



EnviroFor Reporter

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EnviroFor News

Upcoming Legislative Session Update

BC politicians will return to the legislature on February 18th to elect a Speaker, followed by the Throne Speech later that day. To stay informed about legislative changes that are most relevant to you, Quickscribe includes numerous [custom alerts](#) ensuring that you are always kept informed. You can sign up for any alerts via the [My Alerts](#) page, accessible via the top navigation after logging to your Quickscribe account.

In addition, Quickscribe will soon launch its new AI research assistant "Lexi" (beta). This feature will be available to select clients interested in testing the new legislation chatbot. Stay tuned!

New Annotations

New Annotations have been added to Quickscribe:

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

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EnviroFor Reporter Categories

[ENERGY & MINES](#)

[FOREST & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)



ENERGY & MINES NEWS

Mineral Claims Consultation Framework (MCCF) in British Columbia

On January 7, 2024 the Ministry of Mining and Critical Minerals ("Ministry") released a draft [Mineral Claim Consultation Framework](#). The draft framework sets out a new process for staking mineral claims in British Columbia and is being implemented in response to the 2023 BC Supreme Court ruling in [Gitxaala v British Columbia \(Chief Gold Commissioner\)](#) (*Gitxaala*). *Gitxaala* requires the province of BC to restructure its current mineral tenure regime to enable consultation prior to registration. An overview of the *Gitxaala* decision can be read in our [2024 Mining in the Courts Year in Review](#) publication.

In March 2024, the British Columbia government launched a stakeholder consultation process aimed at potential reforms to the [Mineral Tenure Act](#) ("MTA"). Read the [full article](#) by Daniel Bornstein, Daphne Rodzinyak and Gwenyth Wren with McCarthy Tétrault.

Recent Judicial Decision of Interest to Energy Lawyers

Energy lawyers are frequently met with challenging legal issues within a rapidly changing regulatory and legal environment. It is essential to stay up to date on the latest caselaw from courts across Canada, and this article reviews and summarizes recent judicial decisions across a wide range of subject matter.

First published in the *Alberta Law Review*, [this publication](#) reviews cases dealing with arbitration, Indigenous law, environmental law, bankruptcy and insolvency, contracts, corporate law including plans of arrangement, royalties, taxes, employment, and others. Several themes emerge, including the increasing focus on environmental priorities and the expansion of director and corporate responsibility. Read the [paper](#) from Karen Fellowes, Jakub Maslowski, Eric Blay and Archer Bell with Stikeman Elliott LLP.

Improving Flow-Through Shares: Aligning Mining Exploration Expenses with [NI 43-101](#)

Flow-through shares are a type of common shares issued by eligible corporations in the mining, oil and gas, and renewable energy and conservation sectors in Canada. Flow-through shares permit a qualifying corporation to "renounce" certain exploration expenses to its flow-through subscribers, who are then entitled to deduct the full cost of the shares against their personal income for the year in which the shares were purchased. In effect, from an income tax perspective, the subscribers are treated as if they had incurred the expenses instead of the corporation.

This results in significant income tax savings for the flow-through subscribers in the form of deductions from income and investment tax credits for individuals (excluding trusts) that are available for certain flow-through investments targeting grassroots exploration. Meanwhile, the corporation benefits from issuing flow-through shares at a premium price compared to the market price of the corporation's ordinary shares and the corporation also benefits by raising some often-difficult-to-obtain cash from equity investors. Read the [full article](#) by Geoff Clarke and Wendy Wang with Miller Thomson.

"Frequent" Calls for Power: Newly Re-Elected BC Government Prioritizes Clean Energy Development in 2025

On 16 January 2025, the Government of British Columbia released mandate letters for Premier David Eby's new cabinet (Mandate Letters). The Mandate Letters direct cabinet ministers to focus on growing BC's economy and improving investor certainty while emphasizing the need for environmental stewardship and reconciliation with Indigenous communities. These Mandate Letters include several aspects relevant to the development of renewable power in British Columbia, which we have noted below.

Every Mandate Letter contains the same core priorities: (1) growing the economy to create good jobs across the province; (2) reducing costs for families; (3) strengthening healthcare; and (4) making neighbourhoods and communities safer. Also, the ministers were instructed to work with the Minister of Finance to streamline their programs and initiatives to retain their relevance and keep costs low for British Columbians. Read the [full article](#) by Jessica Kennedy, David Bursey and Samantha Chenatte with Bennett Jones LLP.

B.C. Prospectors Raise Alarm Over Proposed Changes to Mineral Claim Staking

B.C. has until March 26 to implement a new process for staking mineral claims that includes consultation with First Nations, but neither prospectors nor First Nations are big fans of the proposal to do so.

The province has released a draft of proposed new rules for staking mineral claims in B.C. that take into account government's need to consult with First Nations, which has some prospectors raising the alarm that it will put a freeze on their sector.

Called the mineral claim consultation framework, the process is intended to meet government's duty to consult First Nations, which a September 2023 B.C. Supreme Court decision ruled government was failing to do with its existing online system for registering claims. Read the *Vancouver Sun* [article](#).

Updates to Natural Resource Taxes

The following update to natural resource taxes was recently posted:

Mining taxes

- **January 27, 2025**

Interest rates have been updated for [mineral tax](#), [mineral land tax](#), and [the mine inspection fee](#).

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

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2025-01](#) – Updated Template for Tracking and Submission of Venting Information
- [IU 2025-01](#) – Improvements to the BCER's Disposal Well Dashboard
- [SA 2025-01](#) – Notice Regarding Quality Assurance of Pipeline Components

Visit the BC-ER [website](#) for more information.



ENERGY & MINES

Effective

Act or Regulation Affected	Date	Amendment Information
Drilling and Production Regulation (282/2010)	Jan. 1/25	by Reg 256/2024
Hydro and Power Authority Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 70 to 72 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Oil and Gas Processing Facility Regulation (48/2021)	Jan. 1/25	by Reg 256/2024
Pipeline Regulation (281/2010)	Jan. 1/25	by Reg 256/2024



FOREST AND ENVIRONMENT NEWS

BC Court of Appeal Upholds Local Zoning Authority over Forest Lands Despite Provincial Law Updates

The Court of Appeal for British Columbia upheld zoning restrictions on privately managed forest lands on Galiano Island, affirming the local trust committee's authority to prohibit residential development despite provincial legislative changes allowing limited residential use.

The court's ruling [[2025 BCCA 15](#)] reaffirmed the Galiano Island Local Trust Committee's authority to restrict residential development on forest lands. The dispute dates back to 2000 when the committee adopted bylaw no. 127, which prohibits residential use in the "Forest 1 Zone."

The appellants, owners of privately managed forest land, argued that the bylaw was invalid or inapplicable due to subsequent provincial legislation, including the 2004 [Private Managed Forest Land Act](#) (PMFLA). They claimed the legislation, which broadly allows for one residential dwelling per parcel, superseded the bylaw. However, the court rejected this argument, ruling that the zoning restrictions were consistent with the trust committee's statutory authority under the [Islands Trust Act](#) to regulate land use for environmental protection. Read the [full article](#) by [Angelica Dino](#) published on *Canadian Lawyer*.

New Forestry Advocate Society Presses for Working Forest Legislation

In a mandate letter to Ravi Parmar, B.C.'s new minister of Forests, Premier David Eby directs Parmar to somehow come up with "a sustainable land base" that will ensure an annual harvest of 45 million cubic metres of timber to help support a floundering forest industry.

That could be a tough order to fill, given the caveat attached to Parmar's mandate that he do this "while fulfilling our commitment to protect old growth." Old growth, after all, has been estimated to make up about one quarter of B.C.'s annual allowable cut (AAC) overall, and 50 per cent of the coastal AAC.

The executive director for a new society formed to promote B.C.'s forest economy and culture – Forestry Works for BC – has a couple of ideas for achieving the goal, including the establishment of a legislatively protected working forest – a kind of forest land reserve akin to the Agricultural Land Reserve (ALR) that protects farmland for the exclusive use of agriculture.

Forest fire risk mitigation through proactive forest management practices, like thinning, could add also help, said Steve Kozuki, the former executive director for the Forest Enhancement Society BC and new executive director for Forest Works for BC. Read the [BIV article](#).

The Fight Against Forever Chemicals

It's not a bandwagon until B.C. gets on board. After launching class action lawsuits against tobacco firms in 1998 and opioid manufacturers and distributors in 2018, the government of British Columbia [filed a proposed national class action](#) before the provincial Supreme Court in June against makers of what are commonly known as "forever chemicals."

As the first Canadian government to seek a court ruling to recoup costs associated with removing forever chemicals – perfluoroalkyl and polyfluoroalkyl substances (PFAS) – from drinking water systems, B.C. is cresting a wave that, as usual, started building in the United States.

More than half of the attorney generals across 50 U.S. states have launched lawsuits against PFAS manufacturers. 3M Co. announced last year it would pay at least \$10.3 billion to settle lawsuits related to PFAS contamination of hundreds of U.S. public drinking water systems. Read the [full article](#) by Doug Beazley in the *CBA National*.

Canada Publishes Phase 1 Guidance for the Reporting of Plastics

On December 31, 2024, the Government of Canada published a guide for reporting to the Federal Plastics Registry (Registry). As discussed in our [previous bulletin](#), the Government of Canada established the Registry in 2024 pursuant to a [Notice](#). This Notice requires companies to report annually on the quantity and types of plastic manufactured, imported and placed on the Canadian market. It also requires generators of packaging and plastic waste at industrial, commercial and institutional premises, as well as service providers who collect and manage those wastes, to report to the Registry.

These reporting obligations will be phased in over three years, referred to in the guide as phases 1, 2 and 3.

In Phase 1, producers of plastic packaging, electronic and electrical equipment and single-use or disposable plastic products are required to submit their first annual report on September 29, 2025, which will cover activities during the 2024 calendar year. In subsequent years, additional categories of producers, service providers and plastic waste generators are required to report. Read the [full article](#) by Humna Wasim, Ryan McNamara and Lana Finney with Blakes.

B.C. Initiates Review of Timber Sales to Build a Resilient, Future-Focused Forest Industry

The British Columbia government has launched a review of BC Timber Sales (BCTS) to ensure the province's forestry sector is continually evolving to overcome challenges and create a guideline for a stronger, more resilient future.

"Forestry in B.C. is in transition, and the people and communities who rely on our forests – who are bearing the brunt of ongoing challenges – want change now," said Ravi Parmar, Minister of Forests. "That's why I have asked Lennard Joe, George Abbott and Brian Frenkel to look at the opportunities to leverage BCTS to set B.C.'s forest industry up for the next 100 years." Read the [full article](#) from *Canadian Forest Industries*.

Greenwashing Legislation Faces Constitutional Challenge

Amendments to the [Competition Act](#) ("Act") targeting greenwashing are being challenged as contrary to freedom of expression under the [Canadian Charter of Rights and Freedoms](#).

Prior to the 2024 amendments to the Act, the Competition Bureau ("Bureau") had already intensified its investigations into alleged false or misleading environmental claims, commonly referred to as "greenwashing." Historically, the Bureau relied on the Act's general prohibition against false or misleading claims to address such issues.

However, the 2024 amendments introduced more targeted anti-greenwashing provisions, equipping the Bureau with enhanced enforcement tools and granting private parties a statutory right of action to pursue greenwashing claims. Even with new tools and provisions, the future of these legislative changes is now less than clear, following a constitutional challenge launched in December 2024. Read the [full article](#) by Sebastian Ennis-Brown and Melissa Tehrani with Gowling WLG.

Enforcing Greenwashing the Right Way

From the CBA:

The Competition Bureau should take a balanced approach to enforcing the new provisions under the [Competition Act](#) to ensure businesses are not discouraged from taking meaningful environmental action while maintaining transparent communication with consumers, regulators and other stakeholders.

To that end, the CBA Section recommends that the Bureau begin by educating the business and legal communities and clarify several terms. Read the [full article](#) in the *CBA National*.

B.C. Extends Deferral of Logging in Fairy Creek Amid Reports of Tree Spiking

The British Columbia government has approved a legal order to extend temporary protections to an old-growth forest on Vancouver Island even as the minister of forests acknowledged that the RCMP are investigating reports of tree spiking in the area.

Ravi Parmar said he was informed of the reports last week, calling the news of such vandalism "incredibly alarming."

Spikes are typically metal and can injure or even kill a person who attempts to cut down or mill the tree.

"I want to be very crystal clear to British Columbians, anyone who goes out and spikes a tree, puts the lives of forestry workers on the line, risks their safety, potential death each and every day, I want to condemn these actions," Parmar told reporters on Wednesday [Jan. 29]. Read the [BIV article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Integrated Pest Management Act](#)

- [West Kelowna Branch of the Kelowna Citizens Safety Association v. Administrator, Integrated Pest Management Act](#) [Dismissal Order – Appeal Dismissed]

[Mines Act](#)

- [Klondike Silver Corp. v. Chief Inspector of Mines, Ministry of Mining and Critical Minerals](#) [Final Decision – Determination Confirmed]

[Water Sustainability Act](#)

- [Don Lancaster and Leanne Colombo v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]
- [Stephen Read v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]
- [ʔakisq̓nuk First Nation v. Assistant Water Manager](#) [Preliminary Stay Application Decision – Denied]

[Wildlife Act](#)

- [Tracy Gardhouse v. Regional Manager, Recreational Fisheries & Wildlife Program](#) [Summary Dismissal – Appeal Dismissed]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Forest and Range Practices Act](#)

- [0793663 B.C. LTD. v. Government of British Columbia](#) [Correction Decision – Amended]

Visit the Forest Appeals Commission [website](#) for more information.



FOREST AND ENVIRONMENT

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There were no amendments this month.		



OCCUPATIONAL HEALTH AND SAFETY NEWS

Decision on the New B.C. Exposure Limits based on the ACGIH TLVs for Fentanyl and Fentanyl Citrate, as Fentanyl

At its November 2024 meeting, WorkSafeBC's Board of Directors (BOD) approved the adoption of the new American Conference of Governmental Industrial Hygienists Threshold Limit Value (ACGIH TLV) of 0.0001 mg/m³ (8-hour exposure limit) for fentanyl and fentanyl citrate, as fentanyl, inhalable. The BOD did not adopt the ACGIH TLV of 0.0002 mg/m³ (15-minute short-term exposure limit) as a BC exposure limit due to sampling issues.

Effective January 29, 2025, fentanyl and fentanyl citrate, as fentanyl, inhalable, will be reflected in the Table of Exposure Limits for Excluded Substances in Policy R5.48-1 of the Prevention Manual as BC exposure limits as follows. Read the WorkSafeBC [article](#).

WorkSafeBC Issues More than \$90,000 in Penalties in December

In December 2024, WorkSafeBC imposed a total of 20 penalties across various industries, amounting to over \$90,000 in fines. The penalties highlighted repeated and high-risk violations, ranging from inadequate fall protection to failure to manage hazardous materials effectively.

The construction sector represented most of these violations, with several firms cited for exposing workers to fall risks or failing to comply with safety standards. However, other industries, including agriculture and retail, also faced significant fines for non-compliance with workplace safety regulations. Read the [full article](#) by Shane Mercer, published by *Canadian Occupational Safety Magazine*.

Trench Collapse Trial Hears from Injured Worker

The high-stakes trial of foreman David Green and J. Cote and Son Excavating Ltd. is unfolding in British Columbia, with dramatic testimony and legal scrutiny bringing workplace safety practices to the forefront. The 2012 collapse of a retaining wall on a Burnaby sewer project killed 28-year-old pipelayer Jeff Caron and injured his colleague, Thomas Richer. Both Green and the company face charges of criminal negligence, marking a rare instance of applying [Canada's Bill C-45 in workplace fatalities](#).

Trial hears from injured worker

"All hell broke loose," recalls Richer during his testimony, as reported by the *Vancouver Sun*. He describes hearing a frantic warning, "Get out of here, the wall is falling!" moments before the retaining wall collapsed. Richer claims he raised concerns about the trench's stability with Green multiple times, including just 10 minutes before the collapse. Richer alleges his warnings were dismissed. He says he was working in the trench out of fear of losing his job, even after earlier refusing due to safety concerns. "It didn't look very structural to me," he says.

Read the [full article](#) by Shane Mercer, published by *Canadian Occupational Safety Magazine*.

Decision on the New and Revised BC Exposure Limits Based on the 2020 ACGIH TLVs for Styrene

At its November 2024 meeting, WorkSafeBC's Board of Directors (BOD) approved the adoption of the 2020 new and revised American Conference of Governmental Industrial Hygienists Threshold Limit Values (ACGIH TLVs) for styrene.

Effective January 8, 2025, styrene will be removed from the Table of Exposure Limits for Excluded Substances in Policy R5.48-1 of the Prevention Manual and the ACGIH TLVs will be assigned as BC exposure limits. Read the WorkSafeBC [article](#).

New First Aid Regulations Roll Out across BC

Ventana has more than 250 employees and a steady stream of similarly large, complex projects on the go. Keeping things running smoothly and safely is a constant challenge, says Justin Leisle, the company's director of health, safety, environment, and quality. And it's this high degree of challenge that makes Ventana's dedication to comply with BC's new first aid regulatory changes so admirable – and so essential.

The changes have the greatest impact on higher-risk, less-accessible, and more-remote workplaces. But employers across the province – from the smallest and simplest to the biggest and most multifaceted – are bound by the amendments to Part 3 of BC's [Occupational Health and Safety Regulation](#) that came into effect on November 1, 2024.

Under the revised Regulation, first aid certification levels and first aid kit contents have been aligned with CSA standards. In addition, emergency transportation requirements have changed, written first aid assessments must be completed, and annual drills are mandatory. Read the full WorkSafeBC [article](#) by Susan Kerschbaumer.

OHS Policies/Guidelines – Updates

OHS Regulation: Emergency planning for hazardous substances

February 3, 2025

The following sections of the [Occupational Health and Safety Regulation](#) are enacted, in effect February 3, 2025 [[B.C. Reg. 178/2023](#)].

- [Part Chemical Agents and Biological Agents – Emergency Planning](#)

Guidelines – Occupational Health and Safety Regulation

January 23, 2025

Editorial revisions were made to the following guideline:

- Part 20 – Washroom Facilities at Construction Sites
[G20.3.2 Washroom facilities at specified construction sites](#)

January 29, 2025

- 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 January 29, 2025). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

February 3, 2025

The following new and retired guidelines are consequential to amendments to the Occupational Health and Safety Regulation in effect on February 3, 2024:

- Part 5 Chemical Agents and Biological Agents – Emergency Planning
 - [G5.97 Emergency procedures – emergency plan](#) (retired)
 - [G5.97-1 Application of emergency planning requirements](#) (new)
 - [G5.97-2 Reasonably foreseeable emergencies](#) (new)
 - [G5.99 Risk assessment](#) (retired)
 - [G5.99-1 Inventory of hazardous substances](#) (new)
 - [G5.100 Risk assessment for hazardous substances](#) (new)
 - [G5.101 Procedures for spill cleanup and re-entry](#) (retired)
 - [G5.101-1 Emergency response plans](#) (new)
 - [G5.102-1 Notifying emergency response agencies](#) (new)
 - [G5.102-2 Emergency procedures – Protection and notification](#) (new)
 - [G5.103 Emergency procedures – Safe work](#) (new)
 - [G5.104 Training and drills](#) (new)

Policies – Occupational Health and Safety Regulation

January 29, 2025

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 2020 from the American Conference of Governmental Industrial Hygienists (effective January 29, 2025).

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

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



OCCUPATIONAL HEALTH AND SAFETY

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