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Chair

Mr. Harold Albrecht

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• (0920)

[English]

The Chair (Mr. Harold Albrecht (Kitchener—Conestoga, CPC)): I'd like to reconvene as a full committee in open session.

We welcome to the table our witnesses from Parks Canada: Mr. Alan Latourelle, the CEO, and Kevin McNamee, director of parks establishment.

Welcome to our witnesses.

I understand Mr. Latourelle will start with a 10-minute opening comment, and then we will follow up with questions from our committee members.

Welcome, Mr. Latourelle.

Mr. Alan Latourelle (Chief Executive Officer, Parks Canada): Thank you, Mr. Chair, for the opportunity to appear before the committee to speak about Bill S-15, the expansion and conservation of Canada's national parks act.

As you mentioned, I'm Alan Latourelle, chief executive officer. As we celebrate Public Service Week, I'd like to acknowledge the exceptional contribution to Canadians of my colleague, Kevin McNamee, who has led the most significant expansion in our national parks system.

Voices: Hear, hear!

Mr. Alan Latourelle: Before responding to the committee's questions on Bill S-15, I would like to point out some of the ways in which Parks Canada is building on a tremendous legacy.

We are beginning our second century of the administration of our national network of national parks, national marine conservation areas, and national historic sites for future generations. I'm very proud of the fact that in recent years Parks Canada has received both international and national acclaim for its work in expanding our network of protected areas and offering visitors the chance to experience our natural and cultural heritage, and in working with aboriginal peoples.

Organizations ranging from the World Wildlife Fund International and the National Geographic Society to the Royal Canadian Geographical Society and Hostelling International-Canada have recognized the dedicated efforts of the Parks Canada team. But we cannot rest on our laurels, Mr. Chair. Our challenges are daunting. We are working to conclude agreements for several national parks, and as Canada becomes increasingly urban and as new Canadians make their homes here, and as younger generations come of age, our

challenge moving forward is to connect Canadians to their national and historic treasures.

Allow me to now address Bill S-15. The bill has two parts. The first part deals with the establishment of Sable Island National Park Reserve of Canada, and the second part amends section 4 and schedules 4 and 5 of the Canada National Parks Act.

Establishing Sable Island National Park Reserve of Canada is a key action toward the Government of Canada's commitment in the 2011 Speech from the Throne to create significant new protected areas. This bill is a critical step in implementing the terms of the national parks establishment agreement, which the Minister of the Environment and the Nova Scotia Premier, Darrell Dexter, signed in October of 2011. Under that agreement, both governments agreed to take the necessary steps to bring legislative protection to this iconic island.

Mr. Chair, the natural and cultural features that define Sable Island were addressed many times during the second reading in the House of Commons, so allow me to move directly to the provisions of Bill S-15.

To enable the establishment of Sable Island National Park Reserve under the terms of the agreement negotiated with the Province of Nova Scotia, Bill S-15 amends three federal pieces of legislation: the Canada National Parks Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, and the Canada Shipping Act. Let me first address the amendments to the Canada National Parks Act.

Clause 4 of Bill S-15 provides for the protection of Sable Island National Park Reserve of Canada by amending schedule 2 of the Canada National Parks Act to add a legal description of the park reserve. Schedule 2 is the list of national park reserves, while schedule 1 lists national parks. The boundary of Sable Island National Park Reserve extends to the low-water mark and does not include the buffer zone where the ban on drilling for petroleum resources will also apply.

Bill S-15 designates Sable Island as a national park reserve for the purpose of protecting the asserted aboriginal rights and title of the Mi'kmaq of Nova Scotia to this area. A national park reserve designation is used where there are outstanding claims by aboriginal peoples regarding aboriginal rights and title and these claims have been accepted by Canada for negotiation, such as the case with the Mi'kmaq of Nova Scotia.

Mr. Chair, it's important to note that a national park reserve enjoys all of the same protections that a national park does, while respecting the assertions of aboriginal or treaty rights. It is not a lesser category of a national park. Some of our most famous national parks, including Nahanni, Pacific Rim, and Gwaii Haanas are designated as being national park reserves under the Canada National Parks Act.

In November 2010, the Mi'kmaq wrote to Parks Canada confirming that they were "in agreement that Sable Island be designated as a national park by bringing it under the Canada National Parks Act and by an Act of Parliament."

Consultations with the Mi'kmaq will continue until the final step in the establishment process, namely the designation of Sable Island as a full-fledged national park. This will not happen until the final accord has been negotiated by Canada, Nova Scotia, and the Mi'kmaq through the "Made in Nova Scotia" process. I can confirm that there is no time limit on the national park reserve designation. It will apply until we have reached an agreement with the Mi'kmaq, confirming their role with respect to a final national park.

Clause 3 of Bill S-15 provides for the administration and continuation of leases, easements, and licences of occupation in or on Sable Island National Park Reserve, since there are 46 structures located on Sable Island—buildings for accommodations; offices; storage buildings; communication towers; wind turbines; light station towers; garages; sheds; and utility buildings for power distribution, water, and sewage.

The Chair: Mr. Latourelle, I'm just going to interrupt you for a minute.

I'm considering your notes. If you're planning on reading the entire thing, we're going to be well beyond the ten minutes. Is there a part you want to focus on?

I just want to give you adequate warning, and I won't take this time off.

Thank you.

• (0925)

Mr. Alan Latourelle: Mr. Chair, permit me to address the amendments that Bill S-15 proposes for the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act. All petroleum-related activities of Nova Scotia's offshore, including in and around Sable Island, are administered under the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

As the preamble to Bill S-15 reiterates, section 4 of the accord states that the act takes precedence over all other legislation applicable to offshore areas, including Sable Island.

Thus the challenge in creating Sable Island National Park Reserve was to negotiate an agreement that would not have an adverse impact on Canada's and Nova Scotia's interests in offshore petroleum resources, while it upheld the integrity of Sable Island National Park Reserve.

Bill S-15 provides for several conservation gains with respect to Sable Island.

As you know, a number of petroleum-related activities can still be authorized on Sable Island National Park Reserve, as required, under the terms of a national park agreement.

Clause 3 confirms that the Canada-Nova Scotia Offshore Petroleum Board will continue to be the body to authorize such petroleum activities. While the board will have to consult with Parks Canada on such requests, we do not want to create within our own organization a second regulatory body.

Clause 8 amends the federal accord to restrict the number of current activities the board can authorize on Sable Island.

Ms. Kirsty Duncan (Etobicoke North, Lib.): May I rudely interrupt?

I'm asking for agreement here. I don't mind Parks Canada going longer. I would like this fully read so that we're not missing pieces.

The Chair: Is there unanimous agreement?

Some hon. members: Yes.

The Chair: I'm happy with that, but I didn't want to take that prerogative as chair.

Proceed, Mr. Latourelle. We'll give you an extra ten minutes.

Mr. Alan Latourelle: Thank you. It will be faster.

Clause 8 amends the federal accord act to restrict the number of current activities the board can authorize on Sable Island to four categories: access to existing wellheads on Sable Island for the purpose of safety and environmental protection; low-impact petroleum activities, including seismic, geological, and geophysical programs on the surface of Sable Island; emergency evacuation capacity for offshore workers; and maintenance of emergency facilities on Sable Island in case the island needs to be used to provide safe harbour to offshore workers in times of emergency.

Mr. Chair, a review of the debate in the House made clear that the key concern is focused on the ability of the Offshore Petroleum Board to authorize low-impact seismic activity. Allow me to offer several comments on this issue.

First, the Offshore Petroleum Board currently has the authority to authorize seismic activity on Sable Island. The purpose of Bill S-15 is to limit the board's current authority to consideration of low-impact seismic.

Second, as the board has indicated to Parks Canada in discussions, if a company wanted to collect new data from Sable Island, the board would ask the company to justify why the current seismic information is not sufficient and to demonstrate that such data could not be gathered beyond the national park reserve. If not, then the board would want assurances from the company that other less intrusive techniques could not be used to augment the existing seismic information. If the only remaining option required a seismic program placing equipment on Sable Island, an environmental assessment would be conducted by the Offshore Petroleum Board. Such an assessment would have to meet the Canadian Environmental Assessment Act's standard of determining the likelihood of an activity that causes significant adverse environmental effects. Given that clause 7 of Bill S-15 requires that the board seek the advice and recommendation of Parks Canada on such a proposed authorization, Parks Canada would have an opportunity to influence the nature of any proposed seismic program.

As members heard during the House debate, the last time a seismic program was undertaken on Sable Island was in 1999. A code of practice formed part of Mobil's environmental assessment and protection plan and was the principal instrument in guiding mitigation measures related to the seismic program. Negotiated by Zoe Lucas, an expert on Sable Island, the code compelled the company to make a number of changes to the nature and timing of its seismic program, a program, it was concluded, that did not have an impact on Sable Island. A similar code of practice would be required should any future seismic program be recommended.

I realize the central concern is that Bill S-15 does not define "low impact", but, Mr. Chair, any amendments to Bill S-15 with respect to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act would require the Province of Nova Scotia to agree with these amendments and then go through the process of also amending their legislation.

For that reason, Parks Canada and the board have discussed alternative means to address concerns over defining low-impact seismic activity. Both the board and Parks Canada are committed to: 1) developing together a draft definition or protocol to address the concerns raised regarding low-impact seismic activity; 2) undertaking consultation with the province, industry, stakeholders, and the public on its proposed definition; and 3) identifying an appropriate mechanism under the accord act, be it regulation, directive, guidance, memorandum of understanding, or some other appropriate mechanism to give effect to the final product.

We would certainly welcome any ideas the committee has to assist us.

I want to confirm that, in my view, we are not undermining the integrity of our national parks system. To reiterate, we are not amending the Canada National Parks Act to permit low-impact seismic activity in national parks. We are amending the accord to restrict it to low-impact on Sable Island, and in negotiating new national parks, I can assure this committee that we are not entertaining a similar agreement.

Finally, as I noted earlier, we are also amending the Canada Shipping Act, as Sable Island is currently administered under the act by the Canadian Coast Guard. Bill S-15 will repeal all sections that

pertain to Sable Island. Once it becomes law, then the administration of Sable Island will be transferred from the coast guard to Parks Canada.

● (0930)

In concluding my remarks on the first part of the bill, allow me to paraphrase our minister in summarizing the gains that Bill S-15 represents for Sable Island.

First, we are protecting Sable Island under the National Parks Act, the strongest federal conservation legislation, as Canada's 43rd national park.

We are putting in place, for the first time, a legislative ban on exploratory and extractive drilling for petroleum resources from the surface of Sable Island.

We are creating a legislative buffer around the national park reserve that prohibits drilling from its boundary out to one nautical mile.

We are legally limiting the number of current petroleum-related activities that can be permitted on Sable Island and directing that if seismic is permitted it be low-impact.

We are putting in place a legislative requirement for the Offshore Petroleum Board to consult Parks Canada should it want to issue a permit for activity on Sable Island.

We are protecting the asserted aboriginal rights and title by the Mi'kmaq of Nova Scotia by designating it a national park reserve.

Finally, we will provide opportunities for Canadians to experience Sable Island, either on site or by various other means.

Let me now address part 2 of Bill S-15, which deals with amendments to section 4 and schedules 4 and 5 of the Canada National Parks Act.

[*Translation*]

Clause 13 of the bill amends section 4 of the Canada National Parks Act to address concerns of the Standing Joint Committee for the Scrutiny of Regulations regarding that section. The bill makes two amendments of a technical nature to section 4. It fixes the discrepancy between the English and French versions and adds a new subsection 4(1.1) to clarify the authority of the Minister of the Environment to use sections 23 or 24 of the Parks Canada Agency Act to set fees in national parks. The wording of this clause in the bill was improved through an amendment made by the Senate to avoid any misinterpretation of the intent of the proposed changes.

I would like to assure the members of this committee that the wording of subsection 4(1) of the act is not affected by these amendments. The wording of this subsection, which is known as the national parks dedication clause, continues to remain virtually unchanged for over eight decades. This clause provides that:

National parks are dedicated to the people of Canada for their benefit, education and enjoyment and that they are to be maintained and used so as to leave them unimpaired for the enjoyment of future generations.

Clause 14 of the bill makes minor amendments to the description of the commercial zones for the community of Field, British Columbia, located within Yoho National Park of Canada. These minor zoning modifications are not controversial, they have community support, and they are well within the legislated commercial growth limit for Field. The changes will help support services, such as a gas station, required by park visitors and the town's businesses and residents.

Finally, section 15 of the bill amends the leasehold boundary set out in schedule 5 of the act for Marmot Basin Ski Area. This ski area is located within Jasper National Park of Canada.

Questions were raised during second reading of this bill regarding the type of analysis carried out for this proposal, as well as regarding the opportunities for public involvement. I wish to reassure the members of this committee that Parks Canada has in place a comprehensive and tightly controlled policy framework for the management of ski hill operations in national parks. This framework respects the Parks Canada mandate of maintaining or restoring ecological integrity while fostering a sense of connection through memorable visitor experiences and opportunities to learn about our natural and cultural heritage. It also provides ski area operators with greater certainty and predictability for business planning.

● (0935)

There are three main aspects to the Parks Canada policy framework for management of ski area operations in national parks. The first element of this framework is the *Parks Canada Ski Area Management Guidelines*, revised in 2006, which provide general direction to maintain ecological integrity and economically viable ski area operations within national parks. The second element comprises site-specific guidelines to control development and use at each ski area by setting out the scope, nature and location of potential development that may be considered for the ski area, and under what conditions.

In the case of Marmot Basin, the *Marmot Basin Ski Area Site Guidelines for Development and Use* were approved by Parks Canada in 2008. They included a comprehensive public participation program and completion of a Strategic Environmental Assessment. These site guidelines outline what development and use may be considered in the future, and establish growth limits, ecological management parameters and approaches to ski area operation.

The third element of the policy framework is a requirement for ski areas to develop long range plans and carry out detailed impact analysis for project proposals that the ski area wishes to advance in a five to fifteen-year time frame.

Marmot Basin is well advanced in the process of preparing its long-range plan, and in fact, its website gives a notice of intent to start public consultations on its long-range plan this fall. Marmot Basin's long-range plan submissions will be accompanied by a detailed environmental impact analysis consistent with requirements for federal lands under the Canadian Environmental Assessment Act of 2013. The purpose, nature, scope, and public participation elements of the process will be similar to previous project assessments conducted by Parks Canada.

The operator of Marmot Basin Ski Area wishes to improve the ski experience at Marmot Basin in order to maintain a competitive position with other new and expanded ski operations in the region. The operator has proposed to remove 118 hectares from its current leasehold in exchange for a smaller parcel of land contiguous to another part of the ski area. The proposed amendment to schedule 5 of the act is a major reduction of the leasehold boundary and a substantial environmental gain for Jasper National Park.

The 118 hectares to be removed from the leasehold is an important habitat for woodland caribou, which is listed under the Species at Risk Act. The area also contains natural mineral licks that attract mountain goats, and it is habitat for other species such as grizzly bear, wolverine and lynx. In fact, in a separate regulatory process, the area will be added to an existing declared wilderness area and will have a greater degree of protection than is currently the case. Uses will be carefully managed to protect the wilderness character of the area. In exchange, Marmot Basin would be granted access to a smaller 60 hectare parcel of less ecologically sensitive land for future development for skiing.

Any proposed development of the exchanged land remains subject to decision-making by Parks Canada under the detailed and public long-range planning process and environmental impact analysis that are part of the system of safeguards that Parks Canada has put in place.

Mr. Chair, the land to be exchanged was carefully selected to avoid caribou habitat and other important wildlife habitat including potential grizzly bear denning sites — none of which have been identified in the area. Before any development would be authorized, further environmental evaluation of the area will be conducted in the context of the long-range planning process that Marmot Basin has announced recently.

I would like to point out that this type of proposed land exchange is permitted under Parks Canada's policy regime for ski area management.

● (0940)

The 2006 guidelines specifically allow for the potential to make the modifications proposed where there is a substantial environmental gain.

This applies in situations where there is a leasehold reduction or reconfiguration that results in better protection of sensitive areas and exchange for development of less sensitive areas. This is exactly the situation we are dealing with for the Marmot Ski Basin area proposals. Consultations on these proposed changes were held during the preparation of the guidelines.

This bill brings lasting benefits to the people of Canada. It establishes Canada's 43rd national park by protecting a unique and storied island off the shore of Nova Scotia. It enables changes to enhance the economic viability of the community of Field and of the Marmot Basin.

Thank you, Mr. Chairman.

[English]

The Chair: Thank you very much, Mr. Latourelle. You've answered many of the questions that were raised. I appreciate that.

We will move now to questions from committee members. We'll begin with Ms. Rempel, for seven minutes.

Ms. Michelle Rempel (Calgary Centre-North, CPC): Thank you.

Thank you to the witnesses for being here today. I'll be very pointed with my questions, as I think there's a great desire to move this important legislation forward.

Mr. Latourelle, it's my understanding that this bill is the result of several years of consultation with the Nova Scotia government, industry, first nations people, as well as environmental non-governmental organizations. Is that correct?

Mr. Alan Latourelle: That is correct. The protection of this amazing national park has been in discussion for several years. We've had an extensive public consultation process to arrive at the agreement we've reached with Nova Scotia.

Ms. Michelle Rempel: In debate in the House, my colleague from Saanich—Gulf Islands made the following statement:

I am very worried about the fact that the bill, which would create a...national park on Nova Scotia's Sable Island, is a real threat. The more I think about it, I think the perfect analogy is that this is a Trojan Horse. It is as though we are getting a new gift, a new national park, and we should all be very happy to see it. While I am happy to see a large wooden horse coming into the courtyard, I suspect that the regulatory authorities that will remain with the Canada-Nova Scotia Offshore Petroleum Board will amount to a surging army that undoes the protection of other national parks across Canada.

Given that statement, could you describe if this bill in fact amends the Canada National Parks Act to allow any drilling in other national parks or substantively reduces the ability of that act to protect ecological integrity in Canada's national parks?

Mr. Alan Latourelle: The bill, as presented, does not amend the Canada National Parks Act for those activities. From my perspective—and I can tell you we've had a lot of discussion within the agency—this does not create a precedent for other national parks across Canada.

• (0945)

Ms. Michelle Rempel: Would you characterize this bill as a Trojan Horse that would water down the Canada National Parks Act?

Mr. Alan Latourelle: I would say that the changes that are being proposed do not affect the National Parks Act and will not affect our other national parks in Canada.

Ms. Michelle Rempel: Thank you.

You spoke to perhaps other potential mechanisms of defining what low-impact seismic is. That was something that came up in debate and was explored by members from both parties.

Could you speak to the process for consultation that's undertaken in developing a park management plan? Would there be an opportunity during the consultation process to develop that management plan and perhaps look at a definition such as that?

Mr. Alan Latourelle: To develop a park management plan there was an extensive process of public engagement and public consultation. It actually started when we were going through the process and the public consultation to establish the park. It will continue over the next few years.

It will identify the key objectives in terms of ecological integrity. It will identify the key objectives in terms of visitor experiences, for example, and education. It will also clearly be subject to consultation with the Mi'kmaq of Nova Scotia. As part of that process, Canadians will have an opportunity to shape the future of this amazing national park.

Ms. Michelle Rempel: Thank you.

Along the lines of questioning about the definition of low-impact exploration and low-impact seismic activity, during the development of this bill as well as in the consultation process, could you perhaps describe what your understanding of those activities was per the consultation process?

Mr. Alan Latourelle: I'll refer to Kevin, who has led all of our discussions on that item, to answer that.

Mr. Kevin McNamee (Director, Parks Establishment, Parks Canada): Thank you.

Our understanding of low-impact seismic was mainly based on the 1999 program that was undertaken on Sable Island. The sound sources that were used came from two vibroseismic trucks that were barged onto the island. They're about the size of gravel trucks. They emit a sound down through the soil, and then there were geophones on the island to receive them. The trucks were kept to the outside of the island, on the beaches, completely out of the vegetated areas, away from wildlife and vegetation. There was a code of practice put into place.

Zoe Lucas, who is an island resident, and also the head of the Green Horse Society and the leading environmentalist for Sable Island, was involved in that program. They negotiated with Mobil changes to that program. They changed the timing of it to avoid the nesting of endangered species, foaling of horses, pupping of seals. They did it in a non-linear fashion because that's one of the environmental concerns about seismic in the boreal and other ecosystems: it's just done without any thought to the landscape. In this case, it was altered.

So there was a whole range of things that went into putting in place a low-impact seismic program.

Ms. Michelle Rempel: My understanding is that there's actually a code of practice that has been developed to oversee any type of activity in this regard.

Mr. Kevin McNamee: There was a code of practice that was developed by Mobil in 1996 for the 1999 program. That code of practice was the starting point. Ms. Lucas negotiated, along with others, changes to that code of practice that would put into place more stringent action to avoid wildlife, vegetation, and things like that. In 2000 she produced a report that essentially said that the code of practice worked. There were a couple of incidents, very localized, but overall it worked in protecting the environment, and she recommended that it be used for any other future activity.

Ms. Michelle Rempel: Thank you.

Just to close very quickly, I want to clarify, because I think there was some confusion in debate in the House around whether or not exploratory drilling would be permitted on the island through this bill. Can you describe the change this bill brings as far as actually restricting drilling access on Sable Island, and perhaps address any concerns that may have been raised in the House around that particular issue?

● (0950)

Mr. Alan Latourelle: Yes. The one thing this bill does, and the agreement and the changes to the other acts...basically, under the proposed legislative changes, there will be no drilling on Sable Island and one nautical mile outside of the boundaries of the park. For us at Parks Canada that is a significant conservation gain. Again, we've worked with private interests who have given up all of their licences for drilling there.

The Chair: Thank you, Ms. Rempel.

Thank you, Mr. Latourelle and Mr. McNamee.

We'll move now to Ms. Leslie for seven minutes.

Ms. Megan Leslie (Halifax, NDP): Thank you, Mr. Chair.

Thank you very much for being here today to answer our questions. A number of the questions I had lined up were actually asked by Ms. Rempel, so it's good that we're on the same page with what some of our concerns are.

First of all, just quickly about consultation with the Mi'kmaq, I read the testimony at the Senate committee, and Chief Julian said yes, there had been good consultation along the way, but they weren't consulted on the drafting of the legislation itself. So I was really pleased to see that you've reconfirmed that consultation is an ongoing process that you'll continue to do with Mi'kmaq people in Nova Scotia. I just appreciate that you put that on the record.

I'm very interested in the English version of the notes from your presentation around pages 7, 8, and 9, where you address what we raised in the House—concerns with low-impact exploration on surface. I'm just one gal, right, I'm not a department, so I've not been able to come up with what is a solution here. Is it an amendment? If it is an amendment, what would it look at? I understand very clearly that there is mirror legislation in the province of Nova Scotia, that an amendment at the federal level could be very problematic. It may have to go through the House again in the province.

But I am really intrigued by some of the solutions you have presented, this idea of maybe a protocol, or maybe a directive. Can you, even if you want to take the whole rest of the time I have, talk about what some of that would look like, how it will be done, and what we could do? I think that's a really interesting proposal.

Mr. Kevin McNamee: We've had some discussions with the Offshore Petroleum Board about how to address this kind of issue. Under the accord act, the board has to negotiate a memorandum of understanding with any agency that has regulatory authority within the offshore. With Bill S-15, and with the establishment of the park, we would obviously be regulating a national park.

A memorandum of understanding is definitely something that we have discussed and we want to put in place. That could provide one place in which to do it, and it could be done earlier. As Mr.

Latourelle indicated, that is something we've indicated we would consult on in order to get views on the issue.

There are other things under the accord act that, as a matter of practice, can be done. We have not reached any decisions with the board as to which is the best way to do it. Under the accord act, ministers can issue a directive to the board on a range of issues. The board can amend its environmental policy and practice guidelines to build that into place, which is something they place on their website.

There are these various instruments that we want to fully explore with the board to figure out how we can bring a protocol into place, so that people understand what the parameters are if and when a request is made to authorize such activity.

Ms. Megan Leslie: Would a directive have legal force?

Mr. Kevin McNamee: I cannot speak to the details of a directive at this point. We're aware that under the accord act that is something that can be done.

Ms. Megan Leslie: Is that something we can discuss with the CNSOPB, if we have them here?

Mr. Kevin McNamee: Exactly.

Ms. Megan Leslie: With this kind of directive, the Minister of the Environment could set out what is considered to be low-impact surface exploration, what is considered to be seismic, or what seismic looks like. I'm pretty sure I heard you answer the question from Ms. Rempel about the fact that seismic is not drilling, that there is a total ban on drilling, including seismic.

A directive could actually flesh out what is or is not included. Could it also mandate a consultation with the public about a proposal for surface exploration, or is that not possible?

● (0955)

Mr. Kevin McNamee: What we have brought to the table is the idea of consulting on the protocol, what the scope is, and what we're talking about. Then, when it comes to an actual proposal, it is the Offshore Petroleum Board that would deal with a review and consider whether or not to authorize it. It would be under the terms of the accord act, and also under the board's various policies and programs, which they would use to assess a request to access Sable Island for seismic, which I believe would include consultation. You have it at two different levels.

Ms. Megan Leslie: I want to be clear, because you said here that this is a commitment to engage in these steps.

Mr. Alan Latourelle: Yes, it is.

Ms. Megan Leslie: Can you briefly talk about the one nautical mile agreement? There's a memorandum of understanding that then turns into legislation. What about the negotiations with industry there? Why was it one nautical mile? Could it not have been more?

Mr. Kevin McNamee: That was the agreement between the Government of Nova Scotia and the Government of Canada to go with a one nautical mile buffer around the zone, around the national park reserve, to which the ban on drilling and exploration would apply.

I would point out that this is pretty much a first in terms of our national park system. We have never been able before to negotiate a legislated buffer around a national park or a national park reserve. This is an accomplishment, in terms of what we've achieved here.

Ms. Megan Leslie: I should probably ask the question of the province as well.

The Chair: Your time is up, Ms. Leslie. Thank you.

I'm going to move now to Mr. Woodworth, for seven minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair.

My thanks to the witnesses, as always, for being here and delivering such complete comments.

I want to just try to clarify a few of the things that have been said so that those who may not be familiar with the entirety of the issue and the history will understand.

The first thing I want to know is, in the absence of this bill, and as things presently stand, other than the usual assessment processes, are there any legal restrictions even on something like drilling on this island?

Mr. Alan Latourelle: Currently, before this legislation is considered, there can still be drilling on the island.

Mr. Stephen Woodworth: So one advance, if I may speak on behalf of the wildlife and species on this island, is that they will now, for the first time, be completely protected from drilling on the island. Is that correct?

Mr. Alan Latourelle: That is correct.

Mr. Stephen Woodworth: Also, at the present time, before the enactment of this act, are there any legal limitations on what kind of seismic activity can be conducted on the island? I understand there have been some voluntary limits, but are there any legal limits on what kind of seismic activity can be conducted on the island?

Mr. Kevin McNamee: The island is currently designated a migratory bird sanctuary under the Migratory Birds Convention Act. At certain times of the year, for certain species in certain places, the act provides legal protection, in the sense that one cannot disturb or alter habitat for migratory birds. But again, that is transitory. It depends on the time of the year and the presence of birds.

• (1000)

Mr. Stephen Woodworth: Under this new act, then, do I understand that the activity of seismic testing will at all times in all locations, for the very first time, be limited to only low-impact seismic testing?

Mr. Kevin McNamee: That's correct.

Mr. Stephen Woodworth: Will the protection of the Migratory Birds Convention Act still apply to prevent even potentially disturbing low-impact seismic activity in relation to the protection of migratory birds?

Mr. Alan Latourelle: Yes, it does, and so does the Species at Risk Act.

Mr. Stephen Woodworth: Very good.

In spite of the fact that there are really all kinds of seismic activity possible at certain times of the year right now on the island, I

understand that the only thing that's been authorized has been the low-impact seismic testing in 1999. Is that correct?

Mr. Kevin McNamee: I believe there was also some seismic work done in 1996, but 1999 was the last one.

Mr. Stephen Woodworth: Thank you.

Was the 1996 also low-impact seismic work?

Mr. Kevin McNamee: Yes, that's my understanding.

Mr. Stephen Woodworth: All right.

Is there any basis whatsoever for speculating that anything different would occur in the future, other than what occurred in 1996 and 1999?

Mr. Kevin McNamee: We have no basis to think that something would be done differently.

Mr. Stephen Woodworth: All right.

Just to be a little more legalistic regarding the question of how to address that more formally, the offshore petroleum board accord act is federal legislation. Is that correct, and is it mirrored by Nova Scotia legislation?

Mr. Alan Latourelle: It's mirrored federally, yes, Canada-Nova Scotia.

Mr. Stephen Woodworth: Do those acts permit regulations to be passed pursuant to them outlining the kinds of parameters that we're speaking of today?

Mr. Alan Latourelle: That's my understanding, yes.

Mr. Stephen Woodworth: All right.

To your knowledge, do all parties and stakeholders at the moment agree with Ms. Zoe Lucas that the 1996 code of practice is acceptable and has no adverse impact on the island?

Mr. Kevin McNamee: We have not consulted the public specifically on the 1996 code of practice. That's within the purview of the board.

But I think the report and the findings by Ms. Lucas speak for themselves, in terms of the fact that she felt the program was a success in minimizing the impact on Sable Island.

Mr. Stephen Woodworth: So that might be more restricted.... Do you think that the board and the Government of Nova Scotia and the Government of Canada are all in agreement that this code of practice would be an acceptable means of proceeding in the future, whether by regulation or by memorandum of understanding?

Mr. Kevin McNamee: The code of practice plus the board's procedures for doing environmental assessments and that sort of thing would be, yes.

Mr. Stephen Woodworth: Right.

That's the last area I wanted to ask you about. If there is time, and if you are able to tell me—and I don't know whether all of these questions would be within your knowledge—I want to ask you about the board's procedures.

First of all, the easy question is, whatever decision the board makes is going to be subject to only the four specified allowable activities that are found in this act. Is that correct?

They can't authorize anything more than the four, very limited, specific items in this act. Is that correct?

Mr. Kevin McNamee: Yes. Clause 8 in Bill S-15 is clear that, with respect to Sable island National Park Reserve, the surface access rights provided for under this section are limited to “the following”, and those are the four things that Mr. Latourelle addressed.

Mr. Stephen Woodworth: Okay, I understand that, but I just want to make sure that the board can't go beyond them. Is that correct?

Mr. Alan Latourelle: That is correct.

Mr. Stephen Woodworth: All right; that's definitive.

Do you know, if you can tell me, whether in the course of making its decisions the board has a formalized procedure for consulting with the Mi'kmaq Indians in respect of Sable Island? You may or may not know; I understand.

Mr. Alan Latourelle: I cannot speak. I'm not sure. From their perspective, I assume that they do because of duty to consult.

Mr. Stephen Woodworth: When the board authorizes activities, must it comply with the parameters in the Canadian Environmental Assessment Act?

• (1005)

Mr. Kevin McNamee: Again, that is our understanding.

The Chair: I think your time is up, Mr. Woodworth.

Mr. Stephen Woodworth: Thank you very much.

The Chair: I'd like to move now to Ms. Duncan, for seven minutes.

Ms. Kirsty Duncan: Thank you, Mr. Chair.

Thank you to the witnesses for coming.

I think everyone knows that I have real concerns about precedent. I've been assured by the officials that future parks are legislatively protected from potential exploration.

Having said that, I asked the parliamentary secretary and the minister during debate on Bill S-15 that this park not be used as a precedent to allow exploration in national parks. My question was not answered.

I then went to the minister and said, “Can you get it on the record that you will not use this as a precedent?” So I'm going to ask very specifically. I would like the word—that the integrity of Canada's national parks will not be undermined, but instead protected, that creating a national park amid oil and gas exploration is not a foot in the door, an opening setting a precedent to allow development in our national parks. Today, I hear, “In my view...”

I need better. Will this be used as a precedent?

Mr. Alan Latourelle: I can assure you that it will not be used as a precedent. I want to be very clear here that the Canada National Parks Act is very clear on that. We are not changing that.

Ms. Kirsty Duncan: This will not be used?

Mr. Alan Latourelle: No.

Ms. Kirsty Duncan: Thank you.

What are the results of all studies, analyses, or assessments that the government—the government, not Zoe Lucas—undertook regarding the impacts of seismic testing, and particularly of low-impact studies?

Mr. Kevin McNamee: Could you clarify the question? Are you asking about seismic in general, or are you asking with respect to seismic on Sable Island?

Ms. Kirsty Duncan: I mean seismic on Sable Island.

Mr. Kevin McNamee: Again, we are aware of one environmental assessment that was done for the 1999 program and of the code of practice that was put in place.

Ms. Kirsty Duncan: Mr. McNamee, I understand that, but what studies and analysis did the government do?

Mr. Kevin McNamee: The analysis and that sort of thing was done by the Offshore Petroleum Board through its environmental assessment process.

Ms. Kirsty Duncan: Did the government do any studies or analyses here?

Mr. Kevin McNamee: I'm not aware of what was done at that time, because Parks Canada was not on the scene on Sable Island. That was under the Offshore Petroleum Board.

Ms. Kirsty Duncan: Could you table with this committee what studies the government undertook looking at seismic activity, please?

Mr. Kevin McNamee: You mean with respect to Sable Island.

Ms. Kirsty Duncan: Yes.

Ms. Michelle Rempel: I'm just wondering if undertaking an environmental assessment of Sable Island for these types of activities would fall under federal jurisdiction.

The Chair: Would one of our witnesses like to respond to that question?

Ms. Kirsty Duncan: I want to know what studies have been done on Sable regarding seismic and if that information could be tabled. That's all I want to know.

The Chair: To respond to that, as I understood the dialogue, it was the petroleum board that did the study, and they are the representative of government. They are appointed by government. So your definition of government may be rather broad when it comes to which government and which arm of government.

Your time has been stopped. You're starting again now.

Ms. Kirsty Duncan: Thank you.

Could you talk about CNSOPB's environmental record? What's been done regarding seismic activity in the Gulf of St. Lawrence and listening to expert evidence?

Mr. Alan Latourelle: This is a question that I think is better directed to the board, based on their experience and responsibilities.

Ms. Kirsty Duncan: Thank you. I appreciate that.

One of my concerns is the mechanism for coordination and cooperation between Parks Canada and CNSOPB. This is key. The amendments state:

Before deciding whether to issue the authorization, the Board shall consider any advice that it receives under subsection (2).

In other words, the Offshore Petroleum Board is not bound by the recommendations of Parks Canada. Who is looking after the interests of the environment on Sable Island if the board is not bound by the decision? I understand that an MOU could be put in place, but it would be put in place after the park is established.

• (1010)

Mr. Alan Latourelle: But as the chair mentioned, there is an obligation to consult with us. We will provide the best science and information. There will be an environmental assessment, but the decision rests with the board. The other aspect of this is that low-impact exploration is now limited compared with what is in place currently.

Ms. Kirsty Duncan: But we still don't know what "low-impact" is. I was told that there are no exact details, no discussion of when low-impact becomes high-impact.

Mr. Alan Latourelle: I want to make it clear that there is lots of other legislation that defines a standard but doesn't provide a definition of the standard, per se. This is not uncommon. I just want to make sure that that's clear.

In our case, if you look at the Canadian Environmental Assessment Act, there are no definitions in that act. This is not uncommon. But what we're going to do—

Ms. Kirsty Duncan: I think it's the crux of the concerns here.

Mr. Alan Latourelle: Yes, but this legislation limits the type of exploration activities to "low-impact". We will work as an agency, as we've done elsewhere in Canada, in defining some of the elements in the legislation, working with partners, and putting in place an MOU.

Ms. Kirsty Duncan: Okay. I'd like to move on.

I have two final questions. In the presentation, it says "experience Sable Island". We all agree that this is an ecologically sensitive area. Can you define "experience Sable Island"?

Mr. Alan Latourelle: Yes, through the management plan we will have the opportunity to consult and engage Canadians in defining the nature of visitor activities on Sable Island. I want to reassure the committee that we have a lot of experience with sensitive ecosystems. Think of Gwaii Haanas Natural Park Reserve. We have a watchman program there, for example. There are other places in Canada where there are very sensitive ecosystems. We've been successful in providing unique opportunities while ensuring ecological integrity.

Ms. Kirsty Duncan: Could you table with the committee what you're thinking about in this respect?

Mr. Alan Latourelle: I would rather wait. The management plan will be tabled in Parliament and I think that is the appropriate instrument.

Ms. Kirsty Duncan: Okay. My last question—

The Chair: You're a little over time, but we'll come back to you if there's time for a second round.

We move now to Madame Quach for five minutes.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Thank you, Mr. Chairman.

I would also like to thank the witnesses for providing us with more information with regard to this bill.

My first question is on low impact activities.

Since this expression has not yet been defined, I would like to know whether you have any kind of idea of what would be included in that category. When you move equipment across sand dunes, or when you conduct some kind of activity during mating season, would that be a low impact type of activity? Activities which, during peak tourist season, might damage habitats or ecosystems, would those be considered as being low impact? Have you determined which activities are low impact and which are not?

Mr. Kevin McNamee: I will express myself in English in the interest of being more concise.

[*English*]

Again, to go back to the 1999 program, not just to theorize, what was fundamental to it was that in a seismic program, you have two things: a sound source and a receiving device.

In terms of the sound sources, again I point out that there were two trucks that emitted a source down through the surface. In fact, under the environmental assessment, it was determined that the sound source that went down was less disruptive than the sound of the engine in the truck.

The second thing is that when they put the sound.... It's a platform about the size of a large kitchen table. When they put it on the sand to emit the sound down, they put a barrier between the sound source and the sand to make sure that no hydraulic oil or anything would seep out onto the beach.

On top of that, in the truck they used a form of oil for the truck that was biodegradable within a month. They kept the two trucks right on the outside of the beach so that they did not traverse into the foredunes, the sand dunes, any of the important wildlife vegetation or habitat.

In terms of the receiving devices, which are geophones attached by a cord, 64 lines went across the island north to south. In laying those lines with the geophones, what they did, as I mentioned before, was alter it to avoid, as much as they could, habitat, nesting areas, and things like that. The geophones themselves were buried or put into the sand a foot. So you were going a foot down to put the geophone in place to receive the sound.

In addition, as I mentioned, they avoided.... In fact, the company had proposed some times that conflicted with the time of nesting, the use of the island by migratory birds, and things like that. So the timing under which they undertook the program was restricted.

In addition, there were 18 personnel used to support the program. They were also directed that while on the island they were to avoid the seals, the horses, things like that. They were confined to using the on-island facilities.

So as you go through the environmental assessment that was done, plus what was done in terms of the program, I hope that gives you a good feel for the scope and scale of the activity and what was done in terms of low impact.

•(1015)

[Translation]

Ms. Anne Minh-Thu Quach: Thank you.

Now I would like us to talk about other parks which would be affected by this bill.

Mr. Latourelle, you referred to section 14 and the community of Field in British Columbia. You said that changes would be made and added to services. Amongst other things, you talked about a gas station. What are these other services you alluded to?

You also said that many people were consulted. You talked about locals and businesses, but did you also consult with environmental organizations, including with regard to building a gas station?

As well, were any impacts on ecosystems assessed?

Mr. Alan Latourelle: The changes contained in the bill are the result of wide consultations carried out within the community plan which was developed for Field. Environmental groups, Canadians and community residents had the opportunity to express their opinions. I can assure you that, in this case, there was no negative feedback.

[English]

The Chair: Thank you.

Sorry, your time is up. Seven minutes can go by quickly.

Ms. Rempel, you have five minutes.

Ms. Michelle Rempel: Thank you, Mr. Chair.

My opposition colleagues have had some really good questions today, and I'd like to cede my time to them.

I'm giving this to Ms. Leslie.

The Chair: Ms. Leslie.

Ms. Megan Leslie: Thank you. That's a lovely surprise.

I didn't give anything like a preamble at the beginning; I just jumped in to ask questions because there's a lot to ask.

But I do want to take a moment, Mr. Latourelle, to give a lot of credit to Parks Canada on their consultation on Sable Island. Your team has done an extraordinary job over a very long time in Nova Scotia. As you well know, the initial reaction from the public was not favourable. They were wondering whether we were going to turn Sable Island into a theme park.

This island is really important to people. They want to protect it so much that a lot of trust had to be built with Parks Canada. I think your team did an excellent job. It took a long time, but they did an excellent job.

Mr. Alan Latourelle: That's why it took a long time. We needed to build relationships one by one.

Again, Kevin and his team have done exceptional work here, and I'm sure that in a hundred years from now people will say the same thing.

Ms. Megan Leslie: I agree.

When I look at this bill, I have my own concerns, but there's also the people who contact me. I got a letter from two grade 8 students yesterday. These grade 8 students are saying, and also people in the community, that it's the surface exploration that concerns them—it concerns me as well—and it's also the drilling under the island.

I want to turn to the drilling under the island for a bit. Help me to understand this. There's a one nautical mile exclusion, so in theory a company or industry could have a platform at 1.1 nautical miles, drill down, and then do horizontal drilling under the island. This is for natural gas.

First, am I right, and, second, why are there not environmental concerns with this?

•(1020)

Mr. Kevin McNamee: To answer your question, the area beyond the one nautical mile buffer zone is under the authority of the Offshore Petroleum Board. The area is administered and managed, as it has been for 25 years, under the accord implementation acts. It is possible that companies can bring to the board requests to follow their process to secure the rights to explore, develop, whatever, but as per the board's policy.

When it comes to Sable Island National Park Reserve and the activities beyond, it's like any other national park or national park reserve in Canada. There are activities going on outside of these national parks and national park reserves, be it logging, mining, or other activities. Parks Canada does not have an ability to control them. We administer the national park itself.

When it comes to decisions on areas outside of that, we get involved in the process that the responsible authorities have put in place. If there is a proposal for something beyond the boundaries of Sable Island National Park Reserve that is conducted by the Offshore Petroleum Board, we would seek to bring to the attention of these reviews our knowledge and expertise of Sable Island National Park Reserve, its natural and cultural features, and its importance.

Ms. Megan Leslie: In thinking about the next witnesses to come, it's apparent that we really need the Offshore Petroleum Board here as well. I think the questions we should pose to them are about their process and the guarantees that have been put in place here.

Mr. Kevin McNamee: That's correct.

As we say, we will be administering the national park reserve under the Canada National Parks Act. The accord implementation acts continue to apply, although with the restrictions for Sable Island that Bill S-15 has.

Ms. Megan Leslie: Okay. Thank you.

The Chair: You have 10 seconds.

Ms. Megan Leslie: Seriously?

The Chair: You're out of time, Ms. Leslie, but there's another five-minute round to the NDP, so it's your call.

If you want five minutes, you have it, or you can give it to one of your colleagues.

Ms. Megan Leslie: Can I use my 10 seconds? It's probably gone.

Sorry, that threw me.

The Chair: You still have five minutes.

Ms. Megan Leslie: Oh, like right now.

The Chair: Correct. Ms. Rempel gave you her time.

Ms. Megan Leslie: It's pandemonium here. Thank you. I'm going to keep going.

Like Ms. Duncan, when I first took a look at this bill, I was very worried about this being a precedent. She has been very consistent about trying to get an answer about whether or not it will be a precedent. Thank you for clarifying that in your words here today.

Also, my understanding, when I read this legislation, is that this is an amendment to the offshore accord act. It is not an amendment to the National Parks Act. I perceive that as further evidence that there isn't a precedent here when it comes to Parks because it's not actually an amendment to the National Parks Act.

Am I interpreting that correctly?

Mr. Alan Latourelle: There's an amendment to the Canada National Parks Act by including Sable Island National Park Reserve, which will be subject to all of the key clauses of our National Parks Act to ensure that the ecological integrity is the first priority, for example. That has not changed, and that, again, is the standard across our system.

Ms. Megan Leslie: But anything about drilling or surface testing

Mr. Alan Latourelle: There are no changes to the—

Ms. Megan Leslie: That's the offshore accord act.

Mr. Alan Latourelle: That is correct.

Ms. Megan Leslie: Great.

I want to go back to this idea of the development of a directive. Again, I think this is an elegant solution; this is a really interesting solution.

Would you commit to coming back to committee to report on this as it goes?

• (1025)

Mr. Alan Latourelle: Yes. What we want to do is work with the board and really engage the public. We'd be prepared to bring the outcome of that. I would suggest that through the management plan it would be the best instrument to bring back that information to the board.

Ms. Megan Leslie: Thank you. It would be wonderful to have you come back. I appreciate that you made a commitment here to move forward with this.

With that commitment, can you go over again what the next steps are? What happens first? Do you have even a sense of a timeline or

any more information we could have about how this will work and unfold?

Mr. Alan Latourelle: Our objective is to do this before the management plan, just as the initial stage of the management plan. I can't give you a timeframe today because we want to make sure we do it right, in terms of the consultation process and in terms of the engagement process that we would put in place. I can tell you that there's a firm commitment by both the board and Parks Canada to work together to define this.

Ms. Megan Leslie: Thank you.

I think Madame Quach had another question about the other parks.

[Translation]

Ms. Anne Minh-Thu Quach: Thank you very much, Mr. Chairman.

I will continue on this subject.

You said that a second park would be affected. Indeed, there would be new activities and a new expansion to the Marmot Basin Ski Area, which is located in Jasper National Park. You said that these were long-term projections over five to fifteen years, and that there would be a limit to the growth in activities.

What are those limits based on? What criteria will be used to establish the limits to that growth? How much growth will there be?

Mr. Alan Latourelle: Regarding the process for the ski centres, we are working with the operator and the public to define capacities. I want to be very clear in that regard: everything starts from an ecological point of view.

Following the strategic environmental assessment and the work done with our partners, they identify any changes they wish to propose. In some cases, we turn them down. We negotiate with them. In fact, the lease will be changed to reduce the size of the territory. We will be going from 118 hectares to 60 hectares in another area, which is less ecologically sensitive.

Ms. Anne Minh-Thu Quach: You are talking about a less ecologically sensitive area, but I imagine that there might be repercussions on the wildlife. Are there any species which will feel the impact of the skiing activities?

Mr. Alan Latourelle: I will be very clear. There are also studies being done. In fact, it's really the first stage of the process. To begin, there are guidelines, after which we propose changes to the bill. Then, there will be a master plan. We will start with the ski centre, which will be subject to public consultations and an environmental impact study. Specific projects will follow after that.

The environmental impact assessment will identify any issues. Under the guidelines for more sensitive areas, we have already clearly identified the zones and the types of studies which will be carried out.

[English]

The Chair: Thanks very much. That's the end of the time.

We'll move now to Mr. Sopuck.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Chair, if there is consensus, is there any chance I would be allowed to ask a question?

The Chair: My understanding, as the chair of the committee.... I want to give all of our committee members an opportunity to ask questions. At the end of that time, if we have unanimous consent for a question from a member who's not a member of this committee, we would proceed in that fashion.

Mr. Sopuck.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Thank you.

I'd like to pursue Ms. Duncan's line of questioning regarding low-level impact.

I don't know the area personally, so bear with me. At the current time, without it being a national park reserve, it is open to normal drilling operations. Is that correct?

Mr. Kevin McNamee: It's important to clarify that it is the policy of the board that there's no drilling from the surface. When they put out a call for bids to an oil company...when they submit a bid, they cannot recommend or seek authorization to drill. It is a policy. This legislation changes that policy into a legislative prohibition.

•(1030)

Mr. Robert Sopuck: Okay.

Has there ever been drilling on the island?

Mr. Kevin McNamee: Yes, there has.

In the late 1960s and early 1970s there were approximately 10 wells drilled on Sable Island, including one in the middle. There were a number, I believe, on the west end of the island, and some of the remnants are still there. That's why one of the activities is still in here. This is to provide industry with access to those wellheads. What they do is cut them off below the surface, but because Sable Island is constantly shifting, it exposes those. The companies are still liable for anything that may happen as a result, so they need access to the island from time to time to check the status of those wellheads to see if any remedial action needs to be taken to ensure there is no impact on people's health, including visitors, as well as on the environment of the island.

Mr. Robert Sopuck: Is environmental remediation one of those activities that is a low-impact activity? That's what this is. This is basically an environmental—

Mr. Kevin McNamee: That's covered under one of the four items. The first one is to provide access to existing wellheads. That's the one that's covered there.

Mr. Robert Sopuck: In terms of the drilling that occurred in the sixties and seventies, what kind of environmental effects did that have, apart from a hole in the ground? We already know that.

Mr. Kevin McNamee: I'm not aware of what exact studies were done that looked at the impact of those particular things. I am aware they didn't find anything, hence those wells were abandoned.

Mr. Robert Sopuck: Okay.

In spite of that drilling, the ecological integrity of the area was still maintained. Is that correct? Is that fair?

Mr. Kevin McNamee: Certainly, when you listen to some of the presentations by a number of academics, including those at Dalhousie University, they have undertaken a fair amount of research. In fact, given the fact that Sable Island was quite settled from time to time, a number of exotic species were introduced. If anything, over the last few decades, Sable Island has seen its ecological integrity, if you will, restored. There's a lot less development and a lot less impact and changes.

Mr. Robert Sopuck: That's a really important point.

The environmental integrity of Sable Island has improved. By the directives under the National Park Reserve designation, even though the "high-level activities" are theoretically possible and probably wouldn't happen, nevertheless the low-impact designation, coupled with the improving ecological integrity of the island, results in a very good news story for Sable Island, doesn't it? The level of protection is actually increasing quite significantly.

Mr. Alan Latourelle: As I mentioned in my opening remarks, there are several conservation benefits clearly to the legislation and establishing it as a national park reserve.

Mr. Robert Sopuck: In terms of the potential drilling outside the zone—I happen to live next to a national park, so your comments, Mr. McNamee, regarding activities outside the park struck very close to home—I know that you can have human activity outside the park that is sustainable alongside a national park. A system like that can work very well.

In terms of the potential for drilling outside the one nautical mile zone and the potential horizontal drilling under the island, those wells go down many hundreds of metres, in fact thousands of metres, so what conceivable impact could that possibly have on Sable Island?

Mr. Kevin McNamee: Again, we need to point to the fact that it is the role of the Offshore Petroleum Board to look at these kinds of issues and be responsible for the drilling outside.

I would like to make the point, though, that from time to time, there are some environmental needs for seismic on the island. Part of what seismic does is to identify what they call "pressure steps". As you go down through the surface and drill, not from Sable but from outside, the pressure within the structure, the formation that you're drilling through, changes. The purpose of seismic, in part, is to identify exactly where and what those pressure steps are. If in drilling you haven't identified the pressure steps, and industry hasn't taken the proper precautions based on informed information to put in place casings that have the right strength, you can have a drilling accident. The seismic information is important to industry to provide that certainty.

•(1035)

Mr. Robert Sopuck: That's interesting. Thanks.

The Chair: We're a little over time there.

We're going to move now to Ms. Leslie and Madame Quach, who are sharing their time.

[Translation]

Ms. Anne Minh-Thu Quach: I will be very brief because I just want to finish my question.

Mr. Latourelle, within those 60 hectares, are there areas where the ski centre in Jasper National Park would extend its activities? Have zones been identified where no activity is possible because there are wetlands?

Before giving the floor to Ms. Leslie, I have a second question for you.

Would this open the door to making changes to other parks which are under the purview of Parks Canada, and which would allow for other commercial activities or the expansion of existing ones?

Mr. Alan Latourelle: First, the lease will see the ski centre's area reduced by nearly 50 hectares, because of a significant presence of woodland caribou. Second, we will work with stakeholders on the master plan, which will propose various activities in those areas. We looked at everything from an ecological point of view, and this is a sector which is conducive to having activities. There will be an environmental impact assessment. So it's a little premature to tell you what kinds of activities will be allowed. We generally know what they will be, but the master plan will contain the specific projects.

Ms. Anne Minh-Thu Quach: Will this apply to other parks, as well?

Mr. Alan Latourelle: No.

[English]

Ms. Megan Leslie: I'm trying to make a decision here....

I said in my speech in the House that I want to support this legislation. I want to be a part of creating this park and seeing that this park is created, but I am taking my role as environment critic and as an opposition member of Parliament very seriously in trying to make that decision. I recognize that there is a majority in the House, but I still think it's important for us to take that opposition role seriously and to think critically about what to do with pieces of legislation. I want this bill to pass, but not at any cost.

What happens if this bill doesn't pass? What I see is that there is no protection for Sable. What I see is that there are existing drilling rights on the island right now. Sure, there's an agreement not to actually drill, but those rights exist.

Can you spell out for us what happens if this legislation doesn't pass? What risks are there?

Mr. Alan Latourelle: If the legislation doesn't pass—I'll speak practically, and then I'll give you my view as the CEO of Parks Canada—I think the current policy framework and governance structures would continue as we have them now. By policy, again, drilling is not permitted on the island, but it's by policy. So the bill clearly brings in a legislative tool to prohibit drilling. That's one aspect that I think is critical.

In terms of managing Sable Island for ecological integrity, because it is coming under the Canada National Parks Act as a national park reserve, clearly the obligations we have through our legislation to ensure that we maintain or restore the ecological integrity of the park is a benefit. We've seen that across our national parks system—that it would benefit Sable Island.

I think the other part of it is in terms of education and experience. How do we offer the experience? How do we do it responsibly? Again, that I see as a key benefit to Canadians. How do we bring the

sum of the Parks Canada organization to really communicate and inspire Canadians about this amazing place? Again, it's not an environmental benefit, but I think it is an important societal benefit for Canadians across this great country of ours.

• (1040)

Ms. Megan Leslie: I mentioned in the early days there was an outcry, that oh my gosh, they're going to turn it into a theme park with roller coasters in the shapes of seals. When I'm talking to people in communities, that fear does not exist anymore. Again, that goes back to the good job you've done in building that trust. I don't think there is that fear.

But let's take the rest of the time to actually talk about what does happen here with the visitor experience. I know that there are—

The Chair: You've got two seconds.

Ms. Megan Leslie: Oh, shoot.

The Chair: Go ahead. I'll give you 30 seconds.

Mr. Alan Latourelle: In summary, I think we will define the visitor experience with Canadians, for Canadians, through the consultation process. At this point, we are receiving visitors but in very small numbers. We have to look at the capacity, from an ecological perspective, and the nature of those experiences. This is a national park, and I want to be clear on that, and the purpose of a national park is also for Canadians to experience it. We want to do it responsibly. I can assure you we're going to show the same leadership that we have shown, for example, in Gwaii Haanas National Park Reserve.

The Chair: Thank you very much.

We'll move to the last question from Ms. Rempel, for five minutes.

Ms. Michelle Rempel: Very quickly, the intent of this legislation is not to allow for exploration for minerals, energy, whatever, in other national parks. Is that correct?

Mr. Alan Latourelle: That is correct. It doesn't at all affect the National Parks Act.

Ms. Michelle Rempel: There is no intent here that we're asking to approve seismic activity. That's not the purpose of this bill. We're actually trying to reduce the environmental impact of potential activities on this island and give it a greater level of environmental protection. Is that correct?

Mr. Alan Latourelle: That is correct. We're trying to define specifically and reduce essentially the type of low-exploration activities on the island.

Ms. Michelle Rempel: In your opinion, would the greater ENGO community and first nations people in the province of Nova Scotia agree with those characterizations?

Mr. Alan Latourelle: Yes—

Ms. Michelle Rempel: I guess I just wanted to echo some of my colleagues' comments that this—

Mr. Alan Latourelle: —in general terms. I just want to be clear. For example, for the Province of Nova Scotia, for sure, because they have signed.

Ms. Michelle Rempel: Great.

On that note, since I've got my point out, I'd like to give Ms. Duncan the last word on this.

Ms. Kirsty Duncan: Thanks, Ms. Rempel.

I just want to be clear. I understand the legislative protection. I want to be clear: we need to meet an ethical and moral obligation, and that's why I'm concerned about the precedent.

When B.C. wanted some logging in Gwaii Haanas, the NGOs and the federal government did say no.

My last question. We've talked about how under Bill S-15 the Parks Canada role seems relegated to merely consulting CNSOPB on its environmental recommendations. Can you tell me why this is so? What is preventing Parks Canada from being the last stop when it comes to the ecological health of the park? What happens in and around it?

Mr. Alan Latourelle: I want to be clear that the Canada National Parks Act does not allow exploration activities. Any changes for future national parks would require an amendment to that act in Parliament, so I want to be clear on that. That is where we sit on this issue.

I'll turn to Kevin for the second component.

Mr. Kevin McNamee: I'm sorry, I missed the first part of the second component.

Ms. Kirsty Duncan: What's preventing Parks Canada from being the last stop when it comes to the ecological health of the park? This is what I don't understand.

Mr. Kevin McNamee: If I understand your question, it pertains to seismic, and the fact that we make recommendations....

I'm sorry.

Ms. Kirsty Duncan: No.

Mr. Alan Latourelle: Maybe I can answer. The act is clear that in terms of the Sable Island National Park Reserve the Canada National Parks Act will apply, and under the Canada National Parks Act the maintenance or restoration of ecological integrity is the first priority.

Ms. Kirsty Duncan: Yes, but it's regarding CNSOPB. They have to consult you, but they don't have to take the recommendations. What's preventing that?

• (1045)

Mr. Kevin McNamee: In 1988 the Government of Canada, through Parliament, and the Government of Nova Scotia, through its legislature, passed the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act. In the federal act, section 4 was clear that this act takes precedence over other acts that apply to that region, and the Canada National Parks Act will be one of those acts in that region, so that act overrides the Canada National Parks Act, but we still maintain our authority to manage it as a national park. We are amending the accord act to put in place a drilling ban because it overrides, so you amend the act it overrides to put in place the legislative ban on drilling and to limit those activities that have been spelled out, including seismic, to low-impact.

When we started our negotiations with the Government of Nova Scotia, the two governments signed an MOU that very clearly stated that whatever decision was made with respect to how the island was going to be protected, they did not want to see adverse impact on the oil industry, and this provision under seismic was part of that understanding. But it goes back to section 4 of the accord act. That is the fundamental piece.

The Chair: Thank you for your answer.

I thank all our committee members and our witnesses for being with us today. We look forward to further discussion on this in the next meeting on Monday evening.

The meeting is adjourned.

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