



# EnviroFor Reporter

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### ENVIROFOR NEWS:

#### New Tutorials/Help Menu

A new PDF tutorial on using Quickscribe is now available in the Help menu, located on the top navigation bar. Look for the "QS Online 2.0 Tutorial (cheat sheet)" located on the top menu bar. This 22-page document will provide you with detailed information and screenshots which highlight some of the key features of Quickscribe. The General Help has also been updated to reflect the latest version of the platform, including a new help page dedicated to the new search. Work is now underway to create new videos as well.

#### New Bills Introduced

Two new government bills have been introduced in April:

- [Bill 24](#), Profits of Criminal Notoriety Act
- [Bill 25](#), Miscellaneous Statutes (General) Amendment Act, 2016

The following members' bills were introduced as well:

- [M211](#), Election Finance Amendment Act, 2016
- [M212](#), Animal Liability Act, 2016
- [M213](#), Campaign Finance Reform Act, 2016
- [M214](#), Local Government Amendment Act, 2016
- [M215](#), Drinking Water Protection (Safe Water for Schools) Amendment Act, 2016
- [M216](#), Fall Fixed Election Amendment Act, 2016
- [M217](#), Sustainable Wildlife Management Act, 2016
- [M218](#), Poverty Reduction and Economic Inclusion Act, 2016
- [M219](#), Election (Spending Limit) Amendment Act, 2016
- [M220](#), Employment Standards (Domestic Violence Leave) Amendment Act, 2016
- [M221](#), Rideshare Enabling Act, 2016
- [M222](#), Human Rights Code (Recognition of Gender Identity and Gender Expression) Amendment Act, 2016
- [M223](#), Workers Day of Mourning Recognition Act, 2016
- [Pr401](#), Millar College of the Bible Act


The session is expected to wrap up on May 19<sup>th</sup>.

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, we suggest signing up to the BC Legislative Digest alert via the new My Alerts tab. We will then monitor and alert you to changes for laws of your choosing.

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View [PDF](#) of this Reporter.

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**FEDERAL LEGISLATION**— For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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[\[ Previous Reporters \]](#)

## ENERGY AND MINES NEWS

### Government Accepts Auditor General's Recommendations – C&E Mining

The BC government is accepting all recommendations from the Office of the Auditor General (OAG) audit report "An Audit of Compliance & Enforcement of the Mining Sector" with the exception of one recommendation that government will seriously consider.

"I want to thank the Office of the Auditor General for this report. We are well on our way to implementing the audit report's 17 recommendations, as well as the combined 26 recommendations from the Independent Expert Panel and the Chief Inspector of Mines," said Bill Bennett, Minister of Energy and Mines. "I agree with the Expert Panel and the Auditor General's Office that "business as usual" on mine sites in British Columbia is just not good enough, and that's why we are acting on all 43 recommendations."

Government is currently reviewing the Health, Safety and Reclamation Code for Mines in BC and expects the tailings storage facility portion of the code review to be completed this spring, with revisions expected to be in place by mid-2016. Government will also work with the Association of Professional Engineers and Geoscientists BC (APEGBC), which has the legislative authority and responsibility to oversee engineers in BC to ensure that recommendations directed at them are implemented. This work should be done by spring 2017.

Recent changes to the [Mines Act](#) enable government to include administrative monetary penalties as a more flexible, responsive compliance and enforcement tool. The legislation also increases existing penalties available for court prosecutions under the act. The maximum penalties were raised from \$100,000 and/or up to one year imprisonment to \$1 million and/or up to three years imprisonment. Read the government [news release](#).

## ENERGY AND MINES

| Act or Regulation Affected                                     | Effective Date | Amendment Information          |
|--|----------------|--------------------------------|
| First Nations Clean Energy Business Fund Regulation (377/2010) | Apr. 26/16     | by <a href="#">Reg 98/2016</a> |

## FORESTRY AND ENVIRONMENT NEWS

### BC Proposes to Significantly Broaden Requirements for Spill Reporting and Response

The British Columbia government is seeking further input on its proposed new regime for spill reporting, preparedness and response through the release of an [intentions paper](#) on April 5, 2016 and an [open comment period](#) until June 30, 2016. The proposed program is the government's response to concerns around the potential impacts of spills from the two major oil pipelines currently proposed to cross the province, and promises to implement a "world class" spill preparedness and response regime. In doing so, the government has also expanded the requirements of what needs to be done when spills happen.

The intentions paper provides an overview of proposed changes to the [Environmental Management Act](#) (EMA) which were introduced to the legislature in February 2016. It also sets out what the government is considering for the regulations that will implement the system once the legislative amendments are passed.

#### **Proposed Amendments to Environmental Management Act**

[Bill 21](#), the *Environmental Management Amendment Act, 2016* was introduced to the legislature on February 29, 2016. If passed and brought into force, the amendments will broaden the requirements for spill planning and response, and add to the box of tools available to the government for enforcement, including new and higher fines for failing to report or respond to spills.

Read the [full article](#) by Janice Walton and Tony Crossman of Blake, Cassels & Graydon LLP.

### Major Changes to How BC Employers Must Investigate, Report Incidents

The requirements for incident investigation have changed significantly in British Columbia over the past two

years. Nancy Harwood, lawyer and owner of the Harwood Safety Group, explained the changes in a session at the Western Conference on Safety in Vancouver [in April]. In light of Gordon Macatee's recommendations following the 2012 Babine Forest Products and Lakeland Mills sawmill tragedies in the province, the government revamped its expectations of employers following a significant workplace incident.

Under the new requirements, employers must complete a preliminary report in 48 hours after the incident. The employer needs to identify any unsafe conditions, acts or procedures that may have contributed to the incident. The report must be given to the joint health and safety committee (JHSC). No matter the type of incident, whether it be a fatality or serious injury, major structural damage, major release of hazardous substance, potential for serious injury (near miss) or injury requiring medical treatment, a preliminary report is needed (and a full investigation). As of Jan. 1, a fire or explosion that had the potential for causing serious injury has been added to that list, said Harwood.

The Vancouver-based lawyer also reminded the delegates that if there is a fatality, serious injury, major structural damage or major release of hazardous substance, WorkSafeBC must be notified immediately.

The new legislation is very prescriptive on what exactly the preliminary report must entail, said Harwood. Some examples include witnesses to the incident, the sequence of events that preceded the incident and circumstances of the incident that preclude the employer from addressing a particular element. Read the [full article](#) by [Amanda Silliker](#) and published on the Canadian Occupational Safety website.

### **Environmental Management Act**

[Bill 25](#), the *Miscellaneous Statutes (General) Amendment Act, 2016*, proposes a number of amendments to the *Environmental Management Act*. The intent of these changes is to provide the minister with flexibility to update area-based management plans (ABMP) and improve permitting certainty within ABMPs. These amendments will provide more certainty for those looking to invest in BC, while continuing to protect the environment and preserve the independence of statutory decision makers. ABMPs are already based on science, with technical input from experts, including statutory decision makers.

### **Environmental Appeal Board Decisions**

There were four Environmental Appeal Board decisions released in the month of April:

#### [Wildlife Act](#)

- [Martin Scholz v. Regional Manager](#) [Final Decision – Appeal Allowed with Directions]
- [Robert F. Johnson v. Regional Manager](#) [Final Decision – Appeal Allowed with Directions]

#### [Environmental Management Act](#)

- [City of Burnaby v. Director, Environmental Management Act](#) [Preliminary Issue of Standing to Appeal – Appeal Dismissed]
- [StewardChoice Enterprises Inc. v. Director, Environmental Management Act](#) [Preliminary Issue of Jurisdiction – Appeal Dismissed]

Visit the Environmental Appeal Board [website](#) for more information.

## **FORESTRY AND ENVIRONMENT**

| <b>Act or Regulation Affected</b>                    | <b>Effective Date</b> | <b>Amendment Information</b>   |
|--|-----------------------|--------------------------------|
| BC Timber Sales Business Areas Regulation (243/2003) | Apr. 1/16             | by <a href="#">Reg 88/2016</a> |
| Controlled Alien Species Regulation (94/2009)        | Apr. 14/16            | by <a href="#">Reg 89/2016</a> |
| Designation and Exemption Regulation (168/90)        | Apr. 5/16             | by <a href="#">Reg 22/2016</a> |

|   |            |                                |
|---|------------|--------------------------------|
| Hunting Licensing Regulation (8/99)       | Apr. 1/16  | by <a href="#">Reg 78/2016</a> |
| Limited Entry Hunting Regulation (134/93) | Apr. 1/16  | by <a href="#">Reg 78/2016</a> |
|   | Apr. 14/16 | by <a href="#">Reg 90/2016</a> |
|   | Apr. 20/16 | by <a href="#">Reg 95/2016</a> |
| Water Sustainability Regulation (94/2016) | Apr. 15/16 | by <a href="#">Reg 94/2016</a> |
| Wildlife Act General Regulation (340/82)  | Apr. 1/16  | by <a href="#">Reg 78/2016</a> |
| Wildlife Act General Regulation (340/82)  | Apr. 1/16  | by <a href="#">Reg 78/2016</a> |

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