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New Video Tutorials

Quickscribe has made available the following two video tutorials:

- [EnviroFor in 10 Minutes](#) – Unlike the recently published 5-minute promo video, which is designed to introduce the general concepts of Quickscribe to those unfamiliar with the service, this new 10-minute video tutorial will provide a more practical and detailed overview of the key features of the service and is geared for new subscribers or infrequent users. The new tutorial can be accessed via the help menu. Additional help tutorials are in the works and will focus on specific features such as searching, alerts and historical research tools.
- [EnviroFor Alerts \(14 Minutes\)](#) – Did you know that there are six different alert tools found on Quickscribe? This video tutorial will provide some helpful tips on how to take advantage of these alerts so that you can keep informed about upcoming and recent changes or new annotations posted to laws of your choosing.

Latest Annotations

New annotations have recently been added to the Quickscribe site. These annotations include contributions from:

- [Paul Wilson](#), Fasken Martineau LLP – [Petroleum And Natural Gas Act](#) and [Petroleum and Natural Gas General Regulation](#)
- [Richard Bereti](#), Harper Grey LLP – [Environmental Management Act](#)

Watch this 20-minute [YouTube video](#) to learn more about annotations and how to receive alerts when new annotations are published to the laws that matter most to you.

Tip: Log in to EnviroFor Online prior to clicking Reporter links.

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

ENERGY AND MINES NEWS

Liquefied Natural Gas (LNG) Regulation in British Columbia

This publication [published by McCarthy Tétrault] is intended as an overview of liquefied natural gas (LNG) regulation in British Columbia. Specific advice should be sought in respect of particular projects. In an increasingly competitive global market for natural gas, the race to export LNG to Asia is on. With continued demand for LNG in Asia, Canada is vying with the United States, Australia, Russia and countries in East Africa and the Middle East to rapidly build the infrastructure required to move LNG to key markets in Japan, Korea, Taiwan, China and India. By positioning the LNG industry in BC as a key driver for economic and job growth over the next few years, the BC government is sending a clear message: The time to act is now. Not long ago, declining supplies of conventional natural gas meant that the North American marketplace was focused on LNG imports from other jurisdictions. However, advancements in technologies for recovering shale gas (natural gas produced from the fractures, pore spaces and physical matrix of shales) and for horizontal drilling, as well as an increase in hydraulic fracturing, have shifted the market to LNG exports. Read [more](#) of this publication.

Petronas' \$11 Billion BC Gas Plan Buoyed by Aboriginal Vote

Petroliaam Nasional Bhd.'s proposed \$11 billion liquefied natural gas export plant in BC is getting a boost as an aboriginal community signals openness to the project amid speculation that the location may be changed.

The Lax Kw'alaams Band, which opposes the current venue in British Columbia, is optimistic that it will be moved, said Mayor John Helin, whose community members endorsed talks on compensation for impacts on their traditional lands. The group is set to meet in the coming days with officials from the Pacific NorthWest LNG project and provincial and federal governments.

While the developer says the proposal hasn't been altered, an online message circulated among Lax Kw'alaams members this month states that the terminal would be placed at one of two sites farther north than now envisioned. Local politics also are shifting with Helin's election in November after the band rejected C\$1.15 billion in compensation in May 2015, citing environmental concerns. In March, Helin offered conditional support to Pacific NorthWest LNG in a letter to regulators. Read *The Vancouver Sun* [article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	Aug. 19/16	by Reg 214/2016
Mineral Tenure Act Regulation (529/2004)	Sept. 1/16	by Reg 50/2016
Petroleum and Natural Gas Act	Aug. 1/16	by 2014 Bill 12, c. 10, sections 19 to 24, 26 to 29, 31 to 36, 37 (a) (part), (b), 38 only (in force by Reg 198/2016), Natural Gas Development Statutes Amendment Act, 2014
	Sept. 1/16	by 2015 Bill 15, c. 4, sections 31 to 33 only (in force by Reg 191/2016), Miscellaneous Statutes (Signed Statements) Amendment Act, 2016
Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation (378/82)	Aug. 1/16	by Reg 198/2016
Petroleum and Natural Gas Drilling Licence and Lease Regulation (10/82) (formerly titled <i>Petroleum and Natural Gas Drilling Licence Regulation</i>)	Aug. 1/16	by Reg 198/2016
Renewable and Low Carbon Fuel Requirements Regulation	Sept. 1/16	by Regs 50/2016 and 190/2016

FORESTRY AND ENVIRONMENT NEWS

Public Lands and Forest Policy in BC

– by [Jeff Waatainen](#)

For as long as Garry Mancell, RPF, has taught forestry law at the UBC Faculty of Law out in Point Grey (that is, since before I took the class as a second year law student well over 20 years ago ... sorry Garry), he has always made sure his students understood the single most important driver of forest policy in BC: public ownership of

forest lands. While there are significant pockets of private forest lands in BC that largely originate from a sweet historical deal to build a railway on Vancouver Island, the vast majority of forested lands in BC are publically owned. As Garry would also point out, the only other example of a jurisdiction with a similar concentration of publically owned forest lands was in the former Soviet Union.

Extensive public ownership of forest land in BC has meant extensive regulation of forestry in BC. Naturally, public ownership legitimizes forestry as a subject of public policy. A more balanced mix of public and private ownership of forest lands would likely have resulted in a different public policy towards forestry that would, in turn, have produced a different regulatory regime.

Of course, some regulation of forestry would exist in any event. Regardless of the ownership model, the public would still insist upon some level of environmental regulation, particularly in relation to environmental impacts that do not respect property boundaries (e.g. water and fisheries). Federal export restrictions on logs might still exist in some form regardless of who owned the forest. We would still have legislation for occupational health and safety, as well as for wildfire protection. Government would still use tax policy to incentivize certain land uses over others (as it currently does for private managed forest land). Read the [full article](#) by [Jeff Waatainen](#), a lawyer at DLA Piper LLP, and published in the September/October edition of the *BC Forest Professional Magazine*.

BC's Updated Climate Action Plan: What You Need to Know, What's In, and What's Been Left Out

The BC government recently released the much anticipated [Climate Leadership Plan](#) (Plan), which updates the 2008 Climate Action Plan (2008 Plan) and responds to the government-appointed Climate Leadership Team's (Panel) 32 recommendations for climate action for British Columbia. The Plan attempts to balance the actions required to reduce greenhouse gas emissions (GHG) to reach 2050 targets with the government's policies aimed at protecting the economy.

Although the Plan outlines more than 20 climate action areas that will be developed, Panel recommendations that are not addressed in the Plan are also noteworthy. This includes: no increase in the carbon tax, no interim 2030 reduction targets, no sectoral reduction targets, and no environmental assessment of the social cost of carbon. However, since the Plan is but a "first step", those elements may ultimately find their way into an updated Plan as the B.C. government negotiates with the federal government and the other provinces on a national approach to climate action. As one of the "first steps", the government announced the Clean Infrastructure Royalty Credit Program.

Background

British Columbia's 2008 Climate Action Plan set ambitious legislated GHG emission reduction targets, and introduced an increasing revenue neutral carbon tax and cap-and-trade system to reach those goals. The carbon tax reached C\$30/t in 2012, where it has since stayed. Recently, Canada signed the international Paris Agreement, and the new federal government has promised to unveil an ambitious climate policy this fall. At the provincial level, Ontario and Manitoba announced plans to join Québec in a cap-and-trade market; Alberta has released an aggressive plan for renewable energy and climate action; and Saskatchewan has announced a renewable energy target of 50 per cent.

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

Millions of Trees on the Way for Ravaged BC Forests, According to New Climate Plan

The BC Climate Leadership Plan was met with lukewarm reviews [recently], but the province's reforestation industry sees the potential for a major surge in tree planting operations.

To meet carbon reduction goals, the province has called for 300,000 hectares of forests damaged by wildfire and pine beetle be rehabilitated over the next five years in order to turn the forests back into a carbon sink. It's titled the Forest Carbon Initiative.

While the overall Climate Leadership Plan was panned by environmentalists who don't believe it will lead to any [meaningful reduction in GHGs](#), for many members of the province's forestry sector, the commitment stands out.

"If this is really 300,000 hectares that are going to be treated over five years, then that would amount to [the replanting] of hundreds of millions of seedlings," said John Betts, director of the Western Silvicultural Contractors' Association. Read the [CBC article](#).

Environment Law: Residential Contamination and Innocent Purchasers

Case comment on Domovitch v. Willows, 2016 BCSC 1068

Earlier this summer, the British Columbia Supreme Court rendered a decision in the case of *Domovitch v. Willows*, [2016 BCSC 1068](#), which considered a number of important issues in the context of a residential cost recovery claim. Given that very few cases involving residential contamination go to trial, the decision provides insight into the interpretation and application of key sections of the cost recovery regime under the [Environmental Management Act](#), S.B.C. 2003, c. 53 (the "EMA").

The Facts

The plaintiff, Mr. Domovitch, purchased the subject property (the "Property") in 2004 from one Mr. Hult. Mr. Hult had purchased the property from the previous owner, and named defendant, Ms. Willows in 1991. Ms. Willows bought the property in 1985 before selling the Property to Mr. Hult. The house on the Property had an underground oil storage tank ("UST") originally installed in the 1940s. Ms. Willows was aware of the UST and, in fact, somewhat unusually, used the tank for the house furnace and hot water tank during her ownership. When Ms. Willows sold the property to Mr. Hult she disclosed the presence of the UST on the Property. When Mr. Hult sold the property to the plaintiff, he also disclosed the presence of the UST, but advised that it was now inert. To this end, as part of the plaintiff's purchase of the Property, he was provided an inspection report issued by the Oak Bay Fire Department from March 24, 1999, indicating that the UST had been decommissioned.

Read the [full article](#) by [Adam Way](#) of Harper Grey LLP and published on the BCEIA website.

Environmental Appeal Board Decisions

There was one Environmental Appeal Board decision released in the month of August:

[Water Act](#)

- [Maureen Chapman and Charlie Chapman v. Assistant Regional Water Manager](#) [Final Decision – Appeal Dismissed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	Aug. 1/16	by 2016 Bill 14, c. 10, sections 3 to 6 only (in force by Reg 180/2016), Finance Statutes Amendment Act, 2016
Carbon Tax Regulation (125/2008)	Aug. 1/16	by Reg 180/2016
Controlled Alien Species Regulation (94/2009)	Aug. 16/16	by Reg 213/2016
Pound Districts Regulation (253/2000)	Sept. 1/16	by Reg 50/2016
Permit Regulation (253/2000)	Sept. 1/16	by Reg 50/2016
Weed Control Act	Sept. 1/16	by 2016 Bill 5, c. 4, sections 12 and 13 only (in force by Reg 191/2016), Miscellaneous Statutes (Signed Statements) Amendment Act, 2016

Water Sustainability Act	Sept. 1/16	by 2016 Bill 5, c. 4, section 11 only (in force by Reg 191/2016), Miscellaneous Statutes (Signed Statements) Amendment Act, 2016
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