



# EnviroFor Reporter

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## Vol: IX – Issue: VII – July 2016

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### Two Bills Passed in Summer Session

The BC government used the rare summer session to pass into law two Bills:

- [Human Rights Code Amendment Act, 2016](#): This Bill, which came into force by Royal Assent on July 28<sup>th</sup>, amended the [Human Rights Code](#) by including gender identity or expression among the protected grounds covered by the code.
- [Miscellaneous Statutes \(Housing Priority Initiatives\) Amendment Act, 2016](#): The majority of this bill came into force on August 2<sup>nd</sup> and imposes a 15 per cent property transfer tax on foreign homebuyers in the Metro Vancouver Area. The bill also amends the [Vancouver Charter](#) to authorize the City of Vancouver to impose an annual vacancy tax on specified residential properties, effective July 28, 2016.

### 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](#)
- [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**

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

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### ENERGY AND MINES NEWS

#### AMEBC Issues News Release on Transboundary Waters

The Association for Mineral Exploration issued a news release on its website to address concerns about mineral exploration and development projects and transboundary water quality concerns in Northwest BC. Environmental and community. The news release states:

AME is monitoring and strategically engaging with our members, government and community representatives about mineral exploration and development projects and transboundary water quality concerns in Northwest BC. Environmental and community concerns have been raised about transboundary waters that originate in BC and flow into Alaska. In particular, there are several rivers – Stikine, Unuk, Tulsequah and Taku – that are considered transboundary, or shared, waters. Both BC and Alaska recognize the importance and care about these shared rivers that support salmon runs and communities in both jurisdictions. As good neighbours and allies, Canadian mineral explorers and developers understand and respect these concerns. Northwest BC is one of the most biophysically and culturally diverse areas, and importantly has some of the most prospective and

strategic mineral development potential in Canada. This region attracts a significant portion of the annual total mineral exploration and development expenditures in BC. Recent developments include the Red Chris Mine, the province's newest gold and copper mine. In addition there are some very promising mineral exploration projects in the region that have the potential to become operating mines, pending positive investment decisions and extensive environmental permitting processes.

Read the full [news release](#) by AMEBC.

### **Federal Approval for Site C Sparks Outrage from First Nations, Advocacy Groups**

First Nations, landowners and environmental groups are accusing Justin Trudeau of reneging on promises made during last year's election campaign as the federal government quietly authorizes construction to ramp up for a controversial hydroelectric dam proposed for northeastern British Columbia.

In a permitting document issued without fanfare late Friday [August 1<sup>st</sup>] before the August long weekend, the Department of Fisheries and Oceans and Transport Canada authorized B.C.'s power utility to move ahead with Site C.

This includes building the actual kilometre-long earthfill dam, along with the spillways, drainage tunnels and generating stations and, ultimately, permission to divert the Peace River and flood what will become an 83-kilometre reservoir.

Site C is a \$9-billion megaproject that BC Hydro says will provide British Columbia with clean, renewable electricity for more than a century starting in 2020, though the proposal faces steadfast opposition from various groups over its environmental impact and a lack of consultation.

"If this were the Harper government, I wouldn't be surprised at all," said Ken Boon of the Peace Valley Landowner Association, adding that he was both shocked and disappointed by the news. Read *The Vancouver Sun* [article](#).

## **ENERGY AND MINES**

| <b>Act or Regulation Affected</b>   | <b>Effective Date</b> | <b>Amendment Information</b>   |
|---|-----------------------|--|
| Direction No. 7 to the British Columbia Utilities Commission (28/2014)  | July 20/16            | by <a href="#">Reg 197/2016</a>  |
|   | July 28/16            | by <a href="#">Reg 207/2016</a>  |
| 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 <a href="#">Reg 198/2016</a> ), <a href="#">Natural Gas Development Statutes Amendment Act, 2014</a> |
| Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation (378/82)  | Aug. 1/16             | by <a href="#">Reg 198/2016</a>  |
| 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 <a href="#">Reg 198/2016</a>  |
| Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation (495/92)   | July 20/16            | by <a href="#">Reg 192/2016</a>  |

|  |                          |                                  |
|--|--------------------------|----------------------------------|
| Renewable and Low Carbon Fuel Requirements Regulation (394/2008) | July 20/16               | by <a href="#">Reg 190/2016</a>  |
| Silversmith Exemption Regulation (204/2016)                      | <b>NEW</b><br>July 28/16 | see <a href="#">Reg 204/2016</a> |

## FORESTRY AND ENVIRONMENT NEWS

### Proposed Changes to BC's Contaminated Sites Legal Regime

The B.C. Ministry of the Environment (the "ministry") plans to update some aspects of B.C.'s contaminated sites legal regime under the [Environmental Management Act](#) (the "Act") and its Regulations. The ministry has issued two intentions papers, outlining the ministry's new approach to the identification of contaminated sites and the prevention of contamination from soil relocation. This alert highlights the proposed changes in those papers and outlines the process by which interested stakeholders can provide feedback.

#### Identification of Contaminated Sites

##### Issues with current regime

The paper outlined three major weaknesses with the current site profile regime. First, the existing regime is overly conservative. Land parcels will often be brought into the site profile process when proponents undertake activities that will not change land use. The existing triggers, therefore, are too broad. Second, in order to offset these unnecessary triggers, the ministry has had to add additional release mechanisms to the Act. This complicates the site profile process and makes application confusing. It also requires significant ministry resources to administer. Finally, there are currently other mechanisms in place which make 100% coverage by the Act unnecessary. For example, the ministry may find out about contaminated sites through Notification of Independent Remediation (NIR), Notification of Likely or Actual Offsite Migration (NOM), complaints, spill reports, emergency response, and service applications.

Read the [full article](#) by [Luke Dineley](#) of Borden Ladner Gervais LLP.

### Environmental Appeal Board Decisions

There were two Environmental Appeal Board decisions released in the month of July:

#### [Water Act](#)

- [Bridge Creek Estate Ltd. v. Assistant Regional Water Manager](#) [Order – Extension confirmed]

#### [Wildlife Act](#)

- [British Columbia Society for the Prevention of Cruelty to Animals, Wild Animal Rehabilitation Centre vs. Deputy Regional Manager, Recreational Fisheries and Wildlife Programs](#) [Final Decision – Appeal allowed]

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

## FORESTRY AND ENVIRONMENT

| Act or Regulation Affected                               | Effective Date | Amendment Information  |
|--|----------------|--|
| Allowable Annual Cut Administration Regulation (69/2009) | July 19/16     | by <a href="#">Reg 181/2016</a>  |
| Carbon Tax Act   | Aug. 1/16      | by 2016 Bill 14, c. 10, sections 3 to 6 only (in force by <a href="#">Reg 180/2016</a> ), <a href="#">Finance Statutes Amendment Act, 2016</a> |

|   |                             |  |
|---|-----------------------------|--|
| Carbon Tax Regulation (125/2008)  | Aug.<br>1/16                | by <a href="#">Reg 180/2016</a>  |
| Closed Areas Regulation (76/84)   | July 1/16                   | by <a href="#">Reg 130/2016</a>  |
| Contaminated Sites Regulation (375/96)  | July<br>19/16               | by <a href="#">Reg 184/2016</a>  |
| Environmental Management Act  | July<br>19/16               | by 2004 Bill 13, c. 18, section 3 (b) only (in force by <a href="#">Reg 179/2016</a> ), <a href="#">Environmental Management Amendment Act, 2004</a> |
| Guiding Territory Certificate Regulation (115/2015)   | July 5/16                   | by <a href="#">Reg 167/2016</a>  |
| Hazardous Waste Regulation (63/88)  | July<br>19/16               | by <a href="#">Reg 179/2016</a>  |
| Hunting Regulation (190/84)   | July 1/16                   | by <a href="#">Reg 130/2016</a>  |
|   | July<br>22/16               | by <a href="#">Reg 200/2016</a>  |
| Integrated Pest Management Regulation (604/2004)  | July 1/16                   | by <a href="#">Regs 234/2015</a> and <a href="#">235/2015</a>  |
| Motor Vehicle Prohibition Regulation (196/99)   | July 1/16                   | by <a href="#">Reg 130/2016</a>  |
| Public Access Prohibition Regulation (187/2003)   | July 1/16                   | by <a href="#">Reg 130/2016</a>  |
| Organic Matter Recycling Regulation (18/2002)   | July<br>19/16               | by <a href="#">Reg 179/2016</a>  |
| Surrender Regulation (181/2016)   | <b>NEW</b><br>July<br>19/16 | see <a href="#">Reg 181/2016</a>   |
| Wildlife Act Commercial Activities Regulation (338/82)  | July 1/16                   | by <a href="#">Reg 130/2016</a>  |
| Wildlife Management Areas Regulation (12/2015)  | July<br>11/16               | by <a href="#">Reg 177/2016</a>  |
| Woodlot Licence Regulation (68/2006)  | July<br>19/16               | by <a href="#">Reg 181/2016</a>  |
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