



Vol: XVII – Issue 4 – April 2024

EnviroFor News

New Bills

The following bills were recently introduced:

Government Bills

- [Bill 18](#) – Vancouver Charter Amendment Act (No. 2), 2024
- [Bill 19](#) – Children and Family Development Statutes Amendment Act, 2024
- [Bill 20](#) – First Nations Mandated Post-Secondary Institutes Act
- [Bill 21](#) – Legal Professions Act
- [Bill 22](#) – Safe Access to Schools Act
- [Bill 23](#) – Anti-Racism Act
- [Bill 24](#) – Energy Statutes Amendment Act, 2024
- [Bill 25](#) – Haida Nation Recognition Amendment Act, 2024

Private Bills

- [Pr401](#) – Vancouver Foundation Act

Members' Bills

- [Bill M207](#) – Preserving Brunswick Point for Agriculture and Migrating Waterfowl Habitat Act
- [Bill M208](#) – Mental Health Amendment Act, 2024
- [Bill M209](#) – Business Practices and Consumer Protection (Greenwashing Prevention) Amendment Act, 2024
- [Bill M210](#) – Correction Statutes Amendment Act, 2024
- [Bill M211](#) – Clean Air Act
- [Bill M212](#) – Name Amendment Act, 2024
- [Bill M213](#) – Clean Energy Amendment Act, 2024
- [Bill M215](#) – Ending Decriminalization Act
- [Bill M216](#) – Wildlife Amendment Act (No. 2), 2024

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[FOREST & ENVIRONMENT](#)
[OCCUPATIONAL HEALTH & SAFETY](#)


ENERGY & MINES NEWS

Proposed Changes to *Clean Energy Act* and *Utilities Commission Act*

Bill 24, the [Energy Statutes Amendment Act, 2024](#), was introduced on April 11. The Bill proposes amendments to two Acts. Changes to the [Clean Energy Act](#) would repeal provisions used to create the Standing Offer Program, which was suspended by the Province in 2019 as part of Phase 1 of the BC Hydro Comprehensive Review intended to reduce BC Hydro's energy procurement costs.

In December 2022, the Province directed the BC Utilities Commission to temporarily suspend new electricity connections for cryptocurrency mining. The proposed amendments to the [Utilities Commission Act](#) would allow the creation of more permanent regulations with respect to public utilities providing electricity service to cryptocurrency miners, such as prohibiting, restricting or regulating service for cryptocurrency mining projects.

Budget 2024 – Federal Indigenous Loan Guarantee Program [Natural Resource & Energy Projects]

On April 16, 2024 the Government of Canada tabled [Budget 2024: Fairness to Every Generation](#). In Chapter 6 of its Budget 2024 entitled "A Fair Future for Indigenous Peoples", the federal government unveiled a basic framework for a Federal Indigenous Loan Guarantee Program (the "FILGP"). Aimed at enabling Indigenous communities to have greater access to affordable capital to assist in unlocking opportunities for equity ownership in natural resource and energy projects, the federal government provided Canadians with a first glimpse of the FILGP in the [Fall Economic Strategy](#) issued on November 21, 2023. Read the [full article](#) by [Lynn Parsons](#), [Stephen Furlan](#), [Richard O'Doherty](#), [Jacob Stone](#) and [Dustin Seguin](#) with McCarthy Tetrault LLP.

BC Hydro 2024 Call to Power – Overview of Request for Proposal Documents

On June 15, 2023, the Government of British Columbia announced BC Hydro was proceeding with [a call for new sources](#) (the Call to Power) of 100 percent clean, renewable emission-free electricity from large-scale projects, notably including wind and solar. As part of phase two of BC Hydro's engagement process, on January 8, 2024, BC Hydro issued a draft Request for Proposals (RFP). Organizations within the independent power industry, First Nations and stakeholders were invited to provide feedback on the draft RFP, and the resulting draft specimen Electricity Purchase Agreement (EPA).

On April 3, 2024, BC Hydro released the final version of the RFP incorporating feedback from the engagement process. The final RFP reemphasized the First Nations requirements and clarified other aspects as outlined below. This RFP is intended to be the first of many BC Hydro will issue in pursuit of the provincial climate targets. Read the [full article](#) by [David Bursey](#), [Sharon Singh](#), [Jason Roth](#), [Jessica Kennedy](#), [Martin Ignasiak](#), [David Little](#) and Madison Bergen with Bennett Jones LLP.

Failure to Clean Up B.C. Oil Wells Nets Company \$45k Fine

An Alberta-based oil company has been fined \$45,000 for failing to decommission two wells in British Columbia.

In its [decision](#), handed down April 16, 2024, the BC Energy Regulator (BCER) cited Procyon Energy Corp. for failing to shut down two wells it was supposed to decommission by the end of 2021.

The company did not take all reasonable steps to prevent a contravention and had "no meaningful plan" to address the two sites, wrote BCER's executive director of compliance and enforcement Dax Bourke. The company was found to have "derived some economic benefit" for shirking its regulatory obligations.

Plugging oil and gas wells protects water both above and below ground. Unplugged, the wells are a significant source of greenhouse gasses. The largely methane-based gasses are 80 times more potent than carbon dioxide over the first 20 years they are released into the atmosphere. Read the [BIV article](#).

Green Lights for Clean Energy: Federal Budget 2024 Updates on Nuclear

The recently-announced federal [Budget 2024](#) contained good news for nuclear energy in Canada. The most significant measures for nuclear are being implemented to advance the federal government's commitment to the principle of "one project, one review" for major project approval processes. Budget 2024 specifically set a new three-year target for nuclear project reviews, which will be achieved by working with the Canadian Nuclear Safety Commission and the Impact Assessment Agency of Canada to streamline the approval process and reduce duplication between the two agencies. Many large nuclear project reviews will be governed by the revised [Impact Assessment Act](#), and according to the statements in Budget 2024, the federal government's amendments to the Act are intended to facilitate efficient project reviews.

Budget 2024 reiterates the federal government's [previous commitments](#) to invest in small modular reactors (SMRs) as a clean energy technology. Read the [full article](#) by [Audrey Bouffard-Nesbitt](#), [Stephen Furlan](#), [Kaelyn Macaulay](#), [Gaetan Thomas](#) and [Wayne Wouters](#) with McCarthy Tetrault LLP.

Yukon Court of Appeal Finds That Assessment of Mining Project Did Not Discharge the Duty to Consult

On April 9, 2024, the Yukon Court of Appeal issued its decision in *First Nation of Na-Cho Nyäk Dun v. Yukon (Government of)*, [2024 YKCA 5](#). This decision relates to a mineral exploration project (the "Project") located entirely in the traditional territory of the First Nation of Na-Cho Nyäk Dun ("FNNND"), specifically the Tsé Tagé (or Beaver River) watershed area.

In 2021, the Project was issued a decision document (the "Decision") after being assessed under the *Yukon Environmental and Socio-economic Assessment Act*, S.C. 2003, c. 7 ("YESAA"). The Decision allowed the Project to move from the assessment stage to the regulatory authorization and permitting phase. Read the [full article](#) by [Kevin O'Callaghan](#), [Kerry Kaukinen](#) and [Samuel Geisterfer](#) with Fasken Martineau DuMoulin LLP.

Car and Battery Makers are Getting Closer to the Mining Business

Car makers and electric vehicle battery makers (often referred to as "OEMs," or original equipment manufacturers) are increasingly moving upstream in the global metals supply chain to secure units of critical minerals. OEMs do this by entering into direct mineral offtake agreements with mining companies, investing directly in mining projects, and entering into joint ventures with mining companies. This is especially a trend for securing raw materials for lithium-ion batteries. Through their upstream deals, OEMs are getting ever closer to the business of mining.

This is a notable trend because resource extraction is not a core competency of OEMs. In the past, OEMs generally contented themselves with purchasing processed materials and parts from suppliers and showed no interest in purchasing unprocessed or semi-processed raw materials or in investing in the mining business. But in the face of predictions about mineral scarcity, and in a world of geopolitical rivalry over critical minerals, automakers and battery makers are not taking chances on supply availability, and they are moving to lock up sources of these vital raw materials for themselves. Read the [full article](#) by [Shawn Doyle](#) and [Sarah Xu](#) with McCarthy Tétrault LLP.

BC Energy Regulator Announcements

There were no BC Energy Regulator announcements in April. Visit the BC-ER [website](#) for more information.

Updates to Natural Resource Taxes

The following updates to natural resource taxes were recently posted:

Mining taxes

- **April 16, 2024**
Interest rates have been updated for [mineral tax](#), [mineral land tax](#), and [mine and inspection fee](#).

Royalty transition 2022–2024

- **April 5, 2024**
The [B.C. oil and natural gas royalty transition](#) pages have been updated to clarify that oil wells are not impacted during the transition and remain under the existing royalty system. This includes updates to the following pages:
 - [Royalty transition impact on existing wells and new oil wells](#)
 - [Royalty transition impact on new gas wells](#)

For more information, visit the BC government [website](#).



ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Coast Mountain Hydro Exemption Regulation (72/2024)	NEW Apr. 2/24	see Reg 72/2024
Energy Resource Activities Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 185 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	Apr. 8/24	by Reg 80/2023



FOREST AND ENVIRONMENT NEWS

The "Obligation" to Issue Cutting Permits under Bill 41

The definition of "cutting permit" currently in the [Forest Act](#) provides an illustration of how the right to harvest timber on Crown lands is a mix of public regulatory law and private contract law. Of course, timber harvesting on Crown lands is subject to extensive public regulation, but the right to harvest any particular timber is actually granted in accordance with a forest tenure "agreement" (such as a forest license or various other "agreements" contemplated in the *Forest Act*). While the content of these agreements

must comply with requirements prescribed in the *Forest Act*, they are still "agreements" executed by two "parties" (the Crown and a licensee) that result in the formation of private contractual rights and obligations as between the parties that are civilly enforceable in our courts (as with any other contractual "agreement").

Currently, an important condition required in the vast majority of "agreements" under the *Forest Act* (other than BCTS TSLs and other minor forms of tenure) is that the agreement "must provide for cutting permits... to authorize its holder to harvest the allowable annual cut." Pursuant to this requirement, forest tenure agreements provide that so long as conditions specified in the forest tenure agreement are satisfied, the district manager "must" issue a cutting permit. If the specified conditions are satisfied but the district manager does not issue a cutting permit, the Crown is then exposed to legal liability for breach of contract. Read the [full article](#) by [Jeff Waatainen](#) in the Spring 2024 issue of the *BC Forest Professional*.

Proposed Amendments to the *Impact Assessment Act* in the *Budget Implementation Act 2024*

The federal Finance Minister has filed a Notice of Ways and Means to introduce a Bill entitled *An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024*, or [Budget Implementation Act, 2024, No. 1](#). Of the many proposals included within this Bill are the anticipated amendments to the [Impact Assessment Act](#) SC 2019 c. 28 (the Act) following last October's ruling by the Supreme Court of Canada in *Reference re Impact Assessment Act*, [2023 SCC 23](#), which concluded that certain provisions of the Act were unconstitutional as they exceeded federal jurisdiction.

This reference decision was one of the rare instances where federal paramountcy on environmental issues was not reaffirmed, and contrasts with other recent decisions such as the *References re Greenhouse Gas Pollution Price Act* [2021 SCC 11](#). Read the [full article](#) by [Claire R. Durocher](#) and [Chloé Benoit-Proulx](#) with Borden Ladner Gervais LLP.

Wildfire-Damaged Wood Recovery Underway in B.C. [Interior Appraisal Manual]

In a move to increase the use of wildfire-damaged timber and support land recovery, the Province has introduced new measures to streamline the salvage process, making it easier for the forestry sector to recover and repurpose damaged wood and regenerate the forests.

"Wildfires are increasingly having devastating impacts on our communities and economies," said Andrew Mercier, Minister of State for Sustainable Forestry Innovation. "During my visits in forestry communities throughout the province, speeding up salvage is something I've been hearing a lot from people. Making the salvage of fire-damaged wood faster, easier and more economic means more forestry operations can access fire-damaged wood, supporting forestry-dependent regions and forestry workers."

Changes to the [Interior Appraisal Manual](#), effective April 1, 2024, have increased flexibility and established pricing policy for forestry operations and First Nations wanting to salvage wildfire-damaged timber in B.C. Salvage allows for quicker reforestation efforts and land recovery after wildfires. Read the government [news release](#).

Canada Publishes Notice for the Reporting of Plastic

The Government of Canada recently announced what it characterizes as comprehensive measures to reduce plastic pollution in efforts to move toward a circular economy and zero plastic waste by 2030 in accordance with the [Canada-wide Action Plan on Zero Plastic Waste](#) (Plan).

The Plan includes the establishment of a [Federal Plastics Registry](#) (Registry), which will require companies (including resin manufacturers, service providers and producers of plastic products) to report annually on the quantity and types of plastic manufactured, imported and placed on the Canadian market. The Registry has broad implications as mandatory reporting requirements are introduced for generators of packaging and plastic waste at industrial, commercial and institutional premises. Read the [full article](#) by [Lana Finney](#), [Charles Kazaz](#), [Jonathan W. Kahn](#) and Humna Wasim with Blakes.

New MO Under GAR

A new [Ministerial Order M84](#) establishes a new scenic area and visual quality objective within tree farm licence 47, as shown in Schedule A of the Order, dated March 28, 2024.

Draft Coastal Marine Strategy Released

The Province has released a draft of its Coastal Marine Strategy for review. The strategy follows public engagement on a Policy [Intentions Paper](#) co-developed with coastal First Nations and aims to provide a long-term vision for stewardship of BC's coastal marine environment.

The draft strategy has been emailed to coastal Regional Districts, along with a summary of local government feedback provided on the Intentions Paper. Any coastal local government interested in reviewing the strategy and providing feedback on proposed themes, goals, actions, and activities is encouraged to contact the [Province](#) for more information. The deadline to submit feedback is May 9, 2024.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Revolution Organics Limited Partnership \(now Good Guys Recycling Inc.\) v. Director, Environmental Management Act](#) [Summary Dismissal Decision – Appeals Dismissed]

[Mines Act](#)

- [Ernest Hatzl v. Brian Oke, Chief Inspector of Mines](#) [Final Decision – Appeal Dismissed]

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

Forest Appeals Commission Decisions

There were no Forest Appeals Commission decisions in April. Visit the Forest Appeals Commission [website](#) for more information.

**FOREST AND ENVIRONMENT**

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (Environmental Management Act) Regulation (133/2014)	Mar. 18/24	by Reg 61/2024
Advertising, Deposits, Disposition and Extension Regulation (55/2006)	Apr. 1/24	by Reg 62/2024
Allowable Annual Cut Partition Regulation (32/2011)	Apr. 1/24	by Reg 62/2024
Angling and Scientific Collection Regulation (125/90)	Apr. 1/24	by Reg 72/2023
Annual Rent Regulation (122/2003)	Apr. 1/24	by Reg 62/2024
BC Timber Sales Account Regulation (9/2014)	Apr. 1/24	by Reg 62/2024
Carbon Neutral Government Regulation (392/2008)	Mar. 6/24	by Reg 45/2024
Carbon Tax Regulation (125/2008)	Apr. 1/24	by Reg 60/2024
Cleaner Gasoline Regulation (498/95)	Mar. 6/24	by Reg 48/2024
Commercial Transport Fees Regulation (328/91)	Apr. 1/24	by Reg 8/2024
Cut Control Regulation (578/2004)	Apr. 1/24	by Reg 62/2024
Cutting Permit Postponement Regulation (284/2007)	Apr. 1/24	by Reg 62/2024
Deletions and Expropriations (for Parks, Conservancies and Recreation Areas) Regulation (156/2023)	Apr. 1/24	by Reg 62/2024
Drinking Water Protection Regulation (200/2003)	Mar. 6/24	by Reg 42/2024 and Reg 47/2024
Effective Director Regulation (243/94)	Apr. 1/24	by Reg 62/2024

**OCCUPATIONAL HEALTH AND SAFETY NEWS****Changes Coming to Workplace First Aid Requirements**

from [WorkSafeBC](#):

On November 1, 2024, amendments to the [Occupational Health and Safety Regulation](#) relating to occupational first aid will come into effect. Employers across the province will need to review their current first aid plans and make necessary adjustments to meet the new requirements.

175 Workers Died in BC in 2023: WorkSafeBC

A total of 175 workers in British Columbia lost their lives in their line of work in 2023, according to WorkSafeBC. And occupational disease remained the number one killer of workers last year. Specifically, occupational diseases killed 93 workers in 2023. Among them, 48 resulted from asbestos exposure often decades ago. Meanwhile, 60 workers died from traumatic injuries last year, including falls from elevation, being struck by objects, and being caught in equipment and/or machinery. Read the [full article](#) by Jim Wilson, with Canadian Occupational Safety.

2024 New or Revised ACGIH Threshold Limit

Values and B.C. Exposure Limits

from WorkSafeBC:

The [Occupational Health and Safety Regulation](#) provides that, except as otherwise determined by WorkSafeBC, an employer must ensure no worker is exposed to a substance exceeding the Threshold Limit Values (TLVs) prescribed by the [American Conference of Governmental Industrial Hygienists](#) (ACGIH). Twice a year, the ACGIH publishes a list of substances for which they have set new or revised TLVs. When the new or revised TLVs for substances are adopted, these TLVs are referred to as B.C. Exposure Limits (ELs). An EL is the maximum allowed airborne concentration for a chemical substance for which it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. ELs may be set out as an 8-hour time-weighted average concentration, a 15-minute short-term exposure limit, or a ceiling limit. Read the full WorkSafeBC [news bulletin](#).

May 2024 Public Hearing on Proposed Changes to the Occupational Health and Safety Regulation

from [WorkSafe BC](#):

WorkSafeBC is holding a virtual public hearing on proposed amendments to the Occupational Health and Safety (OHS) Regulation. The virtual public hearing will be streamed live on May 14, 2024, in two sessions. The first will be from 11 a.m. to 1 p.m. and the second from 3 to 5 p.m. The virtual hearing will cover proposed changes to the following parts of the OHS Regulation:

[Part 6, Substance Specific Requirements — Combustible Dusts](#)

OHS Policies/Guidelines – Updates

April 11, 2024

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 April 11, 2024). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

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 2024 January from the American Conference of Governmental Industrial Hygienists (effective April 11, 2024).

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

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

**OCCUPATIONAL HEALTH AND SAFETY**

Act or Regulation Affected	Effective Date	Amendment Information
There were no amendments this month.		

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