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## Vol: XIV – Issue: X – October 2021

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### ENVIROFOR NEWS:

#### New Supplemental Notes Feature

Quickscribe is pleased to announce a new [Supplemental Notes feature](#) that will provide helpful background information on the "how" and "why" a section came to be. Sections that include these notes will be identified by a clickable, blue information icon  adjacent to the section.

Supplemental Notes may include:

- Government news releases, explaining the rationale for why a section was added/changed
- Links to relevant consultation papers, reports and policy initiatives that resulted in new legislation
- References to ministry documents, guidelines, manuals and policies that refer to a section
- Convenient links to associated fines/penalties mentioned in a section
- Summaries and links to relevant legal blogs that focus on a particular section of law
- Court rulings that were a catalyst for legislative changes

By adding this supplemental layer of information at the section level, we hope to provide you with a *better understanding* of the intent of the legislation.

Quickscribe has brought on several individuals to assist with this initiative. To start, Supplemental Notes will be contributed by

- Brad Harris (RPF)  
Brad has worked in the B.C. forestry sector for almost 40 years. He is a Registered Professional Forester and worked for the provincial government for many years. He now works as a private forestry consultant in Victoria. Brad will initially focus his efforts on publishing notes to the [Forest Act](#) and [Forest and Range Practices Act](#) and associated regulations.
- Mandy Ostick  
Mandy is a researcher and analyst based in Vancouver, British Columbia. She is an experienced researcher (legal, competitive intelligence, business development) and law library manager. She has worked in law firm, government, university law library, and courthouse library environments, as well as research consulting.
- Quickscribe Administration  
Quickscribe staff will also contribute Supplemental Notes as time permits.

Please know that we are just getting started on this initiative, and you can expect to see more notes in the coming weeks/months ahead. To learn more about these notes, have a look this [video tutorial](#).

#### Legislative Activity in Parliament

A number of new Bills were introduced in October:

- [Bill 17](#) – Protected Areas of British Columbia Amendment Act, 2021 (NYIF)
- [Bill 19](#) – Societies Amendment Act, 2021 (*partially in force*)
- [Bill 21](#) – Miscellaneous Statutes Amendment Act (No. 2), 2021 (*partially in force*)
- [Bill 22](#) – Freedom of Information and Protection of Privacy Amendment Act, 2021 (NYIF)
- [Bill 23](#) – Forests Statutes Amendment Act, 2021 (NYIF)
- [Bill 24](#) – Environmental Management Amendment Act, 2021 (NYIF)
- [Bill 25](#) – Education Statutes Amendment Act, 2021 (NYIF)
- [Bill 26](#) – Municipal Affairs Statutes Amendment Act (No. 2), 2021 (NYIF)

[Bill 27](#) – Election Amendment Act, 2021 (NYIF)

The following members' bill was also introduced in October:

- [Bill M204](#) – Sexual Orientation and Gender Identity Protection Act (NYIF)

As well, several previously introduced bills received royal assent this month:

- [Bill 12](#) – Insurance (Vehicle) Amendment Act, 2021
- [Bill 14](#) – Early Childhood Educators Act
- [Bill 15](#) – Early Learning and Child Care Act
- [Pr 401](#) – United Church of Canada Amendment Act, 2021

If you would like to be alerted to new Bills or legislation that includes subject matter that is important to you, we recommend using the customizable [Keyword Alert](#) tool or the BC Legislative Digest alert, located in the My Alerts page.

**Tip:** [Log in to EnviroFor Online](#) prior to clicking Reporter links.

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View [PDF](#) of this Reporter.

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**FEDERAL LEGISLATION** — For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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[FORESTRY & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)

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**ENERGY AND MINES NEWS**

**BC Supreme Court Finds \$20,000 Mines Act Security Decision Unreasonable**

Supreme Court of British Columbia in *Ignace v. British Columbia (Chief Inspector of Mines)*, 2021 BCSC 1989 recently considered and provided guidance on two important facets of mining projects:

1. the adequacy of financial security for mine reclamation; and
2. the adequacy of Crown-Indigenous consultation at the final stages of the mine permit review process.

In its decision, the Court concluded that the Chief Inspector of Mine's decision was substantively unreasonable as it did not update the \$20,000 reclamation security requirement (imposed 25 years earlier, in 1996), despite \$27 million in recent anticipated reclamation costs. The Court also found that the Crown failed to adequately consult the Stk'emlupsemc Te Secwepemc Nation ("SSN") on potential adverse impacts of the [Mines Act](#) permit amendment on Indigenous rights and interests, and accordingly ordered the Crown to adequately consult to discharge its constitutional duty. Read the [full article](#) by Maya Stano, Wally Braul, Josh Jantzi, Mark Youden and Emma Hobbs with Gowling WLG.

**Energy Transition Sparks Power Struggles**

If the energy crisis currently gripping Europe and China has anything to teach the world about energy transitions, it's the importance of natural gas, which the Intergovernmental Panel on Climate Change (IPCC) calls a "bridge technology" for decarbonizing electricity.

When Canadian officials address COP26 later this month, one thing they need not apologize for is the natural gas that Canada produces. While its production contributes to Canada's greenhouse gases (GHG), it is already helping decarbonize Alberta's electrical grid, and as Canada develops as a liquefied natural gas (LNG) exporter, it can help other countries lower their emissions by using LNG to displace coal power and backstop unreliable wind power. Nor do Canadian officials need to worry that Canadian natural gas or LNG projects will become stranded

assets, because the demand for gas and LNG is expected to continue to grow for at least another decade, especially in Asia. Read the BIV [article](#).

### The Role of Critical Minerals in the Energy Transition: A Canadian Perspective (Part 1)

In its World Energy Special Report, The Role of Critical Minerals in Clean Energy Transitions, the International Energy Agency (IEA or Agency) mentions that "Canada holds some of the world's most substantial reserves of many minerals, including some 15 million tonnes of rare earth oxides (NRCAN, 2020)." For example, a typical electric car requires six times the mineral input of a conventional car; battery electric vehicles need lithium, cobalt, manganese and graphite, which are crucial to the performance, longevity and energy density of its battery. The Agency estimates that "a concerted effort to reach the goals of the Paris Agreement (climate stabilisation at 'well below 2° C global temperature rise,' as in the IEA Sustainable Development Scenario (SDS)) would mean a quadrupling of mineral requirements for clean energy technologies by 2040. An even faster transition, to hit net-zero globally by 2050, would require six times more mineral inputs in 2040 than today." The Agency writes that "[t]he prospect of a rapid increase in demand for critical minerals—well above anything seen previously in most cases—raises huge questions about the availability and reliability of supply." What are the clean energy technologies? Read the [full article](#) by Andre Durocher, Michael J. Bourassa, Ron Ezekiel and Shannon Snow with Fasken Martineau DuMoulin LLP.

### Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-28](#) – BC and Blueberry River First Nations working together
- [IB 2021-05](#) – Commission Announces Vaccination Requirement for Staff and Contractors

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

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties ( <i>Fuel Price Transparency Act</i> ) Regulation (/2021)	<b>NEW</b> Nov. 1/21	see <a href="#">Reg 272/2021</a>
Oil and Gas Activities Act	Oct. 28/21	by 2021 Bill 21, c. 27, section 32 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2021</a>
Shulus Exemption Regulation (263/2021)	<b>NEW</b> Oct. 13/21	see <a href="#">Reg 263/2021</a>

## FORESTRY AND ENVIRONMENT NEWS

### Province Suspends some Old-growth Logging while It Works on Agreements with First Nations

The province will stop logging of 26,000 square kilometres of B.C.'s most at-risk old growth forests for the next two years, while it works on agreements with First Nations on long term strategies for both permanent preservation and possible harvesting of those trees. The deferrals, the equivalent of 6,500 Stanley Parks, are the result of recommendations made by a five-member independent panel of experts. The panel identified 110,000 square kilometres of old growth forests in B.C. of which 76,000 square kilometres were considered to be areas where there was the highest risk of irreversible biodiversity loss. The panel concluded 22,000 square kilometres of the high risk zones were already preserved. It recommended about half of the remainder be protected from logging for the next two years. Read the [full article](#) published by *The Province*.

### Overhaul of Forest Practices

## in BC - Coming Soon!

On October 20th, the BC Government introduced [2021 Bill 23](#) that proposes significant amendments to the [Forest And Range Practices Act](#) and will result in an overhaul of the forest management in BC. According to the government, the proposed amendments will align legislation with the [Declaration on the Rights of Indigenous Peoples Act](#) and introduce new tools to establish resilient forests. The amendments intend to improve processes for reforestation after large wildfires and more collaborative planning between Indigenous nations, government and industry. The changes to the Forest and Range Practices Act will establish a new forest landscape planning framework that will replace the current forest stewardship planning regime. With the proposed changes, companies with harvesting licences would be required to develop and submit their operational plans for the minister's approval, and they must meet the requirements of the broader landscape-level plans, which would be posted publicly. Please [contact us](#) if you would like Quickscribe to publish an early consolidation of the Act as it will look when these changes come into force.

## Forest Practices Board Statement on FRPA Amendments

Kevin Kriese, chair of B.C.'s Forest Practices Board, has issued the following statement in response to the tabling of [Bill 23](#), the *Forest Statutes Amendment Act*, in the legislature on Wednesday, Oct. 20, 2021:

"The Forest Practices Board is pleased to see the introduction of amendments to the [Forest And Range Practices Act](#) (FRPA) through Bill 23. For many years, the board has been recommending legislative changes to strengthen forest and range practices in the province. Our most recent recommendations for change were made in reports issued in 2017 and 2019, as well as two letters to the minister of Forests, Lands, Natural Resource Operations and Rural Development in the summer of 2019."

Read the [full article](#) on published by the Forest Practices Board.

## Proposed Amendments to EMA Intend to Ban Prescribed Single-Use Products

On October 26, the BC government introduced [Bill 24](#) which proposes amendments to the [Environmental Management Act](#). According to the government, the intent of these amendments will establish provincewide bans on the sale, distribution or use of prescribed single-use and short term products and to apply fees and alternatives to single-use products, where necessary, and/or require that businesses make an item available only by request. The changes are in addition to existing authority to make regulations prohibiting or restricting the use and nature of specified kinds of packaging, including plastic packaging. Plastic utensils and straws are among the items to be added to the growing list of banned items. If passed, this bill will come into force by Royal Assent; however, the associated regulations are not expected until 2023.

## Reserved Practice Rights Under the PGA

It is a pivotal time of change in the way forests are managed and professionals are regulated in BC. Forest policy changes are looming and wildfires, old growth management, reconciliation with Indigenous Peoples, and cumulative effects are at the forefront of much work. At the same time, the ABCFP governance under the [Professional Governance Act](#) (PGA) is changing. More than ever, the role of the forest professional must be clear and they must be recognized as independent advisors. It's also critical the knowledge, skills, and expertise of forest professionals is current and leveraged to inform these changes. Read the [full article](#) by Trevor Joyce, published in the *BC Forest Professional Fall 2021* issue.

## Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

### [Environmental Management Act](#)

- [Nicola Mining Inc. v. Director, Environmental Management Act](#) [Consent Order – Administrative Penalty Determined]

### [Wildlife Act](#)

- [Glen Miller v. Deputy Director, Wildlife and Habitat Branch](#) [Consent Order – Resolved; Sent Back with Directions]

### [Water Sustainability Act](#)

- [Legacy Ridge Developments Squamish Ltd. v. Water Manager](#) [Application for Document Disclosure –

Denied; Application for Particulars – Allowed in Part]

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

## FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
BC Timber Sales Regulation (381/2008)	Oct. 25/21	by <a href="#">Reg 267/2021</a>
Blueberry River First Nations Designated Area No. 1 (266/2021)	<b>NEW</b> Oct. 22/21	see <a href="#">Reg 266/2021</a>
Motor Vehicle Prohibition Regulation (196/99)	Oct. 19/21	by <a href="#">Reg 264/2021</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### New Legislation to Extend Key Covid-19 Orders Beyond 2021

Due to the ongoing fourth wave of the pandemic, the Province intends to introduce amendments to the [COVID-19 Related Measures Act](#) to extend it beyond the repeal date of December 31, 2021. The act provides statutory authority for various COVID-19 related orders that were introduced to respond to and minimize the effect of the pandemic. This includes orders: witnessing of the signing of key legal documents;

- to allow for remote witnessing of the signing of key legal documents;
- to allow the courts to specify that court proceedings can be conducted remotely; and
- to support orders of the provincial health officer that impose conditions on the number of long-term care facilities staff are permitted to work at to help reduce COVID-19 transmission.

Additionally, the act provides civil liability protection to certain individuals or businesses that are providing an essential service, operating a business or engaged in an activity that benefits the community, as long as they are following the necessary public health orders. The Province is providing notice of this planned amendment to assist affected organizations and businesses in planning for the possibility that existing orders that apply to their operations will continue beyond December 31, 2021. Read the official government [news release](#) posted October 21, 2021.

### BC Construction Firm Hit with Huge Six-figure Fine

B.C. employer Richmond Plywood Corporation Limited, otherwise known as Richply, was charged \$547,080 after one of its workers was injured in the workplace. On the day of the incident, a worker was positioning paper on panels and loading them onto a press. The worker climbed a ladder to realign one of the sheets. However, the press was activated and the worker was caught in the press. The worker sustained serious injuries. Investigation by WorkSafeBC found that the worker had been out of sight of the press operator when the press was activated, and the Richply's work practices for the task did not adequately address this risk. Read the [full article](#) by Jim Wilson, and published on Canadian Occupational Safety website.

### New Public Health Orders

The Public Health Office (PHO) recently issued the following Orders, Notices & Guidance:

Orders:

- [Face Coverings \(COVID-19\) – October 29, 2021 \(PDF, 419KB\)](#)
- [Gatherings and Events – October 25, 2021 \(PDF, 422KB\)](#)
- [Food and Liquor Serving Premises – October 25, 2021 \(PDF, 402KB\)](#)
- [Hospital and Community \(Health Care and Other Services\) COVID-19 Vaccination Status Information and](#)

- Preventive Measures – October 21, 2021 (PDF, 524KB)
- [Guidelines for Request for Reconsideration \(Exemption\) Process – October 8, 2021 \(PDF, 420KB\)](#)
- [Medical Deferral Form – October 8, 2021 \(PDF, 258KB\)](#)
- [Residential Care COVID-19 Preventive Measures – October 21, 2021 \(PDF, 517KB\)](#)
- [Guidelines for Request for Reconsideration \(Exemption\) Process – October 8, 2021 \(PDF, 420KB\)](#)
- [Medical Deferral Form – October 8, 2021 \(PDF, 258KB\)](#)
- [Residential Care COVID-19 Vaccination Status Information – October 6, 2021 \(PDF, 506KB\)](#)

Medical Health Officer Order:

- [Gatherings and Events COVID-19 Order for Northern Health Authority – October 21, 2021 \(PDF, 149KB\)](#)

Visit the [PHO website](#) to view these and other related orders and notices.

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 Related Measures Act	<b>RETRO to Dec. 18/20</b>	by <a href="#">Reg 253/2021</a>

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