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East Coast Environmental Law
Annual Report 2019

January 1 - December 31, 2019



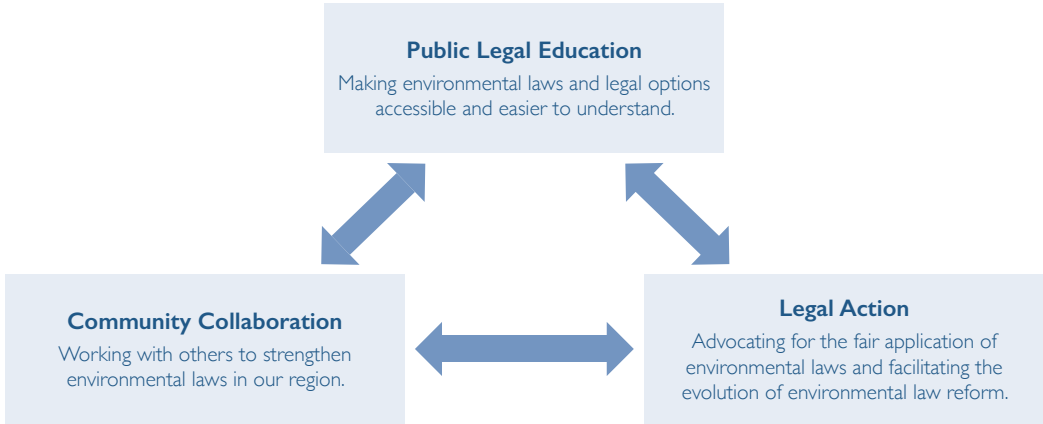
About East Coast Environmental Law

OUR VISION

East Coast Environmental Law envisions a future where innovative and effective environmental laws and the fair application of those laws provide Atlantic Canadians with a clean, healthy environment that enhances the quality of life of present and future inhabitants and visitors.

OUR MISSION

To achieve our vision, we take a dynamic, three-pillared approach that emphasizes public legal education, collaboration, and legal action.



OUR STORY

Following in the footsteps of similar charitable organizations in Ontario and British Columbia, East Coast Environmental Law was incorporated as a Nova Scotia Society in April 2007. Under the vision and direction of our first Board Chair, Meinhard Doelle, students, professors, legal practitioners, and members of the environmental community came together to form the first volunteer Board of Directors.

The hard work and dedication of the original Board saw East Coast Environmental Law become a registered charity in 2011. Since that time, the organization has gained credibility as an informed, responsible, and capable organization that meets an important need in the Atlantic region.

WHAT WE DO

Healthy communities need clean water, unpolluted air, uncontaminated land, and a viable climate, and those conditions require sound and effective environmental laws and policies. At East Coast Environmental Law, we believe that in order for our societies to create and foster good ecological governance and stewardship, communities and individuals must be able to understand, access, and contribute to environmental law and policy.

East Coast Environmental Law responds to community inquiries, carries out legal and policy research, develops educational resources, and creates opportunities to increase public awareness of environmental laws throughout Atlantic Canada. We build capacity in the public and amongst legal practitioners so that we can work together to ensure that environmental laws are effectively used and strengthened.

Through our Environmental Law Inquiry Service, Online Information Library, community workshops, and wide-ranging legal research, our work touches on a broad spectrum of environmental topics.

Some of these include:

- marine and coastal areas;
- fisheries and aquaculture;
- forestry;
- endangered species and species at risk;
- protected places;
- resource extraction;
- environmental impact assessment;
- climate change; and
- Aboriginal and Indigenous law in environmental contexts.

We are working to build relationships with Indigenous environmental organizations and community groups throughout Atlantic Canada, and we support the revitalization of Indigenous legal approaches to ecological governance and stewardship.

HOW WE DO IT

We **provide** free legal information through our Environmental Law Inquiry Service, educational resources, and Online Information Library.

We **add** legal capacity to public interest organizations and community groups by helping them navigate complicated environmental law issues.

We **collaborate** with dedicated environmental and social justice organizations throughout the Atlantic region to carry out innovative research, host timely environmental law workshops and events, and organize collectively to take action for environmental and climate justice.

We **mentor** keen law students through summer employment opportunities and partnerships with the Pro Bono Dalhousie program, the Schulich School of Law, and law faculties at other universities. By working or volunteering with us, students get rare opportunities to contribute to the practice of public interest environmental law, and they learn the value of using legal knowledge and research skills to help communities in need and shift public policy.

We **partner** with private bar and non-profit lawyers to bring forward challenging and important cases and improve access to justice.

We **challenge** and work with government departments and policymakers and actively participate in the creation and evolution of environmental law in Canada.

OUR FUTURE PLANS

East Coast Environmental Law conducts a Strategic Planning Session every three years. In September 2018, Board members and staff came together to imagine our trajectory for the 2019-2021 period. We have just completed the first year of our current three-year plan and are currently working to meet a number of priority areas, including increasing staff capacity, developing more active Board committees, establishing formal internal policies, and enhancing partnerships.

We look forward to hiring a second full-time staff lawyer in 2020, increasing our Board membership, and actively pursuing enhanced office space.

“I am a member of three different community based volunteer organizations working to protect and enhance the health of our East Coast environment. Our concerns range from protecting our forests to protecting the health of our oceans. Amongst all of their other varied commitments, East Coast Environmental Law has been, and continues to be, a critically important resource for these three groups. We rely on their legal advice and direction and we could not be more thankful for the critically important role that they play in advancing our work.”

- John Davis

*Director, Clean Ocean Action Committee;
Co-Chair, Offshore Alliance;
Member, Shelburne County Forestry Group*

Messages From

The Chair of the Board, Brian J. Hebert



We Need You!

East Coast Environmental Law has had a very busy year. The highlights for me personally were Nova Scotia Environment's consecutive decisions to refuse to give Northern Pulp Nova Scotia Corporation an environmental green light for the new effluent treatment facility that the company has proposed to build—an effluent treatment facility that would include a pipeline to carry effluent from the company's pulp mill at Abercrombie Point, Nova Scotia, directly into the Northumberland Strait. In March 2019, after reviewing the environmental assessment registration document that the company had filed, Nova Scotia Environment chose to require a focus report rather than approve the project as it had been proposed. Northern Pulp filed a focus report in October 2019, but it too received a failing grade, and in

December the company was ordered to file a full environmental assessment report within two years.

East Coast Environmental Law was part of a collaboration of environmental lawyers representing diverse clients who had serious concerns about the proposed effluent treatment facility and the discharge of pulp wastewater into the Northumberland Strait. The environmental reports filed by Northern Pulp as part of its focus report were carefully reviewed, and a consensus emerged between the various experts involved: the environmental assessment conducted by Northern Pulp had many holes—some large enough for a right whale to swim through. Thousands of submissions poured in from the public, including one that we helped to prepare. The response was so overwhelming that in the end Nova Scotia Environment's decision to require a full environmental assessment report seemed like a no-brainer.

That decision meant more than just a construction delay. Northern Pulp had rushed the focus report and filed it months ahead of deadline hoping to gain environmental approval for its proposed project, even if that approval had to be subject to numerous conditions. What the company wanted most was even a tenuous environmental approval that would give the Province of Nova Scotia reason to walk back from the deadline that Nova Scotia's *Boat Harbour Act* had imposed for the existing Boat Harbour Effluent Treatment Facility, which, under the law as it stood, could not be used after January 31, 2020. Northern Pulp fell short of its goal. On December 20, 2019, Nova Scotia Premier Stephen McNeil announced that the Province would not change the legislated deadline. As a result, on January 10, 2020, production of pulp at the Abercrombie Point mill ceased, thereby ending over five decades of environmental racism in Nova Scotia resulting from the disproportional adverse impacts of the treatment facility on nearby Pictou Landing First Nation over those years.

Premier McNeil's decision to honour environmental legislation for the benefit of a small Indigenous community at the immediate expense of 340 full-time direct jobs and another thousand or more indirect jobs in rural Nova Scotia marks a watershed moment in the Province's history. It speaks volumes to the importance and urgency of protecting the environment today. The decision was not an easy one for the Premier, and not everyone is happy about it. But it was the right decision at this moment in human history.

I am proud to be part of an organization that helped make that happen: an organization that continually advocates for effective environmental laws and their enforcement in Atlantic Canada; an organization that supports communities in their search for environmental justice. Thank you to each and every one of you who helped over the past year—staff, volunteers, Board members, donors, students, and clients. Together, you—we—are East Coast Environmental Law.

There is still much work for us to do. Recently I was disappointed by the rejection of a Canadian Bar Association AGM resolution that would have defined "climate justice" and demanded action on the part of both governments and individual lawyers to ensure climate justice for all Canadians. This shows that many lawyers do not yet understand the urgency of human-caused global warming. And it's not just global warming—oceanic dead zones, mass extinctions, plastic pollution, and the assault on Indigenous cultures are all warning signs of a planet in peril.

For East Coast Environmental Law, that means there can be no slowing down for the upcoming year. There is a lot of work to be done. We are literally in a battle for the planet. We need stronger environmental laws. We need stricter enforcement of environmental laws. We need greater understanding and access to environmental justice. We need you.

Brian J. Hebert
Chair of the Board

Executive Director & Senior Lawyer, Lisa Mitchell



It was in 1990—three whole decades ago—when the Intergovernmental Panel on Climate Change (“IPCC”) released its first report and identified the threat of global climate change and the need for international cooperation to prevent it. Since then, the IPCC has continued to study the problem and has released five Assessment Reports, never wavering from its initial assessment but consistently finding even more reasons for timely preventative action.

There is no meaningful scientific dispute: climate change is real, and our human activities have created—and are continuously exacerbating—the threat we are facing today.

Disputes remain, however, in our political spheres and within and across communities nationwide. Misinformation and political rhetoric are rife, and it is often difficult for individuals to hear much above the clamour of a political battleground that is dominated by sound bites.

Over the past several months, it seems that Canadians have been living in an increasingly polarized political landscape. As I write this message, diverse communities throughout the country are contending with a melee of breaking news stories that are foregrounding significant divides within and across Canada. In this week alone, anti-pipeline and Indigenous rights solidarity protests continue across the country; in response to such protests, corporations continue to seek, and courts continue to grant, injunctions; police have arrested protesters and dismantled barricades; the federal government’s response to railway barricades has been blamed for fossil fuel corporations’ unwillingness to invest in Canada; and Alberta’s highest court has declared that the federal carbon tax is unconstitutional.

We are living in a time when considerate, respectful, and well-informed dialogue is absolutely crucial. As a public interest environmental law charity, East Coast Environmental Law bears a responsibility to help individuals, groups, communities, and governments move towards sound laws and policies that recognize our environmental and climate realities and offer real solutions.

This Annual Report tells the story of how we worked in 2019 to use our core pillars—education, collaboration, and action—to improve environmental laws, enhance community capacities, and make relevant and reliable legal information accessible throughout Atlantic Canada. From environmental impact assessments to biodiversity to coastal protection, sustainable development goals, Indigenous rights, water contamination, resource extraction regulations, and more, the East Coast Environmental Law team has worked to address the issues that will shape our collective future.

Healthy human communities depend on healthy ecosystems, and preserving a livable world is in all of our best interests. It is my hope that in the decade to come, dialogue and collaboration will foster mutual understandings and common ground where divisions and cross-purposes exist today.

Whatever the outcome of our efforts, I know that East Coast Environmental Law will continue to cultivate such growth to the best of our abilities.

Lisa Mitchell
Executive Director & Senior Lawyer

Staff Lawyer, Mike Kofahl



If I told you that East Coast Environmental Law’s footprint was growing, you might conclude that was a bad thing. However, I am not referring to our carbon footprint, but, rather, the growing impact we are having in the Atlantic region.

East Coast Environmental Law’s 2019-2021 three-year strategy includes an emphasis on enhancing our presence in Newfoundland and Labrador; New Brunswick, and Prince Edward Island, and, so far, we have made our presence felt.

Since the autumn of 2018, I have been engaged on the Newfoundland and Labrador Regional Assessment of offshore exploratory oil and gas, including a meeting with the assessment committee in St. John’s, Newfoundland. During the process, we have collaborated with a number of organizations representing the entire Atlantic region in advocating for stronger environmental protections in the marine space.

In October 2019, I also had the opportunity to present at our environmental assessment workshop in St. John’s, where we welcomed interested and engaged members of the public to learn more about the provincial and federal environmental assessment processes.

Meanwhile, we have continued to build relationships in New Brunswick. In the spring, I travelled to Moncton to participate in community-led discussions around climate action, and I also travelled to Fredericton to participate in ongoing work by the Conservation Council of New Brunswick on their draft Environmental Bill of Rights.

Beyond our work, I have also been fielding an increasing number of communications and calls from law students, the public, and lawyers from across the Atlantic region on how they can get involved with East Coast Environmental Law’s work—interest has come from as far away as Ontario. Talk about reach!

Additionally, we are now welcoming our first member from beautiful Newfoundland and Labrador onto East Coast Environmental Law’s Board.

As East Coast Environmental Law’s influence and reach continue to grow and our work touches more people throughout the Atlantic region (and beyond), I am continually impressed by the dedication of our funders, supporters, colleagues, and Board to ensuring that we are provided with the tools and support to continue to expand our reach. Without you, our work would not be possible, so thank you.

Mike Kofahl
Staff Lawyer

Articled Clerk, Tina Northrup



One of my favourite songs is Dolly Parton's "9 to 5"—a classic country-music commentary on some of the challenges that women face when they enter into white collar professions dominated by men (as the legal profession still is). I often have the chorus on my mind as I put myself together and head into the office each morning, but the truth is that the song doesn't actually speak to my experience as a member of the East Coast Environmental Law team.

Unlike the woman in "9 to 5", whose ambitions and dreams go unnoticed by her employer, and who risks spending her life working to put money in his pocket, I have the enormous privilege of knowing that every day I spend working at East Coast Environmental Law is a day I spend doing my dream job.

I knew a little bit about the East Coast Environmental Law Association before I started law school: I had seen that its members had done some work around environmental rights and environmental racism in Nova Scotia, and since those were issues I really cared about, I was interested to learn more about the organization and, if possible, get involved with its work in some way. At the time, I had no idea if future employment with the organization could be possible, but I figured that some kind of affiliation would be on the table, and that expectation was one of the reasons why I chose to study law in Halifax, where the organization is based.

I started working with East Coast Environmental Law as a volunteer during my first year of law school. In the summer after my first year, I worked for the organization as a summer intern funded through a bursary program offered by the Schulich School of Law, and I also came on as the organization's Office Manager—a position that I maintained throughout the rest of my legal studies. By the time I was ready to graduate from law school and embark on the next stage of my learning as an Articled Clerk, there was no question that East Coast Environmental Law was where I wanted to be.

East Coast Environmental Law has changed and grown significantly in the short time since I started law school. The organization's capacity to offer an articled clerkship is new: just two years ago, our Staff Lawyer, Mike Kofahl, was the organization's first-ever Articled Clerk. This opportunity wouldn't exist if our Executive Director and Board Chair hadn't collaborated and given generously of their time and resources to create a unique educational opportunity for recent law school graduates. By making an articled clerkship possible, they brought us one step closer to realizing a vision of East Coast Environmental Law training and employing fledgling lawyers who are eager to serve Atlantic Canadian communities by practicing public-interest, not-for-profit environmental law.

The opportunities to do the work we do are rare, and I feel so grateful to be where I am today. For many students at the Schulich School of Law and the other law schools with which we sometimes partner, working or volunteering with East Coast Environmental Law will be their only opportunity to contribute to an environmental law practice that serves communities, not corporations. Today, there are few lawyers in Atlantic Canada who have the privilege to serve communities in the ways we do, but if we continue to nurture East Coast Environmental Law's evolution and growth, we can produce some more.

Tina Northrup
Articled Clerk

"At the Ecology Action Centre, we're frequently in need of East Coast Environmental Law's expertise to help us protect biodiversity in Nova Scotia. Mike and Lisa have this amazing ability to take extremely complex legal issues, often straddling jurisdictions, and lay out highly considered solutions in clear and simple terms. [We consider ourselves lucky to work with them!]"

-Simon Ryder-Burbidge

Marine Conservation Officer, Ecology Action Centre



Our Team

Board of Directors

Craig Beare, CPA, MPPA, BSc (Env.), is a Senior Auditor with Innovation Science and Economic Development Canada, Ottawa.

Michael Boyd, BA (Justice Studies) is a second-year law student at the Schulich School of Law, Dalhousie University, Halifax.

Erin Burbidge, LLB, MREM, is a Director at Clean Nova Scotia, Halifax.

Nicole Cameron, BA (Int. Dev. and Poli. Sci.), is working for United Way, Halifax.

Rosalie Francis, MA, JD, is a lawyer and owner of RFrancis Law, Sipekne'katik.

Brian Hebert, LLB (Chair), is a partner at McKiggan Hebert Lawyers, Halifax.

Heather Hill, BA (Hons), LLB, is a faculty member in the Kingstec School of Business at the Nova Scotia Community College, Kentville.

Lil MacPherson is the President and Founder of Wooden Monkey Restaurants, Halifax.

Dawn Madic, CPA, CMA (Treasurer), is the Director of Finance and Administration, Ancillary Services with Dalhousie University, Halifax.

Bakes Mitchell, LLB, is Business Development and Partnerships Manager for Lions Roar, Halifax.

Chelsea Packman, BSc (Env. Sci.) is a third-year law student at the Schulich School of Law, Dalhousie University, Halifax.

Julia Pelton, MBA, BSc, is the Project Manager at Modest Tree, Halifax.

Mathieu Poirier, BAsC (Engineering), JD, MBA (Secretary), is a consultant at Dunsky Energy Consulting, Toronto.

Phillip Saunders, QC (Vice Chair), is a Professor at the Schulich School of Law and Director of the Marine and Environmental Law Institute, Halifax.

Sara Seck, BMus, MMus, LLB, PhD, is an Associate Professor at the Schulich School of Law and is affiliated with the Marine and Environmental Law Institute, Halifax.

Ashley Wilson, BA, JD, is a recent graduate of the Schulich School of Law, Dalhousie University, Halifax (Ashley's term ended in August 2019).



Photo: Mike Kofahl

Staff

Lisa Mitchell, BA, LLB, MES, Executive Director & Senior Lawyer

Mike Kofahl, BA (Hons History), MA, JD, Staff Lawyer

Tina Northrup, BA (Hons English), MA, PhD, JD, Articled Clerk

Taylor Alexandra Milne, BA (Int. Dev. and Sustainability), Communications and Office Manager

In May 2019, we said goodbye to our previous Articled Clerk, Payton Tench, who is now with the federal Department of Justice, and in June 2019 we welcomed our new Articled Clerk, Tina Northrup.

Summer Students

Krystal-Anne Barber, University of Ottawa Placement

Michael Boyd, Schulich Academic Excellence Fund for Internships; UN Green Spaces Program

Ian MacKinnon, Boyne Clarke Summer Program for Law Students

Anna Uhrich, Canada Summer Jobs Program

“I am so grateful for the chance to have worked with East Coast Environmental Law in my time as a law student. The opportunity to contribute something to my community and to collaborate with others in this effort has been an extremely valuable part of my education.”

- Kate Meagher

Third-year law student at the Schulich School of Law

Some Things We Felt Compelled to Act on in 2019

Contractual Support

Catherine Cook, Graphic Designer
Dean McNeill, Website Design
Linda Pannozzo, Author
Jesse Williams, Website Management

Volunteers

Along with our committed volunteer **Board of Directors**, East Coast Environmental Law benefits from the valuable support of many students and community members.

The **Pro Bono Dalhousie** program offers volunteer opportunities to students at the Schulich School of Law. Through the program, students develop their lawyering skills by working with supervising lawyers on projects that connect with and serve local communities. The Pro Bono Dalhousie students working with East Coast Environmental Law as of September 2019 are:

Chelsea Barkhouse	Aaron Koch
Michael Boyd	Kate Meagher
Ben Foster	Hannah Mirsky
Jake Harris	Riley Sun
Courtney Jukes	Dan White

Students we supervise through the **Environmental Law Placement Course** at the Schulich School of Law also provide valuable research support. In 2019, our placement students were Ian MacKinnon, Ksenia Orehova, and Neil Robertson.

We would like to extend a special thank-you to Danielle Sharpe, who shared her fundraising experience and expertise with East Coast Environmental Law in 2019.

Thank you to our talented community of students and volunteers who dedicated their time and energy to East Coast Environmental Law in 2019.

New Laws that Caught Our Attention

In 2019, East Coast Environmental Law engaged actively with government and the public on new provincial and federal environmental laws, including: Nova Scotia's **Biodiversity Act**, **Coastal Protection Act** and **Environmental Goals and Sustainable Prosperity Act** (now the **Sustainable Development Goals Act**); Prince Edward Island's **Water Withdrawal Regulations**; and, the federal **Impact Assessment Act**, the federal **Fisheries Act**, and the proposed federal **Aquaculture Act**. Each of these laws has an important role to play in enhancing environmental protection and addressing important issues of concern. Each of these proposed or passed laws will continue to require our attention through 2020, as some did not complete the legislative process and others will require regulations.

A Proposed Regulation that Really Has Us Concerned

On February 25, 2019, Environment and Climate Change Canada issued a Notice of Intent for **new regulations** that it proposes to make under subsection 36(5) of the federal **Fisheries Act**. The proposed Alton Natural Gas Storage Cavern Development Activities Regulations will authorize and regulate the deposit of salt brine into Nova Scotia's **Shubenacadie River**—an activity that the corporation Alton Natural Gas Storage LP has proposed as part of its controversial plan to flush out underground salt deposits and create underground storage caverns for natural gas.

Environment and Climate Change Canada's proposed regulations would allow salt brine, which is a "deleterious substance" under the **Fisheries Act**, to be released into waters frequented by fish—an activity that is typically prohibited by the **Fisheries Act** and that can only be authorized through specific regulations made by government. If they are created, these regulations will be the first regulations under section 36(5) of the **Fisheries Act** that are entirely company-specific.

Press Release

K'JIPUKTUK / HALIFAX — May 21, 2019: The Ecology Action Centre and East Coast Environmental Law are raising concerns about Environment and Climate Change Canada's plan to create regulations that will authorize Alton Natural Gas to release salt brine into the Sipekne'katik (Shubenacadie) River. The two organizations are urging Environment and Climate Change Canada to incorporate more meaningful opportunities for public engagement in this exceptional law-making process.



Why “Fish Farms” on the East Coast but Not the West Coast?

Working closely with the Ecology Action Centre, and in collaboration with non-governmental organizations on the east and west coasts of Canada, we submitted comments on the **proposed federal Aquaculture Act**. There continue to be many outstanding questions for coastal communities about the regulation of aquaculture and the commitment of the federal government to **remove open-net finfish aquaculture from the west coast but not the east coast**. This is a complicated and multi-faceted issue that requires a collaborative approach. East Coast Environmental Law is engaged on many fronts to **enhance understanding** of the legal issues involved and **challenge decisions** that are not in the best interests of coastal communities or the environment.

From the 2019 Liberal Party Platform: “To keep Canada’s oceans healthy, we will move forward with more investments in marine science and fighting invasive species, and will work with coastal communities, Indigenous communities, and others to better protect fish stocks and marine habitats from changes resulting from climate change. This will include introducing Canada’s first-ever Aquaculture Act. In British Columbia, we will work with the province to develop a responsible plan to transition from open net pen salmon farming in coastal waters to closed containment systems by 2025.”

An “Atlantic Gold” Rush in Nova Scotia

Atlantic Mining NS Corp., commonly known as “Atlantic Gold”, is a corporation that currently operates one gold mine in Nova Scotia and has **three proposed open-pit gold mines** undergoing environmental assessment today. Communities in Nova Scotia are concerned about the potential health, social, economic, and environmental impacts of a Nova Scotian gold rush. At East Coast Environmental Law, we believe that **project proponents and government decision-makers have a responsibility to ensure that members of the public are given timely opportunities to engage in genuine discussion about proposed projects that may adversely affect their livelihoods, communities, and environments**. In 2019 we provided (and we will continue to provide) legal support to groups and individuals who wish to have their voices heard, including the St. Mary’s River Association, Sustainable Northern Nova Scotia, the Eastern Shore Forest Watch, the Ecology Action Centre, and the Nova Scotia Nature Trust—all of which have publicly expressed concern over the negative impacts the proposed gold mines could have on the environment and local communities.



Photo: Raymond Plourde, Ecology Action Centre

An Oil and Gas Boom for Newfoundland and Labrador

In February 2018, the Government of Newfoundland and Labrador released a document entitled *ADVANCE 2030: A Plan for Growth in the Newfoundland and Labrador Oil and Gas Industry*. ADVANCE 2030 articulated the provincial government’s **intent to double overall oil production in the province** to more than 650,000 barrels a day by 2030 and included a target of 100 new offshore exploration wells within the same timeframe.

Under Canada’s federal environmental assessment laws, **new offshore exploratory oil wells are subject to federal environmental impact assessments**. Shortly after the release of ADVANCE 2030, the Government of Canada launched a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador under the *Canadian Environmental Assessment Act, 2012*. The stated goal of this **first-ever Regional Assessment** is to improve “the efficiency of the environmental assessment process as it applies to oil and gas exploration drilling, while at the same time ensuring the highest standards of environmental protection continue to be applied and maintained.”

As an organization that **supports the public interest**, East Coast Environmental Law is concerned about the intention and timing of this process. The goal to facilitate quicker assessments for fossil fuel projects runs counter to the global energy shift that is clearly necessary if we are going to meet the latest recommendation of the Intergovernmental Panel on Climate Change, which calls for a 45% reduction of carbon emissions from 2010 levels by 2030 in order to prevent the worst consequences of global warming.

The Regional Assessment process began in the spring of 2019, and East Coast Environmental Law has been participating actively alongside a number of other environmental non-governmental organizations that are providing input into process. Our participation has included attending various meetings with the Regional Assessment Committee, including participation in Technical Advisory Group meetings in September 2019, a meeting with the Regional Assessment Committee and representatives of the federal Impact Assessment Agency in October 2019, and a stakeholder meeting in December 2019. Most recently, we made submissions on the Regional Assessment Committee's Draft Report on the Regional Assessment, and our work on this file will continue throughout the winter of 2020.

Shipping in Marine Protected Areas

Early in 2019, East Coast Environmental Law began a project in collaboration with the World Wildlife Fund and West Coast Environmental Law to examine the regulatory framework governing shipping in order to identify existing and potential legislative and policy tools that can be used to better prevent or mitigate the impacts of shipping on marine protected areas ("MPAs"). One of the project's objectives is to produce a report that will be part of a larger "decision-support toolkit" designed to be used by government, MPA practitioners, and industry.

In June 2019, we completed the first phase of the project by completing the regulatory report and presenting its findings, via webinar, to a number of environmental non-governmental organization staff and MPA practitioners. At the same time, we began the second phase of the project, which is focused on the creation of case studies to further explore the use of identified regulatory tools for protecting MPAs and provide guidance in using the toolkit. This work will continue throughout the winter of 2020.

Legal Action: Cases in Court

Nova Scotia's Minister of Lands and Forestry Needs to Comply with the *Endangered Species Act*

In 2019, we were excited to release an updated version of a report entitled *Protected on Paper Only: An Evaluation of Nova Scotia's Legal Obligations under the Endangered Species Act*. For the update, we focused on the Government of Nova Scotia's legal obligations to create management plans and recovery plans for the species that Nova Scotia's *Endangered Species Act* is designed to protect, along with the government's legal obligation to identify areas to be considered for designation as core habitats for those species. Unfortunately, our updated research found that **Nova Scotia's Department of Lands and Forestry continues to exhibit a pattern of failure with respect to its legal obligations** under the Act.

Shortly after the release of our updated report, we teamed up with our colleagues at Ecojustice Halifax to intervene in an application for judicial review that had been initiated by local naturalists hoping to hold Nova Scotia's Minister of Lands and Forestry accountable for the Department's failure to comply with the *Endangered Species Act*. The application was heard in the Nova Scotia Supreme Court on September 23, 2019, and we are awaiting the Court's decision.

Atlantic Gold and the Police Cannot Arrest and Detain Peaceful Members of the Public

SUPPORT FOR JOHN PERKINS

John Perkins attended a **public meeting** held by Atlantic Mining NS Corp. at the Sherbrooke Fire Hall on May 23, 2019. He asked some challenging questions in a polite and courteous way, but his participation in the meeting was otherwise uneventful. Mr. Perkins and several friends and acquaintances decided to stay for a second session that followed directly after the first. They were told that people who had attended the first session could stay for the second if there was enough room, and multiple empty seats in the Fire Hall made it clear that there was plenty. **Shortly before the first session began, a man who did not identify himself told Mr. Perkins and others that they had to leave.** When they indicated that they intended to stay, the man threatened to call the RCMP. Mr. Perkins and the others sat down for the second session, and a few minutes after it began, the unidentified man returned with an RCMP officer who told Mr. Perkins that he needed to leave the building. **When Mr. Perkins refused, he was forcibly arrested and taken to a nearby detachment,** where he was detained for roughly two hours.

Creating Opportunities for Public Legal Education and Student Mentorship

At East Coast Environmental Law, we believe it is critical that any person who wishes to participate in public engagement opportunities is able to do so in an atmosphere that is open, accessible, and safe. John Perkins was not given that opportunity. The violent and abhorrent treatment that he was subjected to on May 23, 2019 cannot go uncontested, which is why we are supporting him in his efforts to hold those responsible to account and to ensure that others will continue to participate in future public consultations.

Mr. Perkins is taking legal action against those who are responsible for his arrest and subsequent injuries, and he is being represented by Brian J. Hebert, Chair of our Board and partner at McKiggan Hebert Lawyers.

“Celebrating” Two Years of Court Adjournments with No Progress

HARRIETSFIELD’S BATTLE FOR SAFE DRINKING WATER

At East Coast Environmental Law, we continue to support the community of Harrietsfield, Nova Scotia in its fight for safe drinking water and the clean-up of a contaminated site near community members’ homes. Although the prosecution of the parties responsible continues to languish in the courts, with more than **15 adjournments** marking its delayed progress to date, our work with the community facilitated the completion of a **site assessment of the contaminated property** and a government commitment for **funds to begin site remediation**. We have also tried, but have had less luck in, convincing the Halifax Regional Municipality to provide the community with access to water infrastructure. The matter continues to be complicated and challenging, but we have seen more progress in this past year than in any other previous year.



“East Coast Environmental Law represents HOPE for Harrietsfield residents dealing with contaminated drinking water. I don’t know where I or my community would be without their dedication and hard work.”

- Marlene Brown
A strong and caring advocate for her community of Harrietsfield.

Our **Environmental Law Inquiry Service**, **Online Information Library**, and **student mentorship activities** are longstanding and core elements of our program. Through our free **Environmental Law Inquiry Service**, we provide legal information about specific legal issues upon request and may provide more extensive support or a lawyer referral when necessary. The provision of legal information often requires substantial legal research, which connects directly to opportunities for **student mentorship**. Our lawyers provide direct supervision to law students who volunteer or work with us through Pro Bono Dalhousie, placement courses, and internships.

While volunteering or working with us, students get opportunities to carry out research that addresses pragmatic questions raised by concerned residents of places throughout Atlantic Canada. Sometimes students are able to connect directly with clients and communities through this work. Additionally, many students learn valuable research skills by assisting with the ongoing maintenance and development of our **Online Information Library**. This free service is not provided by any other organization or institution in the region. The searchable database provides short summaries of environmental law cases from throughout Atlantic Canada. Library users can search for cases involving issues such as air quality, contaminated sites, toxic substances, waste management, and marine and coastal areas to learn more about the reasoning that Atlantic Canadian courts apply to disputes in these and other environmental law subject areas.

We believe that engaging with students and youth is one of the most important elements of our mandate. Many of the students who volunteer and work for us return and continue to stay involved in the work we do.

By the numbers in 2019:

- 1 Articled Clerk
- 3 Environmental Law Placement Course students (Schulich School of Law)
- 10 Pro Bono Dalhousie students
- 2 law student Board members
- 1 Osgoode Hall Environmental Justice and Sustainability Clinic student
- 1 University of Ottawa internship student
- 5 law students hired for project and summer work
- 40 high school students participating in our pilot “Youth to Youth” project

Sustainable Development Goals Symposium: In 2015, the United Nations adopted 17 Sustainable Development Goals (“SDGs”) as part of its 2030 Agenda for Sustainable Development. The SDGs are a universal call to action for everything from gender equality to climate action to zero hunger. Working with East Coast Environmental Law Board member and law professor, Sara Seck, we joined a national collaboration to deliver the first symposium on the role of the law in meeting the SDGs. This was an excellent educational and collaborative event and is one we hope to deliver again.



Our Supporters

East Coast Environmental Law receives ongoing in-kind and financial support from public and private foundations, institutions, and individual patrons. It is only through these generous contributions and the commitment of our many collaborators and volunteers that public interest environmental law is alive and well in Atlantic Canada.

Our **sustaining partners** include the **Law Foundation of Nova Scotia**, the **Marine and Environmental Law Institute** at the Schulich School of Law, **Graham and Susan Smith**, and the **ECHO Foundation**. The ongoing in-kind and financial support of these partners enables East Coast Environmental Law to meet our primary public interest objectives and to leverage funds to support specific project work.

In addition, in 2019 we received support from the Mud Creek Rotary Club, the Western Mining Action Network, the Catherine Donnelly Foundation, the Canada Summer Jobs program, and the UN Green Spaces program, as well as participant funding from the Government of Canada and collaborative support on specific projects from the Centre for International Sustainable Development Law, the Clean Annapolis River Project, the Ecology Action Centre, and the World Wildlife Fund.

We were also encouraged to receive generous donations from many individuals and through our Past Chair's Challenge.

Youth to Youth: Law and the Environment: In May 2019, we launched our “Youth to Youth: Law and the Environment” pilot project. The project brought law students and high school students together to engage in active and experiential learning about public interest environmental law. As we prepared to deliver the project, our staff and law student facilitators were galvanized by the growing momentum of the youth climate movement and the impressive initiatives being taken by high school students in Nova Scotia and around the globe.

Public Legal Education Workshops: Environmental impact assessment processes are the primary means by which communities, concerned citizens, and the public at large can have their voices heard and their expertise considered during the evaluation of large and resource-intensive projects. In 2019, communities in Atlantic Canada asked us to provide some clarity on the new federal *Impact Assessment Act* as well insight into various environmental impact assessment processes that were ongoing or on the horizon in Atlantic Canada, including the proposed Northern Pulp replacement effluent treatment facility, offshore oil and gas projects, and gold mining projects. We responded with **two interactive workshops** held, respectively, in **St. John's, Newfoundland**, in October and **Halifax, Nova Scotia**, in November. We have been continuing that work and will continue to follow up by engaging directly on the environmental impact assessments, creating and delivering Summary Series materials on the topic, and hosting a workshop in New Brunswick in 2020.

2019 Financial Statements

East Coast Environmental Law Association Unaudited Statement of Financial Position As at December 31, 2019	Dec. 31, 2019	Dec. 31, 2018
	\$	\$
ASSETS		
Current Assets		
Unrestricted Cash	79,944	107,341
Restricted Cash	(0)	5,331
Investments	50,206	50,206
Prepaid Wages	15,000	-
Accounts Receivable	12,463	6,226
	<u>157,613</u>	<u>169,104</u>
TOTAL ASSETS	<u>157,613</u>	<u>169,104</u>
LIABILITIES		
Current Liabilities		
Accounts Payable & Accrued Liabilities	17,171	19,539
Deferrals	22,831	22,831
TOTAL LIABILITIES	<u>40,002</u>	<u>42,370</u>
NET ASSETS		
Unrestricted Net Assets	58,192	67,547
Internally Restricted Net Assets	59,419	59,419
TOTAL NET ASSETS	<u>117,611</u>	<u>126,966</u>
TOTAL LIABILITIES AND NET ASSETS	<u>157,613</u>	<u>169,104</u>

East Coast Environmental Law Association Unaudited Statement of Operations & Changes in Net Assets For the Year Ending December 31, 2019	2019
	\$
REVENUE	
Direct Grants	99,439
Direct Projects	61,646
Direct Contributions	9,899
Other Revenue	500
TOTAL REVENUE	<u>171,484</u>
EXPENSES	
Program	
Salaries & Wages	106,031
Consulting	750
	<u>3,617</u>
	110,398
Administrative	
Salaries & Wages	38,386
Consulting	280
Office supplies	378
Telephone & Conferencing	389
Conferences & Events	-
Continuing Professional Development	250
Insurance	5,919
Bank fees	-
Accounting	53
Payroll	397
Dues & fees	508
Website	4,118
	<u>50,678</u>
Fundraising	
Salary & wages	19,047
Consulting	-
Events	485
Advertising	-
	<u>19,531</u>
	<u>180,607</u>



ecelaw
east coast environmental law

www.ecelaw.ca

6061 University Avenue, PO Box 15000
Halifax, Nova Scotia B3H 4R2

admin@ecelaw.ca
902 494 7121