



Vol: XI – Issue: V – May 2018

ENVIROFOR NEWS:

What's Happening in the House?

The session officially wrapped up at the end of May with a total of 35 government bills achieving Royal Assent. In May, the following government Bills were introduced:


- [Bill 19](#), Protected Areas of British Columbia Amendment Act, 2018 (*in force by RA – May 31*)
- [Bill 32](#), Protection of Public Participation Act (*First Reading – May 15*)
- [Bill 33](#), South Coast British Columbia Transportation Authority Amendment Act, 2018 (*in force by RA – May 31*)
- [Bill 34](#), Greenhouse Gas Reduction Targets Amendment Act, 2018 (*partially in force by RA – May 31*)
- [Bill 35](#), Supply Act, 2018-2019 (*in force by RA – May 31*)

One notable private member bill (Bill [Pr401](#), Canadian Chinese School of Theology Vancouver Act) achieved Royal Assent on May 31st and is partially in force.

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.

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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ENERGY AND MINES NEWS

Contaminated-site Developments Hit 20,000-page Speed Bump

After the most recent update, BC's [Contaminated Sites Regulation](#) (CSR) now covers 20,000 pages, and the costs to meet the requirements continue to increase, according to companies hired to decipher how the rules apply to real estate developers and owners.

On November 1, 2017, Stage 10 omnibus amendments to the CSR came into effect. It updated more than 8,500 environmental quality standards. The amendments changed concentrations deemed harmful for a broad range of contaminants and added a significant number of new ones.

This threatens to further complicate land development and discourage developers from investing in contaminated site redevelopment.

"This meant that work before that date would become non-compliant overnight. This caused environmental consulting companies to rush over 100 submissions before the deadline to grandfather their work and avoid additional costs for their clients," said Harm Gross, a biologist and president of Next Environmental of Burnaby.

Read the [full article](#) by Frank O'Brien in *Business in Vancouver*.

AI in Mining

Recent developments in Artificial Intelligence (AI) are changing the way mining companies do business. Traditionally AI has been the domain of tech giants, but the wide ranging application of its techniques has the potential to disrupt almost every industry. Mining companies must begin to prepare for these seismic changes as these new techniques unlock new potential.

AI Basics:

Despite recent gain in popularity, AI has been around in one form or another for quite some time. Up until recently, the amount of computing power required to deploy AI tools put them out of reach for all but the largest of technology companies. However, cheap cloud computing has caused a rush of investment and has unlocked the use of AI techniques in more industries.

Read the [full article](#) by Mark D. Penner, Roxana Monemdjou and Trevor Snider with Fasken Martineau DuMoulin LLP.

BC Introduces Legislation in Response to Redwater

On April 25, 2018, the government of BC approved new legislation that aims to strengthen BC's orphaned well restoration and prevention regime. Once it receives royal assent, [Bill 15](#), the *Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018*, will result in additional requirements for those seeking to develop oil and gas in BC through amendments to the [Oil and Gas Activities Act](#) ("OGAA") and the [Petroleum and Natural Gas Act](#).

The main feature of the Bill is the replacement of the current orphaned site restoration tax under the OGAA with a levy to be paid by permit holders to BC's Orphan Site Reclamation Fund (the "OSRF"), which the province uses to pay the cost of restoring sites that have been abandoned by unviable operators. Currently, producers must make monthly payments of \$0.03 per 1,000 cubic metres of marketable gas produced and \$0.06 per cubic metre of petroleum produced. In place of this fixed tax, the B.C. Oil and Gas Commission (the "Commission") will determine the total amount that is to be raised by the levy and is permitted to impose the levy more than once in a calendar year, giving the Commission flexibility to ensure the OSRF is adequately funded at all times. Read the [full article](#) by Auke Visser and Lisa Hiebert of Borden Ladner Gervais LLP.

BC Judge Expands Pipeline Injunction as Protesters Use "Calculated" Defiance

Anti-pipeline protesters have made a calculated effort to blockade two Trans Mountain work sites in Burnaby, says a British Columbia Supreme Court judge who scrapped a 10-minute pre-arrest warning and expanded an injunction to include other facilities used by the company.

Justice Kenneth Affleck said Friday [June 1] he would have some sympathy for people opposed to Trans Mountain's application to vary his March 15 order prohibiting protests within a five-metre buffer zone, but an abundance of evidence indicates people have found ways to get around it.

"In my view, the clear attempt to frustrate the injunction is not acceptable and there needs to be a means by this court to determine that its orders are respected," Affleck said. "They have a right to make their views known in a way that captures the attention of the world, if they wish to do so, but they are not entitled to block what is lawful activity." Read *The Vancouver Sun* [article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Mines Fee Regulation (54/2015)	May 1/18	by Reg 73/2018
Oil and Gas Activities Act	May 17/18	by 2018 Bill 15, c. 15, sections 3, 4, 6, 9 to 11, 13, 14, 16 to 18 and 20 only (in force by Royal Assent), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018

FORESTRY AND ENVIRONMENT NEWS

"Owners" of Forestry Licenses in British Columbia can receive Administrative Penalties, even if the Owner is not the Injured Worker's Employer

The Supreme Court of Canada ("SCC") has released its [decision](#) on whether administrative penalties for non-compliance with British Columbia's [Occupational Health and Safety Regulation](#), B.C. Reg. 296/97 ("Regulation") can be applied to "owners" of forestry licenses, even if the "owner" is not the "employer" of the injured worker. The answer was "yes".

This case arose from a review of the Workers Compensation Appeal Tribunal decision, WCAT 2013-01952. The Accident In this case, a tree faller was fatally injured when he was struck by a rotting tree. He was working within an area of a forest license held by West Fraser Mills Ltd. ("WFM"). WFM was the "owner" of the workplace, as defined in Part 3 of British Columbia's [Workers Compensation Act](#), R.S.B.C. 1996, c. 492 ("Act"). Part 3 of the Act addresses occupational health and safety. Read the [full article](#) by [Tari M. Hiebert](#) with Miller Thomson LLP.

Target 2030 and Beyond: BC Government Unveils Legislation to Update Greenhouse Gas Reduction Targets

On May 7, 2018, the BC government unveiled [Bill 34](#), the *Greenhouse Gas Reduction Targets Amendment Act, 2018*, which updates the province's greenhouse gas (GHG) emissions reduction targets. The bill repeals the [Greenhouse Gas Reduction Targets Act](#) (GGRTA), passed by the former Liberal government in 2007, and replaces it with the *Climate Change Accountability Act* (Act), which contains an updated set of GHG reduction targets and introduces other new features, including ministerial power to establish GHG emissions targets for individual industry sectors and government reporting requirements.

GHG emissions in BC in 2007 were 64.7 carbon dioxide equivalent tonnes (Mt CO₂e). The most recent statistics available from BC's [GHG inventory](#) show that provincial GHG emissions in 2015 were 61.6 Mt CO₂e, representing a 4.7% reduction. In order to meet the new targets, provincial GHG emissions would have to fall below 38.8 Mt CO₂e by 2030, 25.9 Mt CO₂e by 2040, and 12.9 Mt CO₂e by 2050. Read the [full article](#) by Selina Lee-Andersen and Connor Bildfell with McCarthy Tetrault LLP.

The Death of the Sustained Yield Concept

Opinion – Letter to ABCFP

On March 8, 2017, the *Times Colonist* published an article by Joel Wood, assistant professor in the School of Business and Economics at Thompson Rivers University. As a retired professional forester, I was interested to read what he had to say on the subject of log exports. When I began my career in 1953, the driving philosophy of the Forest Service was sustained yield, as proposed by Chief Justice Gordon Sloan. The tree farm licence system was being introduced, with the goal of turning forest management over to the forest industry. The reason was simple, the sustained yield was to ensure each TFL holder had a licence of a size that could provide enough logs to supply their conversion facilities. I could see no reference in the above-mentioned article identifying the benefits of ensuring employment in BC towns that relied on the forest industry for economic survival. Read the [full letter](#) published in the May-June edition of the ABCFP *BC Forest Professional* and submitted by Norm Godfrey, RPF(Ret), Life Member, ABCFP Past President – 1990.

Danger Tree Blasting: A Good Tool for Fallers to Deal with Dangerous Trees

To support a further reduction in the high injury rate among fallers in BC, WorkSafeBC would like to encourage all licensees and contractors to ensure that they have easy access to qualified faller blasters for their operations.

The importance of fallers having options and tools to effectively manage risk is key. "When a faller stops to assess each falling situation, he needs to know that the saw is not the only method of getting hazardous trees to the ground," said Tim Birkett, a Cranbrook-based WorkSafeBC Safety Officer for 13 years, having previously worked in the forest sector.

The [Occupational Health and Safety Regulation Part 26.26\(3\)](#) states that if conventional methods cannot be safely employed to fall a dangerous tree, blasting or other acceptable methods must be used.

"Blasting dangerous trees is a valuable tool to help effectively manage risks and should not be ignored. It is an excellent low risk method when it is not practical to leave the trees or use mechanical methods due to terrain slope limitations for machines or adjacent work activities that are affected by the danger trees." Read the [full article](#) in the *Forest Safety Newsletter*.

Supreme Court of Canada Confirms Fine against

Company in Forest Worker's Death

A recent decision by the Supreme Court of Canada confirmed the broad powers of the BC Workers Compensation Board to adopt and enforce regulations under the [Workers Compensation Act](#) (the "Act") in order to promote workplace health and safety.

Background

A tree faller was fatally struck while working within the area of a forest licence held by West Fraser Mills Ltd. ("West Fraser"). The tree faller was employed by an independent contractor, not West Fraser, and also reported to and was supervised by the contractor. However, as the licence holder, West Fraser was the "owner" of the workplace as defined under the Act. The Workers Compensation Board ("Board") investigated the incident and found that the tree was dangerous and should have been removed before the work began.

Under [section 225](#) of the Act, the Board has broad powers to enact rules about workplace safety that it considers "necessary and advisable in relation to occupational health and safety and occupational environment." Different parties, including "owners" and "employers," have specific responsibilities.

Read the [full article](#) by Jennifer M. Fantini of Borden Ladner Gervais.

Environmental Appeal Board Decisions

There were two Environmental Appeal Board decisions in the month of May:

[Water Sustainability Act](#)

- [Michael Lindelauf v. Attorney General of British Columbia representing the Assistant Regional Water Manager, and the Ministry of Forests, Lands and Natural Resource Operations, and the Environmental Appeal Board of British Columbia](#) [Judicial Review – Appeal Dismissed]

[Environmental Management Act](#)

- [Emily Toews; Elisabeth Stannus; Unifor Local 2301 v. Director, Environmental Management Act](#) [Application for Severance and Expedited Hearing – Denied]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Orders and Remedies Regulation (101/2005)	May 15/18	by Reg 95/2018
Allowable Annual Cut Administration Regulation (69/2009)	May 25/18	by Reg 101/2018
Greenhouse Gas Reduction Targets Act	May 31/18	by 2018 Bill 34, c. 32, section 2 only (in force by Royal Assent), Greenhouse Gas Reduction Targets Amendment Act, 2018
Community Tenures Regulation (352/2004)	May 25/18	by Reg 101/2018
Environmental Management Act	May 31/18	by 2018 Bill 24, c. 23, section 53, Schedule 1 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act (No. 2), 2018
	May	by 2016 Bill 12, c. 11, sections 19, 20 and 24 (part) (in force by Reg 95/2018), Forests, Lands and

Forest Act	15/18	Natural Resource Operations Statutes Amendment Act, 2016
	May 25/18	by 2016 Bill 12, c. 11, sections 8 and 24 (part) (in force by Reg 101/2018), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016
Protected Areas of British Columbia Act	May 17/18	by 2018 Bill 19, c. 21, sections 1 to 6 only (in force by Royal Assent), Protected Areas of British Columbia Amendment Act, 2018
Water Protection Act	May 31/18	by 2018 Bill 24, c. 23, section 53, Schedule 1 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act (No. 2), 2018

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