



EnviroFor Reporter

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ENVIROFOR NEWS:

Quickscribe Launches New Hansard Feature

We are pleased to introduce you to a new feature that we believe will make you more informed about the original statutory intent or purpose of the laws you refer to.

The new Quickscribe feature incorporates select Hansard (debates) directly adjacent to the sections and laws being discussed. Hansard are official verbatim transcripts of what is said in the Legislative Assembly and in committees when new legislation is brought forward. Hansard is often used by those seeking clarification on how a new law or amendment came to be. By making these debate references readily accessible at the section level, it will be easy for you to gain some insight on the original government intent behind the legislation and lessen the ambiguity for how a law is to be applied.

While not all laws on Quickscribe have Hansard included at this time, you can expect to see dozens more added over the course of the next few months.

To search and view an updated list of the laws we have added Hansard to thus far, refer to the new "[Hansard \(Debates\)](#)" link on the left navigation. These Hansard references are also fully searchable via the main Quickscribe keyword search feature. Simply go to one of the Acts with Hansard and click on the red "H" icon adjacent to a section. Feel free to [let us know what you think](#)!

New Bills Introduced

The government bills tabled at the time of the release of this Reporter include:

- [Bill 1](#), An Act to Ensure the Supremacy of Parliament
- [Bill 2](#), Budget Measures Implementation Act, 2017
- [Bill 3](#), Election Amendment Act, 2017
- [Bill 4](#), Acting Information and Privacy Commissioner Continuation Act
- [Bill 5](#), Constitution Amendment Act, 2017
- [Bill 6](#), Electoral Reform Referendum 2018 Act
- [Bill 7](#), Supply Act (No. 2), 2017
- [Bill 8](#), Lobbyists Registration Amendment Act, 2017

One non-government Bill was introduced in the month of September:

- [M201](#), Election Amendment Act, 2017

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.

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

Mining Association of BC Comments on Budget 2017

The Mining Association of BC (MABC) commends government's commitment to reduce the PST on electricity by 50% in Fall 2017 and fully eliminate by April 2019, as confirmed in today's 2017/18 Budget Update. Electricity represents a significant input cost for the operation of mines in BC, and at most sites, it is the second largest expense.

"Reducing the PST on electricity by 50% in Fall 2017 and committing to the full elimination of the tax by April 2019 is a positive first step toward improving BC's global competitiveness, which in turn attracts investment and sustains and creates jobs in communities across BC," said Bryan Cox, President and CEO of MABC. "We look forward to working with government to continue efforts to improve industry competitiveness to build strong communities across the province." Read the [full article](#) by Bryan Cox on the Mining Association of British Columbia website.

Feds "Never Did the Work" to Understand Indigenous Concerns on Pipeline: Lawyer

Canada's decision to approve an expansion for the Trans Mountain pipeline was a "one-way street" that ignored the economic and title rights of Indigenous people, a lawyer said Monday [October 2nd] in the Federal Court of Appeal.

Elin Sigurdson outlined arguments against the \$7.4-billion project approved last November but now challenged by First Nations, two environmental groups and the cities of Vancouver and Burnaby.

Indigenous groups were required to go to tremendous lengths to ensure all the necessary information about their rights was before the National Energy Board process, Sigurdson said.

"Yet in return, despite their assurances of genuine engagement on Indigenous rights concerns on the post NEB phase of the review, Canada never performed the work that would assist them to understand the rights at issue or the impact on (First Nations), nor did the Crown provide responsive feedback," said Sigurdson, who represents the Upper Nicola Band.

Trans Mountain, a subsidiary of Kinder Morgan Canada, aims to double an existing Edmonton-to-Burnaby, B.C., pipeline with an additional 987 kilometres of pipeline in new and existing corridors, build a pump station, new docks and a storage facility. Read the [Vancouver Sun article](#).

BCUC's Preliminary Report About Site C Reaches Few Conclusions

On September 20, 2017, the British Columbia Utilities Commission (BCUC) issued its [Preliminary Report](#) about BC Hydro's "Site C" hydroelectric project. This is the final step in the "fact gathering" phase of the Government-ordered "Site C Inquiry Process." That process requires the BCUC to determine the implications of completing, suspending or terminating the Site C project. In the Preliminary Report, the BCUC indicates that the project is currently on schedule, but that it requires further information to determine whether the project is on budget and about the costs of suspending or cancelling and replacing the project. BC Hydro is required to provide this information by October 5 to ensure that the BCUC can issue its Final Report by November 1.

Background

As explained in the Preliminary Report, Site C is a dam and hydroelectric generating station being built by BC Hydro in the province's northeastern Peace River Regional District. The project includes a new reservoir that will run 83 km along the Peace River and will submerge approximately 5,000 hectares of land. Site C is planned to provide a peak capacity of about 1,145 megawatts (MW) which, according to BC Hydro, will power the equivalent of 450,000 homes per year. The budget for the project is around \$8.3 billion.

Read the [full article](#) by [David Stevens](#) with Aird & Berlis LLP.

ENERGY AND MINES

Effective

Act or Regulation Affected	Date	Amendment Information
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There were no amendments this month.

FORESTRY AND ENVIRONMENT NEWS

Professional Reliance Model under Review

When drinking water from the Hullcar aquifer near Armstrong became too polluted to drink, and a nearby dairy farmer was required to pay for a soil test to determine if the pollution was coming from manure, local residents were astounded when the government refused to release the findings of that study.

The BC government claimed releasing the information would be a violation of copyright law, since the dairy farmer who paid for the study owned the information.

The Hullcar aquifer controversy wasn't just one of the more egregious examples BC's weak freedom of information laws, it was also an example of what is wrong with the professional reliance model that BC uses for things like permitting.

The collapse of the Mount Polley tailings pond in 2014 also highlighted concerns with the professional reliance model, which requires private companies to hire and pay biologists, archaeologists, engineers, geoscientists and environmental scientists to conduct environmental, engineering and harvesting studies.

That model is now under review. The outcome could have wide-ranging implications for resource extraction industries, including mining, oil and gas and forestry. Read the full [BIV article](#).

Plan Approvals Submitted under Environmental Permits are Appealable Decisions in BC

In the recent decision in [Unifor Local 2301 v. Rio Tinto Alcan Inc.](#), the British Columbia Court of Appeal (Court) confirmed that approval of a monitoring plan submitted under an environmental permit falls within the definition of a "decision" under the appeal provisions of the [Environmental Management Act \(EMA\)](#). The case is a useful reminder to industry proponents that plans and similar documents that are required to be submitted under permits for approval may be appealed by third parties.

Rio Tinto Alcan Inc. (Rio Tinto) operates an aluminum smelter in Kitimat, BC. As part of its operations, it holds a permit under the *EMA* enabling it to emit sulphur dioxide. Rio Tinto applied to amend the permit in 2013 to increase the allowable discharge amounts. In approving the amendment, the Ministry of Environment (Ministry) required Rio Tinto to file an Environmental Effects Monitoring Plan (Plan) for approval. The Plan was subsequently approved by the Ministry on October 7, 2014. Unifor Local 2301 (Unifor), a union representing workers at the smelter, appealed the Plan approval on the basis that it was inadequate and did not comply with the permit requirements. The Environmental Appeal Board (Board) rejected the appeal on the basis that the Plan approval did not constitute a "decision" under the appeal provisions of the *EMA*. The Supreme Court of British Columbia overturned the Board's decision, finding that the Plan was an appealable "decision." Read the [full article](#) by [Rochelle Collette](#) and Paulina Adamson (Student-at-Law) on *Blakes Business Class*.

Investigation of Forestry Roads on Steep Slopes Released

An investigation of forestry roads constructed on steep terrain has found mixed results. While most of the road sections examined met the legal requirements, and some were very well done, others did not adhere to professional practice guidelines and several road sections were structurally unsafe, according to a report released today.

The board looked at the design, construction and deactivation of 26 segments of road, built on steep terrain between 2012 and 2016, in five natural resource districts throughout the province. The roads were examined for compliance with the [Forest and Range Practices Act](#) and adherence to professional practice guidelines issued jointly by the professional foresters' and the professional engineers' regulatory bodies.

"We saw some examples of excellent road construction practices and these are highlighted in our report," said board vice-chair, Bill McGill. "We also saw some roads that were not well built and six road segments were not considered safe for road users due to construction deficiencies. Steep roads present the greatest risks to the environment and to user safety and it is critical that they be constructed carefully and with the involvement of qualified terrain specialists." Read the full [news release](#) on the BC Forest Practices Board website.

Canada Open to Adding Softwood Lumber Deal to NAFTA

Canada is prepared to pursue a permanent settlement in softwood lumber within the North American Free Trade Agreement if the U.S. lumber industry keeps blocking a deal, Canada's ambassador to the U.S. suggested Thursday [September 14th].

David MacNaughton expressed frustration at the industry using what is effectively its veto power to block any deal between the national governments and he raised the possibility of working around it to achieve a long-term solution. Read the *Global News* [article](#).

Latest Quarterly Environmental Enforcement Summaries Posted

British Columbia's Quarterly Environmental Enforcement Summaries for the second, third and fourth quarters of 2016 have been publicly posted, outlining the significant enforcement actions taken by the Province, along with associated fines. For the final three quarters of 2016, enforcement actions included:

- 33 orders
- 247 administrative sanctions
- 1,922 tickets
- 8 administrative penalties
- 39 court convictions

These enforcement actions resulted in a total of over \$630,000 in penalties. This brings the total (since 2006) to over \$13 million in penalties against companies and individuals for environmental non-compliance. Examples of violations in the quarterly summaries include hunting and fishing without a licence, open burning out of season and introducing waste into the environment. Key highlights include:

- BC Hydro was issued five orders under the [Environmental Assessment Act](#) for failure to meet requirements of its Environmental Assessment Certificate and accompanying plans with respect to the Site C project.

Read the full government [news release](#).

Government to Consult on Grizzly Bear Ban

British Columbians are being given the opportunity to provide input on new proposed grizzly bear regulations. On Aug. 14, 2017, the BC government announced that effective Nov. 30, 2017 it will end trophy hunting of grizzly bears and stop all hunting of grizzly bears in the Great Bear Rainforest. Until Nov. 2, the public can provide input into two policy documents outlining the proposed regulation changes required to implement the ban. As part of the consultation, input is being sought on:

- Changes to manage the ban in hunting areas that overlap the Great Bear Rainforest;
- Changes that will prohibit the possession of "trophy" grizzly bear parts;
- Changes that will manage prohibited grizzly bear parts;
- Changes to prohibit the trafficking of grizzly bear parts, and
- New reporting requirements for taxidermists.

Read the full government [news release](#).

Environmental Appeal Board Decisions

There were three Environmental Appeal Board decisions in the month of September.

[Water Act](#)

- [Thomas Hobby and SC Ventures Inc. v. Assistant Regional Water Manager, et al.](#) [Consent Order – Costs Settlement]

[Environmental Management Act](#)

- [Revolution Organics, Limited Partnership v. Director, Environmental Management Act](#) [Preliminary Issue of Jurisdiction – Denied; Stay Application – Denied]

[Wildlife Act](#)

- [John Parker v. Deputy Regional Manager \(Kootenay-Boundary Region\)](#) [Final Decision – Appeal Dismissed]

Visit the Environmental Appeal Board website for more information.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Hunting Licensing Regulation (8/99)	Sept. 1/17	by Reg 127/2017
Motor Vehicle Prohibition Regulation (196/99)	Sept. 29/17	by Reg 177/2017
Wildlife Act Commercial Activities Regulation (338/82)	Sept. 1/17	by Reg 127/2017
Wildlife Act General Regulation (340/82)	Sept. 1/17	by Reg 127/2017

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