal communities in Nova Scotia are seeking legal information and support. East Coast Environmental Law continues to participate in the discourse around aquaculture. In 2021 we released a new Summary Series volume entitled *Aquaculture and Public Engagement in Nova Scotia* to explain how aquaculture development is regulated in the province, with a particular focus on opportunities for public participation.

Assessing the Impacts of New Projects and Developments

Environmental impact assessment is a key law and policy tool to enable members of the public, practitioners, and communities to be heard by decision-makers before a new project or development takes place. Each province takes a different approach to this process, and the federal government has its own impact assessment law. East Coast Environmental Law made a commitment in 2019 to make it easier for members of the public to engage in environmental impact assessment.

With the support of law foundations across Atlantic Canada, we have reached that goal by hosting in-person workshop or webinar sessions in Newfoundland and Labrador (2019), Nova Scotia (2019), New Brunswick (2021), and Prince Edward Island (2021). Our webinar session for New Brunswick was recorded and became the first video resource offering on our YouTube channel. Our workshop session in Charlottetown was the first in-person public legal education workshop that East Coast Environmental Law hosted in two years, since the first outbreak of COVID-19.

Supporting Communities Seeking Environmental and Climate Justice

Justice for Nature — Calling Out Government Failures to Protect Species at Risk

After the 2020 decision by the Nova Scotia Supreme Court in *Bancroft v Nova Scotia (Lands and Forests)*, we updated our 2019 report entitled *Protected on Paper Only: An Evaluation of Nova Scotia's Legal Obligations under the Endangered Species Act* to reflect the Court's decision. The [revised report](#) finds that Nova Scotia's Minister of Natural Resources and Renewables has met the *Endangered Species Act* requirements for just 24 of the 63 species that are listed as endangered, threatened, or vulnerable under the Act. However, the report also reveals some progress has been made to enhance protections for endangered and threatened species in Nova Scotia.

Look for our reports on the protection of at-risk species in Prince Edward Island and Newfoundland and Labrador in 2022.

How Good Is Gold (Mining) in Nova Scotia?

Atlantic Gold, a subsidiary of an Australian-based mining company, has one active open-pit gold mine in the province and three new mines proposed. In 2021, we participated directly in the joint federal and provincial environmental assessments of two of the open-pit gold mine projects that Atlantic Gold has proposed. In addition, we participated in the provincial environmental assessment of proposed modifications to the existing open-pit gold mine.

Restorative Justice

With the support of the Law Foundation of Ontario, East Coast Environmental Law began a project to conduct legal research and analysis of how restorative justice has been, and can be, used to address environmental crime and harm in Nova Scotia. The objective of restorative justice is to bring together those most directly affected by a crime, to identify and understand why a harm was caused, and to repair it.

In 2022, look for our restorative justice guide to assist the public, lawyers, communities, and government to understand the possibilities of restorative justice and to empower communities to undertake transformative change.

Public Interest Legal Support

East Coast Environmental Law maintains a free Environmental Law Inquiry Service that is designed to provide general legal information about environmental law to members of the public who request it. Depending on our capacity and the degree to which requests for support align with our mandate, our inquiry responses may go further and provide tailored legal opinion or advice. In 2021, staff lawyers responded to more than 25 unique inquiries addressing a range of questions posed by persons throughout Atlantic Canada.





East Coast Environmental Law Team

A special thank-you to our dedicated staff, engaged Board members, devoted students and volunteers, and our wonderful supporters. Each of you plays an important role in helping East Coast Environmental Law carry out our mission.

Board of Directors

- | | |
|--------------------------|---------------------------|
| Tricia Barry (Secretary) | Chris Ortenburger |
| Mark Butler | Julia Pelton (Vice Chair) |
| Erin Burbidge | Sherry Pictou |
| Nicole Cameron | Sara Seck |
| Laura Graham | Kieran Simpson |
| Brian J. Hebert (Chair) | Ian Stewart |
| Lil MacPherson | Payton Tench |
| Jason MacLean | Caitlin Urquhart |
| Dawn Madic (Treasurer) | |
| Bakes Mitchell | |

Staff

- Mike Kofahl, Staff Lawyer
- Lisa Mitchell, Executive Director & Senior Lawyer
- Kostantina (Tina) Northrup, Staff Lawyer
- Daniel White, Articled Clerk

Contractual Support

- Catherine Cook, Graphic Design
- Jesse Williams, Website Management
- Paul Black, Strategic Planning



Students

Kristan Belanger	Neil MacIssac
Michael Boyd	Jacob Melnyk
Grace Bryson	Rebecca Murray
Courtney Chrusch	Andrew Paul
Moriah Greenshaw	Mark Robertson
Jacqueline Hartigan	Meaghan Rout
Alex Hayward	Kieran Simpson
Tegan Heywood	Daniel White
Erin MacDonald	Sally Yoon

Mentoring Law Students

Law students who work or volunteer with East Coast Environmental Law receive opportunities to hone their legal research and writing skills by undertaking project research and contributing to the creation of our public education resources by developing case briefs, responding to public inquiries, and drafting new Summary Series or reports.

Donors and Collaborators

East Coast Environmental Law receives ongoing in-kind and financial support from public and private foundations and institutions, as well as from individual patrons. These generous contributions are critical to our work to provide public-interest environmental law services throughout Atlantic Canada.

In 2021, through the combined support of the Marguerite Hubbard Charitable Foundation and the federal Green Jobs initiative, we hired Daniel White, a recent graduate of the Schulich School of Law, as our 2021-22 articled clerk.

“When I was offered an articled clerk position with East Coast Environmental Law, I jumped at it without a second thought. I looked at it as an opportunity to contribute to impactful environmental work in my region while also honing my legal skills under the supervision of a dedicated, passionate, and intelligent team of lawyers. In a few short months I have already worked on projects related to administrative law, constitutional law, Indigenous law, criminal law, contracts, and alternative dispute resolution, to name a few. The broadness of scope, the way in which environmental laws and issues interact, is equally fascinating and challenging. I feel very fortunate to have this unique public-interest articling experience.” Dan White

Our long-term sustaining supporters include:

ECHO Foundation
Graham and Susan Smith
Law Foundation of Nova Scotia
Marine and Environmental Law Institute

Additional project funding and donations in 2021 were provided by:

Canada Summer Jobs Program
Canadian Parks and Wilderness Society
Clean Foundation
Graduate to Opportunities Program
Ecology Action Centre
Impact Assessment Agency of Canada (Participant Funding Program)
Indigenous Environmental Network – Western Mining Action Network Mini-Grant Program
Law Foundation of New Brunswick
Law Foundation of Ontario
Law Foundation of Prince Edward Island
Marguerite Hubbard Charitable Foundation
Public Voice Fund
Schulich Academic Excellence Fund for Internships
Studio 21
World Wildlife Fund

Individual donations made to East Coast Environmental Law by cheque or made through our website on the Canada Helps platform also provided a very valuable contribution to our work in 2021.

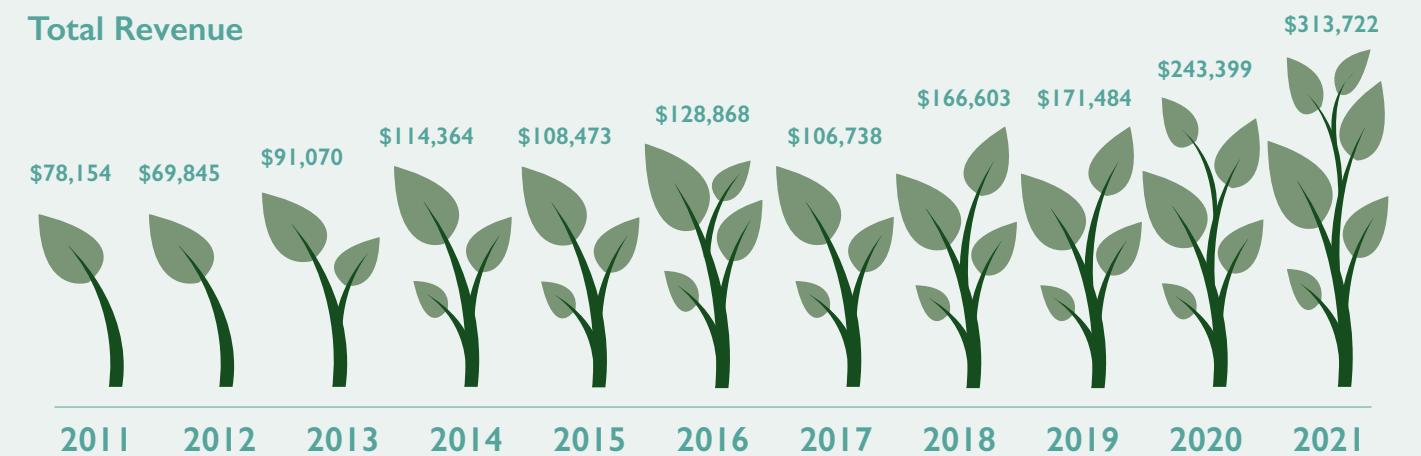
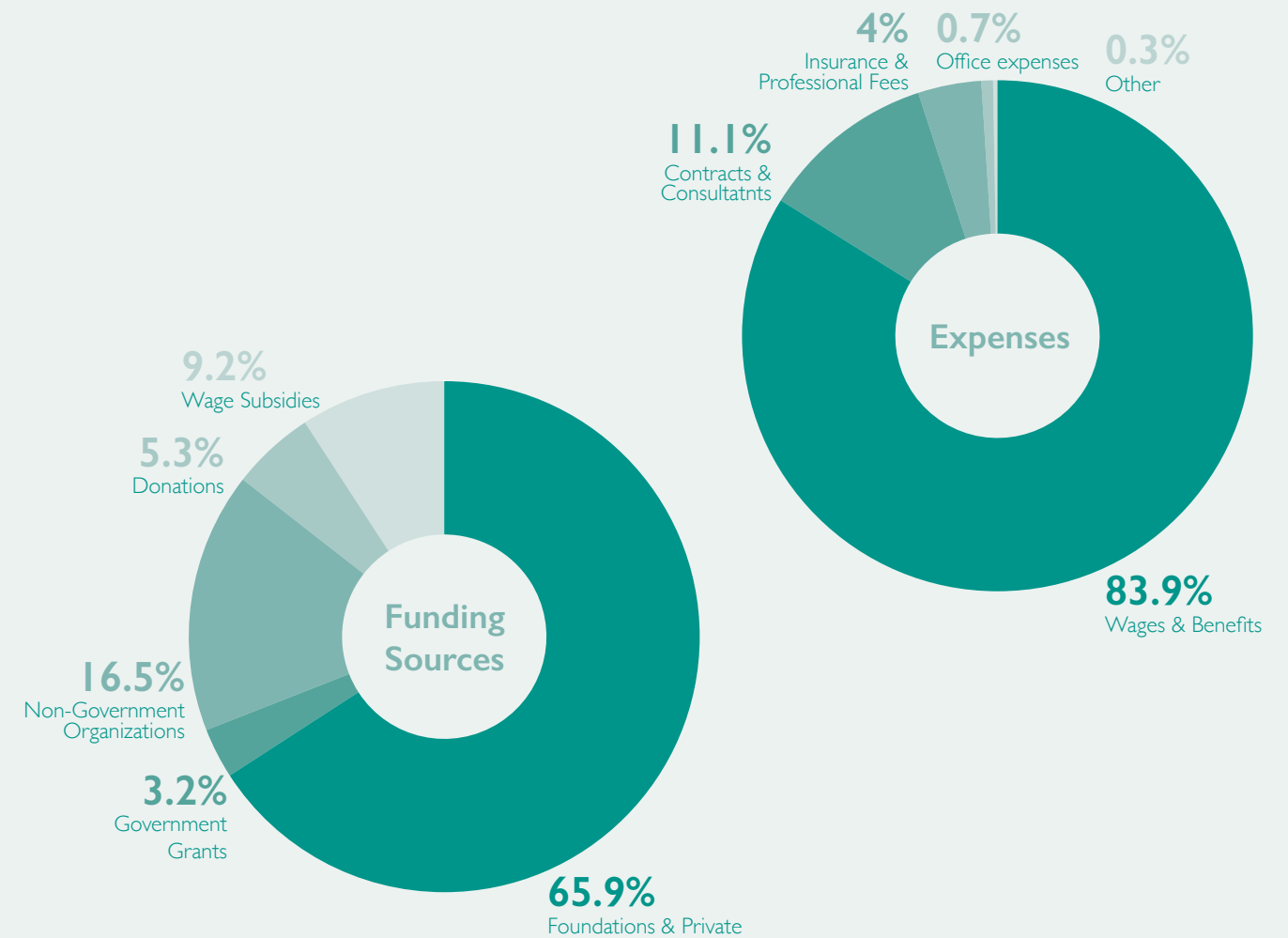
[Donate through Canada Helps](#)

East Coast Environmental Law Association
Unaudited Statement of Financial Position
As at December, 2021

	Dec. 31, 2021	Dec. 31, 2020
	\$	\$
ASSETS		
Current Assets		
Unrestricted Cash	197,252	135,821
Restricted Cash	49,765	-
Investments	443	50,206
Accounts Receivable	9,670	12,362
	<u>257,131</u>	<u>198,389</u>
TOTAL ASSETS	257,131	198,389
LIABILITIES		
Current Liabilities		
Accounts Payable & Accrued Liabilities	21,095	21,560
Deferrals	40,331	22,831
	<u>61,426</u>	<u>44,391</u>
TOTAL LIABILITIES	61,426	44,391
NET ASSETS		
Unrestricted Net Assets	136,287	94,581
Internally Restricted Net Assets	59,419	59,419
	<u>195,706</u>	<u>154,000</u>
TOTAL NET ASSETS	195,706	154,000
TOTAL LIABILITIES AND NET ASSETS	257,131	198,389

East Coast Environmental Law Association
Unaudited Statement of Operations & Changes in Net Assets
For the Month Ended December 31, 2021

	2021
	\$
REVENUE	
Direct Grants	173,540
Direct Projects	123,624
Direct Contributions	16,542
Other Revenue	16
TOTAL REVENUE	313,722
EXPENSES	
Program	194,080
Administrative	61,495
Fundraising	16,442
TOTAL EXPENSES	272,017
EXCESS/(DEFICIENCY) OF REVENUE OVER EXPENDITURE	41,705
UNRESTRICTED NET ASSETS - beginning of the year	94,581
UNRESTRICTED NET ASSETS - end of the year	136,286





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