

Who Owns the Coast?

Volume IV of the East Coast Environmental Law Summary Series provides an overview of who controls and protects the coast of Nova Scotia by introducing a few frequently asked questions of environmental concern. The goal of this publication is to connect members of the public to legal resources that will help them address their concerns and ensure better management of our coastal resources over the long term. The topics covered in this publication include an overview of coastal jurisdiction, unique coastal rights, development of fragile shorelines and beaches, aquaculture, land-based pollution, and protected areas. This publication also includes a table of relevant legislation and some useful definitions.

This publication is best used in combination with past Summary Series publications and additional coastal information resources available at our website: www.ecelaw.ca

Coastal Jurisdiction: An Overview

WHICH LEVELS OF GOVERNMENT MANAGE THE COAST?

Multiple levels of government influence Canadian coastal management: federal, provincial, municipal, international, and Indigenous. This division of jurisdictional authority raises many concerns regarding who is best suited to protect and govern the provincial coastline. *The Constitution Act, 1867* provides the framework for the division of powers between federal and provincial governments. Responsibilities for environmental issues are not clearly divided between federal and provincial levels of government but are instead shared (see Summary Series Volume I). As an attempt to resolve jurisdictional tension outside of the courts, both levels of government frequently come to political arrangements and agree to disagree.

FEDERAL JURISDICTION

The federal government controls coastal waters from the ordinary low watermark seaward to 200 nautical miles (370.4 km). On land, the federal government has jurisdiction over all

federal crown land, including national parks, land designations under the *Indian Act*, and Canadian Forces bases. Additionally, the federal government has authority over certain coastal activities, such as navigation and shipping, and sea coast and inland fisheries (Constitution Act, 1867, section 91). Coastal management at the federal level is split amongst several departments, including the Department of Fisheries and Oceans, Environment and Climate Change Canada, Transport Canada, and Parks Canada.

The Federal Government has also committed to protect and manage marine coastal areas by:

- 1) working with provinces and territories to develop networks of marine protected areas ("MPAs");
- 2) establishing and managing specific MPAs under the *Oceans Act*;

- 3) conducting more research on aquaculture and tracking coastal ecosystem health and pollutant spills; and
- 4) using legislation to implement regulations to protect coasts and oceans from pollution while ensuring that fisheries are sustainable.¹

PROVINCIAL JURISDICTION

Pre-confederation historical documents, the *Constitution Act, 1867*, international treaties, federal and provincial legislation, and Canadian judicial decisions are all sources of law that help define the jurisdiction of a province. The *Oceans Act*, a federal statute, makes the provinces responsible for coastal lands inland from the ordinary low water mark. However, provincial jurisdiction is much more complicated than this.

Sections 92, 92A, and 93 of the *Constitution Act, 1867* outline the subject matters over which the provinces have jurisdiction (for more details about the Constitution Act, 1867, refer to Summary Series I). The wording used in the Constitution Act, 1867 implies that provincial authority is limited to its territorial boundaries (section 92). Each province joined Confederation with boundaries that are still debated today. For example, Nova Scotia claims that certain marine areas beyond the low water mark are within its territory,² and British Columbia and Newfoundland have each attempted to gain jurisdiction over certain submarine lands in a number of reference cases against the federal government.³ This has important implications regarding seabed jurisdiction. Where the territory of a province goes beyond the low water mark, the province will have jurisdiction that extends below the low water mark.

The three provincial departments in Nova Scotia that share responsibility for coastal management are the Department of Lands and Forestry, the Department of Environment, and the Department of Fisheries and Aquaculture.

MUNICIPAL JURISDICTION

Unlike federal and provincial jurisdictions, a municipality's authority is not constitutionally based. Municipal jurisdiction is granted by a province through statute. Municipalities can play a very important role in coastal management, especially where there are gaps in federal and provincial activity. Municipalities have primary jurisdiction over land use,

although their power is not without limits. Some of the most effective municipal tools include municipal planning strategies, zoning by-laws, subdivision control, site-planning control, and expropriation powers. Implementation of municipal regulatory power may conflict with provincial jurisdiction. This potential for operational conflict will be further explored under the topic of development on fragile shorelines below.

ABORIGINAL RIGHTS, TREATY RIGHTS, AND ABORIGINAL TITLE

Indigenous groups in Canada have unique rights and title regarding coastal resources and lands. Section 35 of the *Constitution Act, 1982* recognizes and affirms Aboriginal and treaty rights in Canada. Aboriginal rights are rights that stem from Indigenous peoples' historical practices, including their occupation of traditional territories and their use of those territories' resources. Historical use and occupation of traditional territories also underpin Aboriginal title, which creates rights that are similar to, but not precisely the same as, the rights that would be associated with absolute ownership of land. Treaty rights stem from the many pre-Confederation, numbered, and modern treaties that have been signed between Indigenous peoples and the Crown, and they have sometimes replaced Aboriginal rights that were previously enjoyed. Aboriginal and treaty rights may include title to coastal lands as well as specific rights to coastal resources, such as the right to hunt, fish, and trade.

Although many Aboriginal and treaty rights have been recognized in Canada, there are ongoing debates concerning their scope. The Supreme Court of Canada has confirmed that any conduct by or on behalf of the Crown that might adversely affect the exercise of Aboriginal and treaty rights triggers a duty to consult and accommodate the Indigenous peoples whose rights may be affected.⁴ If the Crown has knowledge of the existence or potential existence of Aboriginal rights, Aboriginal title, or treaty rights in an area along the coast and wishes to approve a development that could affect those rights adversely, it must first consult with the Indigenous peoples whose rights may be affected.

Development on Beaches and Fragile Shorelines

HOW CAN I HELP PROTECT FRAGILE SHORELINES FROM DAMAGING DEVELOPMENT?

Municipal by-laws and provincial and federal legislation create a three-tiered regulatory scheme that enables each level of government to take part in the protection of fragile shorelines.

ROLE OF THE FEDERAL GOVERNMENT

Certain activities will trigger federal government involvement. For example:

- If a development would impact aquatic and marine environments, then federal jurisdiction may be triggered under federal statutes such as the *Fisheries Act*, the *Navigation Protection Act*, and the *Species At Risk Act* (“SARA”).
- Major projects involving, for example, exploratory wells, oil drilling, hazardous waste, nuclear substances, uranium, or federal bodies of water may require a federal environmental assessment. These major projects are listed in the Regulations Designating Physical Activities, which were created pursuant to section 84(a) and (e) of the *Canadian Environmental Assessment Act* (“CEAA”).⁵ However, under section 14(2) of the CEAA, the federal Minister of the Environment may designate a project as requiring an environmental assessment if they are of the opinion that the activity may cause adverse environmental effects as seen under section 5.
- If the development is a harbour, wharf, or any other related facility that is located on or next to water that provides accommodation or services principally for fishing or recreational vessels, then federal jurisdiction is also invoked under the *Fishing and Recreational Harbours Act* (section 4(2)).

ROLE OF THE PROVINCIAL GOVERNMENT

There is no provincial legislation in Nova Scotia that addresses development and protection of the coast as a whole. The *Beaches Act* does provide specific protections for designated beaches. There are ninety-two designated beaches along the coast of Nova Scotia.

Section 2(2) of the *Beaches Act* states that these provincial designations are made to:

“...provide for the protection of beaches and associated dune systems as significant and sensitive environmental and recreational resources; provide for the regulation and enforcement of the full range of land use activities on beaches, including aggregate removal, so as to leave them unimpaired for the benefit and enjoyment of future generations; and control recreational and other uses of beaches that may cause undesirable impacts on beach and associated dune systems”.

The *Beaches Act* applies to Crown-owned and privately-owned protected beaches. There is no system of compensation within the Act for private landowners whose land is designated as protected (section 12). Designation as a protected beach does not guarantee that the land will not be further developed. The responsible Minister may make regulations that exempt any beach from the operation of the Act, and the Minister may allow leases, licences, or permits authorizing the removal of sand, stone, or other material from beaches (section 13). Section 6 of the *Beaches Regulations* provides the Minister with authority to allow development on a beach.

The *Wilderness Areas Protection Act* and *Special Places Protection Act*, prohibit certain activities that may include development and construction near the coast. However, the government authority designated under each statute has the final say. In general, provincial jurisdiction extends to the regulation of land use but does not include zoning power, which is provided to municipalities.

The **Environment Act** (“EA”) promotes the sustainable development of water resources (section 104), which include all fresh and marine waters comprising all surface water, groundwater, and coastal water (section 3(bc)). The provincial Minister of Environment is authorized under section 105(3)(a) of the EA to restrict or prohibit the alteration of watercourses and wetlands, establish or adopt water-management goals, and set water-quality guidelines, objectives, and standards. The Minister may also designate an area surrounding any source or future source of water supply for a water works as a protected water area under section 106. Certain developments, whether on the coast or not, may also trigger a provincial environmental assessment under this Act. Examples include the construction of a two-lane highway longer than 10 km, disruption of more than two hectares of wetlands, or the harnessing of more than 2 MW of wave or tidal power (Environmental Assessment Regulations, Schedule A).

The **Municipal Government Act** (“MGA”) requires that new municipal planning is “reasonably consistent” with Statements of Provincial Interest (“SPIs”) (section 198). SPIs, developed under sections 193 and 194 of the MGA, are adopted as regulations and serve as guiding principles that assist provincial governments, municipalities, and individuals making decisions regarding land and water use. Nova Scotia has six SPIs in effect that cover drinking water supplies, flood risk areas, agricultural land, infrastructure, and housing (MGA, Schedule B). Nova Scotia does not currently have an SPI regarding the coast. The communication that occurs between the province and municipalities is two-way. Like any developer, provincial departments that wish to carry out or authorize any development must consider the planning documents of the municipality (MGA, section 197).⁶

ROLE OF THE MUNICIPAL GOVERNMENT

The authority of a municipality is limited by the provincial **Municipal Government Act**. In some instances, municipal by-laws and planning documents may be best suited to create an action plan that implements a provincial vision because the municipalities are divided in a regional fashion that places them at a more actionable ground level.

Section 212 of the **Municipal Government Act** (“MGA”) gives municipalities the authority to adopt a municipal planning strategy (“MPS”). This strategy may include the protection, use, and development of lands within a municipality. Within an MPS, a municipality may develop policies governing land

use (section 214(o)), which could include the division of planning areas into zones and the listing of permitted or prohibited uses for each designated zone (section 220(1)). A municipality may regulate or prohibit development in a particular zone; however, development may not be totally prohibited unless the reason for prohibition is covered in the MGA (section 220(3)). Activities that a municipality may regulate or prohibit include the altering of land levels, the excavation or filling in of land, and the placement of fill or removal of soil, unless the province has already regulated on these matters (section 220(5)(g)). Some examples of other instances that a municipality may prohibit include development on land adjoining a watercourse (section 220(o)) or on land that is subject to flooding, is low-lying, is marshy, or has steep slopes (section 220(p)). An MPS becomes enforceable when a municipality enacts a corresponding land-use by-law. Many areas in Nova Scotia are now covered by a municipal land-use planning strategy.

Municipalities have the authority to pass by-laws for the “general welfare” and health of their citizens. This somewhat broad authority may be effective at preventing certain types of development on a coastal or other sensitive area. The “general welfare” doctrine has been successfully used by municipalities to limit the use of lawn-care pesticides.⁷ It may be possible to apply similar reasoning to ensure the long-term sustainability of coastal areas; however, the “general welfare” doctrine has not yet been tested in Nova Scotia.

It is useful to note that the Nova Scotia **Environment Act** specifically states that where a municipal by-law, regulation, or authorization is inconsistent with the Act, that by-law, regulation, or authorization has no effect unless it protects the environment or imposes a restriction greater than what is required under the Act (section 6).

MUNICIPAL PLANNING STRATEGY EXAMPLES – COASTAL IMPLICATIONS

Halifax Regional Municipality MPS Planning District 5 CHEBUCTO PENINSULA

33. E-37 No development shall be permitted within a 100 feet buffer zone of undisturbed ground and vegetation from coastline. Provision shall be made for a 50 feet buffer zone on existing lots that could not be developed with the 100 feet requirement.

Land Use By-law Halifax Peninsula

I4QB COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to: (a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law; and (b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

Queens County Municipal Planning Strategy

Section 7 of the Queen's County Municipal Planning Strategy addresses the conservation of wetlands and waterfront and sets out the objective to regulate development in areas that may put people, property, and the environment at risk. Section 7.3.4 intends to zone all dune systems, designated beaches, Provincial Wilderness Areas and land owned by conservation organizations as conservation areas. This is aimed at encouraging the sustainability of the region's fragile natural assets (7.3.2).

King's County Municipal Planning Strategy

The Kings County Municipal Planning Strategy ("MPS") strives to ensure the environmental compatibility of development within and adjacent to environmentally sensitive areas (section 1.3.1.2) as well as respond to the growing demand for shore land residential development (section 1.3.3.5). Other relevant sections of the MPS include section 3.5, which addresses shore land conservation and recreation, and section 4.2, which recognizes that it is the municipality's responsibility to prohibit or restrict land uses in areas that are potentially hazardous to development, such as floodplains and steep slopes.

It should be noted that Kings County has a new draft MPS that may soon take effect. The new MPS includes new zones such as the Tidal Shoreland (T1) Zone. The purpose of the Tidal Shoreland (T1) Zone is to provide pockets of concentrated opportunity for residential development along the marine coast and institute controls intended to protect development from coastal hazards.

WHAT ARE MY OPTIONS?

If you are concerned about a new proposed development on a shoreline, consider the following options.

1. Determine what, if any, Municipal Planning Strategy ("MPS") and by-laws exist in your area. This information is available on your municipality's website. If you wish to make a complaint about a by-law violation, contact your local municipality.
2. If a municipality is implementing planning documents, they are required to adopt a public participation program (Municipal Government Act, 204(1)). Contact your local municipality to see if there are any upcoming or current public participation programs in your area.
3. If you would like to see your municipality develop new by-laws or amend its MPS regarding development on the coast, bring this to the attention of your municipal council or your municipal planning committee.
4. Determine if the coastal area in question is a protected beach by referring to the list of designated beaches at www.gov.ns.ca/just/regulations/rxaa-l.htm. Look under B for **Beaches Act** and then under the Beaches Designations section. If the area in question is listed, contact your local Department of Lands and Forestry to look into the matter further. Inquire if a Ministerial permit has been granted.
5. If the development is taking place below the ordinary high water mark, the provincial Department of Lands and Forestry must first issue a permit. To find out if a permit has been issued, contact the **Freedom of Information and Protection of Privacy (FOIPOP)** Act Administrator by phone at 902-424-4684 or visit their website at www.gov.ns.ca/just/regulations/rxaa-l.htm.

oipc.novascotia.ca. The Freedom of Information and Protection of Privacy Act also provides a formal request-for-information process. To submit a formal record request, access the application form from office of the information and Privacy Commissioner. For general building specifications regarding development below the ordinary high water mark, visit <https://novascotia.ca/natr/land/policybeforeyoubuild.asp>.

6. Any developments below the ordinary high water mark may also need approval from the federal Department of Fisheries and Oceans ("DFO"). Such developments will inevitably influence fish habitat, and section 35(1) of the federal **Fisheries Act** states that "no person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery," unless they fall under the exemptions listed at section 35(2). The Regional Headquarters Office can be contacted at 902-426-2373 with concerns or questions. Other regional contact information may be found at <http://www.dfo-mpo.gc.ca/contact/regions/index-eng.html>
7. If you think that the development will inhibit the public's mobility in the water, contact Transport Canada, Navigation Protection Program Regional Office, at 1-506-851-3113 or nppatl-ppnatl@tc.gc.ca.

Aquaculture

HOW CAN I HELP TO ENSURE THAT AN AQUACULTURE OPERATION IS NOT HAVING A NEGATIVE IMPACT ON WATER QUALITY?

Aquaculture operations in Nova Scotia are regulated by several federal and provincial government departments. There are various Memoranda of Understanding ("MOUs") between the Nova Scotia Department of Fisheries and Aquaculture (provincial) and the Department of Fisheries and Oceans (federal), as well as between various Atlantic

regional departments. An MOU is a bilateral or multilateral policy agreement between departments, where parties agree to cooperate according to the provisions set out in the MOU. Although these documents are not legally binding, they are useful to understand the cooperation that exists with respect to fisheries and aquaculture.

In the 2009 case of *Morton v British Columbia (Agriculture and Lands)*,⁸ the British Columbia Supreme Court ("BCSC") determined that the regulation of certain aquaculture practices is outside (*ultra vires*) the provincial Crown's authority. Following that decision, British Columbia's provincial aquaculture regulations were struck down and the federal government, through the Department of Fisheries and Oceans, developed a new regulatory scheme for the management of aquaculture in BC. The province retains responsibility for leasing the seabed on which aquaculture operations are traditionally located.

As of yet, the BCSC's decision in *Morton* has not affected aquaculture management on the East Coast; however, a similar challenge to provincial jurisdiction in the Atlantic provinces is possible.

ROLE OF THE FEDERAL GOVERNMENT

Numerous federal departments and agencies are responsible for aquaculture management, and the Department of Fisheries and Oceans ("DFO") is the main federal authority.⁹ There are many pieces of law and policy that guide federal involvement with aquaculture operations.

Under the **Fisheries Act**, if a proposed project will likely result in serious harm to fish that are part of a fishery, the person carrying out the project must undertake a self-assessment to determine if the project should be reviewed by DFO. Aquaculture projects are assessed by the DFO Regional Aquaculture Management Office in the province or territory in which the project is located. Section 36(3) of the **Fisheries Act** prohibits the release of a deleterious substance into water frequented by fish. The project must comply with the Aquaculture Activities Regulations. The project may need to be reviewed by the DFO through the Habitat Management Program. This review would follow the Fisheries Protection Policy Statement as well as section 35(1) of the **Fisheries Act** to determine if the proposal will result in serious harm to fish.¹⁰

Amendments to the **Fisheries Act** are currently before Parliament. If proclaimed, Bill C-68 will provide more substantive protections to fish habitat. For example, the amended section 35(1) states that no person shall carry on any work, activity or undertaking that would result in the “harmful alteration, disruption or destruction of fish habitat”. There is no longer a requirement for the habitat to be connected to a fishery. However, a project causing harmful alteration, disruption or destruction of fish habitat could still receive authorization from the DFO (section 35(2)), which has authority to permit such activity.

The National Aquaculture Strategic Action Plan Initiative (2011-2015) (“NASAPI”) is a non-binding policy and strategy document that provides a vision for the expansion of aquaculture regulation in Canada by streamlining aquaculture regulations. The NASAPI was developed under the direction of the federal Department of Fisheries and Oceans, and it attempts to coordinate aquaculture management between the federal government and the provinces. After the release of the NASAPI, the Canadian Council of Fisheries and Aquaculture Ministers (“CCFAM”) prepared a Development Strategy and committed to a comprehensive aquaculture policy that respects jurisdictional differences with a view to creating clarity and certainty.

Another national initiative that may affect aquaculture operations is the current Federal Sustainable Development Strategy (2016-2019). In that Strategy, the federal government commits to the following tasks and goals:

- By 2020, all aquaculture in Canada is managed under a science-based regime that promotes the sustainable use of aquatic resources (marine and freshwater) in ways that conserve biodiversity;
- Develop regulations under the Fisheries Act to advance aquaculture sustainability, and
- Implement public reporting on newly issued Aquaculture Activities Regulations.

ROLE OF THE PROVINCIAL GOVERNMENT

Current management of aquaculture operations is delegated to the provincial Minister of Fisheries and Aquaculture under Nova Scotia’s **Fisheries and Coastal Resources Act**. Under this Act, Nova Scotia’s Department of Fisheries and Aquaculture (“DFA”) has authority over granting leases and licenses and regulating activities such as waste management

and containment, as well as animal health. The province administers leasing and licensing for all near shore aquaculture activities under Memoranda of Understanding with the federal Department of Fisheries and Oceans.

Nova Scotia’s Minister of Fisheries and Aquaculture is responsible for aquaculture projects and for the improvement of aquaculture landing sites under provincial jurisdiction. All aquaculture operations need to first obtain a license and lease from the Minister under the provincial **Fisheries and Coastal Resources Act**. Applications must be made in the manner prescribed by the Minister, which means that they must be accompanied by any information that the Minister deems necessary in order for the application to be considered complete (section 46). After an application for a license and lease has been made, the Minister must consult with: a) other federal or provincial departments or agencies as required by law, and b) any person, group of persons, or organization the Minister considers necessary or advisable in the circumstances (section 47). After this consultation, the application, along with a report on the outcome of the consultation, is referred to the review board for a final decision (section 48).

In addition to a provincial license, aquaculture operations in Nova Scotia may require an approval (“Water Approval: Watercourse Alteration”), from Nova Scotia Environment, pursuant to the **Environment Act**.¹¹ For more information on this process, visit www.gov.ns.ca/snsmr/paal/nse/paal181.asp.

WHAT ARE MY OPTIONS?

I HAVE CONCERNS REGARDING A PROPOSED AQUACULTURE OPERATION.

1. Aquaculture licenses and leases are given by the Nova Scotia Department of Fisheries and Aquaculture (“DFA”). The licensing and leasing approval process for a land-based operation or a reallocated marine site operation is reviewed by a Department Administrator. In this process, the Administrator publishes notification of the application for the licence and lease on the Department’s website, in the Royal Gazette, and through any other means deemed appropriate, inviting the public to submit written comments within thirty days of the notification. Written submissions must:

- Identify and provide contact information for the individual making the submission;
- State how the person is connected to the matter; and
- State how the application affects one or more of the factors set out in the Aquaculture License and Lease Regulations.

See the factors at sections 3 and 43 of the Aquaculture License and Lease Regulations here.

2. The process for new marine sites allows for written submissions to the DFA's Review Board, which can respond by holding a public hearing (section 48 of the Fisheries and Coastal Resources Act). The **Fisheries and Coastal Resources Act** stipulates that notice of the public hearing must be published at least sixty days prior to the hearing on the Department's website (below) and in the Royal Gazette Part I.¹²

For more details go to <https://novascotia.ca/fish/aquaculture>.

I have concerns regarding an EXISTING aquaculture operation.

1. Environment and Climate Change Canada is the designated authority for the enforcement of Section 36(3) of the federal **Fisheries Act**, which prohibits the deposit of a deleterious substance into water frequented by fish.

If you are concerned about waste product from an aquaculture operation, whether from pesticides, feed, fish waste, or dead fish, contact Environment and Climate Change Canada by phone at 819-938-3860 or by email at ec.enviroinfo.ec@canada.ca to issue a complaint.

2. The federal Department of Fisheries and Oceans ("DFO") is the designated authority for the enforcement of section 35 of the **Fisheries Act**. If you are concerned that fish habitat may be harmed because of an aquaculture operation, contact the DFO's Regional Headquarters Office at 902-426-2373.

3. The Aquaculture Activity Regulations under the federal **Fisheries Act** identify drugs, pest control products, and biochemical oxygen demanding matter (i.e. fish waste) as deleterious substances that may only be deposited into waters under certain conditions.¹³ These Regulations state that only products regulated by Health Canada under the **Pest Control Products Act** and the **Food and Drugs Act** may be used in aquaculture operations.

While they do not provide a specific reporting procedure for members of the public, the Regulations make very clear what aquaculture owners and operators can and cannot do. If you have any questions or concerns, you may call the Regional Aquaculture Management Contact at 902-402-0298.

4. If you wish to find out about the specific terms of a provincial aquaculture license, or if you have concerns about an aquaculture operation, contact your local Department of Fisheries and Aquaculture Coastal Resource Coordinator. If the terms of an aquaculture license have been violated, the Minister of Fisheries and Aquaculture has the right to terminate the license (Fisheries and Coastal Resources Act, section 51(3)). As well, the Minister has the authority to appoint an inspector, who may seize fish or take any other necessary action if they believe on reasonable grounds that there has been a violation of the Act or any regulations (section 83).

Land Based Pollution

WHAT CAN I DO IF I OBSERVE A POLLUTANT RUNNING FROM THE LAND INTO THE OCEAN?

ROLE OF THE FEDERAL GOVERNMENT

Section 91(12) of the *Constitution Act, 1867* gives the federal government legislative authority over seacoast and inland fisheries. The federal government has the jurisdiction to preserve fish and their habitats, and so it can regulate water pollution that affects them. However, the federal government cannot otherwise use this power to intrude into provincial jurisdiction.¹⁴ The federal government also has the authority to regulate ocean disposal and designated toxic substances.

The *Canadian Environmental Protection Act* (“CEPA”) states that the goal of the Act is to prevent pollution while protecting the environment and human health in order to contribute to sustainable development. The federal Minister of the Environment can establish a National Advisory Committee to ensure that all relevant government departments are on the same page when carrying out a national action of environmental importance (section 6).

One of the aims of the National Advisory Committee is to coordinate an intergovernmental approach to the management of toxic substances (section 6(1)(b)). Part 5 of the CEPA (beginning at section 64) outlines the Minister’s responsibility for creating a list of toxic substances. If a substance on that list is released into the environment, other provisions of the Act come into play. In addition, most of the toxic substances that are listed in the CEPA are specifically regulated. For example, there are regulations that address PCBs (PCB Regulations) and asbestos (Asbestos Mines and Mills Regulations).

Any person who releases a CEPA toxic substance or is responsible for the substance that is released is required to report the matter to an enforcement officer. These officers, who are designated under section 217 of the CEPA, may also deal with the matter if not reported. The current list of Toxic Substances is available in Schedule 1 of the CEPA.

The *Fisheries Act* prohibits anyone from depositing or permitting the deposit of “a deleterious substance of any

type in water frequented by fish or in any place under any conditions where the deleterious substance ... may enter such water” (section 36(3)). It does not matter that the water may not be deleterious after the substance is added or that the substance entering the water is in a quantity too minute to actually harm the fish.¹⁵ Any amount of a deleterious substance added to water can create liability.

An individual could be liable even if they did not directly “deposit” the harmful substance into the water body. It is sufficient for liability if the substance is deposited in a location where it “may enter” water frequented by fish.¹⁶

ROLE OF THE PROVINCIAL GOVERNMENT

If the source of the pollution is on provincial land (including private land), then responsibility for the pollution falls under provincial jurisdiction through the provinces’ constitutional authority to govern with respect to property and civil rights” (Constitution Act, 1867, section 92(13)), as well as through the provinces’ general ability to regulate such pollution.

The *Environment Act* (“EA”) prohibits any person from releasing a substance into the environment that causes or may cause an adverse effect (section 67). According to the Act, “releasing” a substance can mean spilling, discharging, disposing of, spraying, injecting, inoculating, abandoning, depositing, pouring, emitting, emptying, throwing, dumping, placing, draining, or pumping that substance, and it can also refer to letting that substance escape through leaking or seeping, or as exhaust (section 3). An “adverse effect” is defined as an effect that impairs or damages the environment or changes the environment in a manner that negatively affects aspects of human health (section 3(c)).

A person may be found liable for releasing a substance in violation of section 67 even where the release was not intentional and the person did not mean to cause harm.

The EA requires any person responsible for the release of a substance to report it to the Nova Scotia Department of Environment (using the 24-hour emergency line, at 1-800-565-1633), and to report the release to the owner of the substance, the person in care, management or control of the substance, and any other person directly affected by the release (section 69). The person responsible is also required by the Act to take all reasonable measures to prevent, reduce, and remedy the adverse effects of the substance and rehabilitate the environment (section 71).

The EA empowers the provincial Minister of Environment to approve activities that may cause harm to the environment or release a substance into the environment that may cause an adverse effect. Ministerial approval for an activity is given after consideration of the location of the proposed activity, relevant policies, and potential adverse effects. The Activities Designation Regulations list over one hundred activities that require approval. Some of these activities deal with municipal waste, pesticides, water approvals, and dangerous goods/waste.

The Minister of Environment has wide discretion to approve or deny an approval request. This includes discretion to deny an approval that is not in the public interest. If an approval is granted, the Minister has authority to stipulate specific conditions or terms of the approval. It is an offence to violate the terms of an approval.

A person affected by an approval may appeal the decision within thirty days by providing notice in writing to the Minister (section 137). A decision by the Minister on that appeal may be further appealed to the Nova Scotia Supreme Court (section 138).

WHAT ARE MY OPTIONS?

The federal and provincial governments have considerable discretion when it comes to enforcing the Acts discussed above. Due to time and money constraints, as well as the difficulty of collecting evidence, charges are often not laid.

1. Under the **Canadian Environmental Protection Act**, if you have knowledge of the commission of an offence, you may report the offence to an enforcement officer (section 16(1)). You may also apply to the federal Minister of Environment for an investigation of the offence (section 17(1)), at which

point the Minister may investigate (section 18). If the Minister does not conduct the investigation within a reasonable amount of time or if the response was unreasonable, you may also bring a private action (section 22). Additionally, an individual who suffers from an offence may seek an injunction (an order to temporarily or permanently stop an activity) or bring an action to recover damages from the person who engaged in the conduct (sections 39 and 40).

2. If a responsible government department does not enforce its laws, a member of the public can initiate a private prosecution. This may result in the government getting involved. A citizen can also file a petition that will force the government to examine the issue. Although private prosecutions do not require the government to lay a charge, they may result in an examination of the violation. For further information on private prosecutions, refer to Summary Series III.
3. If land-based pollution is entering water frequented by fish, you can make a report to Environment Canada and the Department of Fisheries and Oceans by calling the Maritimes Regional Office for the Canadian Coast Guard and Fisheries and Oceans Canada at 1-902-426-6030. If no action is taken, you may initiate an investigation under the federal **Fisheries Act**. The steps to taking action under this Act are explored above in the "Aquaculture – What are my options?" section.
4. If you have knowledge of a release that occurs in waters or areas frequented by migratory birds, contact Environment and Climate Change Canada at 1-819-938-3860 or ec.enviroinfo.ec@canada.ca. If your employer is requiring you to take an action that may have an effect on migratory birds or their nesting areas, section 5.3 of the **Migratory Birds Convention Act** protects employees who refuse to do something that they believe might be in contradiction of this Act.

For more information regarding enforcement options, refer to ECELAW's Environmental Law Summary Series Volumes II (Enforcing Environmental Laws) and III (Bringing a Private Prosecution).

Protected Areas

WHAT MEASURES ARE IN PLACE TO PROTECT TERRESTRIAL AND MARINE ENVIRONMENTS?

The International Union for Conservation of Nature (IUCN) defines a protected area as a clearly defined geographical space that is recognized, dedicated, and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. In 1992, Canada signed the Convention on Biological Diversity, which sets out goals regarding the protection of marine areas.

Protected areas can be established by the federal and provincial governments on water and land. If a proposed protected area contains a portion of land that is subject to Aboriginal rights or title, the government must fulfill its duty to consult and accommodate.¹⁷

ROLE OF THE FEDERAL GOVERNMENT

The federal government can undertake land-based conservation measures that are of a national concern, such as protecting species at risk and migratory birds, or that relate to an area of federal jurisdiction, such as marine waters. Federal Crown lands include national parks, "Indian reserves" as defined in the *Indian Act*, and Canadian Armed Forces bases. Marine protected areas not adjoining the shore are also under federal jurisdiction.

Oceans Act: The Minister of Fisheries and Oceans is required to develop and maintain an oceans management strategy (section 29) and implement a system of **Marine Protected Areas** ("MPAs") to protect and conserve marine ecosystems, endangered marine species, unique features, and areas of high biological productivity or biodiversity (section 35).

Recently, the federal government committed to protecting ten percent of its oceans by 2020 using various mechanisms, including MPAs and Other Effective Conservation Measures ("OECMs"). More information about MPAs can be found at www.dfo-mpo.gc.ca/oceans/mpa-zpm/index-eng.html.

The Gully is an example of an MPA in offshore Nova Scotia. The Gully is located about 200 km off the coast of Nova Scotia, east of Sable Island. It is divided into three zones. The

core zone, Zone 1, is a highly restricted deep-water area in which few activities are permitted. Zone 2 and Zone 3 allow more uses, including fishing for halibut, tuna, shark, and swordfish. General prohibited practices include: anything that disturbs, damages, destroys, or removes any living marine organism, habitat or seabed; dumping, discharge, or depositing of any substance; and any activity in the vicinity of the MPA that triggers one of the prohibited practices above.

Regulations made under the *Oceans Act* prohibit damage and disturbance to the MPA by regulating human activity that can take place beyond the MPA's boundaries. These regulations recognize that activities such as depositing, discharging, or dumping of substances outside the MPA can have harmful effects within it.

Canada Wildlife Act: The Minister of Environment and Climate Change can establish **National Wildlife Areas** for wildlife research, conservation and interpretation. **Marine Wildlife Areas** can be created between the 12 nautical mile territorial sea and the 200 nautical mile limit to enable conservation and protection of marine species.

Canada National Marine Conservation Areas Act: Parks Canada has the authority to establish **National Marine Conservation Areas** to protect and conserve representative examples of Canada's natural and cultural marine heritage and to provide opportunities for public education and enjoyment. The focus of these conservation areas is on harmonizing conservation with human enjoyment.

Canada National Parks Act: Parks Canada has the authority to establish **National Parks**, including parks with a marine component. An example of a national park in Nova Scotia with a coastal component is Kejimikujik National Park, with its boundary ending at the low water mark. Cape Breton Highlands National Park also borders the coastline; however, its boundaries end at the high water mark and include no marine component.

Migratory Birds Convention Act: In 1916, Canada and the United States signed the Migratory Birds Convention, which obliges both countries to protect listed migratory bird species and their habitat. The Minister of Environment and Climate Change Canada can designate Migratory Bird Sanctuaries.

Species at Risk Act: The Minister of Environment and Climate Change can protect species and habitats of endangered or threatened species on federal land. The Minister may also order that federal protection applies to any species on non-federal land if the Minister is of the opinion that the species is not adequately protected by provincial legislation.

ROLE OF THE PROVINCIAL GOVERNMENT

The province has primary jurisdiction over land, including coastal areas, except for federal lands such as national parks. Provincial crown lands, as defined in section 3 of the **Crown Lands Act**, include any land under the administration or control of the Minister of Natural Resources. This includes most submerged lands, or seabeds, and the Nova Scotia coastline, except for federally and privately owned water lots.

Land-based protected areas with coastal boundaries stop abruptly where provincial jurisdiction ends, at the ordinary low water mark. In some instances, such as under the provincial **Wilderness Areas Protection Act**, the Minister of Environment may be given legislative authority to further protect an area by managing the use of adjacent lands in accordance with the way the protected area is managed (section 16). Because much of Nova Scotia's coastline is privately owned, the following will also address ways in which private land may be protected.

Wilderness Areas Protection Act: The Minister of Environment has the authority to designate **protected wilderness areas** in Nova Scotia. There are also numerous **nature reserves** and two **heritage rivers**. Restrictions may be placed on activities in these areas. Some of these restrictions include mining, carrying out any agriculture activity, depositing litter, maintaining a fire (unless permitted in a designated area), or damaging any natural plant or animal (s.17-25). Permitted activities include sport fishing, traditional patterns of hunting and trapping in accordance with the Act and regulations (section 24(1)), and camping and hiking in designated areas (section 23(1)). The amount of protection designated to each particular wilderness area is at the discretion of the Minister of Environment.

Beaches Act: There are currently ninety-two **beaches** in Nova Scotia designated by the Minister of Natural Resources. The **Beaches Act** regulates the land use and recreational activities on these designated beaches, which are protected as sensitive environmental resources. The Province has the authority to designate privately owned lands as "beaches" under the Act, and, in doing so, to make them protected areas.

Special Places Protection Act: There are currently eighty-two **Ecological Site Designations** and six **Protected Site Designations** under the **Special Places Protection Act**. The goal of this Act is to preserve, protect, regulate, explore, and research important parts of the natural or human heritage of Nova Scotia, and to promote understanding and appreciation of educational and cultural values that are represented by the establishment of special places (section 2). Protected sites may include lands covered in water (section 7) as well as privately owned land (section 7(4)). Although a sign may indicate a designated special place, signage is not mandatory.

Provincial Parks Act: There are currently one hundred and three **provincial parks** designated under the Provincial Parks Act. The Act aims to develop and maintain provincial parks across Nova Scotia (section 2). The Minister of Natural Resources is encouraged to coordinate provincial park policies and management with federal, provincial, and municipal levels of government (section 13(a)). The Minister is also encouraged to make agreements with owners and occupiers of lands adjacent to provincial parks so that those lands will be managed in accordance with the parks' needs (section 18(2)).

Wildlife Act: There are currently fifteen designated **Wildlife Management Areas** and thirteen **Game Sanctuaries** and **Wildlife Parks** in Nova Scotia. The Wildlife Act gives the Minister of Natural Resources authority to declare any Crown lands, or privately held lands with the consent of the landowner, as designations under this Act. The Act also authorizes the Minister to make orders prohibiting hunting or trapping wildlife in a designated area, as well as to regulate hunting and fishing generally.

Conservation Easements Act: A conservation easement is an agreement between a land owner and an eligible body that grants rights or imposes obligations on the easement holder, owner, or both for the purpose of protecting, restoring, or enhancing the land (section 4). This is a useful tool for private landowners who wish to protect land that they own.

Examples of eligible bodies include the Ecology Action Centre, the Nova Scotia Nature Trust, the Bras d'Or Preservation Foundation, the Nature Conservancy of Canada, a municipality, and a provincial or federal agency (section 8). For a detailed list of eligible bodies, refer to the **Conservation Easement Act** and the Designation of Eligible Bodies Regulations, Schedule "A", which are available at www.gov.ns.ca/just/regulations/regs/coedesig.htm. For more information on conservation easements and other private conservation options, visit the Nova Scotia Nature Trust website at nsnt.ca/resources/landowner.

WHAT ARE MY OPTIONS?

1. If you wish to protect a portion of your land while maintaining ownership rights, you may consider setting up a conservation easement. The terms of use and duration may be drafted uniquely to suit your use of the land. There are many different environmental organizations that will accept a conservation easement. Benefits include federal and provincial tax incentives, as well as long-term protection of privately owned ecological areas.
2. If there is a significant offshore resource that you and your community is interested in protecting, you may wish to identify an Area of Interest for the possibility of establishing a marine protected area ("MPA"). Areas of Interest may be identified by community groups, Indigenous groups, the general public, or by other stakeholders. Some benefits of designating an MPA include the protection and sustainability of fisheries and future income. For an example of an MPA established by local stakeholders, visit <http://www.dfo-mpo.gc.ca/oceans/mpa-zpm/eastport-eng.html>.
3. It is an offence to violate the provisions of any of the Acts listed above. You may be able to trigger an investigation and prosecution by contacting the government responsible for the legislation that is being violated and asking the government to investigate the activity (see Summary Series Volume I for departmental contact information).
4. If you have concerns about the management of a protected area that comes under federal jurisdiction, you can bring a petition to the federal Commissioner of Environment and Sustainable Development, who will forward the petition to the relevant minister and require them to give you a response (see Summary Series Volume II).

A FEW KEY DEFINITIONS

Aquaculture: means the farming for commercial purposes of aquatic plants and animals over which the Minister exercises control but does not include raising or breeding in tanks, nets, pens or cages of aquatic plants and animals either as aquarium species, in laboratory experiments or by individuals on their own property as food for their own use (taken from Fisheries and Coastal Resources Act, section 3(a)).

Beach: means that area of land on the coastline lying to the seaward of the mean high watermark and that area of land to landward immediately adjacent thereto to the distance determined by the Governor in Council, and includes any lakeshore area declared by the Governor in Council to be a beach (taken from Beaches Act, section 3(a)).

Foreshore: The strip of land lying along tidal water, between the ordinary high and low water marks.¹⁸

High Water Mark: The medium high tide line between spring and neap. When the law uses these words, the boundary is to be taken to mean the ordinary or mean high water mark.¹⁹

Low Water Mark: The medium low tide line between spring and neap.

Seabed: the floor of a sea or ocean (taken from Merriam-Webster Online Dictionary)

Water Lot: A designated parcel of land, underwater. Before Confederation in 1867, a number of water lots were created in Canada, and these remain in existence today. One example is the land under Purdy's Wharf in Halifax.

Federal Legislation
<p>Canada National Parks Act, SC 2000, c 32. Protects and maintains the National Parks of Canada for the benefit, education and enjoyment of Canadian people as well as future generations.</p>
<p>Canada Wildlife Act, RSC 1985,c W-9. Protects wildlife, promotes and encourages wildlife conservation effort and allows the government to conduct research and investigation into wildlife conservation. Places duty on government to encourage public participation in wildlife conservation and education. Enables creation of National Wildlife Areas and Marine Wildlife Areas.</p>
<p>Canadian Environmental Assessment Act, 2012, SC 2012, c 19. Designates major projects that require federal environmental assessments and states how such assessments are to be carried out.</p>
<p>Canadian Environmental Protection Act, SC 1999, c 33. Obligates the Government of Canada to protect, enhance, and restore the environment for the benefit of the environment and humans alike.</p>
<p>Canada National Parks Act, SC 2002, c 32. Protects and maintains the National Parks of Canada for the use of Canadians at present and in the future.</p>
<p>Constitution Act, 1867 to 1982 The Supreme law of the land to which all other laws must accord.</p>
<p>Fisheries Act, RSC 1985, c F-14. Creates a licensing and regulatory regime for the fishery. Protects fish and fish habitat. Enables the creation of Marine Refuges.</p>
<p>Fishing and Recreational Harbours Act, RSC 1985, c F-24). Gives the Minister of Fisheries and Oceans the power to control and administer the use, management, and maintenance of every scheduled harbour.</p>
<p>Indian Act, RSC 1985, c I-5. Creates a legislative scheme through which the Federal Government manages Indigenous affairs</p>
<p>Migratory Birds Convention Act, SC 1994, c 22. Protects and conserves migratory bird populations, including individual birds and their nests. Enables the creation of Migratory Bird Sanctuaries.</p>
<p>Navigation Protection Act, RSC 1985, c N-22. Protects waterways to ensure they remain navigable by vessels.</p>
<p>Oceans Act, SC 1996, c 31. Promotes both the conservation and understanding of oceans and marine resources and the protection thereof. Enables the creation of Marine Protected Areas.</p>
<p>Species at Risk Act, SC 2002, c 29. Provides for the protection and recovery of extirpated, endangered, and threatened species on federal land.</p>

Provincial Legislation
<p>Beaches Act, RS, c 32. Designates and protects beaches for the use of present and future generations. Also gives Minister of Lands and Forests the ability to manage and control the uses of beaches to prevent undesirable impacts.</p>
<p>Conservation Easements Act, 2001, c 28. Allows a landowner to grant an easement to an eligible body for the purposes of conservation.</p>
<p>Endangered Species Act, 1998, c 11. Provides for the conservation of endangered species in the province as well as the conservation of their habitat.</p>
<p>Environmental Goals and Sustainable Prosperity Act, 2007, c 7. Establishes a series of environmental and economic goals.</p>
<p>Fisheries and Coastal Resources Act, 1996, c 25. Creates a legislative regime that governs the licensing management, and education of participants in the fisheries and aquaculture industry while providing opportunities for community input</p>
<p>Municipal Government Act 1998, c 18. Sets out the authority, abilities and functions of municipal government.</p>
<p>Nova Scotia Environment Act, 1994-95, c 1. Promotes the protection, enhancement, and prudent use of the environment. Prohibits the release into the environment of any substance that may cause an adverse effect.</p>
<p>Provincial Parks Act, RS 1989, c 367. Protects and preserves provincial parks and the cultural heritage therein for the benefit of Nova Scotians and tourists alike.</p>
<p>Special Places Protection Act, RS 1989 c. 438. Provides for the preservation, regulation, and study of archaeological and historical remains as well as paleontological and ecological sites. Provides for the designation and preservation of nature reserves</p>
<p>Wilderness Areas Protection Act, 1998 c 27. Provides for the designation and protection of certain wilderness areas.</p>
<p>Wildlife Act, RS 1989, c 504. Designates and protects Wildlife Management Areas, Games Sanctuaries, and Wildlife Parks in Nova Scotia.</p>

ENDNOTES

- 1 Environment and Climate Change Canada, *Achieving a Sustainable Future: A Federal Sustainable Development Strategy for Canada: 2016-2019*, (Gatineau: Environment and Climate Change Canada, 2016).
- 2 Meinhard Doelle et al. "The Regulation of Tidal Energy Development Off Nova Scotia: Navigating Foggy Waters" (2006) 55 *University of New Brunswick Law Journal* 27.
- 3 Reference Re: Ownership of Off Shore Mineral Rights (British Columbia), [1967] SCR 792; Reference Re: Ownership of the bed of the Strait of Georgia and related areas, [1984] 1 SCR 338; Reference Re: Seabed and subsoil of the continental shelf offshore Newfoundland, [1984] 1 SCR 86.
- 4 *Haida Nation v Canada*, 2004 SCC 73, [2004] 3 SCR 511, 245 DLR (4th) 33; *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)* 2005 SCC 69, [2005] 3 SCR 388, 259 DLR (4th) 610.
- 5 Regulations Designating Physical Activities, SOR/2012-147.
- 6 For more information on Statements of Provincial Interest see the Local Government Resource Handbook, (Halifax: Service Nova Scotia and Municipal Relations, 2006) online: <https://novascotia.ca/dma/publications/government-resource-handbook.asp>
- 7 114957 *Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)*, 2001 SCC 40, [2001] 2 SCR 241.
- 8 *Morton v British Columbia (Agriculture and Lands)*, 2009 BCSC 136, 2009 BCCA 481, 47 CELR (3d) 1.
- 9 Fisheries and Oceans Canada, *Focus Area Report on Aquaculture, Introductions and Transfers, and Transgenics*. Aquaculture Management Directorate Fisheries and Aquaculture Management, (Ottawa: Fisheries and Oceans Canada, 2010) at 6.
- 10 Fisheries and Oceans Canada, *Fisheries Protection Policy Statement* (Ottawa: Ecosystem Programs Policy Fisheries and Oceans Canada, 2013).
- 11 Activities Designation Regulations, NS Reg 120/2016 at s 14(1)(a).
- 12 Aquaculture Licence and Lease Regulations, NS Reg 347/2015 at section 19(1).
- 13 Aquaculture Activities Regulations, SOR/2015-177.
- 14 *R v Crown Zellerbach Canada Ltd*, [1988] 1 SCR 401.
- 15 *R. v. MacMillan Bloedel (Alberni) Ltd*, [1979] BCJ No 1498, 12 BCLR 29.
- 16 *R. v. Western Stevedoring Co*, [1984] BCJ No 754, 13 CELR 159.
- 17 *Haida Nation v. British Columbia (Minister of Natural Resources)*, 2004 SCC 73, 245 DLR (4th) 33.
- 18 *Flewelling v Johnston* (1921) 59 DLR 419 at para. 41.
- 19 *Canada (AG) v Kennings*, (1988) 23 FTR 51, 40 LCR 253.

DISCLAIMER

Please note that this volume cannot cover all coastal environmental issues or all options available to you, nor should it be interpreted as legal advice. While ECELAW works hard to update its materials, some information contained in this Summary Series may become outdated as statutes, regulations and policies are updated and amended.

EAST COAST ENVIRONMENTAL LAW ASSOCIATION

This guide was developed by the East Coast Environmental Law Association (ECELAW), a non-profit organization.

ECELAW envisions a future where innovative and effective environmental laws and the just application of those laws provide Atlantic Canadians with a clean, healthy environment, which will make a positive contribution to the quality of life of Atlantic Canada's present and future inhabitants and visitors.

ECELAW encourages the development and fair application of innovative and effective environmental laws in Atlantic Canada through:

- **Public Education:** We make environmental laws and legal options easy to understand for Atlantic Canadian communities and organizations fighting for environmental justice.
- **Collaboration:** We work with individuals and groups to strengthen environmental laws and ensure enforcement throughout Atlantic Canada.
- **Legal Action:** We identify ways to improve Atlantic Canada's environmental laws, and we help Atlantic Canadians defend our environment through the fair application of the law.

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FOR MORE INFORMATION

Please visit www.ecelaw.ca for other legal resources and to access our online information library.

To find the full text of the federal and provincial Acts and Regulations, visit:

Canadian Legal Information Institute: www.canlii.ca

Federal Department of Justice: <http://laws.justice.gc.ca>

Nova Scotia House of Assembly: www.gov.ns.ca/legislature/legc/

Online resources for frequently asked questions:

Nova Scotia Department of Justice: www.gov.ns.ca

Self-Represented Litigants Project: www.gov.ns.ca/just/srl/tips/tips_EN.asp

The Courts of Nova Scotia: www.courts.ns.ca

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