



SPECIAL  
REPORT

# 25

YEARS OF  
VICTORIES



ecojustice  25 years

Building the case for a better earth.

# OUR THANKS TO YOU

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For 25 years, our lawyers have gone to court to protect wilderness and wildlife, challenge industrial projects that pose unacceptable risks to the environment and human health and keep harmful chemicals out of the air, water and soil we all depend on.

As a 100% donor-funded charity, your support has kept us fiercely independent. And you've provided so much more than financial support. You've been beside us, cheering on our lawyers, celebrating the hard-won victories and ensuring that even the inevitable defeats resulted in pressure for policy change. Together, we have secured more legal wins that we can fit in the pages that follow, so we've narrowed it down to our top 25.

Looking back on where we've come from, it's clear we are now working in a different world, filled with new challenges and opportunities. When we got our start, not a single Canadian city had passed a bylaw restricting pesticide use. There was no Facebook or Twitter to connect us with like-minded Canadians and there was no federal law to protect species at risk and the critical habitat they rely on.

Twenty-five years ago, 2015 was the future.

Despite all that we have achieved, Ecojustice is needed as much today, if not more, than we were 25 years ago. Today, when we take on daunting new challenges — like quashing a plan to transport U.S. thermal coal through B.C. neighbourhoods, stopping protections for species on the brink of extinction in Ontario from being rolled back, or fighting for recognition of our collective right to a healthy environment — we are setting the stage for the Canada we want in 2040.

With your support, we are leading the legal fight for a brighter environmental future. Because that future will be here sooner than we think.

Sincerely,



**Devon Page**  
Executive Director



**Cathy Wilkinson**  
President and Chair



# OUR STAFF



## Alberta

Betty Gabel  
Melissa Gorrie  
Barry Robinson  
Fraser Thomson  
Dyna Tuytel

## Ottawa

Will Amos  
Dr. Carolyn Callaghan  
Tanya Nayler  
Celine Perret  
Pierre Sadik

## Toronto

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Sandra Gamboias  
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Harry Wruck, Q.C.



## IMAGINE CANADA



*The Standards Program Trustmark signals that an organization has demonstrated compliance with each of the Imagine Canada Standards.*

In 2014, Ecojustice was accredited by Imagine Canada, making it part of a community of more than 120 charities and nonprofits committed to operational excellence.



1992

## FORCING ENVIRONMENTAL ASSESSMENTS FOR MAJOR PROJECTS

When the federal government refused to do a comprehensive environmental review of a proposed mega-dam on Alberta's Oldman River, we successfully intervened before the Supreme Court of Canada. The case established a sweeping precedent requiring a federal environmental assessment for most major industrial projects across the country.



1993

## HALTING LOGGING IN WOOD BUFFALO NATIONAL PARK

When Canadian Forestry Products was granted a logging lease that would have allowed the company to log 49,000 hectares inside Wood Buffalo National Park in northeastern Alberta, we launched a lawsuit on behalf of Canadian Parks and Wilderness Society. Before the case went to trial the federal government withdrew the lease and changed its policy to prevent future logging in national parks.

## HELPING GALIANO ISLAND RESIDENTS SPEAK OUT AGAINST LOGGING

When MacMillan Bloedel hit the Galiano Conservancy Association with a lawsuit alleging the small group of landowners "conspired" and "manipulated the planning process" after they objected to plans to develop Galiano Island, we helped them take on the company and win. The court agreed that the case was aimed at quieting legitimate public commentary and ruled in favour of our clients.

1994



## HELPING THE JAMES BAY CREE PROTECT GREAT WHALE RIVER

When the Grand Council of the Crees and the Cree Regional Authority took Hydro-Québec to court over a proposed hydroelectricity project that would have transformed landscapes and ecosystems along the Great Whale River, we intervened in the case. The Supreme Court of Canada ruled that the government could not take a narrow approach to environmental reviews and the project was subsequently shelved.

1997



## DEFENDING THE CONSTITUTIONALITY OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT

After spilling PCBs into a tributary of the St. Lawrence River, Hydro-Québec was charged under the *Canadian Environmental Protection Act* (CEPA). The utility argued that CEPA was unconstitutional because regulation of toxic substances is a provincial matter. We intervened in the case and the Supreme Court of Canada affirmed the constitutionality of CEPA and validated our position that federal criminal law powers could be used to protect the environment.

Kathleen Kingsley & daughter Jennifer



## Kathleen Kingsley

*Monthly and Legacy  
donor since 1998*

Kathleen Kingsley's passion for nature is deeply connected to family history and values. As a

child, she visited her family's cottage on a small island in Ontario where she enjoyed running wild and exploring the islands by canoe with her parents.

Kathleen's first gift to Ecojustice was inspired by her mother Margaret and father Roy, who were two of Ecojustice's original supporters and passionate defenders of nature. "My parents believed in the work of Ecojustice, and thought that Ecojustice made a real difference in the world and now I'm glad to know and support Ecojustice too."



1998



## HELPING

### DEFEAT ATTACK ON GOVERNMENT REGULATION

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When the Northwest Territories Court of Appeal ruled that “freedom of association” could be interpreted to mean “freedom to engage in commercial activities” we were concerned it would restrict government’s ability to regulate commercial activities — with far-reaching environmental implications. We intervened on behalf of the Council of Canadians at the Supreme Court of Canada, where the lower court decision was overturned.



## STOPPING

### LOGGING OF OLD GROWTH FORESTS IN ONTARIO

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In 1995, Ontario’s *Crown Forest Sustainability Act* (CFSA) modernized forestry law. When changes to actual forestry practices failed to follow, we launched a lawsuit challenging the Minister of Natural Resources’ approval of logging in threatened Ontario forests. The Court found that the Minister had unlawfully approved forest management plans that violated both the CFSA and the *Environmental Assessment Act*.



## DEFENDING

### FRIENDS OF THE LUBICON’S RIGHT TO FREE SPEECH

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After Alberta granted logging rights to multinational corporation Daishowa on lands traditionally used and occupied by the Lubicon Cree Nation, a group called Friends of the Lubicon began a consumer boycott. Daishowa sued and we defended Friends of the Lubicon. The Court concluded that the boycott was legal, fortifying citizens’ right to free speech. After the ruling came down, Daishowa announced it would not log in the disputed area until after Lubicon land rights were settled.

2000



PHOTO: CCBY2.0 / WENDEL FISHER

# FORCING

## HAMILTON TO CLEAN-UP

# POLLUTION

When a Hamilton public works yard was caught contaminating Red Hill Creek, both the City of Hamilton and the province failed to take action. So, on behalf of Hamilton resident Lynda Lukasik, we brought a private prosecution under the federal *Fisheries Act*. The Ontario Ministry of the Environment then brought a separate charge under the provincial *Water Resources Act*. The City of Hamilton pleaded guilty and was fined a record \$450,000.

2001



# STANDING UP

## FOR MUNICIPALITIES'

# RIGHT TO RESTRICT

# PESTICIDE USE

When the Town of Hudson, Quebec, passed a bylaw restricting non-essential use of pesticides, two lawn care companies sued, arguing that municipalities don't have the power to control pesticide use. The case made it to the Supreme Court of Canada, where Ecojustice intervened. The bylaw was upheld and, as a result of our brief, the case marked the first time the court relied on the precautionary principle and justified decisions made on the basis of precaution. The victory also helped pave the way for a national movement to restrict pesticide use.

## CLIENT TESTIMONIAL



For 25 years, Ecojustice has played an important role in supporting organizations like CPAWS to fulfil our mission.

In 1992, when it was still known as the Sierra Legal Defence Fund, Ecojustice represented us and helped us win a precedent-setting court case to stop logging in Wood Buffalo National Park, Alberta.

2001

2002

2003



## SECURING AN INJUNCTION TO STOP LOGGING IN SPOTTED OWL HABITAT

In early 2001, a B.C. government biologist informed Ecojustice that although there was an endangered northern spotted owl in residence, logging was underway in the Siwash Creek Valley. After travelling to the area and videotaping an owl roosting, we filed for an injunction. The B.C. Supreme Court ordered an immediate halt to logging in the area. This was the first time in Canadian history an injunction had been granted to protect endangered species habitat.



## CELEBRATING THE INTRODUCTION OF THE FEDERAL SPECIES AT RISK ACT

Beginning in 1992, we pushed hard for a strong federal species protection law. After 10 years of work, the federal *Species at Risk Act* (SARA) was passed. SARA recognizes that protecting critical habitat is essential to protecting individual species. When SARA became law, we released a comprehensive guide on how the law can be used by citizens to protect species at risk and the habitat they rely on.

## HELPING HOLD IMPERIAL OIL TO ACCOUNT FOR CONTAMINATION IN QUEBEC

After the site of an Imperial Oil petroleum product depot in Lévis, Quebec, became a residential development, tests revealed higher than allowable levels of contaminants in the soil. Quebec's Minister of the Environment ordered Imperial Oil to address the issue. Imperial refused and the case went to the Supreme Court of Canada, where we intervened. The SCC dismissed Imperial's appeal, enshrining the polluter-pays principle in Canadian law.



2004



# SECURING

## THE NON-ECONOMIC VALUE OF TREES AND FORESTS

When a forest fire destroyed almost 1,500 hectares of Crown forests, including a protected area, the B.C. government took the province's largest logging company — Canadian Forest Products (Canfor) — to court. The logging company argued that since the protected area was never intended to be logged, the trees in the protected area had no value. Our lawyers intervened at the Supreme Court of Canada and argued that the trees' non-market value should be considered when awarding damages. While the SCC denied B.C.'s claim for damages, it acknowledged that we must consider more than the price of timber when calculating the full economic value of trees and forests.

2007

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# LAWSUIT TRIGGERS

## RELEASE OF PIPING PLOVER RECOVERY STRATEGY

In 2007, Ecojustice, on behalf of several environmental groups, launched the first lawsuit in Canada seeking to enforce the federal *Species at Risk Act*. Our clients challenged the federal government's failure to identify the habitat the piping plover relies on in a recovery strategy for the endangered shorebird. Shortly after, the federal government responded with a recovery strategy that identified critical habitat essential to the piping plover's recovery.



## Martha Butterfield

*Board member and  
Champions Community  
supporter since 1996*

Martha Butterfield and her husband George are long-time champions of

Ecojustice. Growing up in a family of lawyers, she understands the role the law plays in protecting our environment.

She believes clean water, land and air are undeniable rights.

"We are the custodians of our land and it is our job and duty to keep it safe for future generations," she says.

2008

## OVERTURNING

### KEARL TAR SANDS APPROVAL

Imperial Oil's Kearl project in Alberta would have permanently degraded 200 km<sup>2</sup> of boreal forest and created greenhouse gas emissions equivalent to adding almost a million new cars to the road. When a joint federal-provincial review determined that the project would not have any significant environmental impacts, Ecojustice filed a lawsuit on behalf of a coalition of environmental organizations. The Federal Court accepted our argument that the panel had made crucial legal errors in their environmental assessment. This was the first successful judicial review challenging a joint panel assessment for a tar sands project.

2009

## NOOKSACK DACE LAWSUIT SCORES BIG WIN FOR TINY FISH

After the Department of Fisheries and Oceans failed to identify critical habitat in its recovery strategy for B.C.'s endangered Nooksack dace, Ecojustice launched a lawsuit. The Court ruled that DFO had violated the federal *Species at Risk Act*, and put forward the definition of critical habitat that includes essential ecological attributes a species needs to survive. The Court also affirmed the precautionary principle with a finding that scientific uncertainty cannot be used to delay critical habitat identification.

## FORCING

### FEDS TO MAKE TAR SANDS & METAL MINE POLLUTION DATA PUBLIC

Ecojustice brought a case against the federal Ministry of the Environment to compel disclosure of pollutant release data from the tar sands in Alberta and other mining activities in Canada. Our clients won and the federal government was forced to collect pollution data from metal mines and tar sands projects and make that information publicly available to all Canadians.





2010

# FIGHTING

## SUMAS 2 POWER PLANT & PROTECTING THE FRASER VALLEY

The Sumas Energy 2 power plant, which would have produced hundreds of tonnes of air pollutants annually, was slated to be built one kilometre from the Canada-United States border. We appeared before the National Energy Board (NEB) and successfully argued against the project. Project proponents appealed, arguing that the NEB's decision violated NAFTA. The company lost and abandoned the project.

# AFFIRMING PROJECT-SPLITTING TO AVOID ENVIRONMENTAL ASSESSMENT IS UNLAWFUL

When the proposed Red Chris Mine threatened the ecologically sensitive Stikine watershed in northwestern B.C., Ecojustice teamed up with MiningWatch Canada to go to court — and won. The Federal Court ruled that the government had unlawfully evaded a full environmental assessment and public consultation process. Unfortunately, despite its unlawful assessment, the Red Chris Mine was eventually built. Yet, going forward under the *Canadian Environmental Assessment Act, 2012*, the government must assess industrial projects in their entirety.

## CLIENT TESTIMONIAL



**WILDERNESS**  
COMMITTEE

For more than 20 years, the Wilderness Committee has worked with Ecojustice to achieve our shared goals. Together, we've protected the ancient forest of the Elaho Valley, stood up for the northern spotted owl and defended bees and wild pollinators from deadly pesticides.

We can think of no better champion than Ecojustice when it comes to using the law to stand up for clean air, fresh water and healthy, vibrant ecosystems.



2010

2012

2013



## LEGAL ACTION TRIGGERS FEDERAL PROSECUTION OVER SYNCRUDE DUCK DEATHS

When 1,600 ducks died after landing on a Syncrude tailings pond in Alberta, neither the Alberta nor the federal government laid charges. So Ecojustice helped a concerned Alberta resident file a private prosecution, prompting both governments to take over the case and lay charges. Syncrude was found guilty and agreed to pay \$3 million, the largest fine for an environmental offence in Canadian history at that time.

## LANDMARK RULING PROTECTS

KILLER WHALE HABITAT

In 2008, the federal government identified two areas on the B.C. coast as critical habitat for killer whales listed under the *Species at Risk Act*. It then issued a protection statement that failed to meet legal requirements because it relied on non-binding policy, discretion and guidelines. It also excluded the biological aspects of critical habitat – prey availability, environmental quality, and the acoustic quality of the habitat from legal protection. We launched a lawsuit, and the Federal Court held that SARA required that all aspects of critical habitat be protected. This decision was later upheld by the Federal Court of Appeal.



## PRESSURING NESTLÉ TO LIMIT ONTARIO WATER WITHDRAWALS

Nestlé Canada Inc. has permission to withdraw more than a million litres of water each day from a well in Hillsburgh, Ontario, and bottle it for sale. Nestlé persuaded the Ontario government to remove a mandatory restriction on the amount of water it takes during drought conditions, so we helped our clients challenge the deal. Ontario's Environmental Review Tribunal ordered a full hearing, but before a date was set, Nestlé agreed to back down and abide by existing restrictions.



## FORCING FEDS TO ISSUE EMERGENCY PROTECTION ORDER FOR GREATER SAGE-GROUSE

The plight of the greater sage-grouse presents one of the most compelling cases for federal intervention under the *Species at Risk Act* that we've ever seen. That's why Ecojustice went to court and successfully forced the federal government to protect the prairie bird and its habitat. After a protracted legal battle that saw the federal government attempt to keep its sage-grouse protection plans behind closed doors, an emergency order was finally issued. It marks the first time the federal government has stepped in to protect endangered species and their habitat on an emergency basis.



2014



## ECOJUSTICE LAWSUIT TRIGGERS RELEASE OF DELAYED RECOVERY STRATEGIES FOR AT-RISK SPECIES

When the proposed Enbridge Northern Gateway pipeline put the Nechako white sturgeon, marbled murrelet, Pacific humpback whale and southern mountain caribou at increased risk, Ecojustice went to court. The Court found that the federal government acted unlawfully by delaying the recovery strategies for the four species. Those recovery strategies have now been produced. Now the pressure is on to produce recovery strategies for more than 160 other at-risk species.



### Hilary Miller

*Monthly Donor since 2014*

It wasn't long ago that Hilary was an Ecojustice staff member, assisting with research for the Cohen Commission. Now she works in the shipping industry, and

every day she see why groups like Ecojustice are so important.

"Where government and industry fail to step up, Ecojustice is there to hold them accountable and offer a sober perspective," she says. "The impact of Ecojustice's work has not gone unnoticed. Within government and industry circles, the precedent-setting work Ecojustice does is closely watched — and even begrudgingly respected."

REVENUE	2014	2013
Cost awards and recoveries	97,072	35,783
Cost recoveries – University of Ottawa law clinic	252,693	280,000
Donations		
– Other donations and bequests	2,498,120	1,414,839
– Public appeals	1,927,460	1,784,735
Grants	988,129	1,399,093
Investment income	78,019	73,495
	5,841,493	4,987,945

## EXPENDITURES

Amortization	41,871	45,327
Facilities and office	620,636	600,513
Fundraising	375,397	359,677
Human resources	132,483	93,502
Litigation and program support	148,086	146,705
Public education	136,706	183,780
Salaries and compensation	3,337,621	3,376,373
Science and research	63,463	7,033
Travel	79,948	89,225
	4,936,211	4,902,135

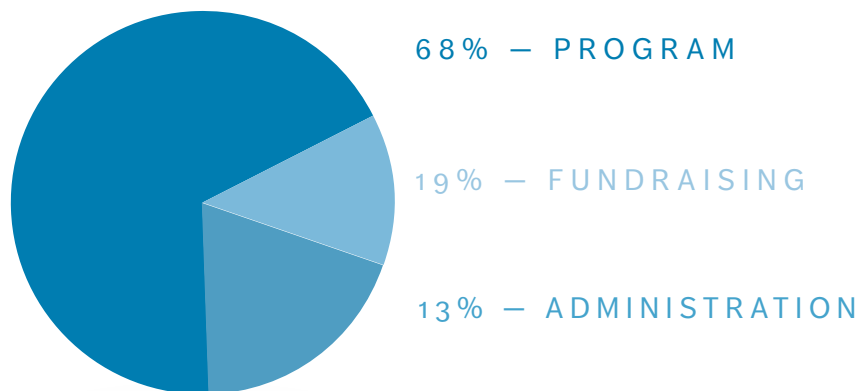
## EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES

Net assets at beginning of year	2,712,338	2,626,528
Net assets at end of year	3,617,620	2,712,338

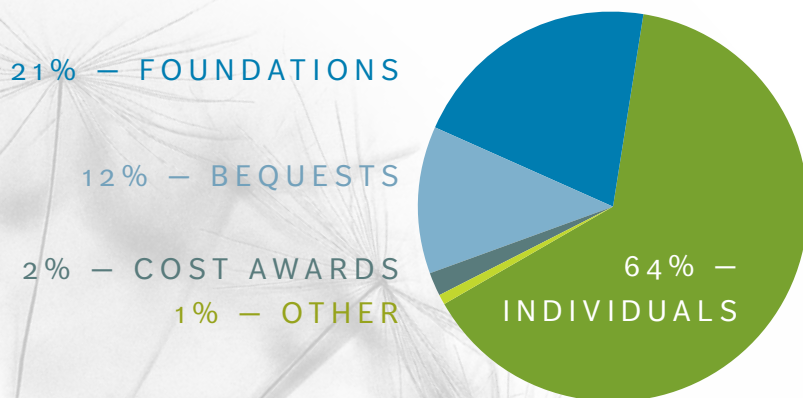
Ecojustice maintains internally restricted funds to safeguard the Society's ability to continue as a going concern and to ensure the completion of current cases. Our full audited financial statements are available on our website at [ecojustice.ca](http://ecojustice.ca).



# ALLOCATION OF EXPENSES



# SOURCES OF SUPPORT



Notes: Allocation of Expenditures is based on data submitted to Revenue Canada Agency on our T3010 Registered Charity Information Return; figures may not total 100 due to rounding. Fundraising costs remain below the charitable sector standard of 23 per cent of total operating expenses. Our complete audited financial statements are available online at [ecojustice.ca](http://ecojustice.ca). Charitable Business Number: BN 13474 8474 RR0001.

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- Dr. David Suzuki
- Terri-Lynn Williams-Davidson
- Doug Chapman (in memoriam)

Report design by Christa Ledding  
[www.ChristaLeding.com](http://www.ChristaLeding.com)

Ecojustice is committed to the use of environmentally responsible papers. By choosing 100 per cent post-consumer recycled fibre instead of virgin paper for this printed material the following savings to our natural resources will be realized this year.

- Trees saved: 41
- Wood reduced: 10,698 kgs
- Water reduced: 131,312 litres
- Landfill reduced: 1,668 kgs
- Net Greenhouse emissions: 3,236 kgs
- Energy reduced: 46,948,000 Btu

SOURCE: [WWW.UNISOURCE.CA](http://WWW.UNISOURCE.CA)

# OUR CLIENTS

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Ecojustice acts strategically together with our partners and clients. We offer our services free of charge, taking on cases that set legal precedents and strengthen laws in defence of clean water, natural spaces, communities, and our climate. As a leader in the courts and the environmental movement, we aim to defend the right of Canadians to a healthy environment – now and for decades to come.



Ada Lockridge

Alberta Wilderness Association

Alexandra Morton

Anthony Bruder

Arctic Athabaskan Council

Atlantic Salmon Federation

Attention Fragîles

Canadian Environmental  
Law Association

Canadian Parks and Wilderness  
Society (CPAWS)

Christine Dujmovich

Communities and Coal Society

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Équiterre

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ForestEthics Solutions Society

Freeport Community  
Development Association

Friends of the Earth (Canada)

Friends of the Rouge  
Watershed

Georgia Strait Alliance

Grassland Naturalists

Greenpeace Canada

## OUR CLIENTS CONTINUED...

Jasper Environmental  
Association

Taku River Tlingit First Nation

Jonathan Andrews

Jumbo Creek Conservation  
Society

Kitigan Zibi First Nation

Lac Simon First Nation

Lake Ontario Waterkeeper

Lilydale Client Group

Living Oceans Society

Lorraine Bruder

Marlene Brown

Melissa King

MiningWatch Canada

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Nature Canada

Nature Saskatchewan

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Northwatch

Ontario Nature

Paula Williams

Raincoast Conservation  
Foundation

Ron Plain

Sierra Club of British Columbia

SNAP-Québec

South Lake Simcoe Naturalists

Voters Taking Action on  
Climate Change

Wellington Water Watchers

Western Canada  
Wilderness Committee

Wildsight

Wildlands League

World Wildlife Fund Canada





# OUR SUPPORTERS

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Ecojustice extends our deepest gratitude to all our 2014 supporters. Your good faith and support of our work has made every challenge we face and victory we celebrate for the environment possible. Your generosity and dedication are commendable. Thank you one and all for helping protect our environment. The following acknowledges donors who made a gift of \$1,000 or more in 2014.

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### \$50,000 PLUS

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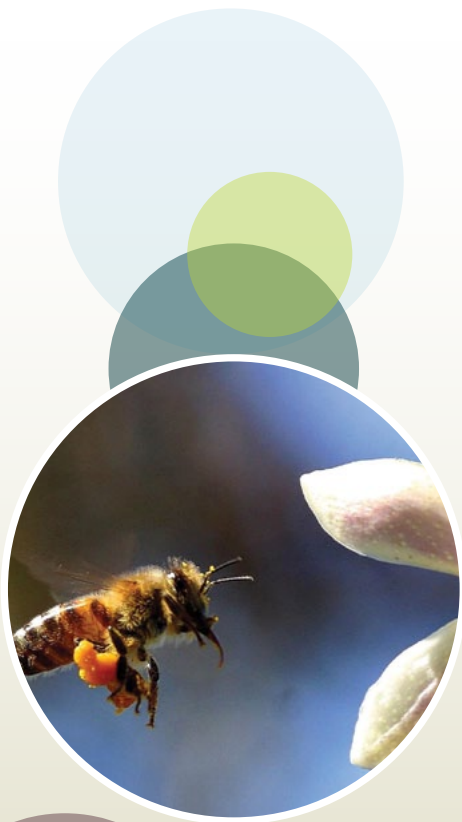
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(CONTINUED)

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**\$1,000 to \$4,999**

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