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ENVIROFOR NEWS:

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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

Canadian LNG from a Global Perspective

The next several months are set to be an important period for Canada's nascent liquefied natural gas (LNG) industry. After nearly half a decade of project announcements, commercial development, increasing press coverage and often intense political debate, it is expected that the remainder of 2016 could see one or more of the country's first affirmative LNG final investment decisions.

The stakes are considerable. In the event a significant amount of liquefaction capacity is approved, Canada could become an important player on the global LNG stage. By contrast, should the industry stall, it could be a decade or more before the next meaningful LNG development "window" opens for the country.

On what basis then, are such final investment decisions being made – in what context and according to what considerations? Or perhaps more poignantly, how does Canada's LNG industry compare with its international counterparts; which final investment decision considerations are applicable to the LNG industry in general and which may be considered more endemic to Canada? Read the [full article](#) by Michael Laffin and Paul Blyschak of Blake, Cassels & Graydon LLP and published on the Lexology website.

Two BC Wind Farm Projects Halted with Huge Site C Dam in Wings

Publicly traded Northland Power has withdrawn two wind projects from BC's environmental approval process, officially halting proposals that had been dormant for several years as the Site C hydroelectric dam puts a chill on renewable energy projects.

The proposals – for Mount George Wind Park, a 300-megawatt wind farm 38 kilometres southeast of Prince George, and Mount Kathleen Wind Park, a 250-megawatt wind farm near Summerland – were officially withdrawn last week, following correspondence between BC's Environmental Assessment Office and Northland about lack of activity on both projects.

The withdrawals highlight challenges faced by would-be renewable energy developers in BC now that Site C is in the wings, says Vancouver energy lawyer David Austin. Site C is a multibillion-dollar hydroelectricity project now under construction on the Peace River. Read *The Globe and Mail* [article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Direction Respecting Liquefied Natural Gas Customers (150/2016)	NEW June 10/16	see Reg 150/2016
Groundwater Protection Regulation (39/2016)	June 10/16	by Reg 152/2016
Surface Lease Information Regulation (139/2016)	NEW June 10/16	see Reg 139/2016
Water Sustainability Fees, Rentals and Charges Tariff Regulation (37/2016)	RETROACTIVE to Feb. 29/16	by Reg 151/2016

FORESTRY AND ENVIRONMENT NEWS

Federal Government Announces Review of Key Environmental and Regulatory Legislation and Processes

On June 20, 2016 the Government of Canada announced its review of several environmental and regulatory processes. The review will focus on three areas:

1. the federal Environmental Assessment process, which was revised in 2012 by the Conservative government,
2. modernization of the National Energy Board, and
3. the federal [Fisheries Act](#) and [Navigation Protection Act](#), both of which were amended in recent years under the Conservative government.

This review follows up on the Liberal government's earlier commitment to review and restore public confidence in federal environmental and regulatory processes. The reviews of the federal Environmental Assessment processes and of the National Energy Board will each be conducted by an Expert Panel established for that purpose. The review of the recent *Fisheries Act* and *Navigation Protection Act* amendments will be conducted by the Parliamentary Standing Committees on Fisheries and Oceans and on Transport, Infrastructure and Communities. All of these reviews will seek input from the Canadian public.

The draft Terms of Reference for the Expert Panels are open for public comment until July 20, 2016. The Expert Panels are expected to submit their reports to the applicable Ministers by January 31, 2017. Similarly, it is anticipated that the Parliamentary Standing Committees will submit their reports to Parliament in early 2017. Read the [full article](#) by [Jennifer Nyland](#) of Lawson Lundell LLP.

Contaminated Site Update: Rough and Ready Allocation of Liability

On May 5, 2016, the Supreme Court of British Columbia released its decision in *Domovitch v. Willows*, [2016 BCSC 1068](#) in which the court allocated liability amongst a number of "responsible persons" under the Contaminated Sites provisions of the BC [Environmental Management Act](#), S.B.C. 2003, c. 53 (the "EMA").

Despite the reasons for judgment being pronounced orally, the decision in *Domovitch* contains a rare, succinct and clear treatment of a number of provisions in the *EMA*, including the "innocent purchaser" exemption from liability and the allocation of liability amongst responsible persons.

Innocent purchaser exemption

To be entitled to the "innocent purchaser" exemption under the *EMA*, a party must establish, a party

must establish that:

1. at the time of purchase:
 - a. the property was contaminated;
 - b. the purchaser had no reason to know or suspect that the property was contaminated; and
 - c. the purchase undertook all appropriate inquiries into the previous ownership and use of the property and also undertook other investigations consistent with good customary practice at that time in an effort to minimize potential liability;

Read the [full article](#) by Nicholas R. Hughes of McCarthy Tétrault on the Lexology website.

Input Sought on Northern Vancouver Island Old Growth Management Areas

British Columbians are invited to review and comment on amended old growth management areas for the San Josef Landscape Unit on northwestern Vancouver Island until August 29, 2016. The proposed amendments are intended to enhance the design of old growth management areas to better represent wildlife, old growth and non-timber values in the San Josef Landscape Unit. Members of the public are invited to submit comments about the proposed land use objectives during a 60-day review and comment period that ends on August 29, 2016.

Written comments may be sent to:

"OGMA Comments"

North Island-Central Coast Natural Resource District

Box 7000, Port McNeill, B.C. V0N 2R0

Comments may also be emailed to: SJOGMAComments@gov.bc.ca

More information on strategic land and resource planning for the San Josef Landscape Unit, as well as a map of the area, is available at: https://www.for.gov.bc.ca/TASB/SLRP/NVI_san_josef.html

Source: [Gov't of BC](#)

Obama, Trudeau: "Significant Differences Remain" in Summit Softwood Talks

A settlement remains elusive but Canada and the U.S. have edged closer to a job-saving settlement on the softwood lumber dispute, President Barack Obama and Prime Minister Justin Trudeau said here Wednesday [June 29].

"The United States and Canada have made important progress in our negotiations, but significant differences remain," they said in a joint statement.

Thousands of jobs are at stake in the \$20-billion Canadian industry that supports 370,000 jobs, primarily in BC but also in Quebec and Ontario, Canada's second- and third-largest exporters, government and industry officials have recently warned. They said their officials will "maintain an intensive pace of engagement" with the goal of striking a deal before this autumn's expiration of a 2006 peace accord.

The last battle, known as Softwood IV, was settled in 2006 when Ottawa struck an agreement with Washington that limited Canada's access to the U.S. market through a combination of quotas and export taxes.

That deal expires on Oct. 12, opening the door to the U.S. industry launching a legal battle to impose punitive duties on Canadian exports. But a Canadian analyst questioned whether the U.S. is actually determined to settle the dispute. Read *The Vancouver Sun* [article](#).

Lawn Laws: New Pesticide Regulations Take Effect in BC

Some property owners may have to change their habits with how they keep their lawns perfectly manicured as [new pesticide regulations](#) went into effect Friday [July 1] across the province.

The regulations now require private land owners to obtain a certificate from the province through an [online course](#) before using certain pesticides on landscaped areas such as lawns or flower beds.

Vancouverite Drew Stewart and his daughter Ella are careful not to use anything that isn't organic when it comes to weeding pests in their garden, and are unperturbed by the new regulations. Read the CTV [article](#).

Environmental Appeal Board Decisions

There was one Environmental Appeal Board decisions released in the month of June:

[Water Act](#)

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

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Closed Areas Regulation (76/84)	July 1/16	by <u>Reg 130/2016</u>
Hunting Regulation (190/84)	July 1/16	by <u>Reg 130/2016</u>
Integrated Pest Management Regulation (604/2004)	July 1/16	by <u>Regs 234/2015</u> and <u>235/2015</u>
Motor Vehicle Prohibition Regulation (196/99)	July 1/16	by <u>Reg 130/2016</u>
New Tree Fruit Varieties Development Council Regulation (44/2002)	June 10/16	by <u>Reg 137/2016</u>
Organic Matter Recycling Regulation (18/2002)	June 9/16	by <u>Reg 132/2016</u>
Permit Fees Regulation (299/92)	June 9/16	by <u>Reg 132/2016</u>
Public Access Prohibition Regulation (187/2003)	July 1/16	by <u>Reg 130/2016</u>
Wildlife Act Commercial Activities Regulation (338/82)	July 1/16	by <u>Reg 130/2016</u>

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