



EnviroFor Reporter

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ENVIROFOR NEWS:

Short Spring Session Summary

The 6th Session, 40th Parliament wrapped up on March 16th in time for the upcoming Provincial elections. Only ten Government Bills were introduced, and a staggering 40 Members' Bills introduced – none of which progressed past 1st reading. For a summary of all the Bills, and what Acts were affected, have a look at our [Bills page](#).

Latest Annotations

New annotations have recently been added to the Quickscribe site. These annotations include contributions from:

- [Richard Bereti](#), Harper Grey LLP – [Environmental Management Act](#)

Watch this 20-minute [YouTube video](#) to learn more about annotations and how to receive alerts when new annotations are published to the laws that matter most to you.

Tip: Log in to EnviroFor Online prior to clicking Reporter links.

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

Advocates Back in Court Pursuing Charges Mount Polley Dam Collapse

MiningWatch Canada launched the case last fall, saying the province and the Mount Polley Mining Corp. violated the [Fisheries Act](#) when a tailings pond collapsed at the copper and gold mine in August 2014. The group alleges serious harm was done to fish and the environment when the dam's failure sent 25 million cubic metres of wastewater gushing into streams and waterways in BC's Interior. The allegations have not been proven in court and in January, Crown lawyer Alexander Clarkson argued there is no prospect of conviction in the case. Clarkson said the private prosecution is not in the public interest because the BC Conservation Officer Service, Environment Canada and Fisheries and Oceans Canada are already investigating, and their findings could be considered for the charge approval process. Read [The Province article](#).

Vancouver Island First Nation Gives Nod to Proposed LNG Export Facility

Members of the small First Nation voted Saturday [March 25th] to approve development of the LNG facility at Sarita Bay, on the west coast of Vancouver Island. "I feel it is going to be a very inviting opportunity for international investors to come to Canada and say, 'Hey, there is certainty there and we would be willing to work there,'" Dennis said. Steelhead CEO Nigel Kuzemko said the company has National Energy Board licences to export 24 million tonnes of LNG through the Sarita Bay facility every year, but he said

discussions are ongoing about how they'll get the natural gas from northeastern BC and Alberta to Vancouver Island. Kuzemko said existing pipelines are favoured, and Steelhead has been in talks over the possibility of bringing gas across the Salish Sea from Washington state or piping it across southern BC. Read *The Vancouver Sun* [article](#).

Possible New Clean Fuel Standard in Canada

Environment and Climate Change Canada (ECCC) is considering the development of a new clean fuels regulation under the [Canadian Environmental Protection Act, 1999](#). The purpose of this proposed new regulation is to reduce Canada's greenhouse gas (GHG) emissions through the adoption of lower carbon fuels and related technologies. ECCC is intending to consult with provinces, territories, Indigenous Peoples and other stakeholders. Written comments are due by April 25, 2017, at the address provided below. ECCC has [issued a discussion](#) paper which includes the following issues for consideration:

- The regulation is intended to cover a wide range of fuels including liquid, gaseous and solid fuels to be used in transportation, industry, homes and buildings.
- The overall objective of the proposed regulation is to achieve a 30 megatonne annual reduction in Canada's aggregate GHG emissions by 2030 which, if achieved, will meaningfully contribute to Canada's overall GHG emissions reduction goal of 30 percent below 2005 emission levels by 2030.
- The regulation is intended to be non-prescriptive and designed to provide maximum flexibility to fuel suppliers – including a market-based crediting and trading system.

Read the [full article](#) by Mike Barrett, Sarah E. Gilbert, Thomas W. McNerney and Duncan M. McPherson of Bennett Jones LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Demand-Side Measures Regulation	Mar. 24/17	by Reg 117/2017
Direction No. 5 to the British Columbia Utilities Commission (245/2013)	Mar. 22/17	by Reg 115/2017
Direction to the British Columbia Utilities Commission Respecting Undertaking Costs (77/2017)	NEW Mar. 2/17	see Reg 77/2017
Fee, Levy and Security Regulation (8/2014)	Mar. 15/17	by Reg 106/2017
First Nations Clean Energy Business Fund Regulation (377/2010)	Apr. 1/17	by Reg 7/2017
Geothermal Drilling and Production Regulation (170/83)	REPEALED Mar. 31/17	by Reg 79/2017
Geothermal Geophysical Exploration Regulation (358/98)	Mar. 31/17	by Reg 39/2017
Geothermal Operations Regulation (79/2017)	NEW Mar. 31/17	see Reg 79/2017
Geothermal Resources Act	Mar. 31/17	by 2008 Bill 20, c. 36, sections 131 (d) to (k), 132 to 141, 142 (part), 143 (a), (c) to (e) (in force by Reg 39/2017), Oil and Gas Activities Act

Geothermal Resources Administrative Regulation (132/83)	REPEALED Mar. 31/17	by Reg 39/2017
Geothermal Resources General Regulation (39/2017)	NEW Mar. 31/17	see Reg 39/2017
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	Mar. 2/17	by Reg 76/2017
	Mar. 22/17	by Reg 114/2017

Forest and Environment News:

Retroactive Taxpayer Liability under *Logging Tax Act*

The *Logging Tax Act* was amended by the *Finance Statutes Amendment Act, 2017*, which received Royal Assent on March 16. The *Logging Tax Act* now provides that if an excess amount is refunded to the taxpayer, that amount is payable on the date of the refund. Moreover, the taxpayer is liable to pay interest on the amount beginning on that date. Two definitions and additional clarifications were made relating to taxes due the government. These changes were made retroactive to January 1, 2009.

BC Envoy says Softwood Lumber Negotiations "In the Hands of the U.S."

British Columbia's softwood trade envoy says there's a slight opportunity to quickly negotiate a new lumber agreement between Canada and the United States, but if a deal can't be reached by the summer or fall it could mean a lengthy fight. David Emerson said Wednesday [March 29th] he sensed a chance at a deal but also saw continued turbulence in the administration of President Donald Trump and strong protectionist sentiments in the U.S. Congress after visiting Washington, D.C. "My own guess is there is a window of opportunity, late summer or early fall, and if that doesn't initiate something meaningful in terms of negotiations then I think we're probably into next year," he said. "We're really now in the hands of the U.S. government to see this thing actually get started and discussions get underway," he added. Emerson said there has not been a formal start to talks, but Canadian officials in Washington and Ottawa are preparing for negotiations. He said he met with David MacNaughton, Canada's ambassador to the U.S., last week as well as officials at Canada's embassy and Global Affairs Canada. Read the CBC [article](#).

BC Updates, Releases 2017-2019 Fishing Regulations

The Province has released the new, updated guide to freshwater fishing rules and regulations, Minister of Forests, Lands and Natural Resource Operations Steve Thomson announced today. Government has posted the 2017-2019 Freshwater Fishing Regulations Synopsis on its fishing regulation website (<http://www.env.gov.bc.ca/fw/fish/regulations/>) and printed copies will soon be available at Front Counter B.C., Service B.C. and stores that sell fishing licences. This synopsis is a comprehensive guide to the regulations, policies, and practices that guide freshwater fishing in B.C. The Province updates the synopsis every two years, and regularly posts updates online. The synopsis also includes important angling-related articles including information on stopping the spread of invasive aquatic species, catch-and-release best practices, and tips on how to help keep aquatic ecosystems natural, intact and healthy. Read the Government [news release](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were released in the month of March:

Environmental Management Act

- *Ellis O'Toole; Angie Delainey; Becky Bravi; Tricia McLellan v. Director, Environmental Management Act* [Preliminary Issues of Jurisdiction – Granted]
- *John Pickford; Beverly Haskins; Peter Luscombe; John Henry Dressler; Rodger Hamilton; Ellis O'Toole; Angie Delainey; Becky Bravi; Tricia McLellan v. Director, Environmental Management Act* [Preliminary Issues: Applications to Dismiss for Lack of Standing – Denied; 4 Applications to Strike Grounds for Appeal – Denied; 5 Applications to Strike Grounds for Appeal – Granted in Part]

Water Act

- *Thomas Hobby and SC Ventures Inc. v. Assistant Regional Water Manager* (0716880 B.C. Ltd.; 071886 B.C.

Ltd.; 0716892 B.C. Ltd.; 0716927 B.C. Ltd.; 0716930 B.C. Ltd.; 0716945 B.C. Ltd.; 0716961 B.C. Ltd.; 0716967 B.C. Ltd.; 1028706 B.C. Ltd.; Malahat First Nation, Participants) [Application for Costs – Granted]

Wildlife Act

- [Barry D. Bradow vs. Regional Manager](#) [Consent Order – Appeal Dismissed]

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

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Angling and Scientific Collection Regulation (125/90)	Mar. 1/17	by Reg 74/2017
Base Mapping and Geomatic Services Product and Services Price List Regulation (373/2005)	Mar. 1/17	by Reg 48/2017
Cattle Industry Development Council Regulation (240/94)	Apr. 1/17	by Reg 112/2017
Coastal Forest Industry Dispute Settlement Act	REPEALED Mar. 1/17	by Reg 55/2017
Controlled Alien Species Regulation (94/2009)	Mar. 2/17	by Reg 78/2017
Designation and Exemption Regulation (168/90)	Mar. 31/17	by Reg 127/2017
Hunting Licensing Regulation (8/99)	Mar. 31/17	by Reg 127/2017
Limited Entry Hunting Regulation (134/93)	Mar. 1/17	by Reg 49/2017
	Mar. 31/17	by Reg 127/2017
Forest Act	Mar. 7/17	by 2016 Bill 12, c. 11, sections 1 to 7, 9 to 12, 14 to 16, 18, 21 to 23 and 24 (part) only (in force by Reg 92/2017), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016
Freshwater Fish Regulation (261/83)	Mar. 1/17	by Reg 74/2017
Great Bear Rainforest (Forest Management) Act	Mar. 7/17	by 2016 Bill 12, c. 11, sections 25 and 26 only (in force by Reg 92/2017), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016
Hunting Regulation (190/84)	Mar. 1/17	by Reg 74/2017
Hunting Licensing Regulation (8/99)	Mar. 1/17	by Reg 74/2017

Limited Entry Hunting Regulation (134/93)	Mar. 1/17	by Reg 49/2017
North American Gypsy Moth Eradication Regulation, 2010 (34/2010)	REPEALED Mar. 1/17	by Reg 67/2017
North American Gypsy Moth Eradication Regulation, 2015 (55/2015)	REPEALED Mar. 1/17	by Reg 67/2017
Park, Conservancy and Recreation Area Regulation (180/90)	Mar. 1/17	by Reg 66/2017
Permit Regulation (253/2000)	Mar. 31/17	by Reg 127/2017
Protected Areas of British Columbia Act	Mar. 7/17	by 2016 Bill 25, c. 21, section 10 only (in force by Reg 88/2017), Miscellaneous Statutes (General) Amendment Act, 2016
Water Sustainability Regulation (36/2016)	Mar. 31/17	by Reg 130/2017
Wildfire Act	Mar. 16/17	by 2017 Bill 5, c. 2, section 1 only (in force by Royal Assent), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2017
Wildlife Act	Mar. 31/17	by 2016 Bill 12, c. 11, sections 32 to 34, 36 to 38, 42, 45 and 49 (part) (in force by Reg 127/2017), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016 , and 2017 Bill 5, c. 2, sections 2 to 8 (in force by Reg 127/2017), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2017
Wildlife Act Commercial Activities Regulation (338/82)	Mar. 1/17	by Reg 74/2017
	Mar. 15/17	by Reg 107/2017
	Mar. 31/17	by Reg 127/2017
Wildlife Act General Regulation (340/82)	Mar. 1/17	by Reg 74/2017
	Mar. 31/17	by Reg 127/2017
Wood Residue Burner and Incinerator Regulation	Mar. 21/17	by Reg 109/2017

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