



# EnviroFor Reporter

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## ENVIROFOR NEWS:

### Spring Legislative Session

The Legislative Assembly will resume on February 14, 2017, and is currently scheduled to run until its dissolution before the next general election being held on May 9th. You can view the new Parliamentary Calendar [here](#).

### Quickscribe Welcomes Mark Oulton – Forestry Law

We are pleased to announce that [Mark Oulton](#), litigation counsel at Hunter Litigation Chambers, has come on board as a Quickscribe contributor in the area of forestry law. Mark practices general civil and administrative litigation with a focus on forestry and commercial disputes. He was recently recognized as a leading practitioner in forestry law in the 2016 Canadian Legal Lexpert Directory. Mark has appeared as counsel before the BC Utilities Commission, the Forest Appeals Commission, all levels of the British Columbia and Federal Courts and the Supreme Court of Canada. He has acted as counsel in a variety of commercial matters, including cases involving negligence, breach of fiduciary duty, shareholder and partnership disputes, breach of contract and real estate disputes. Mark regularly acts on behalf of large and small licensees in forestry-related matters, including stumpage appeals, contractor disputes, including proceedings under [Timber Harvesting Contract and Subcontract Regulation](#), compensation claims and arbitrations. Mark is a regular contributor to the Continuing Legal Education Society of British Columbia, writing and speaking on forestry- and practice-related matters and has also spoken at conferences for Insight.

### Latest Annotations

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

- [Jeff Waatainen](#), DLA Piper LLP – [Wildfire Regulation](#), 38/2005, [Forest and Range Practices Act](#), [Forest Act](#), [Forest Planning and Practices Regulation](#), 14/2004

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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[\[ Previous Reporters \]](#)

## ENERGY AND MINES NEWS

### BCUC Determines That It Has No Jurisdiction to Approve Low-Income Rates

On January 20, 2017, the British Columbia Utilities Commission (BCUC) released its decision in a BC Hydro Rate Design Application (the Decision). The Decision addresses a number of issues related to how BC Hydro sets its rates, and will be applicable to the updated BC Hydro revenue requirement being determined in a separate proceeding.

Among other things, the Decision approves the continuation of BC Hydro's two-tier residential rate structure, the simplification of BC Hydro's commercial rate structure and the termination of a legacy rate program for customers with space and water heating from BC Hydro. A summary of the Decision is set out in the BCUC's News Release explaining the Decision.

One main topic addressed in the Decision is around whether the BCUC has the jurisdiction to approve separate distribution rates (or waiver from certain charges) for low-income customers. This topic arises because, in addition to the rate design approvals sought by BC Hydro, other parties in the proceeding made their own proposals. Notable among these was a series of requests/proposals from the British Columbia Old Age Pensioners' Organization (referred to as BCOAPO) and other aligned groups for approvals that would assist low-income ratepayers having difficulty with rising electricity bills. A fundamental part of the BCOAPO proposals was for the BCUC to approve an "essential services usage block" (ESUB) rate applicable to a base level of electricity consumption. The ESUB rate would only be available for qualified low-income ratepayers. Read the [full article](#) by [David Stevens](#) of Aird & Berlis LLP's Energy Group.

### **President Trump's Executive Order on Keystone XL – Encouragement But Not an Approval**

On January 24, 2017, President Trump issued an executive order inviting TransCanada Keystone Pipeline LP to re-submit its application to the State Department for a Presidential Permit for the construction and operation of the Keystone XL Pipeline, and directing the State Department to expeditiously review and reach a final determination, using much of its previous analysis, within 60 days of TransCanada's application. If the Presidential Permit is granted, President Trump's executive order also directs the Department of the Army, the Department of the Interior, the Bureau of Land Management, and Fish and Wildlife to expeditiously review and approve as warranted, water crossings, rights of way and other permits required for the pipeline. This is encouraging news for TransCanada (which has already indicated that it intends to re-submit its application for the Presidential Permit), and for the US\$8B, 830,000 bbl/d project that has been frustrated by regulatory and political delays since 2008. President Trump's executive order is not a Presidential Permit, however, and significant legal and commercial issues still lie ahead. Read the [full article](#) by Alan L. Ross and Peter Bryan.

### **Incentives Power Up the Switch to Electric Vehicles on the Job**

The Province is providing \$385,000 to offer incentives for zero-emission specialty-use vehicles, helping businesses and vehicle fleets lower fuel costs and reduce greenhouse gas (GHG) emissions, and supporting the zero-emission vehicle sector in British Columbia.

Specialty-use vehicles are used on the job in factories and warehouses, on campuses and city streets, at parks and resorts, malls, airports and dockyards. Zero-emission specialty-use vehicles include electric or hydrogen fuel cell motorcycles, low-speed utility trucks, heavy duty transport trucks, passenger buses and airport and port service vehicles.

Michelle Stilwell, MLA for Parksville-Qualicum announced the program [January 27<sup>th</sup>] at Canadian Electric Vehicles in Errington, near Parksville on Vancouver Island, manufacturer of the electric Might-E utility truck. Read the full government [news release](#).

## **ENERGY AND MINES**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Liquefied Natural Gas Income Tax Regulation (101/2015)	<b>NEW</b> Jan. 1/17	see <a href="#">Reg 101/2015</a>
Tyson Creek Hydro Corp. Exemption Regulation (/2017)	<b>NEW</b> Jan. 30/17	see <a href="#">Reg 8/2017</a>

## **FORESTRY AND ENVIRONMENT NEWS**

### **2017 Policy Update – Spills Response –**

### **Proposed Regulations for EMA**

The Ministry of Environment recently released a new policy update concerning the Spills Response Regime for BC. The Regime intends to enhance preparedness, response, and recovery actions taken for all types of spills that cause pollution, harm the environment or threaten public safety, regardless of their source. This policy paper will be used to build regulations for the Land-Base Spill Preparedness and Response Regime due to be introduced this spring. View the [2017 Policy Update](#).

### **Ombudsman Reports Serious Gaps in Access to Helicopter Emergency Transport for Rural Workers**

*Calls on BC government to review current legislation and guarantee equal access for all BC residents*

Injured forestry workers in remote or rural parts of the province must wait – often for many hours – to access air ambulance, reports the BC Forest Safety Ombudsman in a report released today.

"Rural communities today are impacted twice compared to urban centres – first, in reduced access to medical care and again in reduced access to emergency medical transportation," said BC Forest Safety Ombudsman Roger Harris. "For remote communities, as the distance to the nearest medical facility increases, the access to HEMS should be enhanced, not reduced."

The report, *Will It Be There – A Report on Helicopter Emergency Medical Services in BC*, indicates that the serious gaps in the provision of emergency medical transport for workers in rural parts of the province threatens the medical outcomes of forestry workers – as well as residents – who have little to no guarantee to timely medical response in the event of an emergency. The current system falls short when compared to other jurisdictions such as Washington State or Alaska, with similar geography to BC, which have legislation to ensure that 99% of their population is within a 60-minute response time to a Level 3 trauma centre. Read the full *BC Forest Safety* [article](#) with links to the report.

### **Canada and British Columbia Invest in Wood Innovation Research Lab at UNBC**

*\$4.5-million investment will support students, expand research and foster innovation*

Premier Christy Clark [on January 20<sup>th</sup>] announced a \$4.5-million joint federal-provincial investment that will accelerate innovation in timber engineering and development of wood products at the University of Northern British Columbia (UNBC).

Premier Clark made the announcement during the Natural Resource Forum in Prince George on behalf of the Province of B.C. and the Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development. Of the \$4.5-million investment:

- \$1.88 million from the Government of Canada.
- \$2.62 million from the Government of British Columbia.

The City of Prince George is providing land for the facility in downtown Prince George, adjacent to the Wood Innovation and Design Centre. The Wood Innovation Research Lab will be used by students in the master of engineering in integrated wood design program and the BC leadership chair in tall wood and hybrid structures engineering. Read the full government [news release](#).

### **Lumber Industry, BC Government to Launch Softwood Lobbying Campaign**

*New campaign will aim to convince U.S. consumers, politicians and buyers on the merits of an equitable deal*

The B.C. Lumber Trade Council and provincial government say they will launch a lobbying campaign to try to convince American consumers, politicians and lumber buyers that an equitable softwood lumber deal is required.

Susan Yurkovich, the president of the council, and BC Forests Minister Steve Thomson say an agreement on softwood lumber is needed to avoid the damage that will result from import restrictions into the U.S. and higher prices.

Yurkovich and Thomson, who met with federal Foreign Affairs Minister Chrystia Freeland on Monday [February 6<sup>th</sup>] in Ottawa, say no budget has been set for the lobbying effort. But if the past is any indication, such a campaign can be expensive. Read more of the *CBC News* [article](#).

## **FORESTRY AND ENVIRONMENT**

Act or Regulation Affected	Effective Date	Amendment Information
Aquaculture Regulation (78/2002)	<b>REPEALED</b> Jan. 1/17	by <a href="#">Reg 261/2016</a>
Conservation Officer Service Authority Regulation (318/2004)	Jan. 23/17	by <a href="#">Reg 291/2016</a>
Enforcement Regulation (262/2016)	<b>NEW</b> Jan. 1/17	see <a href="#">Reg 262/2016</a>
Environmental Data Quality Assurance Regulation (301/90)	Jan. 31/17	by <a href="#">Reg 19/2017</a>
Farm Practices Protection (Right to Farm) Act	Jan. 1/17	by 2015 Bill 21, c. 14, sections 70 to 72 only (in force by <a href="#">Reg 261/2016</a> ), <a href="#">Fish and Seafood Act</a>
Fish and Seafood Act	<b>NEW</b> Jan. 1/17	c. 14 [SBC 2015], <a href="#">Bill 21</a> , whole Act in force by <a href="#">Reg 261/2016</a> , as amended by by 2016 Bill 11, c. 1, sections 57 and 58 only (in force by <a href="#">Reg 304/2016</a> ), <a href="#">Food and Agricultural Products Classification Act</a>
Fish and Seafood Licensing Regulation (261/2016)	<b>NEW</b> Jan. 1/17	see <a href="#">Reg 261/2016</a>
Fish Inspection Act	<b>REPEALED</b> Jan. 1/17	by 2015 Bill 21, c. 14, section 67 (a) only (in force by <a href="#">Reg 261/2016</a> ), <a href="#">Fish and Seafood Act</a>
Fish Inspection Regulation (12/78)	<b>REPEALED</b> Jan. 1/17	by <a href="#">Reg 261/2016</a>
Fisheries Act	Jan. 1/17	by 2015 Bill 21, c. 14, section 67 (b) only (in force by <a href="#">Reg 261/2016</a> ), <a href="#">Fish and Seafood Act</a>
Fisheries Act Regulation (140/76)	<b>REPEALED</b> Jan. 1/17	by <a href="#">Reg 261/2016</a>
Great Bear Rainforest (Forest Management) Act	Jan. 1/17	2016 Bill 2, c. 16, sections 7 and 8 to 36 only (in force by <a href="#">Reg 326/2016</a> ) and sections 37 to 48 only (in force by <a href="#">Reg 328/2016</a> ), Great Bear Rainforest (Forest Management) Act
Great Bear Rainforest (Forest Management) Regulation (327/2016)	<b>NEW</b> Jan. 1/17	see <a href="#">Reg 327/2016</a>
Interest Rate Under Various Statutes Regulation (386/92)	Jan. 1/17	by <a href="#">Reg 101/2015</a>
Park, Conservancy and Recreation Area Regulation (180/90)	Jan. 16/17	by <a href="#">Reg 296/2016</a>

Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	Jan. 1/17	by <a href="#">Reg 287/2016</a>
Specialty Farm Operations Regulation (53/99)	Jan. 1/17	by <a href="#">Reg 269/2016</a>
Woodlot Licence Planning and Practices Regulation (21/2004)	Jan. 31/17	by <a href="#">Reg 16/2017</a>

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