

Publisher's Note

2018 — Release 4

Previous release was 2018-3

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Walton

Blakes' Canadian Law of Endangered Species

Walton Blakes' Canadian Law of Endangered Species, Release 2018-4

This unique supplemented looseleaf service, canvasses in detail federal, provincial and territorial statutes and regulations governing the protection of species at risk of extinction in Canada. The Work begins with a discussion of the structure of endangered species law, with specific comments on the federal division of powers, and the common law principles applicable to regulatory law. The remaining chapters review the key federal laws, with particular emphasis on the *Species at Risk Act*, as well as the legislation of each province and territory regulating endangered species, including a detailed analysis of the provisions of each section and applicable case law. In addition, the Work cites U.S. cases which may be of assistance in interpreting the Canadian legislation and includes a detailed glossary, table of contents and analytical index.

What's New in this Update:

This release features updates to the new development section of the publication as well as revisions and new additions to the following chapters: Chapter 1 (Introduction), Chapter 2 (Federal), Chapter 3 (Alberta), Chapter 4 (British Columbia), Chapter 6 (New Brunswick), Chapter 7 (Newfoundland & Labrador), Chapter 8 (Nova Scotia), Chapter

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9 (Ontario), Chapter 10 (Prince Edward Island), Chapter 11 (Quebec), Chapter 13 (Northwest Territories), Chapter 14 (Nunavut); and Chapter 15 (Yukon).

Highlights

- **Federal — The Migratory Birds Convention Act, 1994 — Legislation** — An energy company was fined \$290,000 after pleading guilty to depositing a substance harmful to migratory birds following a break on a pipeline which released bitumen, water and sand in an area frequented by migratory birds. The company was also fined under the *Alberta Environmental Protection and Enhancement Act: R. v. Nexen Energy ULC*, [2018] unreported (Alta. P.C.), Fort McMurray. Environment Canada News Release (July 13, 2018).
- **British Columbia — Overview — Other Relevant British Columbia Statutes — The Oil and Gas Activities Act** — The *Oil and Gas Activities Act (OGAA)* establishes the regime governing oil and gas activities on crown and private land in British Columbia. The B.C. Oil and Gas Commission is responsible for administering the *Act*. Under the *OGAA*, the B.C. government has implemented a regime for the protection of wildlife in oil and gas operations. The *OGAA* requires operators to comply with the *Environmental Protection and Management Regulation* (the “EPR”).
- **Introduction — The Canadian Legal Framework — Divided Jurisdiction** — In 2018, the federal court confirmed that the criminal law power can be relied upon to justify the passage of section 80 of the Species at Risk Act because it pursues a legitimate public purpose. The court also held that the provision was safeguarded by the doctrine of ancillary powers: *Le Groupe Maison Candiac Inc. c. Procureur Général du Canada*, 2018 CF 643, 2018 CarswellNat 3416 (decision in French only).