



# EnviroFor Reporter

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Vol: XIX – Issue 1 – January 2026

## EnviroFor News

### Spring Session Update

The [next legislative session](#) is set to begin with the speech from the throne on Thursday, February 12. The government has indicated an intention to amend the [Declaration on the Rights of Indigenous Peoples Act](#), but has paused updates to the [Heritage Conservation Act](#). We recommend that you use this time to [create alerts](#) that will keep you informed of any relevant legislative changes.

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## ENERGY & MINES NEWS

### B.C. Mining Racking Up Wins as New Mines, Expansions Move Ahead

Unlike B.C.'s other foundational resource industry – forestry – mining and mineral exploration had a banner year in 2025.

The new Blackwater gold mine poured first gold at the beginning of 2025, spending on mineral exploration hit a new high, several mine development or expansion projects received permits, and Vancouver was chosen as the headquarters for the new post-merge Anglo Teck entity.

There are 24 mining projects in various stages of development in B.C., Mining Association of BC (MABC) president Michael Goehring said at the Natural Resources Forum in Prince George this week.

"All are considered to be in advanced development stages," he said.

This includes 16 critical mineral, five precious metal, and three steelmaking coal projects. Fifteen are new mine projects, six are mine restarts, two are mine extensions and one is a major expansion. Read the [BIV article](#).

### Federal Government Finalizes Major Amendments to Methane Regulations for Upstream Oil and Gas Facilities

On December 12, 2025, the Federal Government [announced amendments](#) (the Amendments) to the [Regulations Respecting Reduction in the Release of Methane and Certain Volatile Organic Compounds \(Upstream Oil and Gas Sector\)](#) (the Federal Methane Regulations), which are issued pursuant to s. 93 of the [Canadian Environmental Protection Act, 1999](#) (CEPA). On December 31, 2025, the Federal Government published the finalized version of the Amendments in the Gazette. Read the [full article](#) by Will J. Shaw with Lawson Lundell.

## From Mineral Tenures to Nuclear Projects: The Evolving Role of UNDRIP in Canadian Domestic Law

In 2025, both the B.C. Court of Appeal and the Federal Court of Canada issued significant decisions that speak to the role of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in interpreting and applying provincial and federal laws. Although subject to appeal, the decisions have immediate and far-reaching consequences for Indigenous peoples, project proponents, and governments.

Key takeaways:

1. **UNDRIP is now part of Canadian law as an interpretive tool:** Both the B.C. Court of Appeal and the Federal Court confirmed that UNDRIP must inform the interpretation of statutes and constitutional obligations, though it does not create new standalone rights.
2. **Legal and policy implications are significant:** Inconsistencies between domestic laws and UNDRIP are justiciable, and regulatory bodies may consider UNDRIP when assessing Crown decision-making.
3. **Consultation standards are evolving:** Canada and British Columbia's legislation to embrace UNDRIP as a framework for reconciliation raised the standard for consultation beyond what the common law would otherwise have required.
4. **British Columbia may amend its UNDRIP legislation in response to these decisions.** If so, what will that look like, and will the federal government follow suit?

Read the [full article](#) by Chris Roine, Rick Williams, Jessica Hennings, Claudia Wheler and Roark Lewis with Borden Ladner Gervais LLP.

## B.C. Says AI and Data Centre Projects Must Compete for Power in New Selection Process

British Columbia's government is launching a competitive selection process for artificial intelligence and data centre projects that would see companies fight over a set amount of power.

B.C. Energy Minister Adrian Dix said companies that apply could gain access to a total of 400 megawatts of electricity over a two-year period.

"The new approach (prioritizes projects) that support long-term economic, environmental, community and data sovereignty benefits," Dix told a news conference Friday [Jan. 30].

He added the requirement does not apply to traditional industries like liquefied natural gas, forestry or mining. Read the [BIV article](#).

## Boosting Mineral-Exploration Sector Through New Permit Timelines

Government is taking further steps to improve the permitting process for mineral exploration, after a historic year resulting in a record-breaking \$751 million in exploration spending.

"We are fulfilling our pledge to introduce fixed permitting timelines for B.C.'s vital mineral exploration sector," said Jagrup Brar, Minister of Mining and Critical Minerals. "These timelines, backed by new investment, respond to industry feedback, while still protecting the environment and respecting reconciliation with First Nations, and will drive even further investment in the booming mining industry."

Beginning April 1, 2026, exploration permits will be processed within 40 to 140 days, depending on the complexity of the proposed activity. Factors will include consultation with First Nations, the size and complexity of the proposed project, the extent of ground disturbance and other variables. This will be achieved through a combination of improvements, including clear up-front guidance, systems changes and process transparency. Read the full government [news release](#).

## Navigating the Legal Depths of Deep-Sea Mining

At first glance, deep-sea mining exploitation may sound like an activity confined to the distant future. In reality, it is increasingly being assessed as a potential solution to mounting pressure on critical mineral and resource supply chains, at a time of accelerating energy transition, geopolitical competition, and strategic resource nationalism. For investors and states alike, the central question is no longer whether deep-sea mining is technically feasible, but whether it is advisable to invest at this stage, or indeed, at all.

That question is, however, inseparable from risk. Investment in deep-sea mining is fraught with uncertainty, beginning with fundamental market considerations. The long-term supply and demand dynamics for critical minerals and resources remain volatile. These market uncertainties are further compounded by a complex and evolving legal environment. Read the [full article](#) by Nabila Abdul Malik, Hui-Qiao Tina Sun (孙慧娇) and Clive Ngan with Fasken.

## Updates to Natural Resource Taxes

The following update to natural resource taxes was recently posted:

### Oil and natural gas royalties and taxes

#### • January 12, 2026

The new web page [List of Petrinex reporting error messages](#) has been published. This page includes information previously found in the following information sheets:

- Petrinex Error Messages and Associated Penalties
- Petrinex Errors Resulting in a Deemed Royalty

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

## BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2026-01](#) – Updates to Project Description and BRFN Implementation Agreement Forms and Submission Process to Improve Permit Efficiency and Transparency
- [TU 2026-02](#) – New Surface Casing Vent Emission Control Notification to Support Methane Reduction Regulations
- [TU 2026-03](#) – New First Nation Incident Notification Capability Coming to CMIS

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



## ENERGY & MINES

### Act or Regulation Affected

### Effective Date

### Amendment Information

There were no amendments this month.



## FOREST AND ENVIRONMENT NEWS

### B.C. Forestry Review Seeks Overhaul, Moving Focus Away from Harvest Volumes

A government-commissioned review of forestry in British Columbia is calling for the system to be razed and rebuilt with a focus on trust and transparency about the state of the province's forests, shifting away "from managing harvest volumes to managing lands."

The final [report](#) from the Provincial Forestry Advisory Council released Monday [Feb. 2] says trust has been eroded by inconsistent forest data controlled largely by industry and government.

It calls for the creation of a transparent forest inventory based on laser measurements with a new independent body to manage the information. Read the [BIV article](#).

### Environmental Claims – Common (Law) Sense

Property owners and developers faced with cleanup costs quickly turn their minds to recovering those costs from historic polluters. In BC, those seeking such recovery enjoy many advantages under the province's [Environmental Management Act](#). But, the Act is not suited to every situation.

If your property is contaminated, consider employing the common law, a body of law that has historically provided recourse for losses arising from environmental damage. While the Act is designed to facilitate recovery of one's 'remediation' costs, what if you don't have any hard costs but your property value has been impacted? Or, what if you can't access the contamination or an odour or vapour is the problem? Read the [full article](#) by [Richard E. Bereti](#) with Harper Grey LLP.

### Federal Appeals Court Reinstates 'Toxic' Label for Plastics in Major Win for Ottawa

B.C.'s attorney general had argued there are 'practical limitations' on provinces ability to combat plastic pollution, and that the feds are best placed to deal with the problem

A Federal Court of Appeal has reversed a lower court's decision that had derailed the federal government's efforts to classify manufactured plastics "toxic."

The three-judge panel sided unanimously in Ottawa's favour in a major victory for the Liberal government and its efforts to regulate plastic waste.

In 2023, a federal judge struck down the government's classification of manufactured plastics, finding it was unreasonable, unconstitutionally broad and a violation of provincial jurisdiction.

On appeal, industry groups had argued that only one per cent of plastic becomes pollution and that a blanket "toxic" label was overreach.

The latest decision [[2026 FCA 17](#)] rejected that logic, finding that one per cent accounted for 29,000 tonnes of plastic entering the environment every year. If 29,000 tonnes of plastic are not enough to make the listing reasonable, questioned the judges, what percentage does? Read the [BIV article](#).

### B.C. Defines Framework for Measuring Climate Outcomes in Forestry

*New method assesses effects of silviculture on climate, aimed at reducing greenhouse-gas emissions*

To address a recommendation from the Office of the Auditor General of British Columbia, the Province has established a new method that measures how silviculture investments contribute to climate-change mitigation.

In response to Recommendation 1 from the auditor general's report [Ministry of Forests: Calculating Forest Carbon Projections](#), the chief forester has approved a new method to support consistent and transparent carbon projections for forest investment activities. Read the provincial [news release](#).

### How Is Canada Managing the End-of-Life for EV Batteries?

Right now, it's a work in progress.

For other consumer products – from paint to electronics – Canada has relatively comprehensive end-of-life ("EOL") regulatory frameworks. These stewardship and extended producer responsibility ("EPR") systems seek to ensure that producers fund and manage the collection, reuse, and recycling of their products. However, when it comes to electric vehicle ("EV") batteries, the road to responsible EOL disposal is still under construction. Unlike existing EPR systems, EV batteries lack a cohesive regulatory framework, leaving industry-led initiatives to fill the gap. Without this clarity, stakeholders face uncertainty around compliance, liability, and long-term investment, making it harder to garner the confidence and support needed for a truly circular economy.

With an estimated 93,000 batteries needing recycling by 2040 and nearly 500,000 by 2045, early planning and coordinated action are essential to build a practical, circular system. Meeting this challenge presents an opportunity to build a robust, circular system for EV batteries. Achieving that vision will require proactive planning and strong collaboration between industry and regulators to ensure solutions that are practical, sustainable, and aligned with Canada's broader environmental goals. Read the [full article](#) by Elana Yamanouchi, Emma Hobbs, Mark Youden and Thomas J. Timmins with Gowling WLG.

#### **Land Use Objectives Established and Amended**

Notice is hereby given that a ministerial order has been made for the Gwa'ni planning area, as well as associated amendments to three other orders, pursuant to Section 93.4 of the [Land Act](#), for the purposes of the [Forest and Range Practices Act](#). The new order establishes land use objectives for the Gwa'ni planning area. The amendment orders modify or repeal objectives from the Vancouver Island Land Use Plan Higher Level Plan Order, Lower Nimpkish Landscape Unit Order, and Upper Nimpkish Landscape Unit Order that overlap the Gwa'ni planning area.

These orders take effect on the date this notice is published in *The British Columbia Gazette*.

These orders support the implementation of key planning recommendations of the Gwa'ni Land Use Planning Project and align with the draft Tree Farm Licence 37 Forest Landscape Plan. The proposed orders were advertised for public review and comment for a period of 60 days ending Nov. 18, 2025. The comments that were received did not result in substantive changes to the orders.

The new order and the three amended orders, plus supporting information, have been filed at the West Coast Region office of the Ministry of Water, Land and Resource Stewardship at 2080 Labieux Road, Nanaimo, BC V9T 6J9. Copies of these documents can also be acquired from the North Island-Central Coast Natural Resource District office at 2217 Mine Road, Port McNeill, BC V0N 2R0.

Copies of the new order, amended orders, and associated documents are available online at:

<https://www.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/regions/west-coast> [ja15]

Source: [British Columbia Gazette](#).

#### **Appeals Court Upholds Ban on Fish Farms in B.C.'s Discovery Islands**

Canada's Federal Court of Appeal has upheld Ottawa's decision to end salmon farming in B.C.'s Discovery Islands.

The Jan. 29 ruling [[2026 FCA 19](#)], the latest in nearly five years of litigation, stems from a December 2020 decision by then Fisheries Minister Bernadette Jordan to phase out open-net pen salmon farms in the Discovery Islands.

Fish farm companies successfully challenged that decision in court. But in 2023, Joyce Murray, who took over as fisheries minister, refused to re-issue 15 aquaculture licences in the islands off Campbell River. The Federal Court upheld that decision in 2024 and again this week by the Court of Appeal.

The decision upholds the fisheries minister's "precautionary approach" to salmon farms and already appears to be paying off, according to Karen Wristen, executive director of Living Oceans Society, an intervener in the case. Read the [BIV article](#).

#### **Increasing Protection of Important Wildlife Habitat**

*Land is being added to two protected areas*

Nearly 1,060 hectares is being added to West Twin Protected Area to increase protection of important wildlife habitat across the Robson Valley.

Located near McBride, the expansion includes 59 hectares of private land adjacent to the protected area that was purchased by the Province in March 2020, along with approximately 1,000 hectares of Crown land.

West Twin Protected Area was established in 2001, and together with adjacent West Twin Park, covers more than 30,000 hectares to form the only protected wildlife corridor across the Robson Valley. Read the government [news release](#).

#### **B.C. Seeking Public Input on Proposed Hunting Regulation Updates**

All people in B.C. are invited to give input on proposed updates to hunting and trapping regulations for 2026-28.

##### **Reviewing hunting and trapping regulations**

Every two years, the Province reviews hunting and trapping regulations to support sustainable wildlife management and respect First Nations' harvest rights, as well as balance conservation with economic and recreational opportunities.

Proposed changes are informed by the best-available science and Indigenous Knowledge, and developed through consultation and engagement with First Nations, hunters and stakeholder organizations.

Read the B.C. government [news release](#).

#### **Environmental Appeal Board Decisions**

The following Environmental Appeal Board decisions were made recently:

### Environmental Management Act

- [Harbourside Lodge Bamfield Ltd. v. Director, Environmental Management Act](#) [Final Decision – Determination Confirmed; Appeal Dismissed]
- [Canadian Natural Resources Limited v. Director, Environmental Management Act](#) [Consent Order – Stay Extended]
- [Fairmont Hot Springs Resort Ltd. v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]

### Water Sustainability Act

- [Albert Gibson v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]

### Wildlife Act

- [Cassidy Caron v. Executive Director, Wildlife Branch](#) [Final Decision – Appeal Dismissed]
- [Stephen Kim Sedrovic v. Deputy Regional Manager, Ministry of Water, Land and Resource Stewardship](#) [Document Production Application – Denied]

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

### **Forest Appeals Commission Decisions**

The following Forest Appeals Commission decision was made recently:

### Wildfire Act

- [Eldon Whalen v. Government of British Columbia](#) [Final Decision – Appeal Allowed; Determination Set Aside]

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



## **FOREST AND ENVIRONMENT**

Act or Regulation Affected	Effective Date	Amendment Information
Forest and Range Practices Act	Jan. 1/26	by 2019 Bill 21, c. 25, section 5 only (in force by <a href="#">Reg 163/2023</a> ), <a href="#">Forest and Range Practices Amendment Act, 2019</a>
Forest Planning and Practices Regulation (14/2004)	Jan. 1/26	by <a href="#">Reg 163/2023</a>
Forest Recreation Regulation (16/2004)	Jan. 12/26	by <a href="#">Reg 5/2026</a>
Low Carbon Fuels (Technical) Regulation (295/2023)	Jan. 1/26	by <a href="#">Reg 24/2025</a>



## **OCCUPATIONAL HEALTH AND SAFETY NEWS**

### **Upcoming Changes for Worker Report of**

#### **Injury by Fax or Mail**

Starting March 2026, the paper version of the form to report injuries by fax or mail (Application for Compensation and Report of Injury or Occupational Disease – Form 6 PDF) will no longer be available on their website. Instead, workers should submit their injury reports online or by phone. The intent of these changes is to offer faster, more responsive, and convenient service. Visit the [WorkSafeBC site](#) for additional information.

### **Harmonized Safety training – Real Reform or Risk Mirage?**

When Canadian Occupational Safety reported on a push to harmonize [seven core safety training certifications across provinces](#) by the end of the year, the reaction from practitioners was immediate – and divided. Some see long-overdue clarity and efficiency for national employers. Others warn the move risks creating political optics, masking legal gaps and leaving real-world safety performance unchanged. On LinkedIn, Lee-Anne Lyon-Bartley, vice president of health, safety, and environment at Dexterra Group, said she "cannot wait" for harmonization, calling it a clear win for organizations that operate across Canada. But beneath that enthusiasm, a more uneasy conversation emerged about what, exactly, is being harmonized – and what isn't. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

### **Highland Valley Copper Mine Scrutinized over Safety Culture and Worker Treatment**

The Highland Valley Copper mine in British Columbia is under intense scrutiny after a provincial investigation documented concerns about safety, bullying and organizational culture at one of Canada's largest mining operations.

#### **Regulator cites systemic safety and culture problems**

In December, the Office of the Chief Inspector of Mines (OCIM) released a [Mines Regulation 1](#) investigation into Highland

Valley Copper (HVC), located near Logan Lake. Based on input from 271 employees, the report found rising incident rates, allegations of bullying and harassment, and formal discrimination complaints, alongside complaints that production pressures and inconsistent discipline have eroded trust and psychological safety on site.

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

#### WorkSafeBC Returning \$570 Million in Surplus Funds to Employers

WorkSafeBC will return an estimated \$570 million in surplus funds to employers in 2026 by deliberately setting average premium rates below the actual cost of running British Columbia's workers' compensation system. For HR and finance leaders, that means a significant portion of next year's workers' compensation bill is effectively being subsidised by past investment gains and reserve strength, even as WorkSafeBC signals that this buffer is shrinking. Read the [full article](#) by Jim Wilson with *Canadian Occupational Safety*.

#### Vancouver Researcher's Global Award Shines Spotlight on 'Hidden' Silica Crisis

Dr. Nayab Sultan has spent 35 years in health and safety, but one neighbour on a quiet UK street helped crystallize what would become his life's work. The man, of Afghan origin, would slowly descend three steps outside his home, clinging to an oxygen tank and gasping for breath. He believed his illness stemmed from poor housing, smoking and poverty. He never considered that his work blasting rock on the Karakoram Highway between Afghanistan and Pakistan might be to blame. Sultan did. Trained as a health and safety professional, he started asking questions. The neighbour had rushed into blast zones before dust settled, wearing only a handkerchief over his mouth. He had never been told about silicosis, or how silica dust can predispose workers to tuberculosis and is often misdiagnosed as TB itself. Further tests revealed silicotic lung and silicotuberculosis – an occupational disease that had gone unrecognised for years. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.



### OCCUPATIONAL HEALTH AND SAFETY

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

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