



# EnviroFor Reporter

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## ENVIROFOR NEWS:

### Fall Legislation Session Wrap-up

The BC Legislature session ended November 28th with much of the legislation focusing on addressing affordability issues and upholding the rights of BC First Nations, including securing long-term sources of revenue for First Nations in BC. For example, the [Gaming Control Amendment Act, 2019](#) will allocate 7% of British Columbia Lottery Corporation's net income to BC First Nations as part of a 25-year commitment that will see approximately \$3 billion in revenues shared. The [Declaration on the Rights of Indigenous Peoples Act](#) was also enacted. The new law affirms the application of the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) to provincial law, seeks to contribute to the implementation of UNDRIP, and supports the affirmation of, and development of relationships with, Indigenous governing bodies. The government also introduced [legislation to combat climate change](#) and made changes to the [Motor Vehicle Act](#) to make green transportation devices, such as electric scooters, safer and easier for everyone to use. Looking ahead, the full elimination of medical services plan premiums takes effect on January 1, 2020.

### New Bills Introduced

The government tabled the following Bills in November:

- [Bill 42](#), Fuel Price Transparency Act
- [Bill 45](#), Taxation Statutes Amendment Act, 2019

Two non-government Bills were also introduced:

- [Bill M229](#), Motor Vehicle Amendment Act, 2019
- [Bill M230](#), High Dose Influenza Vaccine for Seniors Act, 2019

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 or the new [Keyword Alert](#) tool and have us monitor and alert you to changes for laws of your choosing.

### Reminder to Update Your OS Bookmark

It has come to our attention that some clients are still accessing Quickscribe through our old HTTP URL and not the new HTTPS URL. Accessing the old URL may result in slower load times for Quickscribe laws. Please be sure you access Quickscribe via the following URL: <https://www.quickscribe.bc.ca/login.html>

### Latest Annotations

New annotations have recently been added to the Quickscribe site.

- [Richard Bereti](#), Harper Grey LLP – [Environmental Management Act](#)


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"

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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**

**Why BC's Indigenous Rights Bill is "Impractically Broad" and Inconsistent with Canadian Law**

[Opinion]

British Columbia's [Bill 41](#), aimed at implementing the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP) into provincial legislation is – depending on one's perspective – either a forward-looking framework that will provide much-needed guidance to oil and gas companies and others dealing with Indigenous people, or a misplaced attempt to do so that will create a host of new challenges for reconciliation efforts.

Roy Millen, a partner in Blake, Cassels & Graydon LLP's Vancouver office, believes the law – introduced on Oct. 24 and given second reading on Oct. 30 – is a bit of both. It has not yet been passed or proclaimed. "I think the province is trying to do something good and symbolic that has, however, produced unanticipated wrinkles that have already created and will continue to create short-term uncertainties for project proponents," he said.

The United Nations General Assembly adopted [UNDRIP in 2007](#) by way of a huge majority. Canada was only one of four naysayers, but in 2016 Prime Minister Justin Trudeau announced that his government was a "full supporter." A private member's bill incorporating UNDRIP into federal legislation, Bill C-262, passed the House of Commons in 2018, but died in the Senate when the recent election was called. Read the [full article](#) by [Julius Melnitzer](#) in the *Financial Post*.

**Media Statement on CN Rail Strike**

Michael Goehring, President & CEO of the Mining Association of British Columbia made the following statement today on the strike by the Teamsters Canadian Rail Conference, which represents approximately 3,200 CN employees across Canada: "The Mining Association of BC is closely following the work stoppage on behalf of our members, who rely on Canada's rail network to move our products to global markets. Depending on the duration of the job action, the reduction in rail capacity in BC will have a significant and adverse impact on our members' operations, their employees, and their customers. Read the full [news release](#) on the Mining Association of British Columbia website.

**BC Passes Law to Force Oil Companies to Reveal How Gas Prices Are Set**

British Columbia's provincial government has passed legislation to force oil companies to reveal how they set gas prices. Lawmakers passed the [Fuel Price Transparency Act](#) on Wednesday [November 27th]. The legislation comes in the wake of an investigation by the BC Utilities Commission (BCUC) that found an unexplained 10 to 13 cent premium on Lower Mainland fuel prices over Pacific Northwest wholesale prices. The regulator says the differential is costing British Columbians an estimated half-billion dollars a year, and prompted the BCUC to question whether BC is a "functioning competitive market." Read the *Global News* [article](#).

**Fortune Beams on Tsilhqot'in Solar-Power Project on Remote Chilcotin Plateau**

"For us, it demonstrates that we can be leaders in clean energy," said Chief Russell Myers Ross, vice chair, Tsilhqot'in National Government. The Tsilhqot'in solar farm emerges as 16 neat rows of silvery panels on the tawny and green-mottled Chilcotin Plateau's landscape just off Highway 20, about 80 kilometres west of Williams Lake on the drive to Bella Coola. Made up of 3,456 solar modules perched at the edge of an old sawmill site, the recently completed facility is rare – one of a handful of small independent power projects to go ahead before the province hit pause on B.C. Hydro's program for such projects. Read *The Vancouver Sun* [article](#).

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Mineral Tenure Act	Nov. 28/19	by 2019 Bill 39, c. 40, section 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) and Statute Revision Amendment Act, 2019</a>

## FORESTRY AND ENVIRONMENT NEWS

### New Environmental Assessment Act Comes into Law December 16, 2019

A significant overhaul of BC's environmental assessment (EA) process for resource projects in BC becomes reality on December 16, 2019. [Bill 51](#) was originally introduced in the fall of 2018 and will replace the existing [Environmental Assessment Act](#). According to the government, the new EA process is designed to ensure that any decision taken on the question of consent by an Indigenous nation is free, prior and informed. Respectful of their own Indigenous laws, traditions and right of self-determination, a key objective of the new EA process is to create the opportunity for Indigenous nations to make a decision on consent. It is an objective that proponents, the Province and Indigenous nations should be working to achieve. The new EA process facilitates that objective throughout the process. The new legislation mandates new application processes, notification requirements, and public engagement for resource-based projects – especially in the early stages for these reviewable projects.

### Update on Bill 41: A Catalyst, Not an Immediate Switch, to Align BC's Laws With UNDRIP

As described in our [first bulletin in this series](#), BC recently introduced [Bill 41](#), draft legislation to implement the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP). This bulletin provides an update on the Bill's progress, and summarizes recent government commentary on the legislation. Bill 41 passed second reading on October 31, 2019. Through debate at second reading, the Minister of Indigenous Relations and Reconciliation clarified that Bill 41 "does not, in and of itself, give the UN declaration legal force and effect" and "is not a switch that will change every statute and process in the government the day after this act is proclaimed". Rather, as described in our first bulletin, Bill 41 is a catalyst to enable future legislative changes, to align BC's laws with UNDRIP over time. While providing some clarification, debate at second reading also highlighted key uncertainties with the legislation, including the following concern articulated by Ellis Ross, Liberal MLA for Skeena and former Chief Councillor for the Haisla Nation Council: Read the [full article](#) by Kevin O'Callaghan and Madison Grist with Fasken Martineau DuMoulin LLP.

### BC Bans Logging in Sensitive Area in Skagit River Valley

The BC government has banned logging in an ecologically sensitive area along the U.S. border after Seattle's mayor and environmental groups called for protection of the watershed. Forests Minister Doug Donaldson announced Wednesday [December 4th] that BC will no longer award timber licences in a 5,800-hectare plot called the Silverdaisy or "doughnut hole" in the Skagit River Valley. He said the province's previous Liberal government awarded a timber sale licence for the area in 2015 but that approval has now ended and no future licences will be granted. Read the Canadian Press [news release](#), published on Victoria News.

### CN Rail Strike: Media Statement by BC Council of Forest Industries

The BC Council of Forest Industries issued a statement today expressing significant concern about the impact of rail transport disruptions from the strike at CN Rail. "90% of the forest products we produce are sent to export markets in North America and around the world," said Susan Yurkovich, President & CEO of the BC Council of Forest Industries. "We rely on critical transportation infrastructure and reliable rail service to get our products to market and serve our customers." "A disruption of this critical transportation network will adversely impact BC forest companies at a time when we are already facing significant challenges and increasing competition from around the globe," added Yurkovich. "It will create further hardship for the workers and communities who are already feeling the impacts from mill closures and curtailments." Read the full [news release](#) on the BC Council of Forest Industries website.

**Environmental Appeal Board Decisions**

There were 5 Environmental Appeal Board decisions in the month of November:

[Environmental Management Act](#)

- [Thomas H. Coape-Arnold v. Delegate of the Director, Environmental Management Act](#) [Application for Summary Dismissal – Denied]
- [Randy Carrell dba Iron Mask Trailer Park v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Telegraph Cove Resorts Ltd. v. Delegate of the Director, Environmental Management Act](#) [Final Decision – Appeals Dismissed, Application for Costs – Denied]
- [Gibsons Alliance of Business and Community Society; Marcia Timbres v. Director, Environmental Management Act](#) [Application for Costs – Denied]

[Water Sustainability Act](#)

- [Tekamar Mortgage Fund Ltd.; Lori Anne Moen v. Assistant Water Manager](#) [Application for Adjournment – Denied]

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

**FORESTRY AND ENVIRONMENT**

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Regulation (125/2008)	Nov. 7/19	by <a href="#">Reg 231/2019</a>
Climate Change Accountability Act	Nov. 28/19	by 2019 Bill 38, c. 43, sections 1 to 7, 9, 11 to 13 only (in force by Royal Assent), <a href="#">Climate Change Accountability Amendment Act, 2019</a>
Engineers and Geoscientists Act	Dec. 1/19	by 2018 Bill 49, c. 47, section 142 only (in force by <a href="#">Reg 107/2019</a> ), <a href="#">Professional Governance Act</a>
Foresters Act	Dec. 1/19	by 2018 Bill 49, c. 47, section 142 only (in force by <a href="#">Reg 107/2019</a> ), <a href="#">Professional Governance Act</a>
Greenhouse Gas Emission Reporting Regulation (249/2015)	Nov. 7/19	by <a href="#">Reg 231/2019</a>
Guiding Territory Certificate Regulation (115/2015)	Nov. 4/19	by <a href="#">Reg 230/2019</a>
Permit Regulation (253/2000)	Nov. 4/19	by <a href="#">Reg 230/2019</a>
Riparian Areas Protection Act	Nov. 1/19	by 2018 Bill 24, c. 23, sections 31 and 32 only (in force by <a href="#">Reg 178/2019</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2018</a>
Riparian Areas Protection Regulation (376/2004)	<b>REPEALED</b> Nov. 1/19	by <a href="#">Reg 178/2019</a>
Riparian Areas Protection Regulation (178/2019)	<b>NEW</b> Nov. 1/19	see <a href="#">Reg 178/2019</a>

Solid Fuel Burning Domestic Appliance Regulation (218/2016)	Nov. 2/19	by Reg 218/2016, <a href="#">s. 11</a>
Wildlife Act Commercial Activities Regulation (338/82)	Nov. 4/19	by <a href="#">Reg 230/2019</a>
Wildlife Act General Regulation (340/82)	Nov. 4/19	by <a href="#">Reg 230/2019</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### WorkSafeBC Issues Two Law & Policy Announcements in November:

- Activity-Related Soft Tissue Disorders (ASTDs) of the Limbs  
On October 23, 2019, the Board of Directors approved amendments to policy item #27.00, Activity-Related Soft Tissue Disorders (ASTDs) of the Limbs of the Rehabilitation Services & Claims Manual, Volume II.
- Permanent Disability Evaluation Schedule 2018 Review  
On October 23, 2019 the Board of Directors approved amendments to the Permanent Disability Evaluation Schedule (PDES) in the Rehabilitation Services & Claims Manual, Volume II to, to update conditions to ensure the PDES reflects best practices for assessment and diagnosis.

[Click here](#) for more information on these and other WorkSafe Law & Policy announcements.

### Sawmill Explosions Report Calls for Stronger Accountability

A report reviewing government's and WorkSafeBC's actions following two fatal sawmill explosions recommends changes to strengthen and streamline the investigative process, provide more accountability and better supports and safeguards for workers.

On Jan. 20, 2012, two people died and 20 were injured in an explosion at Babine Forest Products in Burns Lake. Three months later, on April 24, two people died and 22 were injured in a similar explosion at Lakeland Mills in Prince George.

BC Coroners Service inquests were conducted into the deaths of the four individuals and government also commissioned two reports in 2014 – the Dyble Report and the Macatee Report. Together, these reports and the 2015 BC Coroners Service verdicts included numerous recommendations directed at government and other agencies on how to make improvements to workplace safety, inspections, education, enforcement and investigations. Read the full government [news release](#).

### BCFSC to Launch New Website in 2020

To support our on-going efforts to improve communication and be recognized as an industry leader for value-added health and safety and training resources, we will be launching a new website in 2020. The new website will have an updated look that will be easier to navigate with simplified, filtered search options for easier access to resources and improved navigation tools for a better user experience. We will also be enhancing communication with targeted messaging and digital initiatives using BCFSC's new Customer Relationship Management (CRM) system. This new system will provide a better way of managing our communications. We will be able to share key messaging, resources and information simultaneously using a broad range of communication channels including social media and email – giving us the opportunity to reach our stakeholders more effectively and efficiently using the communications tools they use most often for accessing information. Read the [full article](#) in the December 2019 edition of *Forest Safety News*.

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information

Railway Safety Adopted Provisions  
Regulation (210/2004)

Nov. 22/19

by [Reg 234/2019](#)

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