



# EnviroFor Reporter

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## ENVIROFOR NEWS:

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## CATEGORIES

[ENERGY & MINES](#)

[FORESTRY & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)

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### ENERGY AND MINES NEWS

#### **BC Partnership Powers Mine Operations with Clean Electricity**

People in northern BC will benefit from improved air quality when a remote mine switches to a clean energy source, reducing greenhouse gas emissions and local air pollution, while creating good, clean jobs. "We are working together with industry to encourage investment in clean technology that will reduce pollution, support good jobs and create new opportunities in a global marketplace that is increasingly looking for cleaner products," said George Heyman, Minister of Environment and Climate Change Strategy. "Through our CleanBC climate and economic plan, we're supporting the switch to clean electricity at Mount Milligan Mine for part of its operations to help address climate change and build back our economy from the impacts of COVID-19." The Province is contributing \$440,000 to help install an overhead powerline from Mount Milligan Mine, located north of Vanderhoof, to a nearby pumping facility at Phillips Lake. This will replace diesel-powered generators and pumps with grid-connected electric equipment. Read the government [news release](#).

#### **B.C. Supreme Court Hears Petition for Judicial Review of Coastal GasLink Certificate**

Lawyers for the Office of the Wet'suwet'en were in B.C. Supreme Court on Thursday [October 1st] seeking an order quashing the extension of the environmental assessment certificate for a pipeline that was at the centre of countrywide protests in February. The executive director of B.C.'s Environmental Assessment Office granted Coastal GasLink an extension last October, nearly five years after a certificate was first issued for the 670-kilometre natural gas pipeline. A petition filed in February on behalf of the Office of the Wet'suwet'en, a non-profit society governed by several hereditary chiefs, says environmental assessment certificates set a deadline of five years, by which time a project must be "substantially" underway. If it's not, the certificate holder may apply for a one-time extension. Coastal GasLink submitted its application in April 2019, about six months before its certificate was to expire. Read the CBC [article](#).

#### **Recent BCOGC Bulletins**

The BCOGC has recently issued the following bulletin:

- [INDB 2020-24](#) – Commission to Inspect Oil and Gas Camps for COVID-19 Protocols

Visit the [BCOGC website](#) to view this and other bulletins.

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Net Profit Royalty Regulation (98/2008)	Sept. 20/20	by <a href="#">Reg 239/2020</a>
Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation (495/92)	Sept. 20/20	by <a href="#">Reg 239/2020</a>

## FORESTRY AND ENVIRONMENT NEWS

### **Fisheries Act Protections for Canada's Marine Mammals Upheld as "Bear-banger" Court Case against Commercial Skipper Concludes in British Columbia**

Fisheries and Oceans Canada is committed to protecting Canada's wildlife and biodiversity and safeguarding the long-term health and productivity of Canada's fisheries resources. These efforts include enforcing the [Fisheries Act](#) and [Marine Mammal Regulations](#). On Aug. 24, 2020, B.C. harvester Allan Marsden pleaded guilty in Courtenay Provincial Court to disturbing marine mammals under section 7.1(b) of the *Marine Mammal Regulations*. Mr. Marsden was fined \$8,000 and prohibited from possessing explosives for the next three years.

Section 7.1(b) of the Marine Mammal Regulations states that: "No person shall disturb a marine mammal except... when fishing for marine mammals under the authority of these Regulations."

In March 2019, a video surfaced on social media showing Mr. Marsden, a commercial herring harvester, tossing a modified explosive device into a group of sea lions near Hornby Island. In the video Mr. Marsden stated openly that his purpose in using the explosive device was to deter the sea lions from interfering with his fishing operations. Read the Government of Canada [news release](#).

### **Changes to Lumber Regulations Aimed at Increasing Domestic Production**

The provincial government is keeping its commitment to protect BC jobs and support companies investing in British Columbia that are creating more high-value products from its natural resources and want to employ local workers.

[Changes](#) to the [Manufactured Forest Products Regulation](#) (MFPR) around export requirements for sawn-wood products and lumber made from western red cedar or cypress go into effect Sept. 30, 2020. These changes are intended to increase the amount of processing of wood products done within British Columbia, leading to more BC jobs, rather than having that processing done after export. Read the full government [news release](#).

### **Navigating Muddy Waters: the Meaning of "Changes in and about a Stream" under the WSA**

Section 11 of the [Water Sustainability Act](#) (the WSA) prohibits making changes in and about a stream, unless authorized to do so (such as by a licence, change approval, or the regulations). What activities constitute a "change in and about a stream" are not well defined in the WSA, and have created significant uncertainty for those undertaking works that do not directly affect stream channels but may have incidental effects on stream function.

The British Columbia Environmental Appeal Board (EAB) recently released two decisions – *Smoluk* and *Ware* (together, the decisions) – that clarify the meaning of this prohibition. The decisions indicate that works will likely be considered a "change in and about a stream" within the meaning of WSA if, either: they modify the physical characteristics of the stream or stream channel, or they redirect flows relative to the stream at issue in

a manner that modifies the "basic character or quality" of the stream. Read the [full article](#) by Max Collett, Michael Manhas and Niles Bond with Norton Rose Fulbright Canada LLP.

### Area and Volume Tenure Agreements in Canada

Our forest industry employs approximately 230,000 Canadians in mills and woodlands operations in more than 400 resource-dependent communities. We have about 200 million hectares of forest land under management. Approximately 175 million hectares is Crown forest land; 20 million hectares of private woodlots are owned by 450,000 rural families; and five million hectares of "private industrial" forest land are owned by forest companies, pension funds, foundations, and private investors.

The purpose of a tenure agreement is to provide a dependable supply of timber to support the mill and employees living in the community. Tenure agreements have generally been signed between the provincial government and a forest products company under the authority of the minister, as laid out in provincial forest management legislation. Legislation is modernized at approximately 20-year intervals. The terms and conditions of tenure agreements often change with the legislation. Read the [full article](#) by Tony Rotherham, RPF(Ret), published in the fall edition of the ABCFP *BC Forest Professional Fall*.

### BC Announces Second Increment of Dormant Sites Reclamation Program Funding

On September 18, 2020, the British Columbia government announced that the first half of a \$100-million fund earmarked for cleaning up dormant wells has been disbursed. The Dormant Sites Reclamation Program is dedicated to cleaning up wells which have been inactive for five or more consecutive years and are unlikely to return to service.

As we noted in our earlier [blog](#), British Columbia received \$120 million in total from the federal government under the [COVID-19 Economic Response Plan for Canada's Energy Sector](#). In addition to the \$100 million set aside for reclaiming dormant wells, British Columbia allocated \$15 million to the Orphan Sites Supplemental Reclamation Program and \$5 million to the Legacy Sites Reclamation Program. Read the [full article](#) by Brad Gilmour, Keely Cameron, Stephanie Ridge and Shimon Sherrington with Bennett Jones LLP.

### Environmental Appeal Board Decisions

There was one Environmental Appeal Board decision in the month of September:

#### [Environmental Management Act](#)

- [John Pickford v. Director, Environmental Management Act](#) [Final Decision – Permit Confirmed; Appeal Dismissed]

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)	Sept. 11/20	by <a href="#">Reg 229/2020</a>
Manufactured Forest Products Regulation (240/2003)	Sept. 30/20	by <a href="#">Reg 133/2020</a>
Old Growth Designated Area No. 1 (228/2020)	<b>NEW</b> Sept. 11/20	see <a href="#">Reg 228/2020</a>
Special Tree Protection Regulation (229/2020)	<b>NEW</b> Sept. 11/20	see <a href="#">Reg 229/2020</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

**New COVID-19 Guidelines & Notices**

In recent weeks, the BC government has updated and/or introduced the following new orders and guidelines aimed at reducing the spread of COVID-19:

- Guidance – [COVID-19 Public Health Guidance for K-12 School Settings](#) (Updated September 11)
- Order – [Registered Nurse and Registered Psychiatric Nurse Public Health Pharmacotherapy – September 16, 2020](#) (PDF, 227KB)
- Order – [Food and Liquor Serving Premises – September 18, 2020](#) (PDF, 304KB)
- Order – [Gatherings and Events – September 18, 2020](#) (PDF, 231KB)

**WorkSafeBC Reminds Employers of Premium Payment Deferral**

WorkSafeBC issued a reminder to employers that the deferral period for Q1 and Q2 assessment premiums will end on Oct. 20, 2020. Employers will have to pay their premiums for Q1, Q2, and Q3 in full by this date, and return to their regular reporting and payment schedule going forward. Employers must log in to their online services account, or refer to their most recent Statement of Account to identify the amount deferred from Q1 and Q2. They would then have to determine the premiums for Q3 by reporting their quarterly payroll – online or by completing a Payroll and Payment Form before paying premiums for all three quarters. Read the [full article](#) recently published in the *Canadian Occupational Safety Magazine*.

**BC Forest Safety Council and FPIInnovations Work Together to Improve Forest Industry Safety Performance**

The CEO of the BC Forest Safety Council (BCFSC), Rob Moonen, and the President and CEO of FPIInnovations, Stéphane Renou, are pleased to announce that the two organizations have signed a Memorandum of Understanding (MOU) to work collaboratively on enhancing safety performance in the forest industry by sharing leading, innovative scientific and technical applications. Under the MOU, individual projects and financial support agreements for specific activities will be identified through consultation between the two parties, with FPIInnovations providing research expertise and non-proprietary technical resources or materials to assist the BCFSC in improving or expanding the support it provides to the forest industry to reduce serious injuries and fatalities. Read the [full article](#) on the BC Forest Safety website.

**WorksafeBC OHS Guidelines Revised**

– from WorkSafeBC:

[Guidelines](#) revised related to authority under the OHS Regulation, approved respirators, and isolation and lockout (September 18).

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected

Effective Date

Amendment Information

*There were no amendments this month.*

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