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## Vol: X – Issue: XII – December 2017

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### ENVIROFOR NEWS:

#### Quickscribe Welcomes Max Faille – Aboriginal Law

Quickscribe is thrilled to announce that [Maxime Faille](#) will soon begin contributing annotations to Aboriginal law on Quickscribe. Named Benchmark Canada's Aboriginal Lawyer of the Year for 2016, Max Faille is a partner in Gowling WLG's Vancouver office, practising in Indigenous law, public law and general litigation. Max currently serves as national leader of Gowling WLG's Indigenous Law Group and co-leader of the firm's Indigenous Tax Service. His clients consist of Indigenous governments and businesses across Canada, as well as private sector interests seeking to do business with Indigenous communities. Among numerous recognitions and awards for his work in Aboriginal law, Max is recognized as a leading lawyer in Aboriginal law in *Chambers Canada 2016*, *Lexpert's Leading Canadian Lawyers in Energy 2015* and *Leading Canadian Lawyers in Global Mining, 2015-2016*.

#### New Search and Hansard Video Tutorials Published

Our new [Search tutorial video](#) will provide you with some tips and tricks on how to more effectively navigate through the Quickscribe legislation database. This short, ten-minute video will help to ensure you are getting full value out of this powerful keyword search tool, which has undergone significant enhancements in recent years. Also available, is a newly published [video tutorial](#) on how to make use of the new Hansard features. Both videos will soon be added to the QS Help Menu, where you can find a full collection of video tutorials.

#### Latest Annotations

New annotations have recently been added to the EnviroFor site. These annotations include contributions from [Anita Mathur](#), BC Oil & Gas Commission – [Emergency Management Regulation](#), 217/2017.

#### Happy New Year!

Our crew at Quickscribe would like to take this opportunity to wish you a happy and prosperous 2018.

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

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View [PDF](#) of this Reporter.

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

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[\[ Previous Reporters \]](#)

### ENERGY AND MINES NEWS

#### BC Hydro Selects Preferred Contractor for Second Major Component of Site C

BC Hydro has selected a preferred contractor for the Site C generating station and spillways, work that is expected to cost well over \$1 billion.

The contract with Aecon-Flatiron-Dragados-EBC Partnership still has to be finalized, with the award of the contract expected to be complete by the end of February. Work would not begin until the spring.

In an announcement, BC Hydro said should a final contract be reached with Aecon-Flatiron-Dragados-EBC (AFDE) Partnership, Hydro's board of directors would need to sign off on it.

The work on the powerhouse, penstocks, spillways and power intakes for the dam is the second largest contract for the project. At peak construction, anticipated to be in 2021, there would be about 1,600 people working on the generating station and spillways. Read *The Vancouver Sun* [article](#).

**China's Appetite for Lithium on Display in Canadian Takeover**

Beijing and Shanghai-based Nextview New Energy Lion Hong Kong will pay \$2.61 cash per share for Vancouver's Lithium X, a TSX-listed exploration and development company. In a sign the race to secure the materials for electric vehicle batteries is heating up, a Chinese-backed investment group said it would pay \$265 million to purchase a Canadian lithium exploration company with no reported income.

Under the deal announced on [December 18], Beijing and Shanghai-based Nextview New Energy Lion Hong Kong will pay \$2.61 cash per share, reflecting a 22.5 per cent premium on the closing price on December 15 of Vancouver's Lithium X, a TSX-listed exploration and development company with lithium projects in Argentina.

This marks Nextview's second deal in as many weeks to secure access to lithium, having last week purchased a 20 per cent stake in Banacora Minerals, which has a lithium project in Mexico. Nor is it the only Chinese company making such deals: Earlier this year, Sinochem, China's state chemical company along with several other Chinese companies placed competing bids to purchase a \$4 billion stake in Chile's SQM, a giant lithium producer. Read *The Vancouver Sun* [article](#).

**Pressing On: BC Government Announces Decision to Complete Construction of Site C Clean Energy Project**

On December 11, 2017, the BC government announced its decision to complete construction of BC Hydro's 1,100-megawatt Site C Clean Energy Project (Site C), concluding that cancelling the project mid-construction would have imposed a \$4 billion burden on provincial taxpayers, comprising \$2.1 billion already spent and an estimated \$1.8 billion in termination and site remediation costs. The BC government also confirmed that the capital cost estimate for Site C has been updated to \$10.7 billion from BC Hydro's original estimate of \$7.9 billion.

A copy of the BC government's press release, which includes links to relevant background materials, is available [here](#).

In moving forward with the project, the BC government also announced a Site C "turnaround plan" to contain project costs and secure additional project-related benefits, including:

- a new "Project Assurance Board" to provide oversight over future contract procurement and management, project deliverables, environmental matters and quality assurance;
- a new community benefits program to ensure project benefits to local communities and to increase the number of apprentices and First Nations workers working on the project; and
- a new BC Food Security Fund to be funded by Site C revenues and dedicated to supporting farming and agricultural innovation and productivity in the province.

Read the [full article](#) by [Sven Milelli](#), [Selina Lee-Andersen](#) and [Morgan Troke](#) with McCarthy Tétrault LLP.

**ENERGY AND MINES**

**Act or Regulation Affected**

**Effective Date**

**Amendment Information**

*There were no amendments this month.*

**FORESTRY AND ENVIRONMENT NEWS**

**Special Report: Opportunity to Improve the Forest and Range Practices Act**

Since 2010, the Forest Practices Board has made dozens of recommendations to government aimed at improving

the [Forest and Range Practices Act](#) (FRPA) and encouraging public confidence in the stewardship of BC's forest resource. Some of those recommendations involved changes to legislation and regulations, while others involved changes to policies and procedures. All of them were made after thorough analysis and field-based evaluations of how well FRPA is meeting government's and the public's expectations for forest management. Government has said it accepts almost all of the recommendations made by the Board in the last seven years and has outlined the actions it will take to address them. While many "soft" improvements have occurred, for example, to guidance, training and information technology, there are many recommendations where government promised to look into issues and carry out follow-up work, but there is little evidence that has actually happened. This is particularly true of actions to review and strengthen FRPA legislation through a process of continuous improvement. In the meantime, we continue to receive concerns and complaints from the public on the same issues. Read the [full report](#) from the Forest Practices Board website.

### **Three Reviews by the BC Government with Reports Due in 2018**

Currently the government is in the process of three separate reviews that all have safety elements, and impact forestry operations and our broader communities:

- Comprehensive 2017 flood and wildfire review announced middle of October 2017. BC fires displaced 65,000 people, destroyed more than 1.2 million hectares of forest and cost \$550 million to fight. While government departments had already started their own technical reviews, this review will include looking at what can be improved.

Read the [full article](#) in the December issue of *Forest Safety News*.

### **BC Supreme Court Grants Injunction against Fish Farm Protesters**

The BC Supreme Court has granted an injunction against a number of people who have trespassed on a fish farm company's property in recent months. Marine Harvest Canada applied for the injunction for their licensed aquaculture site on Midsummer Island, one of several fish farms they operate in the Broughton Archipelago, east of Port Hardy. Justice Peter Voith ruled the injunction was warranted because the protesters' actions interfered with Marine Harvest's operations, prevented the harvest and removal of salmon from the facility, and included threatening behaviour toward staff. Read full CBC [article](#).

### **BC Court Rules American Indigenous Man has Right to Hunt in Canada**

An American Indigenous man's right to hunt in Canada has been upheld by a B.C. Supreme Court judge because his ancestors traditionally hunted in this country. Richard Desautel was charged under the [Wildlife Act](#) with hunting without a licence and hunting big game while not a resident of BC after he shot and killed an elk near Castlegar in 2010. Desautel, a member of the Lakes Tribe in Washington state, argued in provincial court that he was exercising his constitutional right to hunt for ceremonial purposes. The Lakes Tribe was described in court as a "successor group" to the Sinixt people, who lived, hunted and gathered in BC's Kootenay region prior to first contact with European settlers. Read the full *Vancouver Sun* [article](#).

### **Forest Legislation Updates**

Effective December 12, 2017, changes were made to the [Forest Act](#) and the [Allowable Annual Cut Administration Regulation](#), aiming to improve how timber partitions are enforced throughout British Columbia. They enhance the ability for the Province to better track and monitor the harvest of partitioned timber under a minister's order, and allow the minister to grant licensees relief from penalty in circumstances beyond the licence holder's control.

A transitional provision in the [Great Bear Rainforest \(Forest Management\) Act](#) was repealed on December 31, 2017 that allowed for the enactment of regulations to effectively bring the Act into operation and resolve any errors, ambiguities or inconsistencies arising in the Act.

### **Environmental Appeal Board Decisions**

There were two Environmental Appeal Board decisions in the month of December.

#### [Environmental Management Act](#)

- [Gibsons Alliance of Business and Community Society; Marcia Timbres v. Director, Environmental Management Act](#) [Stay Application – Denied]
- [Revolution Organics, Limited Partnership v. A/Deputy Director, Regional Operations Branch; Director, Environmental Management Act](#) [Preliminary Application – Appeals Allowed]

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

**FORESTRY AND ENVIRONMENT**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Allowable Annual Cut Administration Regulation (69/2009)	Dec. 12/17	by <a href="#">Reg 237/2017</a>
Cut Control Regulation (578/2004)	Dec. 12/17	by <a href="#">Reg 227/2017</a>
Great Bear Rainforest (Forest Management) Act	Jan. 1/18	by 2016 Bill 2, c. 16, section 70 (3)
Hunting Regulation (239/2017)	Dec. 18/17	by <a href="#">Reg 239/2017</a>
Limited Entry Hunting Regulation (134/93)	Dec. 18/17	by <a href="#">Reg 239/2017</a>
Spill Reporting Regulation (187/2017)	Dec. 5/17	by <a href="#">Reg 221/2017</a>
Water Sustainability Fees, Rentals and Charges Tariff Regulation (37/2016)	Dec. 13/17	by <a href="#">Reg 238/2017</a>
Water Sustainability Regulation (36/2016)	Dec. 13/17	by <a href="#">Reg 238/2017</a>

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