

## ECELAW Annual Report 2008



**ece**law  
east coast environmental law



## Note from the Chair

The East Coast Environmental Law Association (ECELAW) is the product of years of hard work by students and faculty at Dalhousie, environmental law practitioners and the environmental community in Nova Scotia. It fills a long time gap, as Atlantic Canada was the only region of the country not been served by a not for profit environmental law organization. ECELAW's areas of focus are developing educational opportunities for law students, serving the environmental community, and promoting effective environmental laws. 2008 represents the first full year of operation of ECELAW.

This is a critical time for Nova Scotia in its efforts to become environmentally, economically and socially sustainable. It is becoming more and more apparent that efforts to ensure a sustainable future have been inadequate to date. Recent efforts, such as the province's commitment to sustainable prosperity as its economic strategy and the passage of the Environmental Goals and Sustainable Prosperity Act provide the foundation for the types of changes needed to seriously move toward sustainability in Nova Scotia. ECELAW has a critical role to play in supporting and enhancing these efforts in Nova Scotia and in supporting and encouraging similar efforts in the rest of Atlantic Canada.

We were fortunate to receive tremendous support from the Nova Scotia Law Foundation and Ecojustice, our two major funders during 2008. In addition, we have had wonderful funding support from the legal community and beyond. In particular, we have received support from law firms including, McInnes Cooper, Stewart McKelvy and Cox & Palmer. We are entering a time of financial uncertainty with the recent global economic downturn, but are confident that given the importance of our work, and the strong support we have been receiving from funders and the community at large, we will weather the storm.

So far, our focus has been on building a solid foundation for our new organization. Substantively, we have continued our popular Summary Series and Summer Workshops. Since October, 2008, we have responded to environmental law inquiries from community groups and members of the public in Nova Scotia. In addition, we have made significant strides on our electronic environmental law library, held a workshop on the Federal environmental assessment (EA) process and prepared a report on the role of self-assessment in EAs.

As we move from building the organization to focusing on our substantive legal work, we expect to start pursuing more law reform initiatives. We also look forward to making progress on the educational components of our mission. One of our priorities in 2009 will be the re-establishment of the environmental law placement program at Dalhousie Law School. We will also continue to develop our partnerships with Dalhousie Legal Aid on environmental law litigation and with the new College of Sustainability at Dalhousie University on interdisciplinary educational opportunities.

I would personally like to take this opportunity to thank all our funders, board members and volunteers for the tremendous contribution they have made to ECELAW. I look forward to continuing to work with all of you to make ECELAW a constructive voice for effective environmental laws in Atlantic Canada, for serving environmental and community groups and to enhance environmental law education at Dalhousie University.

Meinhard Doelle  
Chair, ECELAW

# Contents

<b>Note from the Chair</b>	1
<b>Table of Contents</b>	2
<b>The Society</b>	3
Vision & Mission	3
Vision	3
Mission	3
Organizational Structure	3
Governance	3
<b>East Coast Environmental Law Directors</b>	5
<b>Activities</b>	10
Public Awareness & Legal Education	10
Workshops	10
Environmental Law Resources	11
Research, Revision & Reform	12
Administration of Justice	12
<b>Funders &amp; Sponsors</b>	13
<b>Financials</b>	14
Balance Sheet	14
Expenditures & Cash Balance	14





## The Society

East Coast Environmental Law (ECELAW) was incorporated, under the *Societies Act* of Nova Scotia, as a society as of April 2007.

## Vision & Mission

### Vision

ECELAW envisions a future in which everyone contributes to the creation and effective use of local, provincial, federal and international laws to transform this region into an international leader in environmental protection, quality of life, sustainability and long-term prosperity.

### Mission

ECELAW's mission is to provide legal advice to individuals and organizations to ensure environmental laws are effectively used. ECELAW also conducts research and offers advice on how to improve environmental laws that affect this region. ECELAW delivers these services through collaboration among students, academics and practitioners.

## Organizational Structure

2008 was an exciting year for ECELAW as many new developments were made to help the society meet its goals. Advancements in governance helped to set the stage for the society's future work.

### Governance

In 2008 ECELAW hired its first Executive Director, Mr. Hugh Benedives. Hugh helped ECELAW to secure a commitment for office space at Dalhousie University, in Halifax NS, creating a future home for the society

The 2008 year saw continuing organizational development, including the creation of a Governance Committee, a Communications Committee and a Strategic Planning and Fundraising Committee. ECELAW also increased public awareness about the society and enhanced its relationships around the province with organizations and individuals in the environmental community.

## East Coast Environmental Law Directors

Throughout 2008 ECELAW had 12 directors. These directors represent a large range of interest, expertise and experience. The Board has representation from academic, environmental non-governmental organizations, student, practitioner and financial management perspectives. It includes representation from each of the main environment-related departments at Dalhousie University: the School of Resource and Environmental Studies; Environmental Programs in the Faculty of Science; and Dalhousie Law School. It has representation from two of the premier environmental organizations in Nova Scotia: the Nova Scotia Environmental Network and the Ecology Action Centre. Student representation is an important element on the board as the by-laws require that Board members include two law students. The Board also included seven lawyers (four practicing). Finally, we have ensured that the Board has the necessary financial management expertise. The following is an outline of the directors' biographies.

**Tricia Barry**, B.Sc., LL.B., is a lawyer who spends her spare time outdoors or indoors thinking about how she can help preserve the outdoors. She holds an undergraduate degree in Environmental Studies and Biology from the University of Victoria. Before starting law school, she worked for a few months at the Land Conservancy in Penticton, British Columbia and spent the rest of the year completing the Yamnuska Mountaineering Skills and Outdoor Leadership Semester in Canmore, Alberta. She graduated with a Bachelor of Law and a specialization in environmental law from Dalhousie University in 2005. While a law student, she co-chaired the Environmental Law Students' Society. Tricia articulated for a law firm in Vancouver that specializes in municipal law and is currently the vice-chair of the East Coast Environmental Law Association. She practices at Stewart McKelvey and her main fields of interests are in the areas of environmental and municipal law.

**Mark Butler**, B.A., M.A., has an undergraduate and graduate degree in Environmental Studies. Mark is currently the policy Director of the Ecology Action Center. Before joining Ecology Action Center, Mark worked as a marine educator, a fisheries consultant both in Canada and overseas, and as a deckhand on commercial fishing boats. His passions include bird watching, mushroom collecting, ship watching, spending time with his son, and eating fresh fish, caught right.





**Meinhard Doelle**, B.Sc., LL.B., LL.M, JSD, is an Associate Professor at Dalhousie Law School, where he specializes in environmental law. He is the Associate Director of the Marine & Environmental Law Institute and the Director of the Marine & Environmental Law Programme at Dalhousie. From 2000 to 2006, he served as a non-governmental member of the Canadian delegation to the UN climate change negotiations. From January to May 2008, he was a visiting scholar at the Environmental Law Center of the International Union for Conservation of Nature in Bonn, Germany. He currently serves on the federal provincial environmental assessment panel for the Lower Churchill hydroelectric project in Labrador. Professor Doelle has written on a variety of environmental law topics, including climate change, energy, invasive species, environmental assessments, and public participation in environmental decision-making. His most recent books are entitled “The Federal Environmental Assessment Process, a Guide and Critique”, and “From Hot Air to Action: Climate Change, Compliance and the Future of International Environmental Law”.

**Jessie Irving**, B.Sc., (active board member from January – August, 2008) Jessie Irving is originally from Prince Edward Island and has been living in Halifax since 2006. Jessie received a Bachelor degree in Honors Biology from Mount Allison University. She sat on the Board of East Coast Environmental Law a student representative through the Environmental Law Student’s Society, a student group at Dalhousie Law School. She is a second year law student and hopes to obtain a certificate of specialization with the Marine and Environmental Law Program.

**Neil Jones**, B.A., C.A., graduated from St. Francis Xavier University with a Bachelor of Business Administration with a major in Accounting. He then went on to receive his Canadian Chartered Accountancy designation through the Atlantic School of Chartered Accountancy. Neil has worked for Ernst & Young Inc. since 2001. He has provided a variety of accounting, insolvency, and corporate restructuring services to a broad range of industries and is responsible for overseeing formal receivership and bankruptcy file proceedings within Atlantic Canada. In addition, he assists Ernst & Young professionals in acquisition, divestiture and due diligence engagements.

**Tamara Lorincz**, B.A., B.Com, M.B.A., LL.B., is the Executive Director of the Nova Scotia Environmental Network. She is currently on the national board of Ecojustice Canada (formerly the Sierra Legal Defence Fund) and has helped to establish the East Coast Environmental Law Association. Previously, Tamara served on the Ecology Action Centre's Board of Directors and briefly on the Management Committee of the Nova Forest Alliance. In 2003, Tamara graduated with a combined M.B.A./LL.B. (Masters of Business and Law) degree from Dalhousie University. As well, she received an Environmental Law certificate and an Environmental Management specialization. Tamara is also a part-time researcher in the area of Aboriginal Law and has helped teach Business Ethics to undergraduate students during the winter semester at Dalhousie University. She is also a collaborator on the Canadian Business Ethics Research Network and a member of the Research Network for Business Sustainability.

**Rob Miedema**, B.Sc.H, LL.B., was born in Simcoe, Ontario. Rob received his B.Sc.H. from Queen's University in 2002, his LL.B. from Dalhousie University in 2005, and he was admitted to the Nova Scotia Bar in 2006. Rob now practices law with Boyne Clarke, Barristers & Solicitors in the areas of Taxation, Trusts, Corporate Law and Environmental Law. Rob also teaches a master's-level course in Dalhousie University's School for Resource and Environment Studies called Law & Policy for Resource and Environmental Management. He is a member of the Canadian Tax Foundation and the Canadian Bar Association, and the vice-chair of the Environment, Energy and Resource Law Section of the Nova Scotia Branch of the Canadian Bar Association.

**Lisa Mitchell**, B.A., LL.B., M.E.S., is a lawyer (Dalhousie, 1991) and principal of LJM Environmental Law & Consulting. She has a Masters of Environmental Studies from the School for Resource and Environmental Studies (Dalhousie, 1994), and fifteen years of experience working in the areas of environmental law, policy and environmental management. Lisa's law practice is exclusively in the area of environmental law. She has developed a broad-ranging practice base that includes governments, non-government organizations, private-sector companies and individual clients. The foundation of her legal experience is in the design and drafting of regulatory tools and the communication of those tools to stakeholders and interested parties. Her expertise in this area originated in the challenging field of agri-environmental law and expanded to include contaminated sites, environmental impact assessment, water regulation and other areas.





**Peter Mushkat**, B.A., LL.B., graduated from Dalhousie Law School in 1986, and has since been working in the areas of marine and environmental law as a consultant, researcher, and teacher. He teaches environmental law; international environmental law; and administrative law at Dalhousie in the undergraduate Environmental Science Program offered by the Faculty of Science. He also delivers an online introductory course in environmental law for Acadia University. He has been involved with the Legal Information Society of Nova Scotia as principal author and editor of *A Guide to Environmental Law for Nova Scotians*. In 2002, Peter joined the Society on a part-time basis to develop, administer, and deliver a variety of law-related projects.

**Derek Schnare**, B.Sc., is a 3rd-year student at Dalhousie Law School, completing a certificate of specialization in Environmental Law. Prior to entering law school, he completed a Bachelor of Science degree at Saint Mary's University (Honours and Co-op: Environmental Studies; Major: Geography), and worked as an Environmental Consultant, focusing on the management of contaminated sites. His volunteer experiences have included efforts in environmental law & policy reform and the promotion of green roof implementation, and in strategic planning, event planning and fundraising.

**Peter Tyedmers**, B.Sc., LL.B., Ph.D., is an ecological economist whose recent research explores the biophysical costs and relative sustainability of fisheries and aquacultural production systems. He earned his Ph.D. from the Resource Management and Environmental Studies program at the University of British Columbia where he evaluated both the salmon farming industry and the commercial salmon fishery in British Columbia using ecological footprint and energy analysis. Prior to undertaking his Ph.D. he received a B.Sc. (Hons.) in Earth Science from the University of Waterloo and an LL.B. from the University of British Columbia. More generally, his research interests include refining biophysical accounting tools to better assess the sustainability of alternative technologies, and the substitution of ecosystem services by technology systems.

**Dave Wright**, B.R.M., M.A., LL.B., when not immersed in Canada's wilderness or ocean, Dave spends his time keeping current on environmental law and policy. He graduated in 2007 with an M.A. in International Development Studies and an LL.B. from Dalhousie University. In addition to his brief stints as a tomato farmer in Australia and a beach cleaner in Taiwan, Dave has worked with the Marine and Environmental Law Institute, the Federal Auditor General and Stewart McKevey. In late 2008 he relocated to Canada's Arctic to pursue work in natural resources law and policy. Dave has been called to the bar in Nova Scotia and Nunavut.

**Maren Zimmer**, B.E.S. (active board member from August – December, 2008) is currently studying law at Dalhousie Law School. She obtained a Bachelor Degree in Environment and Resource Studies for the University of Waterloo in 2005. She worked in the environmental consulting field, at SNC-Lavalin for two years before starting law school. Her work at SNC-Lavalin exposed her to issues surrounding contaminated sites. Maren is an active member of the Environmental Law Students Society at Dalhousie Law School. In this role she has worked hard to encourage partnerships among various environmental groups on campus.





## Activities

ECELAW was created to deliver services under three broad headings: increasing public awareness and legal education, carrying out research for policy revision, and responding to community inquiries. All of these services are completed with the goal of enhancing the use and creation of effective environmental laws to enhance environmental protection, quality of life, sustainability and long-term prosperity. Below is a summary of how ECELAW carried out this goal in 2008:

## Public Awareness & Legal Education

Public awareness of environmental laws and resources is integral to enhancing the use of environmental laws. ECELAW has attempted to increase public awareness through public workshops and increased access to environmental law resources. ECELAW was featured in the 2008 edition of *Hearsay*, the Dalhousie Law School Alumni magazine as well as in the October 2008 edition of *Society Record*, published by the Nova Scotia Barristers' Society. These two features greatly increased the visibility of the society. ECELAW is also part of the Canadian Environmental Network.

### Workshops

In 2008, ECELAW hosted the annual summary series workshops, attended an Environmental Assessment Caucus meeting and hosted a lecture. Advertising for public events was done with the help of the Nova Scotia Environmental Network and was found in newspapers across Nova Scotia.

- Annual Summary Series Workshop: this year the summary series program focused on the enforcement of environmental law in Nova Scotia. Two public seminars were held, one in Annapolis Royal and one in Sydney, with more than 20 attendees at both, many of whom were representing environmental organizations. A workshop was also held in Halifax with more than 60 participants. Based on the amount of positive feedback received, the workshops were a success.

- Environmental Assessment Caucus meeting: From September 19-21, 2008, ECELAW's Executive Director, along with five members of the Board of Directors, attended the meeting of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network. The meeting was held in Prince Edward Island, and welcomed representatives from member groups from across Canada. The meeting included a discussion of current Environmental Assessment 'Hotspots' from across the country, and included updates from the Caucus' Internal Committees, which target initiatives such as Strategic Environmental Assessment, Strategic Legal Actions, and the 7-Year Review of the *Canadian Environmental Assessment Act*. The meeting also included an update from the representatives of the Caucus member groups that participate in the Regulatory Advisory Committee, which provides advice to the Minister of Environment on Environmental Assessment policy and undertakes periodic reviews of *Canadian Environmental Assessment Act* and its regulations.
- Lecture: ECELAW hosted Jerry DeMarco entitled "Fundamental principles of Environmental Law in Canada." Mr. Jerry DeMarco is the vice-chair of the Ontario Environmental Review Tribunal and former managing lawyer of the Toronto office of Ecojustice Canada (formerly the Sierra Legal Defence Fund). He was in Halifax on May 6, 2008 for a daytime strategy session and evening lecture. This event was attended by a number of environmental non-governmental organizations.

## Environmental Law Resources

In January 2008 ECELAW launched its website [www.ecelaw.ca](http://www.ecelaw.ca), which is available to the public. This exciting new advancement greatly increases public awareness and accessibility. 2008 also set the stage for the creation of an information library to be accessed through the ECELAW website. The library will be a searchable database that is focused on environmental case law, publications and legislation. The information library will be launched in 2009. During the year and in concert with the Annual Summary Series Workshops ECELAW produced and published Volume II of the Environmental Law Summary Series, focusing on enforcement of environmental law in Nova Scotia.



## Research & Revision

In 2008 ECELAW began to take on some research initiatives through its new executive director Hugh Benedives. Hugh was involved in evaluating the *Canadian Environmental Assessment Act* in a discussion paper for the Canadian Environmental Network. This paper will be completed in 2009.

ECELAW also embarked on creating a number of connections with environmental non-governmental organizations and the Dalhousie Law School. Connections created between these organizations and ECELAW will help to foster future environmental law research and reform.

## Administration of Justice

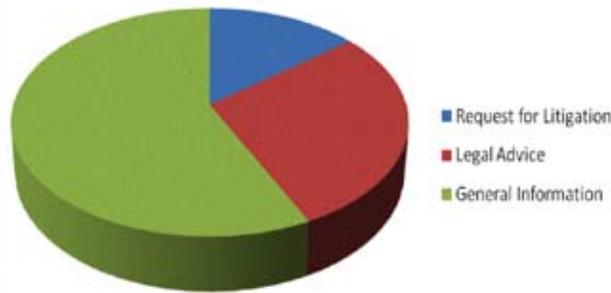
Responding to community Inquiries is a priority for ECELAW. In 2008 ECELAW developed and distributed a list of environmental lawyers in Nova Scotia. The Executive Director began responding to inquiries in September 2008. Below is a summary of the inquiries responded to from September 2008 through December 2008. By responding to inquiries ECELAW is providing information that is free and publicly accessible, to environmental non-governmental organizations, concerned citizens, and the press in turn facilitating access to justice.

In four short months ECELAW received seven inquiries in regards to environmental law concerns. Four of these concerns came from groups including environmental non-governmental organizations, and concerned citizen groups. Two of the inquiries received were from individual community members and one from the local Halifax press. It is expected that the number of inquiries will continue to grow as awareness of the services offered by ECELAW increases.

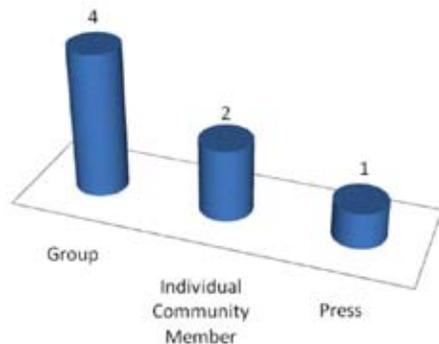
Of the inquiries received most were requests for general information. One request for litigation was received and referred using our Lawyer Referral Service. Requests for legal advice were responded to by our executive director who is a licensed member of the Nova Scotia Barristers Society. The inquiries dealt with a wealth of environmental issues.

The range of environmental concerns raised by the public shows the need for environmental legal expertise over a broad spectrum of issues.

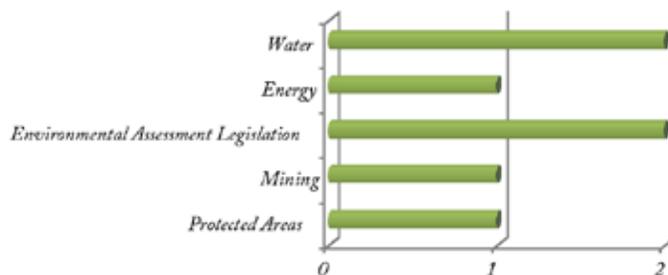
**Nature of Inquiries**



**Number of Inquiries**



**Environmental Issue**



## Funders

In 2008 ECELAW developed a strong funding base with the help of generous support from our funders:

### Core Funders:

- Law Foundation of Nova Scotia
- EcoJustice Canada
- McInnes Cooper
- Stewart McKelvey
- Dalhousie University
- Cox & Palmer



- Boyne Clarke
- Chester Educational Foundation
- Wickwire Holm

### Project Funders:

- Halifax Regional Municipality Community Grants Program
- Nova Scotia Department of Environment and Labour
- Government of Canada

### In Kind Donations:

- Pollution Design
- Marine & Environmental Law Institute

ECELAW as a new organization spent time in 2008 building important community relationships, such as relationships with Ecojustice Canada and environmental non-governmental organizations in the Atlantic Provinces. Strong community relations have helped to ensure that ECELAW receives the required support it needs. The funding obtained last year was sufficient for the 2008 operations. However, relationship building is imperative to ensure that future projects can be carried out.



# Financial

## Balance Sheet

### Assets

Cash	\$45,965.13
Donations Receivable	\$15,000.00
HST Receivable	<u>\$1,067.43</u>
	<b>\$62,032.56</b>

### Liabilities

Total Payables	\$8,300.32
Deferred Funding – Non Designated	\$23,937.00
Deferred Funding – Designated Funds	\$4,500.00
Reserve Funding	<u>\$25,295.24</u>
	<b>\$62,032.56</b>

## Expenditures & Cash Balance

<b>Revenue</b>	<u>\$49,234.26</u>
Funding	<b>\$49,234.26</b>

### Expenditures

Salaries and Wages	\$19,876.30
Source Deductions	\$7,695.06
Operations	\$12,903.58
General Administration	<u>\$8,759.32</u>
	<b>\$49,234.26</b>

Bank balance at the beginning of the year	\$3,812.15
Bank balance at the end of the year	\$47,596.16



WASTE MANAGEMENT

East Coast Environmental Law  
c/o Marine and Environmental Law Institute  
Dalhousie Law School  
6061 University Avenue  
Halifax, N.S. B3H 4H9

**ecelaw**  
east coast environmental law