



EnviroFor Reporter

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ENVIROFOR NEWS:

New Bills Introduced

A number of new government bills have been introduced in February:

- [Bill 1](#), An Act to Ensure the Supremacy of Parliament
- [Bill 3](#), Employment and Assistance for Persons with Disabilities Amendment Act, 2016
- [Bill 4](#), Fire Safety Act
- [Bill 5](#), Miscellaneous Statutes (Signed Statements) Amendment Act, 2016
- [Bill 6](#), Pharmacy Operations and Drug Scheduling Amendment Act, 2016
- [Bill 7](#), Industry Training Authority Amendment Act, 2016
- [Bill 8](#), Mines Amendment Act, 2016
- [Bill 9](#), Motor Dealer Amendment Act, 2016
- [Bill 10](#), Budget Measures Implementation Act, 2016
- [Bill 11](#), Food and Agricultural Products Classification Act
- [Bill 14](#), Finance Statutes Amendment Act, 2016
- [Bill 17](#), Local Elections Campaign Financing (Election Expenses) Amendment Act, 2016
- [Bill 18](#), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016
- [Bill 19](#), Greenhouse Gas Industrial Reporting and Control Amendment Act, 2016
- [Bill 21](#), Environmental Management Amendment Act, 2016

The following members' bills were introduced as well:

- [M201](#), Land Title Amendment Act, 2016
- [M202](#), University Amendment Act, 2016
- [M203](#), Workers Compensation Amendment Act, 2016
- [M204](#), Profits of Criminal Notoriety Act, 2016

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our BC Legislative Digest tracking tool, and have us monitor and alert you to changes for laws of your choosing.


Latest Annotations

New annotations have been added to the Quickscribe site. These annotations include contributions from [Paul Wilson](#) of Fasken Martineau LLP – [Petroleum And Natural Gas Act](#), [Oil & Gas Activities Act](#)

Watch this 20-minute [YouTube video](#) to learn more about the new annotation features.

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

Early Consolidation of *Petroleum and Natural Gas Act* Now Available

At the request of some of our clients, we have published an early consolidation of the [Petroleum and Natural Gas Act](#) as it will read when [2014 Bill 12](#), *Natural Gas Development Statutes Amendment Act, 2014*, and [2015 Bill 40](#), *Natural Gas Development Statutes Amendment Act, 2015*, are consolidated. The Bills, which will eventually come into force by regulation, affect the following sections: 1, 5.1, 37, 38(1), 47(7), 49, 49.1 to 49.3, 50(2) and (3), 52(1), 54, 55 to 57, 58(1) and (2), 62, 63, 64, 65.1, 110, 117(4) and (6), 125.1, 125.2, 126, 130, 133(2) and (3) and 134(1).

BC Responds to Mount Polley Dam Failure with Proposed Amendments to the *Mines Act*

On February 25, 2016, as part of British Columbia's response to the Mount Polley dam failure, British Columbia's Minister of Energy and Mines introduced amendments to the [Mines Act](#), RSBC 1996, c 293, aimed at strengthening the provincial government's regulatory oversight of the mining industry.

[Bill 8](#), the *Mines Amendment Act* ("Bill 8") proposes to increase penalties for prosecutions, allow for administrative monetary penalties and increase director and officer liability under the *Mines Act*. Bill 8 is the first legislative change following recommendations from an independent engineering review panel and the Chief Inspector of Mines on the Mount Polley dam failure. Both the Review Panel and the Chief Inspector concluded that the primary cause of the Mount Polley incident was failing to account for the strength and locations of a layer of clay underneath the dam in the tailing storage facility's original design and subsequent dam raises. Both investigations found that general management and regulatory practices also played a part in the tailing pond failure and recommended changes to prevent future dam failures. For instance, the Chief Inspector recommended that the Ministry of Energy and Mines improve its investigative and enforcement capacity and consider a full range of regulatory tools, such as administrative penalties. Read the [full article](#) by Sean Jones and Rick Williams of Borden Ladner Gervais LLP.

BC Government to Introduce "World-Leading" Oil Spill Response Law

Legislation will pave way for oil companies to comply with 1 of BC's 5 heavy oil pipeline conditions

The BC government is set to introduce a new law [[Environmental Management Amendment Act, 2016](#)] requiring oil companies to have what it calls a "world-leading" response to oil spills on land – creating a path for industry to meet one of the province's five requirements for heavy oil pipelines.

Environment Minister Mary Polak said the province's existing [Environmental Management Act](#) was "really out of date," and the amendments will require companies to prepare for an oil spill on land and clean up after one.

"The biggest change here is the scope" of what a company is responsible for, said Polak, from prevention to cleanup to environmental restoration. Read the [CBC article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Clean Energy Act	Feb. 29/16	by 2014 Bill 18, c. 15, sections 144 and 146 only (in force by Reg 35/2016), Water Sustainability Act
Direction to the British Columbia Utilities Commission Respecting Mining Customers (47/2016)	NEW Mar. 1/16	see Reg 47/2016
Geothermal Resources Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 169 only (in force by Reg 35/2016), Water Sustainability Act
		by 2014 Bill 18, c. 15, section 174 only (in force by

Hydro and Power Authority Act	Feb. 29/16	Reg 35/2016), Water Sustainability Act
Oil and Gas Activities Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 187 to 190 only (in force by Reg 35/2016), Water Sustainability Act
Public Utility Regulation (174/2006)	Feb. 29/16	by Reg 41/2016

FORESTRY AND ENVIRONMENT NEWS

New Water Sustainability Act and Regulations Now in Force

[Bill 18](#), the [Water Sustainability Act](#) was originally introduced on March 11, 2014, and has now come into law as of February 29, 2016. The new WSA repealed and replaced much of the 100-year-old [Water Act](#) and will ensure a sustainable supply of fresh, clean water by managing the diversion and use of water. The Act and new regulations will help protect water flows for ecosystems and fish and include new and improved requirements for groundwater use and licensing, well construction and maintenance, dam safety, and compliance. For the first time, those who use groundwater for non-domestic purposes such as irrigation, industrial use, water bottling or municipal water systems will require a water licence and pay fees and annual water rentals just like surface water users. For existing groundwater users, the regulations provide a three-year transition period in which to apply for a licence; application fees will be waived during the first year. The new regulations are as follows:

- [Dam Safety Regulation](#), B.C. Reg. 40/2016
- [Groundwater Protection Regulation](#), B.C. Reg. 39/2016
- [Water Districts Regulation](#), B.C. Reg. 38/2016
- [Water Sustainability Fees, Rentals and Charges Tariff Regulation](#), B.C. Reg. 37/2016
- [Water Sustainability Regulation](#), B.C. Reg. 36/2016

BC Supreme Court: Province Cannot Surrender Statutorily-Imposed Environmental Assessment Obligations

The British Columbia Supreme Court has declared that the Province cannot effectively "contract-out" of its environmental certification obligations on proposed energy projects without breaching its duty to consult with affected Aboriginal groups. In *Coastal First Nations v. British Columbia (Environment)*, [2016 BCSC 34](#), the Court addressed the enforceability of the Equivalency Agreement (the "Agreement") entered into by the Environmental Assessment Office ("EAO") and the National Energy Board ("NEB") in 2010 in respect of Enbridge's Northern Gateway Pipeline Project (the "Project"). Specifically, the Court was concerned with clause 3 of the Agreement, which provided that any NEB assessment of a project would constitute an equivalent assessment under the [Environmental Assessment Act](#), S.B.C. 2002, c. 43 ("EAA") and, therefore, would permit the project to proceed without a provincial Environmental Assessment Certificate ("EAC") – the Province's "OK" stamp for projects that may have an adverse impact on the environment.

In finding that the Province cannot abdicate its certification role by agreement, the Court engaged in an extensive statutory interpretation analysis of the EAA and concluded that the certification decision is not optional. Read the [full article](#) by [Charles W. Bois](#) and Spencer Landsiedel, Student-At-Law of Miller Thomson LLP.

BC Says Great Bear Rainforest Act Enshrines Co-existence in Global Treasure

Premier Christy Clark says her government's protection of the Great Bear Rainforest is British Columbia's gift to the world.

The province introduced legislation [March 1st] that protects most of the globe's largest intact temperate rainforest on BC's rugged central coast from logging.

"We all knew that yes today would mean something incredible for the next 100 years, for the next 500 years, not just for BC, but the entire world," Clark said at a ceremony after the protection law was introduced in the legislature.

The [Great Bear Rainforest \(Forest Management\) Act](#) protects 85 per cent of the 6.4-million-hectare area that stretches from the Discovery Islands on Vancouver Island northwards to Alaska. Read [The Vancouver Sun article](#).

FORESTRY AND ENVIRONMENT		
Act or Regulation Affected	Effective Date	Amendment Information
British Columbia Dam Safety Regulation (44/2000)	REPEALED Feb. 29/16	by Reg 40/2016
Conservation Officer Service Authority Regulation (75/78)	Feb. 29/16	by Reg 41/2016
Creston Valley Wildlife Act	Feb. 29/16	by 2014 Bill 18, c. 15, sections 149 and 150 only (in force by Reg 35/2016), Water Sustainability Act
Dam Safety Regulation (40/2016) (replaces B.C. Reg. 44/2000)	NEW Feb. 29/16	see Reg 40/2016
Designation and Exemptions Regulation (168/90)	Feb. 12/16	by Reg 14/2016
Drainage, Ditch and Dike Act	Feb. 29/16	by 2014 Bill 18, c. 15, sections 151 to 153 only (in force by Reg 35/2016), Water Sustainability Act
Drinking Water Protection Act	Feb. 29/16	by 2014 Bill 18, c. 15, sections 154 to 158 only (in force by Reg 35/2016), Water Sustainability Act
Drinking Water Protection Regulation (200/2003)	Feb. 29/16	by Reg 41/2016
Ecological Reserve Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 159 only (in force by Reg 35/2016), Water Sustainability Act
Environmental Management Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 160 only (in force by Reg 35/2016), Water Sustainability Act
Environmental Remediation Sub-account Expenditures Regulation (41/2012)	Feb. 29/16	by Reg 41/2016
Forest and Range Practices Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 167 only (in force by Reg 35/2016), Water Sustainability Act
Forest Planning and Practices Regulation (14/2004)	Feb. 29/16	by Reg 41/2016
Greater Vancouver Sewerage and Drainage District Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 170 only (in force by Reg 35/2016), Water Sustainability Act
Greenbelt Act	Feb. 29/16	by 2014 Bill 18, c. 15, section 172 only (in force by Reg 35/2016), Water Sustainability Act

Ground Water Protection Regulation (299/2004)	REPEALED Feb. 29/16	by Reg 39/2016
Groundwater Protection Regulation (39/2016) (<i>replaces B.C. Reg. 299/2004</i>)	NEW Feb. 29/16	see Reg 39/2016
Municipal Wastewater Regulation (87/2012)	Feb. 29/16	by Reg 41/2016
Natural Resource Officer Authority Regulation (38/2012)	Feb. 29/16	by Reg 41/2016
Open Burning Smoke Control Regulation (145/93)	Feb. 29/16	by Reg 41/2016
Private Managed Forest Land Control Matters Regulation (372/2004)	Feb. 29/16	by Reg 41/2016
Reviewable Projects Regulation (370/2002)	Feb. 29/16	by Reg 41/2016
Riparian Areas Protection Act (<i>formerly titled Fish Protection Act</i>)	Feb. 29/16	by 2014 Bill 18, c. 15, sections 162 to 166 only (in force by Reg 35/2016), Water Sustainability Act
Riparian Areas Regulation (376/2004)	Feb. 29/16	by Reg 41/2016
Sensitive Streams Designation and Licensing Regulation (89/2000)	REPEALED Feb. 29/16	by Reg 36/2016
Water Districts Regulation (38/2016)	NEW Feb. 29/16	see Reg 38/2016
Water Protection Act	Feb. 29/16	by 2014 Bill 18, c. 15, sections 202 to 214 only (in force by Reg 35/2016), Water Sustainability Act
Water Regulation (204/88)	REPEALED Feb. 29/16	by Reg 36/2016
Water Sustainability Act	NEW Feb. 29/16	c. 15 [SBC 2014], Bill 18 , whole Act, except section 18 (in force by Reg 35/2016)
Water Sustainability Fees, Rentals and Charges Tariff Regulation (37/2016)	NEW Feb. 29/16	see Reg 37/2016 (amended by Reg 43/2016)
Water Sustainability Regulation (36/2016) (<i>replaces B.C. Regs. 204/88 and 89/2000</i>)	NEW Feb. 29/16	see Reg 36/2016
Water Users' Communities Act (<i>formerly titled Water Act</i>)	Feb. 29/16	by 2014 Bill 18, c. 15, sections 197 to 201 only (in force by Reg 35/2016), Water Sustainability Act
		by 2014 Bill 18, c. 15, section 216 only (in force by

Water Utility Act	Feb. 29/16	Reg 35/2016), Water Sustainability Act
Woodlot Licence Planning and Practices Regulation (200/2003)	Feb. 29/16	by Reg 41/2016

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