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ENVIROFOR NEWS:

What's Happening in the House?

After a slow start, the government has introduced a significant number of Bills in April. A summary of some of these bills can be found in this Reporter. Parliament will resume on Monday, May 7th. The following government Bills were introduced in April:

- [Bill 9](#), Workers Compensation Amendment Act, 2018 – 3rd Reading
- [Bill 10](#), Family Maintenance Enforcement Amendment Act, 2018 – 3rd Reading
- [Bill 11](#), International Commercial Arbitration Amendment Act, 2018 – 3rd Reading
- [Bill 12](#), Tenancy Statutes Amendment Act, 2018 – 3rd Reading
- [Bill 13](#), Public Service Amendment Act, 2018 – 3rd Reading
- [Bill 14](#), Taxation Statutes Amendment Act, 2018 – 3rd Reading
- [Bill 15](#), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018 – 3rd Reading
- [Bill 16](#), Securities Amendment Act, 2018 – 3rd Reading
- [Bill 17](#), Motor Vehicle Amendment Act, 2018 – 1st Reading
- [Bill 18](#), Local Government Statutes (Housing Needs Reports) Amendment Act, 2018 – 1st Reading
- [Bill 20](#), Insurance (Vehicle) Amendment Act, 2018 – 1st Reading
- [Bill 21](#), Class Proceedings Amendment Act, 2018 – 3rd Reading
- [Bill 22](#), Civil Resolution Tribunal Amendment Act, 2018 – 2nd Reading
- [Bill 23](#), Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018 – 1st Reading
- [Bill 24](#), Miscellaneous Statutes Amendment Act (No. 2), 2018 – 3rd Reading
- [Bill 25](#), Real Estate Development Marketing Amendment Act, 2018 – 1st Reading
- [Bill 26](#), Child, Family and Community Service Amendment Act, 2018 – 1st Reading
- [Bill 27](#), Pill Press and Related Equipment Control Act – 1st Reading
- [Bill 28](#), Public Interest Disclosure Act – 1st Reading
- [Bill 29](#), Voluntary Blood Donations Act – 1st Reading
- [Bill 30](#), Cannabis Control and Licensing Act – 1st Reading
- [Bill 31](#), Cannabis Distribution Act – 1st Reading

A handful of non-government Bills were also introduced in April:

- [M212](#), Environmental Management Amendment Act, 2018
- [M213](#), Local Election Campaign Financing Amendment Act, 2018
- [M214](#), Election Amendment Act, 2018

A reminder that if you would like to track the progress of new bills this session, or to track proposed changes to laws that matter most to you, please feel free to make use of our [BC Legislative Digest](#) tracking tool.

Latest Annotations

New annotations have recently been added to the Quickscribe site. These annotations include contributions from [Anita Mathur](#), BC Oil & Gas Commission – [Oil and Gas Activities 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. To receive notification when these or any of our contributors publish new annotations, search for their name, open an annotation and select "follow" adjacent to their name.

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

British Columbia Strengthens Oil and Gas Liability Management Regime

British Columbia has [introduced amendments](#) to the [Oil and Gas Activities Act](#) to address a growing number of orphan oil and gas sites due to increased operator insolvencies. The proposed changes will enable the Oil and Gas Commission (OGC) to adequately fund the Orphan Site Reclamation Fund (OSRF), develop new regulations that will require inactive wells to be abandoned and restored, and prevent oil and gas operators with a history of insolvency or non-compliance from operating in BC.

Increasing number of orphan sites

The OSRF is a fund administered by the OGC to pay for the costs of abandoning and restoring orphaned oil and gas sites. The number of designated orphan sites in BC recently leaped over one year from 45 to 307 due to operator insolvencies. The costs to abandon and restore these orphaned sites are estimated to be \$40 to \$60 million. However, as of March 31, 2017, the OSRF held only \$5.3 million in funds.

Read the [full article](#) by [Alan Harvie](#), [Max Collett](#), [Matthew D Keen](#) with Norton Rose Fulbright LLP.

BC's Case over Oil Flow through Province might be Damaged by NDP's Old Anti-Trans Mountain Expansion Stance

British Columbia's court case over the flow of heavy oil through the province could be damaged by the NDP government's previous positions against the expansion of the Trans Mountain pipeline, says a legal expert.

The provincial government [filed a reference case](#) Thursday [April 26th] in the B.C. Court of Appeal asking whether amendments it is proposing to the [Environmental Management Act](#) are valid and if they give the province the authority to control the shipment of heavy oils based on the impact spills could have on the environment, human health or communities. The province is also asking the court whether the amendments are over-ridden by federal law. Read the *National Post* [article](#).

Greenhouse Gas Reduction (Clean Energy) Regulation Updated

Effective April 20, 2018 amendments to the [Greenhouse Gas Reduction \(Clean Energy\) Regulation](#) adjusted the maximum expenditures allowed on compressed or liquefied natural gas fuelling stations by a public utility during the undertaking period.

Federal Ozone-depleting Regulations Amended

On April 16, 2018, the [Ozone-depleting Substances and Halocarbon Alternatives Regulations](#) were amended, aiming reduce the supply of hydrofluorocarbons (HFCs) entering into Canada as well as the demand for HFCs in manufactured products. This will reduce Canadian greenhouse gas emissions, in order to help limit increases in global average temperatures and contribute to Canada's international obligations to combat climate change. Additionally, the amendments aim to allow Canada to ratify the Kigali Amendment to the Montreal Protocol.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	Apr. 20/18	by Reg 84/2018

Mines Fee Regulation (54/2015)

Apr. 13/18

May 1/18

by [Reg 73/2018](#)

FORESTRY AND ENVIRONMENT NEWS

Changes to Riparian Areas Protection Act

Riparian areas of the province are areas near streams and rivers. Since 2006, [regulations](#) have been in place to protect fish habitats and ensure environmental stewardship under increasing threats from urban development. The [proposed amendment](#) will enhance that protection by giving the minister the authority to publish criteria and methods through a manual for qualified environmental professionals (like registered biologists) to follow when they are carrying out habitat assessments in riparian areas. Read the [full new release](#).

Modern Treaty Rights Prevail Over Duty to Consult

First Nations Asserting Aboriginal Rights

What happens when a First Nation asserts aboriginal rights or title that conflict with another First Nation's rights under a modern treaty? In its recent decision, [Gamlaxyeltxw v. British Columbia \(Minister of Forests, Lands & Natural Resource Operations\)](#), the British Columbia Supreme Court (Court) ruled that in these circumstances, the "treaty right must prevail over the duty to consult [the non-treaty First Nation]." To our knowledge, this is the first court decision to consider the government's duties in these circumstances.

Overview

The Gitanyow Nation and the Nisga'a Nation are located in northwestern British Columbia. The Nisga'a Nation, British Columbia and Canada entered the Nisga'a Final Agreement (Nisga'a Treaty) in 2000. The Gitanyow and the Nisga'a have a long-standing disagreement over territory along the Nass River. The Gitanyow have not entered a land claims agreement with the province or Canada, but have commenced claims for aboriginal title and rights, including over areas covered by the Nisga'a Treaty.

Under the Nisga'a Treaty, the Minister of Forest, Lands and Natural Resource Operations (Minister) – now the Minister of Forests, Lands, Natural Resource Operations and Rural Development – is responsible for setting a total annual harvest for moose hunting in the Nass Wildlife Area, which is defined in the Nisga'a Treaty.

Read the [full article](#) by [Roy Millen](#) and [Matthew Tse](#) with Blake, Cassels & Graydon LLP.

Gypsy Moth Treatment Areas Regulation

The [North American Gypsy Moth Eradication Regulation, 2018](#), became effective on April 15, 2018. The regulation sets out four zones which will undergo spray treatment for the eradication of the gypsy moth: Agassiz, Surrey, Courtenay and Campbell River. The project, which includes the search and removal of gypsy moths and eggs, will last from April 15 to November 30, 2018.

Environmental Appeal Board Decisions

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

[Water Sustainability Act](#) / [Water Act](#)

- [Doug Halstead and Donna Halstead v. Water Manager, Thompson Okanagan Region](#) [Final Decision – Appeal Dismissed]
- [Bernard Wohlleben v. Assistant Water Manager](#) [Stay Decision – Denied]
- [Karen Nonis v. Assistant Regional Water Manager](#) [Final Decision – Appeal Dismissed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected

Effective Date

Amendment Information

Angling and Scientific Collection Regulation (125/90)	Apr. 16/18	by Reg 79/2018
Asphalt Plant Regulation (217/97)	Apr. 1/18	by Reg 46/2018
Conservation Officer Service Authority Regulation (318/2004)	Apr. 27/18	by Reg 88/2018
Designation and Exemption Regulation (168/90)	Apr. 1/18	by Reg 52/2018
Hunting Regulation (190/84)	Apr. 1/18	by Reg 52/2018
	Apr. 11/18	by Reg 66/2018
Hunting Licensing Regulation (8/99)	Apr. 1/18	by Regs 52/2018 and 57/2018
	Apr. 16/18	by Reg 79/2018
Limited Entry Hunting Regulation (134/93)	Apr. 1/18	by Reg 57/2018
	Apr. 11/18	by Reg 66/2018
Municipal Wastewater Regulation (87/2012)	Apr. 1/18	by Reg 46/2018
Natural Resource Officer Authority Regulation (38/2012)	Apr. 16/18	by Reg 78/2018
North American Gypsy Moth Eradication Regulation, 2017 (86/2017)	REPEALED Apr. 15/18	by Reg 74/2018
North American Gypsy Moth Eradication Regulation, 2018 (74/2018)	NEW Apr. 15/18	see Reg 74/2018
Oil and Gas Waste Regulation (254/2005)	Apr. 1/18	by Reg 46/2018
Permit and Approval Fees and Charges Regulation (299/92) (<i>formerly Permit Fees Regulation</i>)	Apr. 1/18	by Reg 46/2018
Permit Regulation (253/2000)	Apr. 1/18	by Reg 52/2018
	Apr. 16/18	by Reg 79/2018
Pulp Mill and Pulp and Paper Mill Liquid Effluent Control Regulation (470/90)	Apr. 1/18	by Reg 46/2018
Waste Discharge Regulation (320/2004)	Apr. 1/18	by Reg 46/2018

Wildlife Act Commercial Activities Regulation (338/82)	Apr. 1/18	by Reg 52/2018
Wildlife Act General Regulation (340/82)	Apr. 1/18	by Regs 46/2018 and 55/2018
	Apr. 16/18	by Reg 79/2018

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