



East Coast
Environmental Law

**East Coast Environmental Law
Annual Report 2023**

January 1 - December 31, 2023

Message from the Chair of the Board and Executive Director

Welcome to East Coast Environmental Law's 2023 Annual Report.

As we reflect on the past year, we would like to extend our gratitude to our esteemed Board of Directors, including our departing members. It is with a mix of sadness and appreciation that we bid farewell to Julia Pelton and Sara Seck, whose six-year terms on the Board have come to a close. Both Julia and Sara have demonstrated their commitment to ECEL as active Board members and supporters, serving in key roles that have included Board Chair and Chair of the Governance and Nominations Committee, respectively. As it happens, this message is being crafted on International Women's Day, so we would like to take a moment to celebrate Julia, Sara, and all of the women who have supported and served this organization over the past 16 years.

In 2023, ECEL achieved two significant internal milestones. Firstly, we successfully launched a new website aimed at better profiling our work and improving access to the wealth of public materials we have developed. Secondly, we established a Future Planning Committee tasked with developing a practical plan for the organization's growth over the next 3, 5, and 10 years, aimed at extending our services throughout Atlantic Canada.

Our dedicated staff lawyers played a pivotal role in advancing our mission in 2023. With a focus on environmental impact assessment and the renewable energy transition, our team led the charge in understanding the complexities of the regulatory environment surrounding offshore wind energy development in Newfoundland and Labrador and Nova Scotia. Through collaboration with partners such as the Ecology Action Centre, we have advocated for a sustainable energy system characterized by transparent and participatory regulation.

For the first time, ECEL took on the representation of a client in an administrative proceeding. This milestone underscores our commitment to providing diverse and enhanced support throughout the Atlantic region.

Our student mentorship program continued to thrive, with our staff mentoring a diverse group of students from various institutions and programs. We are immensely grateful for the volunteer support of our student Board members, and we extend our best wishes to our outgoing Board member, Jacob Melnyk.



Erin Burbidge
Chair of the Board



Lisa Mitchell
Executive Director

As a charitable organization, ECEL relies heavily on the generous support of foundations, institutions, and individuals who share our commitment to environmental advocacy. We have worked diligently to build relationships across all four Atlantic provinces, ensuring that we can effectively serve the environment throughout the region.



About East Coast Environmental Law

East Coast Environmental Law is a regional charity that provides public-interest environmental law services throughout Atlantic Canada.

Our Vision and Mission

We envision a future in which laws and legal systems protect ecological health and promote environmental and climate justice in our region. To that end, we advocate for progressive environmental law and policy, provide public legal education, and share our legal skills to support others who are working to prevent or redress environmental harms.

Advocating for Progressive Environmental Law and Policy

Coastal Protection for Nova Scotia

Throughout the year, we continued to work with the Ecology Action Centre to urge the Government of Nova Scotia to make regulations under the *Coastal Protection Act* and proclaim the Act in force. Through meetings with government staff, media engagement, and communications about the pressing legal need, we worked to make it clear that strong coastal protection laws are critical to protecting coastal communities and ecosystems from the impacts of coastal erosion, sea level rise, and storm surges worsened by climate change.

Sustainability-based Environmental Assessment in Nova Scotia

In August, the Government of Nova Scotia launched a public consultation on the “modernization” of the provincial environmental assessment regime. Working in partnership with the Ecology Action Centre, we urged the government to implement a “next-generation”, sustainability-based environmental assessment regime. To support our joint engagement on the issue, we prepared a report entitled *Moving Towards Next-generation Environmental Assessment in Nova Scotia*, which drew on scholarship from leading academics across Canada to envision progressive changes to the provincial regime.

Sustainability-based Regulation of Renewable Energy Projects in Offshore Newfoundland and Labrador and Offshore Nova Scotia

Throughout the year, we engaged with several initiatives that will soon come together to create regulatory regimes for the planning and assessment of renewable energy projects in offshore Newfoundland and Labrador and offshore Nova Scotia.

Two of those initiatives are regional assessments that are being conducted under Canada’s *Impact Assessment Act*: the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and the Regional Assessment of Offshore Wind Development in Nova Scotia (together, the “Offshore Wind RAs”). The Offshore Wind RAs are intended to conduct high-level assessments of the potential environmental and socioeconomic impacts of introducing offshore wind developments within the study areas. The assessments are being informed by constraints



analyses, marine spatial planning data, research on the impacts of offshore wind developments in other jurisdictions, and information gathered from participants within our region, including wind energy and fisheries stakeholders. We have been participating actively in the Offshore Wind RAs since they began, contributing legal analysis and advocating for robust and meaningful processes.

Two other initiatives that are underway are processes to amend two pairs of mirrored federal-provincial statutes that currently govern petroleum resource activities in offshore Newfoundland and Labrador and offshore Nova Scotia. The Government of Canada, Government of Newfoundland and Labrador, and Government of Nova Scotia intend to amend those statutes to introduce entirely new regimes for the joint federal-provincial regulation of offshore renewable energy projects. In May, the Government of Canada tabled a bill to amend the federal statutes: Bill C-49. In the autumn, the Bill was debated in the House of Commons and was then given to the House’s Standing Committee on Natural Resources for more detailed study. In preparation for the Committee’s study of the Bill, we worked throughout the autumn to review and consider its contents, identify its strengths and weaknesses, and formulate the opinions we planned to share when the Committee invited submissions from the public.

In our participation in the Offshore Wind RAs and our engagement on Bill C-49, we have been advocating consistently for sustainability-based regulation in the offshore. Our perspective on what sustainability-based regulation requires in this context took shape through considerable research and analysis in 2023, including the work we did to produce the following three reports: *Comparative Jurisdictional Research Report on the Assessment and Regulation of Offshore Wind Development*; *Joint Federal-Provincial Regulation of Marine Wind Energy Development in Offshore Nova Scotia*; and, *Provincial Regulation of Marine Wind Energy Developments in “Nova Scotia Waters”*.

Providing Public Legal Education on Environmental Law

A New Website and Improved Resource Library

In November, we launched a new website with a cleaner look and more accessible layout, including an improved [Resource Library](#) to house our growing body of public legal education resources.

Within the Resource Library, users can find case briefs, research reports, guides, our signature Summary Series, speaking notes and submissions, and backgrounders on various environmental law issues that are relevant to Atlantic Canada. Some of the notable 2023 additions to the library that have not been mentioned already in this Annual Report include:

- [*East Coast Environmental Law Association Report on Aquaculture Regulation in Nova Scotia: Focus on Transparency and Public Participation*](#);
- [*Restorative Justice & Environmental Law: An introduction to using a restorative approach to address environmental harms in Nova Scotia*](#);
- [*Droit de l'environnement relatif à la zone côtière : Nouveau-Brunswick*](#); and,
- [*Environmental Law for the Coast: Nova Scotia*](#).

Our sincere thanks go out to Ryan Oxner of Oxner Creative, who designed the new website, and Jesse Williams of Line73, who managed our previous website and provided crucial support throughout the transition.

Collaborative Work on a Guide to Federal Impact Assessments

ECEL is a member of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network. Throughout the year, we worked with other Caucus members to develop the contents of a guide to federal impact assessments under Canada's *Impact Assessment Act*. In October, an opinion issued by the Supreme Court of Canada held that significant portions of the *Impact Assessment Act* are unconstitutional, and the Government of Canada responded by stating that it would amend the Act to correct the problems found by the Court. Our work to create an accessible guide to the impact assessment process was put on pause as a result, but we look forward to returning to it in 2024 once the *Impact Assessment Act* is amended.

Preparing for a New Summary Series Volume and Workshop on Coastal Law and Policy in Prince Edward Island

Coastal developments and coastal protection laws were hot topics in Prince Edward Island in 2023, with controversial developments garnering attention and inspiring public outcry. In the autumn, East Coast Environmental Law secured funding from the Law Foundation of Prince Edward Island that will support our work in 2024 to develop a new Summary Series volume and community workshop on coastal law and policy on the Island.

Written Resources and a Workshop on Environmental Law in New Brunswick

In the summer and autumn, we published English and [French](#) versions of a substantial new [*Guide to Environmental Law in New Brunswick*](#). In November, we held a workshop in Moncton to introduce the Guide and spotlight timely topics in environmental law, focusing in particular on recent developments in laws to protect biodiversity and species at risk and laws to mitigate climate change by accelerating the transition to clean and renewable fuels.



Sharing Our Legal Skills to Support Others Working to Prevent or Redress Environmental Harms

Environmental Law Inquiry Service

Our Environmental Law Inquiry Service is a unique resource that members of the public throughout Atlantic Canada can access at no cost. Through it, we help individuals, community groups, and organizations navigate environmental law problems. We are committed to providing general legal information in response to all inquiries that fall within our mandate, and sometimes we are able to go further and provide tailored legal opinion and advice.

In 2023, our staff lawyers responded to roughly 30 inquiries that spanned all four Atlantic Canadian provinces and addressed a range of questions and issues. Some of the most noticeable recurring themes included questions about laws to protect beaches, coasts, and wetlands, laws protecting residents from impaired air quality, and laws governing land-use planning and development.

The time it takes to prepare an inquiry response varies depending on the nature of the questions asked. Some inquiries require a few hours of staff time; many require one or more days' worth of research, analysis, and writing. Core funding from the Law Foundation of Nova Scotia supports our work on Nova Scotian inquiries, and, in 2023, funding from the New Brunswick Law Foundation supported our work on New Brunswick inquiries. Additional core funding from philanthropic foundations and private donors supports our work on inquiries from Newfoundland and Labrador and Prince Edward Island.

The End of the Restorative Justice Process in Harrietsfield

For many years, ECEL has been supporting the community of Harrietsfield, Nova Scotia in its efforts to draw attention to and resolve problems stemming from industrial contamination in the community. In 2021, the prosecution of a company that had been held by Nova Scotia's Department of Environment and Climate Change as being partly responsible for the contamination was referred to Nova Scotia's Restorative Justice Program. We provided support to participating Harrietsfield community members throughout the restorative justice process until its conclusion in the late summer of 2023.

Exciting Steps Forward and A Significant Victory

Branching into Representation in Administrative Proceedings

In the autumn, ECEL took an exciting step forward in our public-interest environmental law practice. For the first time, the organization stepped into the role of legal counsel for a client in an administrative proceeding.

The proceeding was a hearing by New Brunswick's Energy and Utilities Board, reviewing a "cost of carbon adjustor" mechanism that the Board had adopted in connection with the provincial impacts of Canada's *Clean Fuel Regulations*. The client was one of our longstanding project partners, the Conservation Council of New Brunswick ("CCNB"), which sought to participate as an intervener in the proceeding.

In the autumn, ECEL worked with the CCNB to prepare the application to intervene, which was successful, and, together, our two organizations prepared for the hearing itself, which was held in January 2024.

Representing a client in a proceeding of this kind is something that we have been wanting to do for some time. Proceedings before regulatory bodies like the Energy and Utilities Board have a big impact that often goes unnoticed in our day-to-day lives. We hope that as our organization continues to grow, we will have further opportunities to advocate for progressive, sustainable decision-making in such spheres.

Securing the Ministerial Set-aside of an Offshore Petroleum Exploration Licence

ECEL, in partnership with the Ecology Action Centre, Sierra Club, and Oceana, effectively halted a disastrous decision by the Canada-Nova Scotia Offshore Petroleum Board. This decision would have granted Inceptio Limited a petroleum exploration licence near environmentally-sensitive areas like Sable Island and the Gully Marine Protected Area. Understanding the difficulty of swaying both the federal government and the Government of Nova Scotia, ECEL secured government relations support with funding from the Public Voice Fund. The collective advocacy was successful, and the federal and provincial governments jointly announced their veto of the licencing decision on December 4, 2023.

The East Coast Environmental Law Team

Without our hard-working and dedicated staff, committed Board members, active students and volunteers, and generous supporters, our work would not be possible. We are so grateful to all of these members of the ECEL community.

Board of Directors

Erin Burbidge (Chair)	Paul Foley
Tricia Barry (Vice-Chair)	Nick Knutson
Chris Ortenburger (Secretary)	Dana Lipnicki
Dawn Madic (Treasurer)	Jacob Melnyk
Julia Pelton (Past Chair)	Sherry Pictou
Mark Butler	Sara Seck
Charlotte Cahill	Ian Stewart
Erin Dobbelsteyn	

Staff

Lisa Mitchell, Executive Director
Mike Kofahl, Staff Lawyer
Kostantina (Tina) Northrup, Staff Lawyer

Students

John Alho	Cat MacKinnon
Charlotte Cahill	Luke McGowan
Peyton Ayr Carmichael	Rylee Lauren McLean
Noah Davis	Emma Pandy-Szekeres
Samuel Eisner	Andrew Seviour
Jonathon Frontain	Kieran Simpson
Moriah Greenshaw	Josie Slaughter
Jamie Irvine	Katie Smith-Fernandez
Kait MacLean	

East Coast Environmental Law is committed to law-student mentorship and training. Each year, the law students who work and volunteer with us get valuable exposure to the practice of public-interest environmental law, along with opportunities to hone their skills in legal research and writing. We hope that their time with us demonstrates the value of community-focused legal practice that strives to make positive change.

Supporters and Partners

East Coast Environmental Law receives in-kind and financial support from public and private foundations and institutions, as well as from individual private donors. Funded projects developed in partnership with other environmental non-governmental organizations also sustain our practice. Our work would not be possible without these generous supporters and valued partners.

Our long-term sustaining supporters include:

ECHO Foundation
Law Foundation of Nova Scotia
Marine and Environmental Law Institute, Schulich School of Law, Dalhousie University
Susan & Graham Smith Foundation

Additional project funding in 2023 was provided by:

Catherine Donnelly Foundation
Canadian Environmental Network Environmental Planning and Assessment Caucus
Conservation Council of New Brunswick
Ecology Action Centre
New Brunswick Law Foundation
Public Voice Fund
Schulich Academic Excellence Fund for Internships
Transition Accelerator
World Wildlife Fund

Government funding programs that supported summer student work and our participation in environmental impact and regional assessment processes were:

Canada Summer Jobs Program
Impact Assessment Agency of Canada Participant Funding Program

**East Coast Environmental Law Association
Unaudited Statement of Financial Position
As at December 31, 2023**

	December, 2023 \$	December 31, 2022 \$
ASSETS		
Current Assets		
Unrestricted Cash	286,888	218,562
Restricted Cash	50,000	49,462
Investments	-	441
HST Receivable	821	-
Accounts Receivable	-	52,306
	337,709	320,771
TOTAL ASSETS	337,709	320,771
LIABILITIES		
Current Liabilities		
Accounts Payable & Accrued Liabilities	18,434	22,340
Deferrals	29,166	34,496
	47,600	56,836
TOTAL LIABILITIES	47,600	56,836
NET ASSETS		
Unrestricted Net Assets	228,347	211,628
Internally Restricted Net Assets	61,762	52,308
	290,109	263,936
TOTAL NET ASSETS	290,109	263,936
TOTAL LIABILITIES AND NET ASSETS	337,709	320,771

**East Coast Environmental Law Association
Unaudited Statement of Operations & Changes in Net Assets
For the Month Ended December 31, 2023**

	2023 \$	2022 \$
REVENUE		
Direct Grants	126,750	143,147
Direct Projects	146,543	174,426
Government Grants	9,078	-
Direct Contributions	25,730	31,999
Other Revenue	-	8
	308,101	349,580
TOTAL REVENUE	308,101	349,580
EXPENSES		
Program	189,923	192,017
Administrative	94,861	70,936
Fundraising	13,599	11,286
	291,383	274,239
TOTAL EXPENSES	291,383	274,239
EXCESS/(DEFICIENCY) OF REVENUE OVER EXPENDITURE	16,719	75,341
UNRESTRICTED NET ASSETS - beginning of the year	211,628	136,287
UNRESTRICTED NET ASSETS - end of the year	228,347	211,628



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Our office is located in Kijipuktuk (Halifax), which is part of Mi'kma'ki: the unceded and unsundered territory of the Mi'kmaq. We do our work throughout Atlantic Canada, in the unceded and unsundered territories of Inuit, Innu, Mi'kmaq, Peskotomuhkati, and Wolastoqey.