



EnviroFor Reporter

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Vol: XVI – Issue 6 – June 2023

EnviroFor News

Quickscribe Welcomes Scott Marcinkow as New Workplace Law Contributor

Quickscribe is thrilled to announce that [Scott Marcinkow](#), Partner with Harper Grey, will contribute ongoing annotations to key workplace legislation on Quickscribe. Scott is the Chair of the firm's Workplace Law Group. He is also a member of their Health Law and Professional Regulation groups. Scott works with employers and employees on a wide variety of workplace issues, including terminations, wrongful dismissal litigation, sexual harassment claims, restrictive covenants, employment contracts, workplace policies, and much more. If you wish to be alerted when Scott or any of our contributors publish new annotations to Quickscribe, select "[My Alerts](#)" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

Your Reporter Has a New Look!

No, we didn't go on a wild makeover spree and chop off all the good stuff. We just tweaked the design a bit to make it more attractive and easier to read. The Reporter will still bring you the same informative content you love, but in a more stylish and updated package.

New Annotations

New Annotations have been added to Quickscribe:

- [Jeff Waatainen](#), DLA Piper – [Wildfire Regulation](#), [Wildfire Act](#), [Forest and Range Practices Act](#)

If you wish to be alerted when new annotations are published by our contributors, select "[My Alerts](#)" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

Tip: [Log in](#) to [Quickscribe EnviroFor](#) prior to clicking Reporter links. |  [View the PDF version](#) of the Reporter.

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Want to Track Federal Laws?



For notification of federal amendments, we recommend using our Section Tracking tool to keep informed on changes to federal laws. Look for the paw icon adjacent to the sections you wish to track.

Looking for Previous Reporters?

We have archived the EnviroFor Reporter going back to 2008. Visit the historical [Reporter archives page](#).

EnviroFor Reporter Categories

[ENERGY & MINES](#)

[FOREST & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)



ENERGY & MINES NEWS

BC Court of Appeal Grants Leave to Appeal in Landmark Resource Extraction Case

The BC Court of Appeal has granted leave to appeal in a landmark case that might impact the resource extraction

industry.

In *Skeena Resources Ltd. v. Mill*, [2023 BCCA 249](#), Skeena Resources Ltd. purchased the Eskay Creek Mine in 2020 and acquired all of its predecessors' rights, leases, and permits, which include mineral claims, mining leases, and permits issued under the [Mines Act](#), [Mineral Tenure Act](#), and the [Environmental Management Act](#). These permits authorize the operation of the mine, require all waste rock and tailings from the mine to be deposited into Albino Lake, and impose ongoing monitoring and environmental obligations. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

What to Expect from BC Hydro's New Clean Power Call

On June 15, 2023, BC Hydro announced a [call](#) for new sources of renewable, emission-free electricity to power British Columbia's clean economy. BC Hydro also filed an update to its [2021 Integrated Resource Plan](#) ("IRP"), updating its 20-year strategy for meeting the future electricity needs of its customers.

This bulletin explores what is to be expected from BC Hydro's call for energy in the context of the IRP.

Why is BC Hydro seeking more clean energy?

BC Hydro now expects that the province will need new sources of clean energy by 2030 due to evolving consumer preferences, including the increasing demand for electric vehicles. Demand is also expected to grow among industry consumers, in particular within the forestry, liquified natural gas ("LNG"), and mining sectors.

Read the [full article](#) by [Ron Ezekiel](#), [Amy Carruthers](#), [Kai Alderson](#), [Fergus McDonnell](#) and [Sutheeksan \(Dixon\) Sunthoram](#) with Fasken Martineau DuMoulin LLP.

Mining Association Alarmed Over Port Strike

The Mining Association of Canada (MAC) is calling on the federal government to step in and end a strike that threatens to paralyze ports in B.C.

More than 7,000 workers who load and unload cargo at B.C. ports have been on strike since Saturday morning, according to the Canadian Press.

Canadian minerals and metals account for a significant amount of the volume of commodities that move through B.C. ports, mainly Vancouver and Prince Rupert. Mining accounted for \$127 billion worth of exports in 2021, the MAC estimates – 22 per cent of Canada's total export value. Read the [BIV article](#).

How DRIPA Could Change B.C.'s Legal Landscape

One way or another, by court order or legislative process, the B.C. [Mineral Tenure Act](#) will be changed to address concerns First Nations have over the way mineral claims are granted and exploited in the province.

It's just one of many provincial acts and statutes that will need to be amended to bring B.C. laws into conformity with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), through the enabling legislation of the provincial [Declaration of the Rights of Indigenous Peoples Act](#) (DRIPA).

From a First Nations perspective, a mineral title registry that allows anyone to file a claim in the traditional territory of a First Nation without their consent or knowledge violates the UNDRIP principle of "free, prior and informed consent."

In a recent judicial review, the Gitxaala First Nation asked the B.C. Supreme Court to order that the *Mineral Tenure Act* be changed to require Gitxaala consent for any future claims filed in their traditional territory. Read the [BIV article](#).



ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Blueberry River First Nations Implementation Agreement Regulation (146/2023)	June 16/23	by Reg 146/2023
Dormancy and Shutdown Regulation (112/2019)	June 12/23	by Reg 145/2023

Drilling and Production Regulation (282/2010)	June 12/23	by Reg 145/2023
Emergency Management Regulation (217/2017)	June 1/23	by Reg 181/2022
Geophysical Exploration Regulation (280/2010)	June 12/23	by Reg 145/2023
Liquefied Natural Gas Facility Regulation (146/2014)	June 1/23	by Reg 181/2022
	June 12/23	by Reg 145/2023
Oil and Gas Processing Facility Regulation (48/2021)	June 1/23	by Reg 181/2022
	June 12/23	by Reg 145/2023
Oil and Gas Road Regulation (56/2013)	June 12/23	by Reg 145/2023
Pipeline Regulation (281/2010)	June 12/23	by Reg 145/2023
Security Management Regulation (181/2023)	NEW June 1/23	see Reg 181/2023



FOREST AND ENVIRONMENT NEWS

Recent and Upcoming Forest Legislation Amendments

On June 26, changes to the [Forest and Range Practices Act](#) by [2019 Bill 21](#) were brought into force by [B.C. Reg. 163/2023](#). These amendments introduce the concept of ecological communities to the Act, with the intent of protecting rare and endangered species and habitats. Bill 21 also introduces requirements for publicly available forest operations maps that include the approximate locations of proposed cutblocks and roads.

On July 15, provisions of 2021 Bill 28, the [Forest Amendment Act, 2021](#) will come into force. These amendments add Parts 15 to 19 to the [Forest Act](#), which will allow areas of Crown land to be designated as special purpose areas, for an access purpose, for a non-timber production purpose, or for one or more first nation purposes, BCTS licence purposes or community forest agreement purposes. The bill also provides for compensation to certain licence or permit holders who may be impacted by special purpose areas. Other amendments authorize the reduction to allowable annual cuts of forest licences for the purposes of entering into forest licences with first nations or entering into BCTS licences. Quickscribe will have these amendments consolidated once they come into force.

The 'Polluter Pays' Principle: Proposed Amendments to the *Environmental Management Act* May Usher in a New Era for B.C. Industrial Companies

British Columbia is taking a major legislative step towards requiring industrial companies to pay for a significant scale of environmental cleanup if their projects are abandoned.

The province is proposing amendments to its [Environmental Management Act](#), SBC 2003, c 53 (the EMA) that will enable the government to collect, use, and enforce financial assurance requirements through future regulations.

A primer on the EMA

The EMA is one of the primary pieces of legislation governing environmental protection in B.C. It

regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. And importantly, it has teeth. The EMA enables the use of permits, regulations and codes of practice to authorize discharges to the environment, and it provides for enforcement tools, such as administrative penalties, orders, and fines to encourage compliance. The EMA has been amended several times in recent years to reflect changes in environmental policy and to address emerging environmental issues.

Read the [full article](#) by [Jennifer Fairfax](#), [Deirdre A. Sheehan](#), [Emily MacKinnon](#) and [Elie Laskin](#) with Osler, Hoskin & Harcourt LLP.

B.C. Must Urgently Change Forest Strategies or Face More Wildfire Disasters: Report

British Columbia's independent forests watchdog is calling for the provincial government to make critical changes to how it manages forests to reduce the risk of catastrophic wildfires.

The [report](#), released Thursday [June 29] by the B.C. Forest Practices Board, says risk mitigation currently focuses on areas near communities, but leaves the wider forest landscape "severely vulnerable."

It comes as the largest wildfire in the province's history, the Donnie Creek wildfire, continues to burn out of control in the remote northeast.

"The key is there's an urgency to this," board chair Keith Atkinson said in an interview. "We're obviously experiencing, maybe, our most severe year in front of us." Read the *BIV* [article](#).

Amendments to CEPA Alter Toxic Substance Management and Chemical Control and Provide Right to Healthy Environment

On June 13, 2023, Bill S-5, [Strengthening Environmental Protection for a Healthier Canada Act](#) ("Bill S-5" or the "Act"), received Royal Assent becoming law and modernizing the [Canadian Environmental Protection Act](#) ("CEPA").

CEPA regulates pollution and toxic substances in Canada. Among other changes, the Act will provide Canadians with the right to a healthy environment and will further regulate the management of certain toxic substances and chemicals.

Canadians have right to a healthy environment

The preamble to CEPA now recognizes that every individual in Canada has a right to a healthy environment. Although the province of Quebec previously recognized a [right to a healthy environment](#), the recognition of this right in CEPA is unprecedented in Canadian federal legislation.

CEPA [now requires](#) responsible Ministers to develop an implementation framework and to conduct research, studies and monitoring activities to support the federal government in protecting this right.

Read the [full article](#) by [Amy Pressman](#), [Stephanie Wright](#) and Jason Lin (Articling Student) with DLA Piper.

Province, Nlaka'pamux Nation Tribal Council Reach New Shared Decision-Making Agreement

A new agreement between the Nlaka'pamux Nation Tribal Council (NNTC), its member communities and the provincial government aims to strengthen a collaborative government-to-government relationship on shared decision-making in Nlaka'pamux territory.

The Land and Resource Decision Making Agreement (LRDMA) is intended to support reconciliation and refine processes for land and resource decision-making that advance the implementation of the UN Declaration on the Rights of Indigenous Peoples and implements shared decision-making. Read the BC Government [news release](#).

Logging Reduction Aims to Save Threatened B.C. Seabird

The B.C. government has dropped the amount of wood that can be legally cut in a corner of Vancouver Island vital to the recovery of the marbled murrelet – a migratory seabird threatened under the federal [Species at Risk Act](#).

On Monday [June 26], the Ministry of Forests said it was ordering a 19 per cent decrease in the annual allowable cut of Tree Farm Licence (TFL) 44, a swath of forest straddling the Alberni Inlet near Barkley Sound. The province said it adjusted the harvest licence as a buffer to help recover the marbled murrelet, a species that nests in coastal old-growth forests. Read the *BIV* [article](#).

Part 1 – Current and Consequences: Understanding Environmental Impacts of Transmission Lines

This is part 1 of a series dedicated to providing insight into the common challenges that can occur in the procurement and construction of electric transmission facility projects.

In 2016, the Canadian government announced that it was going to invest \$180 billion in infrastructure as part of

its [Long-Term Infrastructure Plan](#). Part of that plan included the Smart Grid Program, a \$100 million investment program intended to allow the Canadian government to partner with Canadian companies to accelerate the development of so-called "[smart grids](#)," which are meant to reduce greenhouse gas emissions while leveraging current infrastructure to modernize the safe and efficient delivery of electricity to customers. In order to accommodate increased demand for electricity, while reducing greenhouse gas emissions, the size of the electricity system will not only need to grow significantly, but it will also need to become more efficient as well. Accordingly, there will likely need to be significant construction, alteration or expansion of electric transmission facilities to move renewable power from one location to the other. As a result of the environmental impacts that will inherently be suffered as a result of the construction of these electric transmission facilities, contractors are likely to face unique challenges in undertaking such construction.

In this series of articles, we will highlight, explain, and provide insight into some common challenges regarding transmission facility procurement and construction. Each article will focus on key considerations that contractors should be aware of if they anticipate bidding on electric transmission facility projects.

In this first installment, we will provide an overview of the main types of electric transmission facilities and their environmental impacts on land and wildlife, as well as certain legal implications of those impacts. Read the [full article](#) by [Stela Hima Bailey](#), [Erin Cutts](#), [Emma Morgan](#) and [Farrukh Ahmad](#) with Borden Ladner Gervais LLP.

Considering the Impacts of Brush Management on Moose

Moose are one of the largest herbivores in North American forests and are an iconic species in British Columbia and throughout their circumpolar range. They are ecologically, culturally, and economically important for a variety of reasons. They are important to many communities as a hunted species for food and serve a variety of social and ceremonial purposes. Multiple factors act to regulate moose populations, but many of these (e.g. winter severity, parasites, and disease) are generally out of the direct control of humans. One important factor humans can and do directly influence is habitat quantity and quality, specifically food and cover. Interestingly, wildlife managers working under the [Wildlife Act](#) in BC have no legislative ability to manage moose habitats on crown land – it is forest professionals who control what happens to moose habitats over much of BC, so forest professionals can have profound impacts on population trends. Read the [full article](#) by Roy V. Rea and Olav Hjeljord in the Summer 2023 issue of the *BC Forest Professional* magazine.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [GT Farms Ltd. v. Director, Environmental Management Act](#) [Method Of Hearing – To Proceed as Written Hearings]

[Water Sustainability Act](#)

- [Just Fish-Inn Inc. v. Assistant Water Manager](#) [Stay Application – Denied]

[Wildlife Act](#)

- [Brandon Ponath v. Director of Fish and Wildlife, Ministry of Forests](#) [Dismissal Order – Appeal Dismissed]
- [John Vandene v. Logan Wenham, Acting Director of Fish and Wildlife, Ministry of Forests](#) [Final Decision – Confirmed]

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



FOREST AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Orders and Remedies Regulation (101/2005)	June 26/23	by Reg 163/2023
Architects Regulation (33/2023)	June 2/23	by Reg 136/2023
Forest Accounts Receivable Interest	June	

Regulation (406/98)	12/23	by Reg 143/2023
Forest Act	June 12/23	by Reg 143/2023
Forest and Range Practices Act	June 26/23	by 2019 Bill 21, c. 25, sections 1 (a), 6, 11 to 13, 29, 30, 34 (part), 35, 38, 39 and 41 only (in force by Reg 163/2023), Forest and Range Practices Amendment Act, 2019 , as amended by 2021 Bill 23, c. 37, section 106 only (in force by Royal Assent), Forests Statutes Amendment Act, 2021
Forest Planning and Practices Regulation (14/2004)	June 26/23	by Reg 163/2023
Forest Revenue Audit Regulation (319/2006)	June 12/23	by Reg 143/2023
Government Actions Regulation (582/2004)	June 26/23	by Reg 163/2023
Professional Governance Act	June 2/23	by Reg 136/2023
Professional Governance General Regulation (107/2019)	June 2/23	by Reg 136/2023
Range Planning and Practices Regulation (19/2004)	June 26/23	by Reg 163/2023
Woodlot Licence Planning and Practices Regulation (21/2004)	June 26/23	by Reg 163/2023



OCCUPATIONAL HEALTH AND SAFETY NEWS

Province Changes Rules around Workers' Comp

Injured workers in British Columbia will be better supported to return to work thanks to new requirements under the province's [Workers Compensation Act](#). Effective Jan. 1, 2024, an employer and injured worker will be required to cooperate with each other and with WorkSafeBC to ensure the worker can return to their pre-injury job, a comparable job or, where the worker is not fit to do their pre-injury work duties, to other suitable work. Read the [full article](#) by [Jim Wilson](#) on HRReporter.

Mental Disorder Policy Review

– from [WorkSafeBC](#)

Our Policy, Regulation and Research Department is releasing a discussion paper with proposed amendments to mental disorder policy. The compensation policy review *Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy* makes two recommendations to amend WorkSafeBC's mental disorder policy in the *Rehabilitation Services & Claims Manual*, Volume II.

- Recommendation #39 suggests amending policy to update the definition of "significant work-related stressor" by removing the requirement for the stressor to be unusual.
- Recommendation #40 suggests amending policy to clarify the application of the "labour relations exclusion" provision in the [Workers Compensation Act](#).

The discussion paper and information on how to provide feedback can be found here:

[Proposed amendments to mental disorder policy](#)

You're invited to provide feedback on the options until 4:30 p.m. on Friday, October 6, 2023. WorkSafeBC's

Board of Directors will consider stakeholder feedback before making a decision on the policy amendments.

Board of Directors Approves Amendments to the Occupational Health and Safety Regulation

At its April 2023 meeting, WorkSafeBC's [Board of Directors approved amendments](#) to the [Occupational Health and Safety Regulation](#). These amendments will come into effect on November 1, 2024. The amendments apply to Part 3, Minimum Levels of First Aid. View the [WorkSafeBC bulletin](#) for more information.

BC Mandates Licensing Requirement for Asbestos Abatement Contractors

British Columbia has become the first jurisdiction in Canada to enforce a licensing requirement for asbestos abatement contractors. Starting January 1, 2024, all contractors conducting asbestos abatement work in B.C. must be licensed, ensuring enhanced safety measures for workers and the public. The decision to introduce this licensing requirement stems from [amendments made to the Workers Compensation Act in spring 2022](#). These amendments mandate that contractors engaged in asbestos abatement work must be licensed and can only employ trained and certified workers for this specialized field. The changes were implemented to guarantee the utmost safety for those involved in asbestos abatement operations. Read the [full article](#) by Shane Mercer with Canadian Occupational Safety.

Maintaining Employment for Injured Workers

Supporting injured workers in their return to work is good for them and good for business. Starting in 2024, it will also be a [legal requirement](#) for employers to co-operate with injured workers and with WorkSafeBC to ensure the worker's safe and timely return to work. Read the WorkSafeBC [article](#).

Proposed Policy Amendments Regarding Chronic Pain

WorkSafeBC policy states a worker's chronic pain may be compensable when the pain results as a consequence of a work-related injury or disease. Our Policy, Regulation and Research Department is releasing a discussion paper with proposed amendments to policy to reflect medical literature and improve consistency in the adjudication, management, and treatment of chronic pain. You're invited to provide feedback on the discussion paper, with options on proposed policy amendments regarding chronic pain, until 4:30 p.m. on Friday, October 6, 2023. Read the WorkSafeBC [article](#).

Update: Employers Can Provide Feedback on Interpretation of New BC Return-to-Work Requirements

As [we previously reported](#), the BC Government amended the [Workers Compensation Act](#) (the "WCA Amendments") to impose new obligations on BC employers in respect of the return of injured workers to their job. Effective January 1, 2024, BC employers will have a statutory obligation to return injured workers to their job. These employers will have a new statutory duty to return injured workers to their pre-injury work or alternative work of equal value and pay, in addition to the duty to accommodate returning workers to the point of undue hardship, if they employ more than 20 workers. The WCA Amendments also create a new mutual duty for all employers and injured workers to cooperate with one another to support the worker's return to employment. Failing to comply with these new statutory duties may result in administrative penalties to employers. Read the [full article](#) by Michelle S. Jones, Miny Atwal and Samantha Andison with Lawson Lundell LLP.

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

- Part 5 Chemical Agents and Biological Agents
 - [Table of Exposure Limits for Chemical and Biological Substances](#)
The table has been updated to reflect changes to OHS Policy R5.48-1 (amended June 6, 2023). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

OHS Policies – Occupational Health and Safety Regulation

OHS Policy R5.48-1 has been amended to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for 2023 from the American Conference of Governmental Industrial Hygienists (effective June 6, 2023).

- [R5.48-1 Controlling Exposure – Exposure Limits](#)

Visit the [WorkSafeBC website](#) to explore these and previous updates.



OCCUPATIONAL HEALTH AND SAFETY

Effective

Act or Regulation Affected

Date

Amendment Information

There were no amendments this month.

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