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Chair

Mr. Merv Tweed

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• (1530)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 8. The orders of the day are pursuant to the order of reference of Wednesday, February 25, 2009, Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act.

Once again we have the pleasure of welcoming the Minister of Transport, Infrastructure and Communities, the Honourable John Baird. The minister's plan is to be with us for the first hour. Staying for the duration of the meeting will be the departmental officials: Mr. Donald Roussel, director general, marine safety; Victor M. Santos-Pedro, director, design, equipment and boating safety; and Lysane Durand, legal counsel, legal services.

Minister, we welcome you today. We look forward to your comments on this very important bill. I'm sure there'll be some questions to follow.

If you'd like, please proceed.

Hon. John Baird (Minister of Transport, Infrastructure and Communities): Thank you very much, Chairman Tweed. I am very pleased to be here today to discuss Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act. As a northern country, Canada's Arctic is central to our national identity. It's an expression of our deepest aspirations, our sense of exploration, and our limitless potential.

Over the last three years this government has demonstrated its commitment to Canada's Arctic by introducing measures to help the north realize its vast potential. We have pressed Canada's Arctic sovereignty to the world, protected our environmental heritage for the benefit of all Canadians, and promoted economic and social development throughout this important region of Canada.

On a personal note, my time as Minister of the Environment and particularly as Minister responsible for Parks Canada offered me the opportunity to help protect our northern region. I'm particularly proud of significant land conservation measures we undertook in the Northwest Territories, proud of the progress we made toward expanding Nahanni, and proud of the efforts we undertook around Slave Lake, to name a few successes.

The bill before us today, the Arctic Waters Pollution Prevention Act, allows Canada to carry out its responsibility to preserve the fragile ecological balance in the water, ice, and land areas of the Canadian Arctic by prohibiting the dumping of waste in Arctic

waters. This act also requires that Arctic waters adjacent to the mainland and islands of the Canadian Arctic be navigated in a way that respects the residents of Canada's northern communities. Bill C-3 seeks to replace the definition of Arctic waters in the Arctic Waters Pollution Prevention Act. It extends the geographical application from 100 nautical miles to 200 nautical miles, which is the maximum area Canada is allowed under international law. The doubling of the application allows us to strengthen our pollution protection regime, not just now but particularly in the years and decades to come as the Northwest Passage and the Arctic waters become more traversable.

Bill C-3 proposes a relatively simple amendment, yet it demonstrates to the world that Canada is serious about protecting the Arctic marine environment and more. The potential growth of international shipping, while key to the economic development of our Arctic, may also bring challenges. It raises the potential of environmental threats like oil spills, poaching, and contamination, which would be particularly acute in the sensitive Arctic ecosystem. The extension from 100 nautical miles to 200 nautical miles will ensure an appropriate basis for managing risks of pollution from vessels. For Canada to truly exercise effective management in the Arctic, we need to put in place a strong and proactive regulatory framework for marine transportation and we need to back that up with real action. We're very much being proactive in this regard, not waiting for next year, or 10 years, or 25 years from now for an accident to happen and for us to regret not taking more proactive measures.

Transport Canada is already planning to assess the transportation infrastructure needs in the north for the next 20 to 30 years. Over the next five years Transport Canada is dedicating \$1 million, under the gateways and border crossings fund, to support a northern transportation research program. We are increasing support for the coast guard, and in the coming years we will welcome a new icebreaker, the *John George Diefenbaker*, which will play an important role in enforcing our Arctic sovereignty. I know all members of the committee share my enthusiasm not just because it's a new coast guard vessel but particularly because it's so aptly named. The Prime Minister made this announcement in Inuvik, where Prime Minister Diefenbaker officially opened the community some 50 years ago.

We've seen an increased number of environmental enforcement officers, many of whom were trained at Algonquin College in my own riding of Ottawa West—Nepean. It should be noted that my colleague the Minister of the Environment, has also introduced Bill C-16, the Environmental Enforcement Act, which addresses the important issue of enforcement of our environmental protection and wildlife conservation laws. I had the opportunity to work on that before the last cabinet shuffle.

While Bill C-3 helps to provide an appropriate basis for managing the environmental risks of the intensification of marine activities in the Arctic, it is only the beginning. Further amendments are also needed to protect the environment, increase the security of our waterways, establish the framework for future economic development, and to strengthen the exercise of Canadian sovereignty in the Arctic. We have done that through many ways, whether it's through our military, through science, through research, through the coast guard, through economic development, but we can also do it environmentally.

This government is committed to introducing regulations under the Canada Shipping Act to require vessels entering Canada's Arctic waters to report to the Canadian Coast Guard's NORDREG reporting system. We are working toward having these regulations in place for the 2010 shipping season.

•(1535)

Under the current regime, reporting is voluntary. Our changes will make reporting mandatory and will apply to all Canadian waters north of sixty, including the increased area of application of the Arctic Waters Pollution Prevention Act that will result if and when Bill C-3 is passed.

These measures will send a clear message to the world that Canada takes responsibility for environmental protection and enforcement in our Arctic waters. Extending the application of the Arctic Waters Pollution Prevention Act will demonstrate the government's commitment to the Arctic and to managing the environmental tasks associated with marine transport in the Arctic.

Canada's future is tied to an Arctic that is vibrant and thriving. With this legislation we're protecting our sovereignty over the Arctic and we're developing our northern resources. Together we are protecting this precious and sensitive ecosystem for future generations of this planet.

Thank you very much.

The Chair: Thank you, Minister.

Mr. Bagnell, you have seven minutes.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Thank you very much, Minister, for coming and for bringing this act forward.

As people watching on TV probably know, Pierre Trudeau created the Arctic Waters Pollution Prevention Act. It was very forward thinking and led the Arctic nations in preventing pollution in the Arctic. This is just a technical amendment to the distance that applies under the 1996 Oceans Act, extending our authority an extra 100 miles. This 13-line act extends our authority an extra 100 miles.

The question I have is related to how the government plans to enforce this act. We have just added an area that needs to be enforced of perhaps 500,000 square miles. That area is the size of Saskatchewan. How does the government plan to enforce this act? What is the use of doing this?

The Prime Minister's first promise made to the north was for three icebreakers. As the minister knows, he cancelled that promise and has promised one at some time in the distant future. That's not going to help enforce the act if we pass it soon. He promised still-undelivered patrol boats that can only go through a metre of ice, while the ice can be six metres. The military told us at the defence committee meeting last week that they could only be there three months a year. Last summer there was an explosion in the Arctic, and a few days later a sub sighting that the government refuses to tell Canadians anything about.

The government wasn't there for those, and if it's not there now in the Arctic, how is it possibly going to be there when it has to be, now that this act has expanded another 500,000 square miles of space to be covered?

Hon. John Baird: I'll turn it over to my director general, Donald Roussel, who will give you specifics on that matter.

•(1540)

Mr. Donald Roussel (Director General, Marine Safety, Department of Transport): Thank you, Mr. Minister.

We have at this moment a Dash 7 that is solely dedicated to patrolling the Arctic. It was actually deployed last year. This Dash 7 is part of the fleet of our pollution prevention system. It is part of a fleet of three planes that fly the Pacific, the Arctic, and the Atlantic.

We also have additional flying time that we buy from the private sector in the pollution prevention sector. Also, as we speak, work is being done at the coast guard to ensure that they have additional capacity in case of oil spills in the Arctic. Of course there is a lot of work to be done on that front, but they're taking into account this extended portion of the Arctic Ocean, mainly in the west Arctic, which consists of the section above 100 miles north of Canada and west of the archipelago. They are also looking at additional oversight using satellites and additional services for what we call METAREA and NAVAREA to better serve the Canadian Arctic and the operators in that area.

That is what is done at this moment.

Hon. John Baird: There are also other integrated efforts, whether with satellite technology, through efforts of the men and women in the coast guard, or through the armed forces as required. Additionally, we can rely on the expertise of not just Fisheries and Oceans Canada but also Environment Canada, which is not only toughening up environmental enforcement but also providing more enforcement officers, which will also provide assistance.

Hon. Larry Bagnell: Exactly how many planes, boats, and officers does Environment Canada have in this area?

Hon. John Baird: Two years ago we announced an increase of 100 new environmental enforcement officers, and they are now being trained. We can draw on them and their expertise as required.

We are playing catch-up with respect to getting more vessels into the area. We are moving forward with an aggressive plan there. I wish it had been done 10 or 15 years ago, but we're moving forward as aggressively as we can.

Hon. Larry Bagnell: You said Environment Canada could cover, but you don't even know whether they have any planes or boats.

My question goes on to something Mr. Rousseau raised, but it's for the minister.

In your speech—which was a good speech, actually—in the House of Commons on this bill, you waxed eloquent about the 19,000 Inuit on Ungava Bay; you want to keep it clean for them. You said you talked to your constituents, who wanted to keep this area clean; it was very important to them to do everything possible to promote sound environmental practices. But then you went on to talk about how 33% of the world's remaining gas and 25% of the oil—huge quantities, in any event—are there.

Canada doesn't have the ability to clean up oil under ice or in ice patches. The technology doesn't exist at this time. And so as a former environment minister and a minister making the point that we have to do everything we can to promote sound environmental practices—words from your speech—what do you plan as a means to deal with this development? You said it is coming and it's important to be able to clean up oil spills under the ice.

Hon. John Baird: Obviously all three territorial governments have identified economic development as an important priority. The Yukon economy has done well; the Northwest Territories economy has done extraordinarily well in recent years; the Nunavut economy has had more challenges. Resource extraction is a key part of economic development, identified by northerners. Obviously one of our goals is not to see that simply be riches coming on to those folks from southern Canada, but also riches to allow people in the north to take advantage of those economic opportunities.

Whether it's on land or under ice, we'll obviously use the best technology available. We'll also ensure that it's done as well as it is physically possible to do in order to ensure the preservation of a pretty sensitive ecosystem. We'll do it in cooperation with the three territorial governments. We'll do it in cooperation with the various federal departments who have strong interests there.

Hon. Larry Bagnell: Do you think that's an acceptable answer, Mr. Minister? You say we'll use the best technology available. Well, the best technology available cannot deal with oil under ice, and if you ask, any professor expert in the north will explain to you how that oil will just circulate in the circular ocean patterns in the Arctic and damage a terribly fragile environment, causing unlimited damage.

My question was what you are going to do to improve the technology, to come up with something that can actually deal with this, before we do the development.

• (1545)

Hon. John Baird: My colleague the Minister of Indian Affairs and Northern Development can speak better to that, as can my

colleague the Minister of Natural Resources; they have lead responsibility in that regard.

Hon. Larry Bagnell: And the environment?

Hon. John Baird: You can talk to my colleague the Minister of the Environment as well.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chair.

Do we keep track of the number of ships in the present 100 miles? Who does keep track of that?

Hon. John Baird: Can you repeat the question?

Mr. Mario Laframboise: Do we keep track of the number of ships operating in the present 100 nautical miles?

Hon. John Baird: I am sorry, but I do not understand.

Mr. Mario Laframboise: Do we keep track of the number of ships operating in the present 100 nautical miles? Do we know how many ships are there?

Hon. John Baird: Yes, we have those figures. I will ask my colleague to answer.

Mr. Donald Roussel: Mr. Laframboise, I do not have those figures with me today. We know the exact number of ships in both the eastern and western parts of the Arctic. There is very little traffic in the new zone located west of the archipelago and north of the Northwest Territories. I can provide the committee with those details.

Mr. Mario Laframboise: Very good.

Hon. John Baird: We can give those figures to the members of the committee.

Mr. Mario Laframboise: I would appreciate you sending them to us.

How many spills have there been?

[*English*]

Hon. John Baird: I don't think we've seen significant environmental concerns yet with shipping in this regard. I guess what we're all concerned about is that with the effects of climate change and of water levels increasing and ice melting, we'll see more traffic. Rather than waiting for that to happen, this is a form of proactive mitigation with respect to anticipating future problems.

Donald could respond about existing issues regarding environmental spills.

[*Translation*]

Mr. Donald Roussel: There have been very few environmental spills and they are very small. We can also get you that data.

Mr. Mario Laframboise: Thank you for doing that.

Hon. John Baird: With climate change, more vessels are operating in the Arctic. Last year, Churchill saw its first commercial vessel from Russia. We do not want to wait until an accident happens; we want to be proactive. That is the goal of this bill.

Mr. Mario Laframboise: Mr. Roussel, you said there is not much traffic in the new 200-mile zone. Do you know about how many ships there are between 100 and 200 miles?

Mr. Donald Roussel: There is little traffic in that zone. But there is some. We are presently conducting several geological studies in that zone, mainly in order to determine its oil and gas potential.

Mr. Mario Laframboise: Mr. Minister, you say you want to be prepared for the future. Given the bill that you are introducing today, you expect much more sea traffic in the years to come. Did I understand correctly?

Hon. John Baird: With climate change, there will certainly be a great increase in traffic in the Northwest Passage over the next 10 to 30 years. We must be proactive. We must not wait for an environmental accident to happen and then ask ourselves why we did not act sooner. International agreements already give us the power to proceed. We are ready to act.

•(1550)

Mr. Mario Laframboise: Do you use climate change studies? Does your information on climate change and ice conditions come from environmental studies?

[English]

Hon. John Baird: I would look at the sixth, seventh, and eighth reports, released in 2007, of the Intergovernmental Panel on Climate Change. It's pretty groundbreaking work. They can only predict what the physical changes will be. As far as what the commercial patterns can be, obviously if you look at the passage being traversable for more of the year, it's self-evident that you could see a significant increase in traffic. The IPCC is the one that I think is... More than 200 Canadian scientists participated, and 40 of them were lead authors. That's certainly, for me, the seminal work.

[Translation]

Mr. Mario Laframboise: Is that the report you used to establish the principles of your bill?

[English]

Hon. John Baird: Sure. When it comes to the need for adaptation, definitely.

[Translation]

Mr. Mario Laframboise: Fine. You said that you would increase the Transport Canada or Coast Guard presence. Do you have a time line and an estimate of the number of people that you are going to deploy?

[English]

Hon. John Baird: We'll do what I think is required. Obviously we can use technology, satellite, and so on. That would be the best use. Obviously you do need a presence in the area directly.

I'll turn it over to Donald, who can speak to specifics on that. But it very much would be an integrated effort, not only with Transport Canada and Environment Canada but also with Fisheries and Oceans, coast guard, and the military as required.

[Translation]

Mr. Donald Roussel: We work together with the Departments of Transport, Fisheries and Oceans, and Natural Resources mostly to determine trends and to find out who is in the Arctic now and who will be there next season. It is a huge area and we try to focus our resources on places where there is activity.

We have a number of specific examples of the way we go about it. Last year, we established the Baffin Island Project. Ships from Quebec sailed to Baffin Island to look for minerals bound for Europe. There are other examples in the western Arctic. Projects in the Arctic are often planned one or two years in advance. We know where there will be activity and that is where we concentrate our efforts and our resources, both aerial surveillance and inspections of ships, especially foreign ones, that come to the area.

[English]

Hon. John Baird: One thing, when it comes to the Arctic, is that the Prime Minister and the Minister of Finance have been focused and generous when it comes to resources that are required for this area. It is a priority. It has been a priority. I think we've done a significant amount. I think there is more work to be done, and I have every confidence we'll be appropriately funded to tackle this challenge.

[Translation]

Mr. Mario Laframboise: Outside the 100 miles covered by the current act, do these people with projects not have to ask anyone at the moment? You said earlier that you kept track of development and, if people wanted to do research, they had to contact you for projects inside the present 100 nautical mile limit. But between 100 nautical miles and 200 nautical miles, the area that we want to take over, that is, do people have to account for themselves at the moment or can they do research as they please?

[English]

Mr. Victor Santos-Pedro (Director, Design, Equipment and Boating Safety, Department of Transport): I would just mention that there is one project that is in fact still within the 100 miles, but it is very close to the border. In fact, we weren't quite sure whether it was within or outside, but that is a proposed project for exploration in the Beaufort Sea. But there is nothing else in that additional area.

•(1555)

The Chair: Thank you.

I would ask the officials, when you gather that information, if you would actually submit it to the chair to be distributed. That would be fine.

Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you, Mr. Chair.

Thank you, Mr. Minister.

I'm pleased to see this bill here, as well. Although it's simple, it opens up a lot of things we obviously have to do through the Government of Canada to make this not simply a piece of paper but a reality on the ground. I think quite clearly there are opportunities to get a better handle on it.

I know there was some mention of planning. Looking at the resources that are going to be in the area, I believe the Arctic Council is moving quickly towards—and this was presented at the gathering of northern parliamentarians in Fairbanks—the finishing of a study on the different areas where the Arctic is going to be used. That includes shipping, of course, fisheries, tourism, and resource development. These all come together, and that report could be a basis for understanding the potential requirements for this type of legislation in that area.

The work is going on internationally that I think this government should pick up on, and that's one of the questions I have. There are many things happening internationally that will affect our ability to prevent pollution in the area and to actually prevent pollution rather than enforce pollution rules. One of them would be, of course, to establish mandatory operational requirements for vessels in northern waters. Transport Canada has initiated that work in years gone by, and what it needs is a firm commitment by our government and an appetite to work on this at the international level through cooperation to get these mandatory requirements together.

Maybe your department could speak a little bit to that.

Mr. Victor Santos-Pedro: Yes, I could address both. I believe you're referring to the Arctic marine shipping assessment, which is an initiative of the Arctic Council. Canada has participated in the development of that assessment. That assessment in fact is now being finalized, with a number of recommendations that will be presented at a ministerial meeting that is to happen at the end of April in Norway.

You also mentioned issues about other international initiatives. The thrust of some of the recommendations is indeed to have more collaboration of the circumpolar states to have international requirements for shipping.

I can also add just briefly that at the International Maritime Organization work is under way. Just recently the guidelines for ships operating in Arctic ice-covered waters have been updated and it's following on its way to what one may say is a higher level, towards a potential mandatory requirement in the Arctic for shipping.

Hon. John Baird: If I could jump into this, by no means should this act be seen as a job completed with respect to environmental protection in the Arctic. I think that's going to be an ongoing responsibility. We've got to continue, I think, to do more to ensure we don't make the same mistakes in the north as we've made in southern Canada and other parts of the world.

I do strongly believe there have to be more redundancies and requirements for shipping there, not to simply look at how we punish the bad actors, but at how we ensure, if there's a double or triple redundancy, that the accident doesn't happen in the first place. And whether that's a transportation vessel or a research vessel, whether we're dealing with diesel for propulsion purposes, whether we're dealing with safety of individuals, or whether they be crew or passengers, that is a concern.

An example is the whale sanctuary we did in Nunavut, an important part, because we have cruise ships beginning to get there.

So this will be very much a work in progress, and we're certainly committed to do more.

• (1600)

Mr. Dennis Bevington: Yes, and we did lose a cruise ship in the Antarctic in the ice conditions, and I think we have to be very cognizant—

Hon. John Baird: I totally agree.

Mr. Dennis Bevington: But what I've seen so far in our brief time here together is that basically four other departments are needed to interact with this legislation. I wonder if perhaps we shouldn't see witnesses from Environment, Natural Resources, Northern Development, and Foreign Affairs in order to actually understand the direction this government is taking. Do you think that would be useful for this committee?

Hon. John Baird: I'll leave it to your wise judgment.

Mr. Dennis Bevington: Okay. Well, as you pointed out to my colleague from the Liberal Party, some of these answers we're not going to be able to get from you guys. We're going to need to explore it a little further.

Hon. John Baird: We're certainly pleased to get any and all information for you, whether it's from us or another department within the government. Or if you feel it necessary to call them before the committee, I'll leave that in your hands.

Mr. Dennis Bevington: Was there any sense, in producing this bill, that there should be a reporting structure back to...? Quite obviously, there will be a lot of unanswered questions here, but we need to understand. In order to support the extension of the boundaries, we should see the planning effort that goes into that, and perhaps that is something that should be in the bill.

Hon. John Baird: I'll certainly make the offer, independent of this bill or above and beyond it. This committee has in recent years done a lot of very good public policy work on transportation matters. It has tended to be one of the more constructive, results-oriented committees, and if this is an area where the committee wants to give its advice and counsel, we're certainly pleased to work with you. We're certainly pleased to offer you a full briefing on any and all information you're looking for, in terms of us and the Arctic.

Mr. Dennis Bevington: Well, certainly. And you know, my concern is right today, and I think we recognize that we have a less than adequate pollution prevention or pollution control system in place, let alone pollution enforcement.

But getting back to just cleaning up the problems that may occur, we don't seem to be there yet, and I'd like to see some more planning forthcoming in that regard.

The Chair: Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair.

Thank you, Minister, for your presentation.

I'd like to go back to the issue of patrol, if I could, because I think that's the area where a lot of people are going to be concerned. I have people in Newmarket—Aurora who are very concerned about the environment and how we're going to protect it. This issue of the Arctic is not new. The issue has been surfacing, if I may use the word, for quite a number of years. Previous governments have done studies on it.

My first question is this. What did the previous governments do to prepare for this? Has there been any preparation? My understanding is that the last ship that was built, the last heavy icebreaker, was built in 1983. So we're behind the times in preparing for this, I would suggest.

Have you any comments on that?

Hon. John Baird: Certainly Mr. Diefenbaker and Mr. Trudeau did a not insignificant amount of work in Canada's north. I think it started, frankly, with Mr. Diefenbaker, but as my colleague from Yukon said, Mr. Trudeau's government did a good amount in this regard. Having said that, a significant amount of work went in during the eighties and the early nineties with respect to the creation of Nunavut, and there was a bit of a lost decade there.

One of the things we have to do a better job on, whether it's involving armed forces or coast guard, is planning well in advance for capital acquisition, particularly for the larger size.... You don't build an icebreaker overnight. Even a small ferry used, for example, between Toronto and Toronto Island by the Toronto Port Authority can take a full year to build, and you have to make sure you get it built in time to get it out before the ice goes.

I think we have to do a much better job in planning and foreseeing what equipment is going to be needed, so that we don't scramble to play catch-up. That has certainly been the case with a lot of major equipment.

• (1605)

Ms. Lois Brown: Can you give us, then, some idea about the *Diefenbaker*, its capacity, and where it's going to be stationed? We talk about the east Arctic and the west Arctic. How are we going to handle the patrol of those two areas? It's a vast amount of seaway that is going to be available, so how are we going to set out the patrols so that we know the areas are covered? Do we have a strategic plan for that?

Hon. John Baird: I'd probably have to refer to the coast guard for that sort of operational issue.

Ms. Lois Brown: Do we know the capacity of the *Diefenbaker*?

Hon. John Baird: I'd trust the coast guard on that one.

The Chair: Thank you.

Mr. Kennedy.

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Thank you.

Mr. Minister, I think what Canadians would probably would like to know, and I'm sure you can share with us a bit, is some of the government's integrated strategy here. I understand you're responsible for only parts of this, but in opening up a new transportation waterway, one that seems to be in part occasioned by climate change—but this is now also not only a firm policy intent to extend

jurisdiction, but there's a corresponding building of a deepwater port, and so forth—the issue the member opposite mentioned was about control.

Is there an integrated plan—and can the committee access it—that will show us that we are currently or will shortly be capable of exercising control? Are there outcomes and standards that we would aspire to in the enforcement of the pollution regulations we now seek to extend? In other words, it's not just a question of numbers; surely there must be an assessment of what we're taking on. If we were to fail in that task, what are the risks, in terms of the regard of the international community, for our claims in this respect?

Again, Minister, I'm not asking you to draw on other ministers' expertise, but I am wondering whether you could give us, with your undoubted access to the overall direction of the government, some idea of the integrated plan we can expect to see—what you can share with us and what is existing in the government. Presumably we're not just making a hollow declaration here; we're going to be following through. I'm wondering what the standards are that we have to achieve and what the resources are to meet those standards.

Does the government have something it can share in that regard?

Hon. John Baird: There are no disputed claims in extending an extra 100 miles. That's—

Mr. Gerard Kennedy: I'm sorry, disputed...?

Hon. John Baird: You talked about a disputed claim. There's no disputed claim with respect to extending another hundred nautical miles, involving environmental legislation.

I'd be very happy to report back to you with anything we have in the three areas you've identified.

Mr. Gerard Kennedy: So there is no integrated plan? In other words, when you do your part, which is this piece of legislation, it isn't in the knowledge that the government has an overall set of goals?

In taking this on—it is a vast expanse of area that we are going to assume new responsibilities for, and there are other contestations in terms of the economic zone and overlapping jurisdictions with other countries and so on—I'm assuming there is an integrated plan in place for what the various ministries would do. I'm wondering about at least the main outlooks of it—the cost associated with it, in broad strokes; the overall outcomes we would measure ourselves by; whether we would be able to provide, for example, exactly the same level of protection to the extended area as we do to the current 100-mile limit; and if so and if we know that, how we can be persuasive on that point so that Canadians can know we're taking this step in a prepared fashion?

Can you share what you're aware of on the integrated plan the government must have for this?

Hon. John Baird: A considerable amount of work has been done. I think it's a reasonable request. We'll provide all and everything we can. Obviously there's been a significant amount of work done with Environment Canada, Fisheries and Oceans Canada, the Canadian Coast Guard, the Department of National Defence, and Transport Canada. Sometimes it involves relations with international organizations such as the International Maritime Organization, so Foreign Affairs and International Trade plays a role.

We'd be very happy to provide you with any and all of the information with respect to that request. It's a reasonable request.

Mr. Gerard Kennedy: So there are no broader pieces that touch yours. But I'd be happy to get it and I'm sure the chair will enjoin me to share with everyone.

In terms of the transportation, what do we have by way of projections for traffic? For example, I come originally from northern Manitoba, and Churchill has struggled for years to be an economic port. I guess we can make certain assumptions around climate with what's happened, especially in recent years. Can you give us an order of magnitude of what the shipping is going to look like? I guess with that, we may infer what some of the risks and challenges of enforcement might be.

• (1610)

Hon. John Baird: I'll turn it over to Mr. Santos-Pedro.

Mr. Victor Santos-Pedro: On average, there are some sixty ships that operate in Arctic waters, which may represent something like 130 to 150 voyages altogether. In the area we are extending beyond the 100 miles, in the eastern side, most of that area actually is very small patches that make it equidistant from the coast of Greenland. So there is actually not very much of an area on the east coast, and the need for any addition, because there is already a regime in place.... For example, the Canadian Coast Guard radio stations are already covering it in one way or another.

The biggest part is indeed in the Beaufort, so it's already 100 miles in the north of the Beaufort, and that area has no shipping. There may be a ship there once in a while on research, but it is not a traffic route. And as I heard mentioned, there is the possibility of a project that is near the 100-mile offshore limit that is in effect now.

Any increase in traffic will very much depend on what projects are to come forward. Right now, although there is always something on the horizon that is being talked about, there is a certain amount of exploration in the Beaufort. There is talk of an iron mine on Baffin Island. But we have no specific increases that we could say, well, there will be that many in the next while. It will depend on the resource development.

The Chair: We're over time.

Hon. John Baird: Can I just jump in? [*Inaudible—Editor*]... development, but even from the Port of Churchill, the Government of Manitoba is certainly pushing this as a potential economic development generator, because they have had, I think, the first Russian ship travelling from Russia right into Churchill, and the potential there is obviously huge. It also depends on the forecasts with respect to the amount of ice—that is, clear and open waterways—from climate change. It's certainly not likely to take longer. If anything, the studies seem to indicate it will be escalated, not longer.

The Chair: It would probably be a great time to recommend an icebreaker for that part of the country to help the ships come through. My plug.

Mr. Gaudet.

[*Translation*]

Mr. Roger Gaudet (Montcalm, BQ): Thank you, Mr. Chair.

Mr. Minister, my concern comes from the fact that you mentioned the Departments of the Environment, Natural Resources, Fisheries and Oceans, and Foreign Affairs. Who will be taking the lead on this bill? Who will be responsible for it? I see that six or seven departments, six or seven ministers, are involved, and nothing good ever comes of a situation like that. Usually, when too many people are involved, things get too complicated and communication stops. Who will be in charge, who will take the lead on this project?

[*English*]

Hon. John Baird: With respect to the legislation today, it is the Minister of Transport, and we don't propose to change that.

[*Translation*]

Mr. Roger Gaudet: I agree. But who will enforce the regulations? Will it be your department, Environment, Natural Resources, Fisheries and Oceans, or Foreign Affairs? Several departments have a stake in this file.

[*English*]

Hon. John Baird: Obviously our department would take the lead, but as on virtually every issue, we work constructively with other departments. The Prime Minister established a cabinet committee on environment and energy security, and that brings together a lot of the actors. Whether it's the Minister of Fisheries and Oceans, the Minister of Transport, or the Minister of Northern Development, where all these issues can be tackled, I think we have good partnerships with our sister departments. This is a challenge, but it's no different, I think, from.... Virtually all ministers have two or three sister departments they work with in fulfilling their mandates. I think that's a good thing. We've got to break down the silos and work in a more coordinated fashion—also with the territorial governments or, in the case of Quebec's Arctic shore, with Quebec and the first nations.

[*Translation*]

Mr. Roger Gaudet: When there are several departments, there are more opportunities for people to say that we have to talk to another department, whether it be Foreign Affairs, Fisheries and Oceans, or Environment. That was my question. If the Department of Transport is in charge, I have no problem. But that must be the department that will answer all the questions.

• (1615)

[*English*]

Hon. John Baird: The Minister of Transport and our department are where the act is parked.

[*Translation*]

Mr. Roger Gaudet: Thank you.

As regards international agreements, have we approached Russia, the United States, and other countries to discuss our limits?

[English]

Hon. John Baird: No, we already have the existing authority to extend to 100 nautical miles. That has been the case since 1996. I'm in my fourth month as minister, so we're moving pretty aggressively to follow through on this commitment. Obviously we do work particularly with the United States. There is the circumpolar council, on which a lot of Canadians and representatives of various affected organizations work in a coordinated fashion. For example, the Minister of the Environment was recently involved in an international discussion with respect to the future of the polar bear. We have generally a pretty good working relationship with the other countries involved. It is not perfect, but that's why Canada can and should be a leader among those countries with respect to environmental legislation and enforcement.

[Translation]

Mr. Roger Gaudet: Will our territorial security be looked after at sea and in the air?

[English]

Hon. John Baird: Are you talking about passenger safety or about international security?

[Translation]

Mr. Roger Gaudet: I am talking about the security of the area when visitors come. Russia came into our territory at one stage. Will there be security, not for transportation traffic, but for people coming onto our territory?

[English]

Hon. John Baird: That question would probably be better directed to the Minister of National Defence and the Minister of Foreign Affairs.

[Translation]

Mr. Roger Gaudet: That is why I said earlier that we have to have someone in charge. If not, we will have to meet with all the ministers when we want to ask a question. If you are in charge, Mr. Minister, we will ask you the question, and we will want you to answer.

[English]

Hon. John Baird: I'm in charge of the Arctic Waters Pollution Prevention Act. If you want to talk about nuclear submarines of another military power, I wouldn't be equipped to answer that.

[Translation]

Mr. Roger Gaudet: That is no problem...

[English]

Hon. John Baird: One of the things I learned very early on in my time as a minister, at least in that capacity, was to focus like a laser on those things for which you have responsibility, and then work with your colleagues on advancing the rest of the agenda. I have more than enough on my plate than to get into international military affairs and strategic studies.

[Translation]

Mr. Roger Gaudet: I agree with you, but I want you to be in charge. If there are eight leaders, you know as well as I do that it does not work. In a government, there is only one leader.

[English]

Hon. John Baird: Prime Minister Harper is the leader. I have no interest in challenging my premier, Dalton McGuinty.

[Translation]

Mr. Roger Gaudet: If there were three leaders of the Conservative government, it would not work; you have to have just one. It is the same thing in the waters of the Arctic.

Thank you very much.

[English]

The Chair: Go ahead, Mr. Mayes.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Thank you, Mr. Chair.

Thank you to the minister for being here.

My wife was at the Dempster Highway when John Diefenbaker announced the roads to resources program. It was then that Canadians first started to notice the north. Then it was forgotten for a while. It's great to see it back on the table again.

One of the challenges, though, was that as the area was opened up, those who went in to do oil drilling and what not in the Eagle Plains area in the Yukon did not necessarily follow good environmental practices. There were oil drums all over the tundra, and other things like that. It wasn't until the mid-1980s that the Conservative government came in and spent millions of dollars cleaning it up.

I am really glad to hear, Mr. Minister, that we are focusing on the environment and that as we develop the north and encourage that development and our sovereignty there, we are making sure we put environmental protection at the forefront. That's really good news.

One of the questions I have relates to the size of the area. It's a big area. I recall flying from Herschel Island to Old Crow in the Yukon, flying over a river where the Americans had come across into the Yukon and were mining on a creek. They weren't discovered for two years because there weren't proper patrols. Mr. Roussel mentioned there were going to be 100 people and airplanes patrolling, but it's a big area.

Can you give us an idea of what you think the future of that will be?

• (1620)

Mr. Victor Santos-Pedro: I can't easily. Speaking directly to the question, it is difficult for us to talk about something that is happening on land. We certainly have the resources to be aware of all the ships that come into the Arctic waters, and we respond. We have officers trained in what is called port state control, and we can board those vessels. We are aware of where the vessels are.

If it is something on land, then there are other provisions, whether it be Rangers or aerial surveillance that may have spotted that kind of activity. Normally, any activity in the Arctic is noticed in one way or another.

Mr. Colin Mayes: Thank you.

I should know my history a little better, but I'm curious: when the Dominion of Canada was established and we defined out southern boundaries with the United States, how did we define our northern boundary? Was it just the 100 miles off the shore, or was there actually a longitude that we followed to define our northern boundaries?

Hon. John Baird: The 100 nautical miles was a more modern-day issue, coming out...probably after 1948?

Mr. Victor Santos-Pedro: The 100 miles was defined by the original enactment of the Arctic Waters Pollution Prevention Act, which was in 1970. That's where the 100 miles comes in. It was quite forward-looking, in anticipation of the Law of the Sea, which eventually allowed for jurisdiction out to 200 miles. The borders were defined earlier than that.

Hon. John Baird: The north didn't really didn't make the map of the country in a big way until the time of Mr. Diefenbaker. Frankly, I don't mind.... I'd be critical of many of the policies of Mr. Trudeau, but he certainly did a lot with respect to the north. He established Nahanni National Park, which became the first UNESCO world heritage site. As Minister of the Environment, I was, I think, very close to finalizing the quadrupling of the size of that park. A lot of good work has gone on there. In my two short years as Minister of the Environment, we built on a lot of those environmental legacies and got a lot of things accomplished.

I think too often it was seen exclusively as a military presence, which is very important and has to be expanded, and we can do more there. But it can be more in terms of science and research and development; it can be more in terms of environmental stewardship; it can be more in terms of economic development, so that there are economic opportunities for people from that part of the country. It's very much a work in progress. I think this Prime Minister, though, has put more focus on the Arctic and Canada's north than anyone else in living memory.

Mr. Colin Mayes: To follow that up, Mr. Minister, if I have time, we're likely going to have to deal with this in possibly an international court. Do you think that by having a greater presence there we will be able to protect sovereignty over our Arctic waters?

Hon. John Baird: The Prime Minister has said repeatedly "use it or lose it", and we're very much doing that. Even the historical claims that Canada can make.... There's a great two-year expedition funded by Parks Canada aboard a coast guard research vessel that's looking for the remains from Franklin's two ships. They were optimistic that they would find it in late August or September. They didn't quite make it, but they are very optimistic for this season. There has been a considerable amount of work done in this regard that demonstrates very clearly the role the crown had in Canada's Arctic and its north, going back the better part of 200 years. They have found a considerable amount of debris, but not the main ships themselves. They did find one more ship up there when they were there, but it wasn't either of the two that were lost.

• (1625)

Mr. Colin Mayes: Thank you.

The Chair: Mr. Bagnell.

Hon. Larry Bagnell: Thank you, Mr. Chair.

A couple of summers ago the government announced that they would allow the navy to dump garbage in the Arctic Ocean on occasion. Of course, that's totally in contravention of the whole spirit of this act, which we agree with.

I have two questions. One, will you commit that the government will no longer allow those exemptions? Second, would you have any problem if we put an amendment into the act that prohibited such dumping?

Hon. John Baird: I'd be pleased to learn more and I'll take your issue under advisement and get back to you on it.

Hon. Larry Bagnell: You'll get back to the committee? That would be great.

Hon. John Baird: I'd be very happy to. If you have any specific information on this that you could forward to me, we'll certainly respond in short order. It's a fair question.

Hon. Larry Bagnell: You said earlier there was no dispute over extending environmental law to the 200 miles, and part of the reason is because of article 234 of UNCLOS, which Canada had put in, that had allowed us to do this, to extend our environmental laws in areas severely jammed and packed with ice. We've had two seasons with much of the area clear of ice, and much of the area will be clear of ice soon, so what then will be our legal argument for the basis of that extension to still remain legal under international law?

Hon. John Baird: It's the same for ice and water. I will ask Donald to expand.

Mr. Donald Roussel: The actual regime, if you have ice or no ice, is the same. In the extension with this bill, we'll have an extended area that the act will cover.

To get back to article 234 of UNCLOS, at this moment we still have jurisdiction over the economic zone. That's a little bit to get back to some of the answer to Mr. Laframboise at the end of his comment. We still have economic jurisdiction over that area, with or without this act. This act, however, permits us to make regulations regarding pollution prevention and all the other aspects of enforcement under pollution prevention. So that is what this does.

Hon. Larry Bagnell: The biggest complaint, as I started off with, is patrolling and enforcing this act. I think all the parties have brought this up in debate. You also talked in Parliament about the environment act, of course, getting stronger. I believe you mentioned that. So if a submarine were to come up in an ice-covered area—and one was seen last summer by hunters or Inuit or Ranger patrol—and dump garbage, what exact steps would the minister's department take to enforce this act?

Hon. John Baird: I'm not aware of any commercial—

Hon. Larry Bagnell: You don't mind if the military dumps garbage.

Hon. John Baird: I'm not aware of any commercial submarines that would operate in the Arctic, so it obviously would be a military issue. I don't think Transport Canada employees are going to greet the Red Army or the Red Navy on the high seas.

Hon. Larry Bagnell: So you don't mind if the military pollutes the Arctic Ocean—

Hon. John Baird: I never said that. That's ridiculous.

Hon. Larry Bagnell: —only commercial boats. What would you do in that situation to stop the dumping of garbage?

Hon. John Baird: If a Soviet—

Hon. Larry Bagnell: I didn't say which country the submarine was from. I mean any submarine.

Hon. John Baird: If a Soviet or American or British or French nuclear submarine surfaced and started to dump garbage, I don't think it would be perhaps the wisest thing to send a Transport Canada inspector to rap on the hull. I'd probably allow the Minister of National Defence to use his best judgment in consultation with his advisers.

The Chair: Mr. Jean, you have a couple of minutes.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair.

I suppose we could always send some of the submarines or icebreakers the Liberals built over the last 15 years.

Notwithstanding that, Mr. Minister, thank you for coming today.

Hon. John Baird: We could send you. It's in your riding. We could send you. You work hard for the people of the Yukon.

Mr. Brian Jean: I'd like to concentrate a little bit more on the pollution prevention aspects of this particular amendment. We've seen some of the parks you've been involved with setting aside, some of the enlargements of those parks, some of the new ideas this government has had relating to the environment in Canada in setting those aside, including some of the ballast water legislation, the Migratory Birds Convention Act, 1994—that came into force just before, but we're enforcing—and offshore patrolling through asset purchase and asset build, which obviously creates a lot of jobs.

What is the real effect of this, basically, from the environmental perspective, that you see with your background as the Minister of Environment for some time, in extending this 100-mile limit? Do you see that this will create a lot of animosity for the north, or a lot of positive benefits? Obviously those new patrol boats will create jobs. They will create more infrastructure. Do you see positive benefits from this ongoing for 100,000 years, or how do you see this going as far as the environment is concerned?

• (1630)

Hon. John Baird: When you regulate and enforce in the environmental area, it would be a mistake to say that this will immediately solve all problems. We have a Criminal Code, but we still have crime. What this is is a major effort, a major step forward to demonstrate that this is a huge priority, not just for the Government of Canada but for Canadians. And this law being passed by Parliament, and then proclaimed, and then enforced, each will be big steps on a journey to do more in the Arctic so we don't repeat the same mistakes we made in the Great Lakes or in other

parts of this planet. There are a lot of pristine areas that are relatively environmentally clean, and we want to ensure they stay that way.

So this is not the be-all and end-all. This will not solve every unanticipated problem, but I think it is a big step forward. Once it's passed, the next big step forward that will be required is adequate surveillance and enforcement, which will be other steps that we take in the journey.

In respect to environmental protection in the north, we moved forward on the East Arm, we moved forward on the Ramparts, we moved forward on Nahanni, and we moved forward on the whale sanctuary in Nunavut. None of those individually was a gigantic step, but collectively they mark a significant environmental agenda and protection. This is just part of that.

Mr. Brian Jean: Thank you very much.

The Chair: Mr. Minister, I thank you for joining us today. I know your officials are going to stay for the next hour, and I'm sure there are more questions to be asked. We appreciate your time and we look forward to your coming back to the committee in the near future.

Mr. Watson or Ms. Hoepfner, do you have any questions? And then we can go to three rounds. No?

Is there anyone else with questions? I have Mr. Kennedy and Mr. Bevington.

Mr. Gerard Kennedy: I'm glad you've stayed, even though your minister has abandoned you.

I want to pick up where I left off. It seemed to me what you were describing is that a relatively low level of incremental activity is anticipated as a result. Is that correct?

Mr. Victor Santos-Pedro: In the additional area beyond the 100 miles, yes, that is correct.

Mr. Gerard Kennedy: So the present need for this from a protection standpoint is not enormous. Is that correct?

Mr. Victor Santos-Pedro: Perhaps I will put it the other way around, in this perspective. The main set of pollution prevention measures under this act and its regulations, called the Arctic Shipping Pollution Prevention Regulations, is directly related to the construction and the equipment and the qualifications of the crew for ships operating in that area. So the standards are higher than international standards at the moment, and therefore these extend to a vessel now entering that area, which has to comply with those standards.

Mr. Gerard Kennedy: I understand, and in the main I think you've heard different people say that it's laudatory that we would be attempting to upgrade, if you like, the protection. But I think it's an important context for people to know that this is something of an apprehended need.

Do we have any evidence that the lower standards have permitted pollution even at the lower levels of activity that you were describing before? Have there been issues and problems up to now in that area that we're aware of in our vigilance from our current zone?

Mr. Victor Santos-Pedro: The short answer is no.

Mr. Gerard Kennedy: You referenced before that we've heard claims in terms of the north Beaufort Sea and other things that are happening, but there must be a threshold of credibility where the government assesses that there is a likelihood of an increased activity. This is not just an empty exercise per se, a totally hypothetical preventative one. Is there anything the government analysis can share with us about where or when this increased activity is most likely to happen, or is it only speculative at this point?

• (1635)

Mr. Victor Santos-Pedro: It's mostly speculative, because everything ends up depending on what the price of oil is today and what the price of minerals is tomorrow. So it's not easy to anticipate, although there are a number of projects in the offing and a number of companies indicating that regardless of the price of oil they will continue to plan for increased activity.

Mr. Gerard Kennedy: I assume these activities are both exploration. Is there any test drilling that we're aware of involved in those plans?

Mr. Victor Santos-Pedro: That's correct. Yes, it's likely.

Mr. Gerard Kennedy: I assume our greatest concern would be that oil would get into the Arctic environment. Are the measures that protect that ecosystem tough enough under the current rules?

Mr. Victor Santos-Pedro: Once you go to the site of the exploration, NRCan has the responsibility for the offshore aspects, and they indeed, through the National Energy Board, have the regulations in place. I could not tell you exactly what it is. I could tell—

Mr. Gerard Kennedy: Sure, but on the transportation component, if they were to bring product away, and even test samples and so on, would that be under transportation?

Mr. Victor Santos-Pedro: That is correct. That is covered under the current regulations.

Mr. Gerard Kennedy: Even if there were stepped-up activity in this area, is our experience with those that they are sufficient?

Mr. Victor Santos-Pedro: Yes, they are.

Mr. Gerard Kennedy: The minister said he had to check his inbox to see if there was anything at the ministerial level by way of an integrated plan, but I know that sometimes well-prepared bureaucracies run a little bit ahead of ministers. I'm wondering if there is emerging or if there exists something you could point the committee toward on an integrated plan between departments. I think you saw the minister at a number of points having to defer to other ministers, and I don't know if it's entirely efficient to bring every single minister with responsibility before us.

Is there a lead ministry within government, and is there an integrated plan in development? Or is there perhaps one that, because it wasn't at the ministerial level, the minister couldn't speak to earlier? Is there something there so that we know there is a plan that draws together these different considerations?

Mr. Victor Santos-Pedro: There are two aspects I could address. One is that in the preparation to propose the extension of the geographic area of coverage for the Arctic act, there was consultation, of course, particularly with the other two ministries, with NRCan and with Indian and Northern Affairs, and also with

other departments of interest, including the Department of Fisheries and Oceans, Environment Canada, and indeed Foreign Affairs. That is from the perspective of consultation, then, with the other departments because of the various responsibilities.

With regard to when there are particular projects, for example, I know that right now Indian and Northern Affairs, which is the department that has the lead for initiatives in the north, is the one that coordinates amongst departments when there is a licence provided for exploration. Then we are called in to the different departments to coordinate what the possibilities are. That is going on for a particular project that is being proposed by a large company.

Mr. Gerard Kennedy: It sounds like—

The Chair: We've run out of time. We will come back, if you prefer.

Mr. Bevington.

Mr. Dennis Bevington: Thank you, Mr. Chair.

I enjoyed my colleague's line of questioning, because one of the things we can look to quite clearly for further understanding of what's going to happen in the extension area is what is now in place for the present 100-mile limit. If we extrapolate from where we're at in terms of our ability to provide environmental cleanup in the Arctic, I think it would be good to see the department tabling its plans for dealing with, for example, oil spills in the Arctic and how it plans to deal with the area over which it already has jurisdiction for environmental issues.

Can you give us that kind of information?

• (1640)

Mr. Victor Santos-Pedro: I am sure the information can be provided. The response to an oil spill is the responsibility of the Department of Fisheries and Oceans through the Canadian Coast Guard. If something goes into the water, the response is part of Canadian Coast Guard responsibilities. They have an integrated plan throughout the Arctic, both by having the presence of icebreakers and by having containers across the Arctic for those purposes.

From the perspective of Transport Canada, what we are trying to do is avoid that ever happening. Therefore, our regulations are directed at the construction, the equipment, and the operation of the vessel so that we avoid a spill.

Mr. Dennis Bevington: I think that might be true, but for us to determine your ability to do that we have to understand how the other departments work as well. It's not good enough for you to say you can set this up so they aren't going to happen. We need to know they are going to happen, and we've seen that off the coast of Antarctica, where we lost a cruise ship. According to the admiral I interviewed, who was in charge of the area around Greenland and the waterways there, the most likely accident to occur is with cruise ships. The problem there is that there is not the mandatory control over cruise ships and the kinds of things that would guarantee that these vessels are going to perform adequately in Arctic conditions.

When you look at even the Beaufort Sea, we've had projections that there'll be open water to the pole in 10 years. It seems incredible for someone who has looked at the North Pole on a map for their entire life, when it has been covered with ice, that we could be sailing into that area. There's where we're likely going to have the problems with ships.

I think it's essential that before we move ahead with increasing the area we're proposing to protect here, we understand quite clearly how we're going to do it. If it can't be given now, perhaps we have to integrate that into the bill so that we get the information that the government is simply not putting this forward without a carefully thought-out plan.

The Chair: Are there any other comments?

Mr. Bagnell.

Hon. Larry Bagnell: I was just wondering whether, in preparation for this—as the bureaucracy always does its homework—you consulted with any other countries.

Mr. Victor Santos-Pedro: Yes, we are aware that the Department of Foreign Affairs consulted with other countries in the proposal.

Perhaps I should correct that to say we informed other countries rather than consulted.

Hon. Larry Bagnell: Maybe we should have them in.

Do you happen to know if you or your department had any unsolicited input from any other countries, either phone calls, e-mails, letters, or discussions?

Mr. Victor Santos-Pedro: No, I do not know that.

Hon. Larry Bagnell: My last question is related to search and rescue, to where these ships will be going that we will be monitoring. There are hundreds of flights over the pole. Someone mentioned the cruise ships in the area. Yet there is no fixed-wing search and rescue north of 60°. As the Department of Transport, don't you find that to be less than optimal, if not problematic?

•(1645)

Mr. Victor Santos-Pedro: The search and rescue area covers both the current and the extended zone. It is no different from that perspective. As I said earlier, on the largest portion of the extension, which is north of the Beaufort Sea, there is very little, if any, shipping there at any particular time of the year.

Hon. Larry Bagnell: My question would be this. It's inadequate where it is now, so if you extend it, it is also going to be inadequate, because the whole fleet is down by the U.S. border.

I'll leave it at that. Thank you, Mr. Chair.

The Chair: Mr. Kennedy.

Mr. Gerard Kennedy: I'm just following up

. I think what you're saying is that there was some coordination going on among ministries, but it doesn't sound as though there's an overall grand plan. Yet from time to time we hear the government refer to a plan for the north and so on. I was assuming this would be linked into some master document that you have privy to and you could share with us so that we would know there is a plan, that there is actually an outlook, and not just an icebreaker that used to be three

now being one, and then a law being passed here that may or may not have application.

I'm wondering, perhaps a little more provocatively, if you could give us an idea. Is there is a plan you could direct us to at the bureaucratic level that might lay out a bit of a blueprint here, so that we know, having done this, that there are other steps we may take to pay full and good attention to the potential and the responsibilities we have north of 60°?

Mr. Victor Santos-Pedro: Well, in that context there is the plan, and the plan is indeed with the lead department, which is Indian and Northern Affairs, which is part of the northern strategy. That is the grand plan, if you will.

Mr. Gerard Kennedy: So where would we find the details of that plan? Because there were a number of questions today that seemed to be hard to get answers for. I assume they might be found in this master plan.

The Chair: If I may interrupt here, we do have representatives from Indian and Northern Affairs coming in on Thursday.

Mr. Gerard Kennedy: Mr. Chairman, I'm really just trying to see how coordinated we are and whether DIAND is just sort of saying, okay, please do this, or they are calling on the different areas of expertise, and that's the result of the plan.

The Chair: Mr. Roussel.

Mr. Donald Roussel: I think Indian and Northern Affairs is the coordinator for the entire northern strategy. We, as public servants in front of this committee, are here to talk about the Arctic Waters Pollution Prevention Act and the power of the Minister of Transport to make regulations on that particular issue.

To respond a bit to Mr. Kennedy, as part of the plan, on a yearly basis, there is coordinating activity with the Canadian Coast Guard that takes place on Arctic waters pollution prevention. We can give you information on that.

Mr. Gerard Kennedy: Certainly, and I heard that well described by your colleague.

Just to make a distinction, perhaps, the minister didn't seem to be aware of a plan. He was going to look for a plan, and I was wondering if there was an encompassing plan as opposed to coordination activity. I think the answer is that DIAND has an outlook, and we'll get that from them. But I appreciate that, and I just wanted to draw that distinction.

Do I have time for one more quick question, Mr. Chair?

The Chair: You have time for one more.

Mr. Gerard Kennedy: In the current 100-mile area, there's oil drilling and there's oil being transported. Is that correct?

Mr. Victor Santos-Pedro: There is not as we speak.

Mr. Gerard Kennedy: There is not as we speak.

Mr. Victor Santos-Pedro: No. There's seismic work under way, but nothing else.

Mr. Gerard Kennedy: Okay. I wasn't sure, and I just wanted to find out. Thank you.

Mr. Victor Santos-Pedro: No, there is not.

The Chair: Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair.

Thank you, panel members, for coming out.

Further to the question Mr. Bagnell was asking on the international issues, when we look at article 234 of the United Nations Convention on the Law of the Sea, it supports Canada's jurisdiction in Arctic waters. What will the government do if a European Union tanker crosses into the extended AWPPA area, and how will the EU respond to other enforcement actions?

• (1650)

Mr. Victor Santos-Pedro: We enforce the provisions of the Arctic act and the Arctic regulations for the construction, operation, and equipment requirements for any vessel that is entering the Arctic waters.

Mr. Sukh Dhaliwal: Do the shipping companies find the regulations that are currently applied to shipping companies better than the AWPPA on this?

Mr. Victor Santos-Pedro: Do they find them onerous?

Mr. Sukh Dhaliwal: Yes.

Mr. Victor Santos-Pedro: I think there's recognition by any shipping company that if you're going to operate in an environment where there is ice, you have to prepare for those hard hazards. Therefore, the vessels that operate in those environments are specially strengthened. They have people on board who are qualified and have experience in operating in ice.

All the vessels that come to the Canadian Arctic, whether they're domestic or foreign, comply with those same requirements. They all comply with the different aspects—whether it's the hull strength or whether it's the equipment—that are in the regulations.

Mr. Sukh Dhaliwal: I have one simple question. What is the useful lifespan of icebreakers?

Mr. Victor Santos-Pedro: What is the useful life of an icebreaker? That is a very difficult question. It depends on how well it was built, whether there is a mid-life refit. You can extend the life of a ship for quite a long time if you have a so-called mid-life refit. So it's difficult to say. We have ships in the lakes that are over 80 years old operating in fresh water, so they last a lot longer.

Mr. Sukh Dhaliwal: Good. Thank you.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: Today how would you enforce the regulations on the type of vessel that's allowed into the Arctic? Do you have a method for enforcing those regulations?

Mr. Victor Santos-Pedro: The regulations anticipate that a number of the vessels are going to be foreign vessels. For domestic vessels, of course, a vessel will go to any of our offices across the country at a port in the south. They will be inspected and issued with

a certificate that shows compliance with the current regulations. For a foreign vessel, we have authorized a number of organizations that operate outside the country. These classification societies have the authority to do the inspection on our behalf and to issue a certificate that shows compliance with the requirements. Over and above that, once those vessels come into our waters, once they notify that they are coming into the waters, they will be asked if they're complying with the regulations.

At any point, we always have the authority to carry out a port state control inspection and go on board the vessel if it's deemed necessary.

Mr. Dennis Bevington: I guess the one striking example where that didn't work was the pleasure vessel that ended up in Cambridge Bay, where it was impounded by the RCMP. That's one that missed your enforcement regime.

Mr. Victor Santos-Pedro: These regulations do not apply to pleasure vessels for the construction requirements, but of course they apply to all vessels from the perspective of reporting in, etc., and most invariably do.

Mr. Dennis Bevington: Right now, do the regulations also talk about double hulls?

Mr. Victor Santos-Pedro: Yes, they do, and there are requirements. In fact, the international requirements for double hulls have now overtaken the requirements that we have in the regulations. By 2015 all tankers will have to have double hulls.

• (1655)

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: I would like to you ask you a question that is a little more technical, Mr. Roussel.

How does one go about establishing the 200 nautical mile limit? Is there a recognized international standard?

Mr. Donald Roussel: Yes, it is established under the United Nations Convention on the Law of the Sea. It is done from each state's baseline. Under the convention, states establish points. Canada must actually register the points for its baseline and the 200-mile limit is set from that line, which is located just off the coast.

Mr. Mario Laframboise: What technologies do you use?

Mr. Donald Roussel: The line is determined by the Department of Fisheries and Oceans and the Canadian Hydrographic Service, hence the importance of getting those famous points established and officially registered in The Hague. That is where the people who look after the international law of the sea are located. Then you have to establish what we call the continental shelf. When that is done, we can get the shelf extended beyond the 200-mile limit for purposes of exploration on the ocean floor.

Mr. Mario Laframboise: Thank you.

[*English*]

The Chair: Seeing no other questions at this point, I'll thank our witnesses for attending today.

We do have a little extra time. I think we'll go in camera for a bit of committee business.

Again, thank you very much for your attendance today.

[Proceedings continue in camera]

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