



EnviroFor Reporter

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Toll Free: 1-877-727-6978
Phone: 1-250-727-6978
Fax: 1-250-727-6699

Email:
info@quickscribe.bc.ca

Website:
www.quickscribe.bc.ca

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ENVIROFOR NEWS:

Latest Annotations

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

- [Mark Oulton](#), Hunter Litigation Chambers – [Forest Act](#)
- [Anita Mathur](#), BC Oil and Gas Commission – [Drilling and Production Regulation](#)

Watch this 20-minute [YouTube video](#) to learn more about annotations including how to receive alerts when new annotations are published to the laws that matter most to you. To view and follow annotation contributors, select "[Annotations](#)" via the left navigation, then select the "[experienced legal professionals](#)" link under the large star icon, then "Follow User" adjacent to any "expert annotator".

Happy New Year!

We hope that you had a wonderful holiday with family and friends and would like to wish you all the best for the new year. As we look to 2019, the Quickscribe team will be working on several exciting initiatives that we hope will make your job easier. Some of these projects include the introduction of new legal content, an OIC/Regulation alert and a keyword tracking alert feature. Stay tuned!

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.

[\[Previous Reporters \]](#)

CATEGORIES

[ENERGY & MINES](#)
[FORESTRY & ENVIRONMENT](#)
[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

British Columbia Unveils New Clean Energy Plan

On December 5, 2018, the B.C. government unveiled a new clean energy plan, CleanBC, which outlines the government's strategy to achieve 75% of the Province's 2030 greenhouse gas (GHG) emissions target (how the remaining 25% will be achieved remains to be determined). The full report can be read [here](#). The highlights report can be read [here](#).

What's In the Plan?

The plan outlines a number of initiatives that are intended to "clean" or "green" the transportation, construction, waste and industrial sectors of the BC economy, primarily by reducing the use of fossil fuels and increasing the use of electricity in these sectors. Key initiatives planned for the industrial

sector of the BC economy include:

- Working with natural gas providers to put in place a minimum requirement for 15 per cent renewable content in natural gas by 2030.

Read the [full article](#) by [Erika Lambert-Shirzad](#) with Borden Ladner Gervais LLP.

Regulator Schedules Hearings for BC LNG Natural Gas Pipeline Challenge

The National Energy Board is scheduling hearings over the next three months to consider a jurisdictional challenge of the approval of a pipeline needed to supply natural gas to the recently sanctioned \$40-billion LNG Canada project.

But planning for construction to begin early next year will continue based on the \$6.2-billion Coastal GasLink Pipeline's provincial approvals and permits, said a spokeswoman for the project.

The NEB hearings will consider only the question of whether the British Columbia Oil and Gas Commission had jurisdiction to issue approvals for the project, the NEB says.

If it decides the project should be under federal jurisdiction, the regulator says the proponent will have to make a formal NEB application and undergo a separate process to win federal approval.

"If the NEB decides Coastal GasLink is to be federally regulated, then the project believes the NEB will need to address transition from provincial to federal jurisdiction," pipeline spokeswoman Jacquelynn Benson said. Read the [full article](#) in the *Vancouver Sun*.

New Federal Timelines for Energy Project Approvals

The federal government has proposed controversial new rules to govern approvals for projects, including many Major Energy Projects. The pace and direction of future development of Canada's energy sector could lie in the balance.

- [Bill C-69](#) proposes a new 5-stage Impact Assessment process that could easily take more than 5 years to complete.
- The federal proposals are designed to encourage the regulatory phases of the Impact Assessment process to be completed within approximately 2 ½ years – or roughly 30 months.
- Other portions of the process, which are in the hands of project proponents, are expected to be completed within a further 3 years – or roughly 36 months.
- Whether these timelines will actually work or not will likely depend on the commitment of the federal government to respect and apply the legislated timelines rather than to suspend or extend them.

Read the [full article](#) by [Jonathan Drance](#), [Glenn Cameron](#) and [Rachel V. Hutton](#) of Stikeman Elliott.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
BC Hydro Integrated Resource Plan Regulation (266/2018)	NEW Dec. 10/18	see Reg 266/2018
Fee, Levy and Security Regulation (8/2014)	Dec. 1/18	by Reg 240/2018

FORESTRY AND ENVIRONMENT NEWS

A Closer Look: BC Government Releases Draft Legislation for Revitalized Provincial Environmental Assessment Process

In March 2018, the BC government launched the process for revitalizing the province's environmental assessment (EA) process. More background information is available in our earlier [blog](#). Following the release of

the [Discussion Paper](#) in June 2018 and public consultations over the summer, the BC government introduced [Bill 51 – 2018 Environmental Assessment Act](#) in November 2018. which is designed to replace the current provincial [Environmental Assessment Act](#). An overview of the changes proposed in Bill 51 is set out in the BC government's [Intentions Paper](#). If passed, Bill 51 will introduce significant changes to the provincial EA process including the creation of an early engagement process, increased opportunities for public participation, and prescriptive measures to meet the BC government's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

What will the New EA Process Mean for Proponents?

While the proposed new EA process will retain certain components of the current EA process, including the "one project, one assessment" approach and the concept of a project description, new elements will be introduced into existing processes along with entirely new concepts. A comparison of the key differences between the current EA process and the proposed changes under Bill 51 is set out below.

Read the [full article](#) by Selina Lee-Andersen with McCarthy Tétrault LLP.

BC Ups Fines for Off-road Vehicles and Snowmobiles in Sensitive Habitats

[Fines are going up](#) for anyone who uses off-road vehicles and snowmobiles in environmentally sensitive areas of British Columbia. Anyone operating the vehicles in those areas will face a \$575 fine, effectively immediately.

Previously, the fines were either \$230 or \$345, depending on the violation. As well, the provincial government says court convictions for snowmobiling in southern mountain caribou habitats may result in a fine up to \$200,000 and six months in jail.

Chris Doyle with BC's Conservation Officer Service says snowmobilers can have an impact in displacing caribou as well as laying tracks that predators can easily access into caribou habitat.

"We're hoping [the fines] will be an adequate deterrent to keep those that are tempted to either stray into closed areas or not plan ahead ... and [those who] deliberately enter those closed areas to access different terrain or powder," Doyle said. Read the [CBC News article](#).

Environmental Appeal Board Decisions

There were three Environmental Appeal Board decisions in the month of December:

[Environmental Management Act](#)

- [Canadian National Railway Company; Canadian Pacific Railway Company; BNSF Railway Company v. Delegate of the Director, Environmental Management Act](#) [Stay Applications – Granted]
- [City of Burnaby v. Director, Environmental Management Act](#) [Final Decision – Allowed in Part; Sent Back with Directions]
- [GFL Environmental Inc. v. District Director, Environmental Management Act](#) [Stay Application – Denied]

[Wildlife Act](#)

- [Li Zhu Liu v. Deputy Director, Fish and Wildlife Branch](#) [Final Decision – Appeal Dismissed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Cut Control Regulation (578/2004)	Dec. 10/18	by Reg 269/2018
Fish and Seafood Licensing Regulation (261/2016)	Jan. 1/19	by Reg 261/2016, section 68

Forest Planning and Practices Regulation (14/2004)	Dec. 10/18	by Reg 262/2018
Interest Rate Under Various Statutes Regulation (386/92)	Jan. 1/19	by Reg 268/2018
Provincial Forest Use Regulation (176/95)	Dec. 10/18	by Reg 262/2018
Water Sustainability Regulation (36/2016)	Dec. 3/18	by Reg 259/2018
Wildlife Management Areas Regulation	Dec. 17/18	by Reg 285/2018

OCCUPATIONAL HEALTH AND SAFETY NEWS

WorkSafeBC Alert:

Consultation on the 2019–2021 Policy Workplans

The Policy, Regulation and Research Division has prepared draft 2019–2021 workplans for stakeholder review and comment. These workplans will encompass policy priorities relating to compensation, occupational disease, assessments, and occupational health and safety.

Stakeholders are invited to review the discussion paper and proposed workplans, and to provide feedback by February 4, 2019. The discussion paper, proposed workplans, and information on providing feedback can be accessed on worksafebc.com.

Article 2 – Injured Worker Series: Settlement of WorkSafeBC Claims

We are frequently asked about "settling with the Board". Our response is that you cannot settle with WorkSafeBC ("the Board").

The basic scheme of compensation for injured workers is that the Board adjudicates all claims. In other words, it makes decisions starting with whether the claim will be accepted. If it is accepted a number of other decisions will be made concerning wage loss, medical care, rehabilitation, and pension benefits. Each of these decisions in turn are based on numerous other decisions. For example, in determining wage loss benefits the Board will decide when the benefits commence, how much they will be initially and in the long term, and when they will terminate.

By the time a worker receives his first wage loss cheque several decisions may have been made by the Board. The Board does not negotiate before making its decisions. It has no legal right to do so. It is required to, and does, consider information available to it from the worker, doctors, the employer, and other witnesses in making its decisions. Read the [full article](#) by Alfred Kempf of Pushor Mitchell LLP.

WorkSafeBC Launches New Online Notice of Project Submission Process

To address employer feedback and aging technology, WorkSafeBC has upgraded its Notice of Project (NOP) online submission process and it will be accessible to all employers before the end of this year (2018).

While there will be a grace period for employers to use the old forms, at some point in the future the old Notice of Project form will be retired.

In the past, there was just one form for the different types of notices of project required by regulation; the form timed-out after 30 minutes; and it was harder to use. The new forms are now customized for each of the six required notices – two of which are needed for certain forestry projects and aircraft operations (forestry). The other four new forms are for construction, diving, underground workings, and asbestos, lead or other similar exposure work activity. The [Occupational Health and Safety Regulation](#) requires that WorkSafeBC be notified of certain types of projects before they begin. Read the [full article](#) in the December issue of *Forest Safety News*.

Lack Of Workers' Comp Can Have Serious Consequences For Employers

Some business owners in British Columbia may not be pleased that just about every employer must register for and pay insurance premiums to protect injured workers. In BC, even property owners who build their own residences or those who hire casual workers as regular gardeners, domestic workers, nannies and cleaners must register with WorkSafe BC. While it might seem like an unnecessary expense, some argue that employers can see the value of these payments if they consider that the absence of workers' compensation insurance could require their businesses to be responsible for payment of medical fees that follow on-the-job injuries and rehabilitation.

Another compelling argument for workers' compensation exists in the fact that an incident that injures several workers can burden the business with astronomical expenses that might compromise profits. Employees who are covered by WorkSafeBC are, except for cases of gross negligence by the employer, generally prohibited from filing personal injury lawsuits against their employers in exchange for the coverage they enjoy at no cost regardless of negligence or fault. Read the [full article](#) on the Overholt Law blog.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected

Effective
Date

Amendment Information

There were no amendments this month.

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