



House of Commons
CANADA

Standing Committee on Fisheries and Oceans

FOPO • NUMBER 021 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, April 1, 2008

—
Chair

Mr. Fabian Manning

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Fisheries and Oceans

Tuesday, April 1, 2008

• (0905)

[English]

The Chair (Mr. Fabian Manning (Avalon, CPC)): I need to call the meeting to order. I welcome everybody back.

Mr. Blaine Calkins (Wetaskiwin, CPC): On a point of order, Mr. Chairman.

The Chair: Go ahead, Mr. Calkins.

Mr. Blaine Calkins: Thank you, Mr. Chair.

I don't mean to interrupt this meeting, and I'm looking forward to the proceedings going on, but I think, Mr. Chairman, as the Standing Committee on Fisheries and Oceans, members here are deeply concerned about the events that have just happened in the gulf with the four sealers who are missing from the Magdalen Islands. Mr. Chair, I think it would only be appropriate that at this committee we take a moment right now.

I'm seeking unanimous consent from this committee that we rise in a moment of silence to recognize the lives of those four brave sealers who were lost in this last week, and pay some tribute to the sometimes dangerous and difficult work that these folks have out on the coast, and the cost they sometimes have to pay in order to provide for their families and to maintain their traditional way of life. I would ask for unanimous consent for everybody in the room to stand for a moment of silence to recognize the loss of these sealers, the cost it's had for their communities and their families, and, I'm sure, the sadness that's being felt by all of the sealers on the Atlantic coast because of this tragic event.

The Chair: I'm sure you will have a unanimous vote for that.

[A moment of silence observed]

The Chair: Thank you for that, Mr. Calkins.

I certainly pass on to Mr. Blais and Mr. Lévesque from Quebec our sympathies, and pass them on to the families you may be talking to.

Most of us around this table have witnessed and been part of tragedies at sea. While the ocean is very bountiful, it takes a lot from us, too, when it takes the lives of our fishermen.

Just to quote the words of a great song in Newfoundland and Labrador:

Brave men, she said, is what they are,
those who face the icy wind;
Knowing as they leave their sheltered coves,
They may never come back again.

It's so true.

I certainly want to thank Mr. Calkins for that, and on behalf of the committee, I want to express our sympathies.

Mr. Blais.

[Translation]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): I appreciate having Blaine's attention. I admit that it will be a little hard for me to focus today and talk about heritage lighthouses. However, I will do my best over the course of the next minutes.

This is a tragedy, a drama of human proportions. However, at the same time, a slew of questions come to mind. There is a great deal of misunderstanding, frustration and anger in the wake of these incidents.

Later on during the meeting, I will seek unanimous consent of committee members to send a message of condolence to the victims' families. As fate would have it, I was out on the ice last week observing the seal hunt. I had an opportunity to chat with the captain who lost his life. His vessel had a broken rudder and was very near to the icebreaker *Des Groseillers*. This was a different vessel from the one that towed his vessel. We landed by helicopter on the Coast Guard vessel *Des Groseillers*. The *Acadien* was positioned alongside. I went to the bridge to talk to the captain, Mr. Bourque, with whom I was mildly acquainted. This happened on Friday afternoon and the accident occurred in the early hours of Saturday morning.

This is very hard for me, given my vivid memories of this encounter, but I would well imagine that all committee members will want to shed some light on this incident, because the entire maritime community is in mourning. We can't undo what has happened, but I hope that we can shed some light on these events to prevent another tragedy in the future. One tragedy is one too many. In that respect, I would like us to observe a minute of silence. I think it's the first thing we can do, but I do think we need to do more to mark this event.

Thank you very much.

• (0910)

[English]

The Chair: Thank you, Mr. Blais. We'll certainly deal with that when the time is appropriate to do so.

First of all, I want to welcome our witnesses here this morning as we begin our discussion on Bill S-215, An Act to protect heritage lighthouses. You are our first witnesses. I believe Mr. Tapley is going to have some opening remarks.

If you would be so kind, please introduce yourselves to the committee members, telling us your status and whom you represent.

Thank you.

Ms. Patricia Kell (Director, Policy and Government Relations Branch, National Historic Sites Directorate, Parks Canada Agency): I'm Patricia Kell, and I'm the director of policy for national historic sites at Parks Canada.

Mr. Doug Tapley (Manager, Cabinet Affairs, Parks Canada Agency): My name is Doug Tapley. I manage cabinet affairs for Parks Canada.

Mr. Cal Hegge (Assistant Deputy Minister, Human Resources and Corporate Services, Department of Fisheries and Oceans): I'm Cal Hegge, ADM of HR and corporate services, from Fisheries and Oceans.

Mr. Krishna Sahay (Director General, Real Property, Safety and Security, Department of Fisheries and Oceans): My name is Krishna Sahay. I'm director general of real property, safety and security at DFO.

Mr. Andrew Anderson (Senior Divestiture Analyst, Department of Fisheries and Oceans): I'm Andrew Anderson, senior divestiture analyst with the divestiture branch at DFO.

The Chair: Thank you.

Mr. Tapley.

Mr. Doug Tapley: We're pleased to be here this morning to have an opportunity to participate in your deliberations.

I would like to make some brief opening remarks on behalf of Parks Canada. Mr. Hegge will do the same afterwards on behalf of Fisheries and Oceans Canada.

From a heritage conservation perspective, we are happy with amendments to the bill that have been previously adopted, particularly those that would enable heritage lighthouses to be managed according to national and international standards and practices. This bill would provide a strong tool for advancing heritage conservation in Canada. Accordingly, there is only one area of concern that we believe needs to be addressed. The amendments today that will be proposed would serve to focus potential designations on buildings that truly make a contribution to the heritage character of designated lighthouses. This would be beneficial not only from a perspective of heritage conservation, but also from the perspectives of financial prudence and, in some cases, public safety as well.

In closing, I'd like to draw the committee's attention to the fact that this is the second private member's bill that has sought to protect an individual building type. The Heritage Railway Stations Protection Act was the first. Setting up administrative structures to protect individual building types is a costly way to go about conserving built heritage. It also leaves gaps as other equally important and historically significant examples of our heritage are left without statutory protection. The Auditor General has made these observations on two recent occasions. In the future, Bill S-215 could provide a model for conserving all of Canada's historic places and situate us among the leaders in built heritage conservation internationally. Officials from Parks Canada would be eager to work with all members of Parliament to achieve this end.

As for today, we are very appreciative of the opportunity to assist members of the committee in your deliberations concerning Bill S-215.

Thank you.

The Chair: Thank you, Mr. Tapley.

Mr. Hegge.

Mr. Cal Hegge: Good morning, Mr. Chairman and committee members. We're also pleased to be here this morning to discuss Bill S-215.

As you know, it's not the first time we have been here to discuss the bill and its previous version, Bill S-220. Last June, my colleagues and I were here to discuss the bill. At that time, we confirmed our minister's support for the basic principles of this initiative while noting some areas of concern.

I'm happy to note that the bill you have before you this morning, certainly from our perspective, is much improved from the version we were reviewing last year. Many of the areas of concern we raised last year about administrative and financial challenges have been at least partially addressed.

From a DFO perspective, we are happy to note that the bill now contains language that supports and will facilitate our efforts to advance sales or transfers of surplus lighthouses to ensure their continued public purposes for local and community-based alternate uses. This is very much aligned with our departmental lighthouse divestiture program.

As well, the application of the bill has been clarified to apply only to lighthouses owned by the federal government and not those owned by third parties. This issue was of concern to some organizations that had previously acquired lighthouses from our department and were concerned about the possibility of increased financial obligations.

There have been administrative improvements related to the processes affecting proposed alterations.

Finally, and most importantly, the bill now provides a requirement for public meetings prior to any proposed demolition and reasonable alternatives to demolition. This was missing from the original bill, and we feel it should help ensure that local communities are informed and involved in important decisions affecting their lighthouses.

It is clear that new technologies are replacing the need for many of our fixed aids to navigation, such as lighthouses. However, Canadian lighthouses remain a point of pride for coastal communities, for our staff in DFO, and for the coast guard, who manages and maintains them for our operations, and for visitors who come to see them.

We recognize the historic and cultural value of heritage lighthouses. The principles of Bill S-215 are most worthy, but I must restate that our department does not have the financial resources to cover the implementation costs. During the past 20 or so years, DFO has been able to recapitalize only those assets that are required for operational purposes. The majority of these funds have been invested in staff sites in British Columbia and Newfoundland and Labrador, and only to deal with the most urgent health and safety concerns.

I believe the last time I was here discussing this bill, the annual departmental operating deficit for core real property assets was about \$30 million from what should be reasonably invested to maintain those assets required to support ongoing program service delivery. If the bill is passed without the necessary funding, the resources to support heritage could only be found by diverting core program funds, which would be inappropriate in the context of our mandate and could compromise our ability to deliver program services. As custodians with new responsibilities under the bill, DFO could no longer defer structural repairs required to ensure that many of these heritage lighthouses remain standing.

Nobody wants to see surplus lighthouses that could go to local communities neglected or destroyed. For the last several years, DFO has been working to foster relationships with heritage organizations like the Nova Scotia Lighthouse Preservation Society, as well as local community groups that want to adopt lighthouses. We are doing everything possible to live up to our heritage obligations within the financial realities we face. Our priority is to meet community requests for continued public purposes wherever possible. No sales on the open market have happened in recent years, and I do not foresee open market sales unless there has not been an expression of community interest.

Our view is that many of our surplus lighthouses could be transferred at nominal value to communities and not-for-profit groups with tourism and heritage interest mandates that are better equipped to assume responsibility for their protection and conservation than DFO. The bill now acknowledges this important principle, and this should help us work better with heritage interests and local communities to ensure the availability of lighthouses for alternate public usage.

This concludes our opening remarks. We will be pleased to address any questions the committee may have.

•(0915)

The Chair: Thank you, Mr. Hegge.

We'll go to Mr. Matthews for the first round of questions.

Mr. Bill Matthews (Random—Burin—St. George's, Lib.): Thank you, Mr. Chairman.

I'd like to welcome our guests. Thanks for coming.

You talk about structures and related buildings. What specifically are we talking about on site? Are they buildings related to the operation of the lighthouses or those that accommodated people?

Ms. Patricia Kell: On a lighthouse site there may be a variety of different structures, including the main light tower. In many cases, there has been a lightkeeper's house associated with the site and in

some cases also other support buildings, a fog alarm building or an oil shed in some cases.

We have been drawing a distinction between things that are buildings—so sort of four walls and a roof—and things that are structures, which would include things like wharves or helipads or walkways, which would not qualify as buildings but which have been the point of some of the discussion related to the bill.

So our sense is that some of the buildings may be in fact meaningfully associated with the heritage value of the light tower, something like the lightkeeper's house, which was built at the same time and was integral to the functioning of the light station, whereas these ancillary structures may in fact support the functioning of the station but in no cases have they been found to have heritage value.

•(0920)

Mr. Bill Matthews: So are all of those structures or buildings accessible, then, in today's world, or is some of the infrastructure you talked about available to make them accessible?

Ms. Patricia Kell: Clearly, in some cases, their purpose is to make the light station accessible. Presumably, once you're at the station, everything that is there is accessible to you.

Mr. Bill Matthews: Are any of those sites isolated?

Ms. Patricia Kell: Are any of the light stations isolated?

Mr. Bill Matthews: Yes.

Ms. Patricia Kell: Certainly, yes.

Mr. Bill Matthews: I guess, tying in to the spirit and intent of the bill, to be respected by third parties, that ownership and so on, how are we going to maintain the integrity if the situation is such in some circumstances that you've just told me?

Ms. Patricia Kell: I think the important distinction from the heritage protection perspective is that at a particular light station you may have both things that are of heritage interest as well as other things, modern infrastructure that supports, for example, access to the things that are of heritage interest.

If I can just give an example, the purpose of the wharf is to allow access to the site. If you consider the wharf, which indeed may not be very old, to be a heritage structure, that then creates obligations when you care for that, and the kinds of international standards for care of heritage structures include things like not changing the materials that something is made out of, not changing the design of something.

So in the case of a wharf, if you had an opportunity to upgrade to materials that perform better under the circumstances or to a design that accommodated a new kind of vessel, if you have designated that wharf as a heritage structure, you'll be precluded from doing that.

The purpose of the distinction we're making is to say we should treat the things that have heritage value, like heritage buildings, in a way that respects that heritage value, and we should manage the things that don't meet that test in a way that enables access to the place.

I guess the other consideration for me when I look at this issue is that in the bill there's an obligation, once a lighthouse is designated, to do maintenance on that lighthouse. That means that someone, somehow, has to have access to the site. So already built into the bill is some requirement for access.

Mr. Bill Matthews: But then there seems to be an obvious problem. If a community group takes ownership, it seems from Mr. Hegge's comments that there's going to be no funding, or right now there's no funding available, it seems, to keep it to a standard that you have espoused. Am I correct in that or am I wrong?

Ms. Patricia Kell: My understanding of the reason the bill was proposed in the first place was that there was a concern that lighthouses of heritage interest were not being cared for appropriately by the federal government, yes.

Mr. Bill Matthews: Right. So if we go the route of a heritage lighthouse being taken over by a community group, then there's going to be a requirement to maintain an appropriate standard, listening to you, but listening to Mr. Hegge, it seems there's a tremendous financial shortfall to maintain that standard, it seems to me. So that seems to be the dilemma we're facing here, and I would just like to hear some comment from either one of you on that.

• (0925)

Mr. Cal Hegge: What I was saying, or building on what Patricia said, is if a wharf is designated as part of the heritage site and then entails a higher standard in terms of upkeep in accordance with heritage standards, that's going to drive up the costs.

As you quite rightly pointed out, some costs are going to be associated with maintaining access, but our position is that cost is going to be much less than if we have to keep a wharf, a walkway, or what have you to a heritage standard. We're not suggesting in our remarks, in terms of the financial constraints, that no money would be spent on providing access. Obviously there would have to be some.

From our perspective, given the financial shortfall, we're trying to mitigate the amount of funding that would be required and restrict it as much as possible to the part of the site that has heritage value.

Mr. Bill Matthews: Thank you.

The Chair: Mr. MacAulay.

Hon. Lawrence MacAulay (Cardigan, Lib.): Thank you very much, and welcome.

Mr. Hegge, before they're turned over or designated, will you have to bring them to a standard? Will that be the responsibility, and is this where you feel the shortfall in dollars is going to be?

We have problems in Prince Edward Island where we have lighthouses as tourist attractions. Of course, lighthouses happen to be handy to water and handy to the bank. The bank is washing away and the cement is falling in and it becomes dangerous, which of course then means...you know what happens: then they just block it off. That's what we don't want to see.

I'd like you to comment on that. I think you're aware of some of the situations we have.

Mr. Cal Hegge: You're quite right, and that's why we would need some funding to be able to give this bill some life. Because we're not

about to divest ourselves of our lighthouses in the condition they're in, that's why we need the money to bring them up to a reasonable standard.

Hon. Lawrence MacAulay: What you're telling me is there'd have to be the proper allocation of dollars before DFO would be in support of this bill.

Mr. Cal Hegge: We have to find a source of funds to be able to implement the bill.

Hon. Lawrence MacAulay: Do you have any idea how many lighthouses are in use now in the country?

Mr. Cal Hegge: We had a bit of this discussion last time. We have roughly 750 that you could define as lighthouses. Within that number, about 250 are the kinds of lighthouses you see on postcards. The other 500 or so are navigational aids, but they do meet the definition of lighthouses as well, depending on how broadly you want to define it.

I don't think we're seriously talking about the 750 being potential heritage lighthouses. That would drive the costs up to be....

Hon. Lawrence MacAulay: You're talking about 200-and-some that possibly could be in that area.

Mr. Cal Hegge: A portion of that.

Hon. Lawrence MacAulay: Do you have any idea of the dollars that would be required?

Mr. Cal Hegge: It would depend on the standards or the criteria the parks minister would be developing, so we can't answer that question. We can ballpark it.

Hon. Lawrence MacAulay: No, I can see your point. It's all on what designation they're in.

When a lighthouse is going to be designated, do you feel they have the proper consultation in place to make sure you have somebody in the community who, when you receive or are in charge of the lighthouse, would keep it up to a certain standard?

Mr. Doug Tapley: The designation process is done through a public petition. So 25 Canadians would get together and submit a proposal to designate a lighthouse as a heritage lighthouse. Criteria would be developed. That authority rests with the Minister of the Environment. The designation criteria would be in keeping with national and international standards.

As well, if there were lighthouses surplus to operational requirements, there would be an obligation to publish those, to make them known to people who could be thinking of submitting a petition to designate them. If that were the case, a process has been built into the bill.

For example, a community group would need to come together and say they were interested in taking over this lighthouse for a continuing public purpose as a local heritage tourism attraction. That community group would be required to provide a written commitment to the Minister of the Environment at the same time they're submitting their petition to designate the lighthouse as a heritage lighthouse. A business case would also have to be prepared to—

• (0930)

Hon. Lawrence MacAulay: But they would have to receive it in the proper condition too.

Mr. Doug Tapley: That would be part of the business case. The group would have to provide some indication of their financial capabilities and any assistance they may require.

Hon. Lawrence MacAulay: Thank you, sir.

The Chair: Thank you, Mr. MacAulay.

Mr. Blais.

[*Translation*]

Mr. Raynald Blais: For starters, as you probably know—and if you don't know, I am about to tell you—the Bloc Québécois does not support the bill as it is currently worded, just as it did not support the earlier version of the bill.

Mr. Hegge, you wondered how we could have a bill to designate lighthouses in the absence of funding for this purpose. Basically, it's nothing more than a pious wish. You've identified the problem quite clearly.

This is a very interesting bill and I have nothing against the principle behind it, which is to recognize heritage lighthouses and protect them from the fate described in the documentation. We saw how one burned out lighthouse fell into disrepair over time. If there is no money available to rehabilitate these structures, not only does this create an untenable situation, but it means that your department will be forced into having to make extremely complicated decisions, such as finding other areas in which to cut back in order to fulfill this bill's commitments.

I would like to get a better handle on the numbers. I know Mr. Matthews mentioned this earlier, but I assume you have some idea of the cost involved. We have heard estimates in the order of \$24 to \$45 million for access structures. I assume you have done a cost estimate. Would you care to share your findings with us?

Mr. Cal Hegge: Obviously, it depends on the criteria that we have discussed. One possible estimate is a minimum of \$65 million. That figure could be higher, depending on certain criteria.

Mr. Raynald Blais: That estimate is in the lower range. What factors could conspire to drive up costs?

Mr. Cal Hegge: If harbours were included in the structures, then that would drive up the costs. Another factor is the actual number of lighthouses that would receive a heritage designation. Depending on the standards, costs could escalate.

One example that is often cited is that of heritage train stations. If memory serves me well, 60% of train stations have been designated as heritage structures. If we go with a proportion of 60%, then we're closer to the \$65 million estimate.

• (0935)

Mr. Raynald Blais: Would the minimum estimated amount of \$65 million be allocated all at once, or would it be paid out in annual increments?

Mr. Cal Hegge: We feel that it should be allocated all at once, since we want to raise standards for lighthouses.

Mr. Raynald Blais: I assume that you also have an idea of the amount of funding that will be required every year.

Mr. Cal Hegge: That would be the responsibility of the new owners.

Mr. Raynald Blais: Do you have some idea of what that figure might be?

Mr. Cal Hegge: No, I do not.

Mr. Raynald Blais: I imagine the owner will want to know what the maintenance costs would be. Otherwise, it would not be much of an acquisition.

Mr. Cal Hegge: That could be part of the business case that my colleague mentioned.

Mr. Raynald Blais: You were about to say something, Mr. Sahay.

Mr. Krishna Sahay: We do not have any figures at this point in time. We have not really factored these estimates into our calculations.

Mr. Raynald Blais: I am sure you can understand that the eventual owners will want to know what potential costs they might face. There are other realities with which we will need to contend, such as the costs associated with the transfer of the structure.

I also have some questions about site decontamination. Is any consideration being given to this?

Mr. Krishna Sahay: As far as decontamination is concerned, we will have to ensure that the site is environmentally sound before ownership of the lighthouses is transferred to a public body.

Mr. Raynald Blais: Has the cost of cleaning up the sites been estimated?

Mr. Krishna Sahay: No, but we do have a program in mind as part of the overall decontamination process.

Mr. Raynald Blais: How much money has been earmarked for this purpose?

Mr. Krishna Sahay: I cannot give you an exact figure, but I can tell you that the cleanup costs will be covered under the Federal Contaminated Sites Action Plan.

Mr. Raynald Blais: I do not know if you can find that out, but I think committee members would appreciate having that information. Will you undertake to get it for us? Can you do that?

Mr. Cal Hegge: I think so. Nevertheless, I want to emphasize that the lack of resources I alluded to has nothing to do with existing site contamination. We have other funds available to us to address that problem. However, we will endeavour to get these estimates to you.

Mr. Raynald Blais: Just to give you an idea of what we are facing, the cost of decontaminating the Madeleine-Centre site in the riding next to me is estimated at \$2 million. That's for a single lighthouse. That explains why I am anxious to have more information. Surely estimates have been done for existing sites and certain figures have been quoted. We could be looking at a substantial sum of money.

[*English*]

The Chair: Thank you.

Before I go to Mr. Stoffer, let me say that in June 2007, the last time this bill was brought to the committee, there were some estimates put forward at that time, Mr. Blais. I will quote Mr. Cal Hegge from that time:

...if only those lighthouses that are part of national historic sites and our highest... [federal heritage-designated] lighthouses were afforded the statutory protections proposed in the bill—

[Translation]

Mr. Raynald Blais: You are reading too fast.

[English]

The Chair: I should slow down.

[Translation]

Mr. Raynald Blais: People always tend to read a little too fast. However, the interpreter at the back of the room needs to follow along and the pace is a little ridiculous.

• (0940)

[English]

The Chair: I apologize once again to the interpreters. It's my Newfoundland way of speaking. I'm sorry about that. I'm also on heavy medication for the flu, so that is a double dose. Anyway, let's try it again:

...if only those lighthouses that are part of national historic sites and our highest... Federal Heritage Buildings Review Office designated lighthouses were afforded the statutory protections proposed in the bill, the estimated financial impact for DFO would be \$105 million of a total estimated \$118 million for recapitalization. There would be an additional \$5 million out of a total estimated \$6 million annually thereafter, for maintenance and addressing the administrative barriers required for effective implementation. Even at this level, the department would need to seek additional new funding.

Just to give you an idea, if 60 of the 760 lighthouses were designated, which would be an 8% designation, the estimated cost over a five-year period would be, for Parks Canada, \$9 million, and for Fisheries and Oceans, \$76 million, for a total estimated cost of \$85 million.

These are just figures that have been proposed. If there is any dispute with those, feel free, if any of the members of the committee would like to speak to them. In fact, this is almost a year old now.

Mr. Hegge.

Mr. Cal Hegge: Mr. Chair, you just alluded to the fact that this is probably a year old. Those cost estimates were predicated on the bill at that time. There have been some revisions that have brought the estimation down somewhat.

The Chair: Right. And that's just to be clear. Thank you.

Mr. Stoffer.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chairman.

Thank you, ladies and gentlemen, for coming today.

Of the 256 light stations that are on now, how many are actually manned in the country, with a human presence on a regular basis?

Mr. Cal Hegge: There are 51.

Mr. Peter Stoffer: So in terms of those 51, the minister indicated, during the time we spent with him previously, that there is no discussion at this time to make those automatic. They're going to keep those people there for now.

That then makes it about 200 light stations, and 12 of them are owned by Parks Canada. Of the remaining 188, how many of them do you estimate would be designated heritage? This bill has been around in some form since 2000, so you should have a ballpark figure, within five or ten, of how many light stations across the

country, if this bill or something like it went through, would be deemed heritage.

Ms. Patricia Kell: I'll start.

The challenge here is that it depends on how the criteria are set. As Mr. Hegge alluded to earlier, when we look at the different programs we have, we get different answers to that question.

The national historic sites program looked at lighthouses across the country, sort of as a group, and ended up designating very few of them, about a dozen. The federal heritage buildings program, which has approximately the same population to draw from, and has in fact in the last couple of years engaged in quite a concerted effort to evaluate all the lighthouses—in part because of the bill and in part because of the needs of the department—has evaluated about 329 lighthouses and designated as recognized 111 of those. So that's—

Mr. Peter Stoffer: One second here; you said 329 lighthouses, but there aren't 329 lighthouses, there are 254 light stations and 504 aids to navigation. They're two different things.

Ms. Patricia Kell: Okay. The pointy buildings with the lights on top are what they're evaluating.

Mr. Peter Stoffer: We're just looking at light stations—lighthouses, for instance, not the aids to navigation—and from my understanding, there are roughly 188 of them within the confines of DFO. Of that, how many would be deemed heritage? We heard 60 earlier, from the chair. Are there still about 60?

Ms. Patricia Kell: I'm sorry, my data are not divided that way. But based on the information I do have, about one-third of the lighthouses they looked at were designated as recognized, which is the lower level of recognition. About 20 of them were recognized as classified, which is the higher level of recognition.

Part of the difficulty here is that if we take as our standard the level that we see as recognized, we get five times as many lighthouses than if we say that the qualities we're looking for in a classified building are the kinds of qualities we want.

• (0945)

Mr. Peter Stoffer: I can't speak for the committee, but I assume no one here would say that every single one of these structures and these light stations has to be protected under heritage. I don't think that's where we're going. But hopefully there are significant ones across the country that have that designation in order to be protected for the future.

Mr. Sahay, you talked about community groups coming forward with a business plan. Is there any plan afoot with regard to some of the light stations that are pretty isolated? I'm thinking of Whitehead, Nova Scotia, for example. It's been sitting there 30 years vacant. I know that the former lightkeeper, who was there 35 years himself, would love to get his hands on that property as an individual.

Are there any situations across the country where an individual can purchase the property if they say, "Look, just give it to us for a dollar and we'll do the cleanup and maintain it ourselves"? Or must it be a community divestiture in that regard? This is when there is no heritage value to it and someone just offers to take it off your hands.

Mr. Krishna Sahay: There has to be a continuing public purpose before we could give it to them for no commercial value. That's the Treasury Board disposal policy. That's not so much this bill as our ability to sell it to somebody as a private individual. Otherwise, we would have to use the standard techniques for disposing of a property.

Now, if nobody else bid on it, and this guy...but that's a whole different thing. We would not upgrade it. It would be a commercial transaction. But under this bill, if a group came forward and proposed a public purpose to this, that would presumably take precedence.

Mr. Peter Stoffer: Okay.

My last question is for Parks Canada. This is the second time that buildings have been designated. You talked about the Heritage Railway Stations Protection Act, and now this one, but you had said it leaves other things out. Is it not fair to say that if you encompass everything in a sort of potpourri bill it would never see the light of day?

This one took eight years just to get to this stage. If you encompassed everything in Canada, as I think you indicated, would you ever see a bill of that nature making the light of day, because it would cross so many different departments?

Mr. Doug Tapley: One would hope so.

Doing this on an ad hoc basis, looking at one individual building type at a time, creating an administrative infrastructure, different designation processes, and different criteria for different purposes—all of that is very expensive, and all of that leads to gaps in terms of conserving other equally important types of heritage resources.

I think the other thing to consider is that if you look at Canada's historic places in a comprehensive fashion, you would have to be very cognizant of the federal interest, and you would have to make sure that designation criteria really dealt with the most important representative examples of our cultural resources. I think that's probably the benefit of a comprehensive approach. It immediately gets you into that frame of mind.

Mr. Peter Stoffer: Wouldn't it be a bit cumbersome? If it were doing everything, it would be very difficult to ever see the light of day, wouldn't it?

Mr. Doug Tapley: No, I don't think it would be cumbersome.

We have a Government of Canada policy on federal heritage buildings that requires the cooperation of a number of departments, and that works quite nicely. I don't see why this would be any different.

The Chair: Thank you.

Mr. Miller.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chairman.

I would certainly like to thank our guests and the department staff for being here today.

I am going to split my time with Mr. Keddy.

There are a number of issues that I wanted to ask about, and one was the finances, but I believe Mr. Keddy wants to ask that.

I'm very pleased that this bill is progressing. As we've heard around the table, this is the seventh time, although there are some changes and what have you. I'd like to think that maybe the seventh time will be the lucky time.

In my riding I have a number of lighthouses. Six are dominion lighthouses that were built in 1858 and 1859, and one of those—the one on Griffith Island—has deteriorated. I'm hoping that this bill will keep that from happening in the future.

The one thing I would like clarified a little bit more—and I know the issue was raised earlier by colleagues—is with regard to access. I was going through the bill, and it's fairly clear to me that the necessary buildings are designated heritage. The only way to get to a number of these lighthouses that are desolate is by air or by boat. It's clear to me. I would just like to confirm that the protection of that access is not precluded by this bill; it just doesn't come under the heritage designation. Am I correct in assuming that the bill protects that, and that the access is not under the heritage part of it?

• (0950)

Mr. Doug Tapley: I believe someone mentioned previously that there's an obligation in the bill to maintain a heritage lighthouse. For that maintenance obligation to be respected, the site would have to be accessible.

There may be an issue of how you would pay for that, in particular, if it's a community group. That would be part and parcel of the community group's business case. One might expect that there would be different sources of funds. Parks Canada has user fees. A community group may contemplate user fees as well.

There are economic development programs that would deal with things like a heritage tourism attraction. So potentially there might be federal-provincial-municipal programs available for a community group to make application to.

Fundraising.... Parks Canada has relationships with community groups that have undertaken fundraising programs for different purposes and have been very successful in those undertakings, probably far more successful than a government organization could ever be. It doesn't seem that people want to give the government more than they pay in taxes.

So there are different opportunities to look at ways and means of financing the provision of contemporary access facilities. I think the key here is that we would like to keep the contemporary access facility, manage this contemporary asset, so that you can make use of building materials that will last the longest period of time and cost the least amount of money.

Mr. Larry Miller: Thank you.

I have two lighthouses in my riding that have already been taken over by the friends of the lighthouse group—Cabot Head and Cove Island. One question that has been asked of me is this. Once a petition is put forward by a potential community group, if there were any environmental concerns—and I'm not implying that there are, but there's the chance that some of our sites across the country may have—would those environmental concerns be addressed by the government before turning them over to the group?

I presume that yes, they would, but I'd like to just hear confirmation of that.

Mr. Cal Hegge: Have these sites already been divested, then, from the federal government?

Mr. Larry Miller: No, these sites would be if somebody comes forth. A new site would be proposed to be taken over by a group. I believe “petitioners” is the word that's used.

Mr. Cal Hegge: Going back to an earlier discussion, using the federal contaminated sites action plan funding, my understanding is that we would have to bring these up to a reasonable standard, which would include addressing contamination.

Mr. Larry Miller: That was my question.

Thank you, and I'm going to turn it over to Mr. Keddy.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Thank you, Mr. Chairman. Welcome to our witnesses.

I've listened to my colleagues and their questions to our panel members. But from a committee perspective, we have this bill in front of us, and if we don't manage to steer it through the House, I doubt if it will ever come back in a form that could pass.

I understand the questions on the dollars, and they are important. But in this case, the process is actually more important than the dollars. If the process is in place, it doesn't matter if there are 12 heritage lighthouses or 105. If the business case is put forward for divestiture to a community group, and they show that they can look after that lighthouse, then the federal government has an obligation to divest it in good order, which includes environmental cleanup.

Am I correct in that assessment? That's one of the reasons for the discrepancy in the numbers.

Mr. Blais brought up the idea that this might somehow affect core funding from DFO, but the whole principle of this bill is that it won't affect core funding from DFO, in perpetuity.

I suppose that if there were still a couple of lighthouses under DFO with the lights on, this would be an ongoing core funding responsibility. Mr. Hegge is shaking his head, so I imagine this will be correct.

I will give you two examples in Nova Scotia where DFO or Parks Canada may want to maintain the light. Sambro lighthouse would be the first one, the oldest light in North America. Another example would be Seal Island lighthouse, which is a light that was built in the early 1800s. It's just offshore of my riding, but it's a two-hour boat ride. Even though it's an old light, it's going to be very difficult to find a community group to look after it. So that might be a light we would want to have the government be responsible for, or it may be impossible to find anyone to be responsible for it.

The point I am making here is that this bill is the process. It allows community groups to come and ask for heritage designation for a light within their community. There have to be criteria in place to say that it is a heritage light.

There's a responsibility on the part of the government to make sure that it's divested in good order, that it's painted. But there also is a key responsibility here. Barry MacDonald and the Nova Scotia Lighthouse Preservation Society and other societies have looked at this bill. The key is this: community groups that want to take these lights over need a business plan that says they are able to support it as a heritage light, which includes the ongoing maintenance. But it does not include the preliminary maintenance and the environmental cleanup for the divestiture.

Am I summarizing that correctly? No mistakes yet. All right. It's just a matter of time.

On the numbers, we have 746 lighthouses in Canada, but there seems to be some discussion about how many of them are actual towers, proper lighthouses that you could go up inside of. Roughly 250 is the estimate we were given.

I see Senator Carney shaking her head. And 51 of these are manned now, so they are more permanent. Twelve of them are within Parks Canada.

The reality is that we don't know how many of the lights are heritage lights. I have heard the number 60 or 65. To be honest, I think 65 would be a lot, because we have to find a municipality, a town, or a community group to take these lights over.

I hear Mr. Blais' concern about the cost of this bill. The cost is going to be shouldered originally by Parks Canada, Environment Canada, and somewhat by DFO. But this does not include the core costs.

• (0955)

I'm trying to implore my colleagues here that we support this bill, we make the amendments that need to be made, and we get it through the committee and back to the chamber. We can actually put this in place for a very reasonable amount of money, so that we have the process then in place to protect heritage lights. But it's not strictly DFO, not strictly the Government of Canada that's responsible for these things, but the community organizations themselves, and there will be access.

I tell you, with a few amendments, I think this is a great bill. We have it this far, and we really do need the support of everybody at the committee to be reasonable here and try to move it on.

I had carriage of this bill once myself. We never got to the committee process. We were almost there. I know from talking to the lighthouse preservation societies themselves that they're not just anxious, they're almost exhausted over the process and the number of times it has come forward. Senator Carney brought this through the Senate. I think if we look at this in reasonable, common-sense terms, we can get it through here.

That wasn't too many questions for you guys, was it?

• (1000)

The Chair: These were supposedly questions, but....

Mr. Hegge, going back to your last comment, just to clew up, in reference to your previous testimony, in June 2007, are there any figures that I may have missed here that you will be looking at now that will be required by the department to address this issue? Is there any funding within the budget at the present time, or would that have to be allocated under new funding or taken from some resources that are already there?

Mr. Cal Hegge: Basically, the short answer is that right now—not to suggest we aren't spending any money on lighthouses, because we are, for health and safety reasons, obviously, on the ones we have staffed, and I alluded to this—we are spending a minimal amount of money. If this bill goes through without any additional source of money, we would have to look within our existing capital budget.

I know, and this committee knows, just to use small craft harbours as an example, how difficult that would be. We would have to rob Peter to pay Paul. It would definitely affect our operational mandate, and that's why we've been consistently pointing out that if the bill goes through, we're going to have to find a source of new funds to implement it, from our perspective.

The Chair: Thank you, Mr. Hegge, and thank you to our witnesses.

We're going to take a five-minute break now to clear the table and to prepare our next witness.

• _____ (Pause) _____

•

• (1005)

The Chair: Welcome back. Welcome, Senator Carney. I think everybody is ready.

Whenever you're ready, Senator Carney, please proceed with your opening statements.

Hon. Patricia Carney (P.C., Senator (retired), As an Individual): First of all, it's a pleasure to be back here in the House of Commons, where I served two terms as the MP for Vancouver Centre from 1980 to 1988 before being called to the Senate in 1990.

It's also an honour to appear before you to present my private member's bill, Bill S-215, an act to protect heritage lighthouses. This is, as has been noted, the seventh time this bill or its antecedents have made it this far. We hope seven is our lucky number. I'm glad the bill has so many advocates.

We have distributed to you Canada Post's folio of five heritage lights, which shows you some of the differences in the light stations.

I will be speaking for about 10 minutes; then I'll be presenting a hard-copy presentation of some of the different lights. Then I'll be available to answer your questions.

The specifics of this proposed legislation have undergone a sea change since I and the late Senator Mike Forrestall of Nova Scotia first co-wrote it in 2000. Lately the assistance of Senator Lowell Murray has brought it to its present form, but the purpose has always been on a consistent course.

I want to point out that because the coasts are so different and the light stations are so different, it has always had to have east coast and west coast input.

The purpose has been to conserve and protect federally owned heritage lights across Canada by four means. Bill S-215 will provide a means for their selection and designation as heritage lighthouses; prevent the unauthorized alteration or disposition of heritage lighthouses; require public notice and public consultation before the transfer, alteration, sale, or demolition of a designated heritage lighthouse; and require that designated heritage lighthouses be reasonably maintained in a manner consistent with accepted conservation standards.

Lighthouses play a vital role in our marine communities. I certainly don't have to tell members of the committee that. The DFO has told the Senate committee that there are 256 light stations as defined in this bill; the other 504 are other kinds of navigation aids, light buoys, range markers, and other things that other experts can tell you about.

The 256 light stations are in eight provinces. People don't realize that only two provinces, Alberta and Saskatchewan, don't have federal lighthouses. Most of them are fully operational and an important part of our maritime safety net. There's been a lot of talk about the divestiture of surplus lighthouses, but one of the most important points about this bill is that most of these light stations are operating light stations serving the maritime community now.

Canada's light stations also attract thousands of visitors every year, contributing to the economic and cultural benefits to coastal communities, particularly in Atlantic Canada, where DFO has a program of divesting non-operational lighthouses that are surplus to its requirements to local communities.

But Canada's heritage light stations are at risk. Fisheries and Oceans Canada, the department responsible for most federally owned lighthouses, has no mandate and, as you've heard, no budget for heritage protection. Parks Canada is required by statute to protect heritage sites under its jurisdiction, but often lacks the resources to carry out its mandate. As a result, many of Canada's light stations, even operating ones, are vulnerable to decay and destruction. They've been blown up, they've been burned down, and they've been dismantled, as they were on my home island of Saturna. Bill S-215 is designed to address these issues.

Many members of this committee have lighthouses in their ridings and are aware of their historic significance and present value. The first Canadian lighthouse, and the second-oldest lighthouse on the continent, was constructed at Louisbourg on Cape Breton Island in 1734. Another historic Nova Scotia lighthouse, the Sambro lighthouse, which Mr. Keddy has referred to, was established by the very first act passed by Nova Scotia's House of Assembly in 1758. The act placed a tax on incoming vessels and alcohol imports to pay for the lighthouse. We could do that again.

• (1010)

It is the oldest operating lighthouse in North America and a Canadian national historic site celebrating its 250th anniversary this year, an event that makes the passage of this bill so important.

In his speech at second reading, MP Larry Miller noted that the history of lighthouses on the Great Lakes dates to 1803, when a lighthouse was constructed at Mississauga Point on Lake Ontario. Several other lighthouses were built in the next two decades.

I thought it was interesting that other lighthouses were established during the 1850s in response to the first Canada-U.S. free trade agreement in 1854, which considerably increased shipping. As the minister responsible for the last free trade agreement, lighthouses seem to be part of my own particular mandate.

Light stations were later established on Canada's rugged west coast, some before the two British colonies of Vancouver Island and British Columbia united in 1866. The first permanent light station was Fisgard lighthouse, constructed in 1859 near Victoria. In 1860 the British Royal Navy built the magnificent Race Rocks lighthouse on a rocky islet in Juan de Fuca Strait at the entrance to Victoria. It's still a major operating light station, but the concrete tower of this historic light is crumbling.

In comparison with Atlantic Canada, relatively few light stations were built on the Pacific Coast—it was too far from Ottawa, and they were usually built only after many ships were wrecked and people drowned. On my home island of Saturna, the famous East Point lighthouse, which serves marine traffic utilizing the international boundary waters between Canada and the U.S., was built in 1888 when the barque, *John Rosenfeld*, carrying the largest shipment of coal to that date, ran aground on Boiling Reef. Saturna residents heated their homes for many years with the salvaged coal. The original tower was demolished, but an automated light still operates. Our community is converting the original fog horn building as an interpretive centre on the Spanish and British explorers who first charted these historic waters. I can talk to you about it, if you want to know how we're doing that with Parks Canada, because it would answer some of the questions you have raised.

We understand that DFO will be proposing two changes to the existing bill, which, if adopted, will require that the bill be returned to the Senate for approval, hopefully before a general election. As Mr. Keddy said, I retired as of January 31, 2008, and my office closes today, so I certainly won't be here to propose it again.

The amendments represent an agreement between the Minister of Fisheries and Oceans and of course the Minister of the Environment and me and supporters of Bill S-215 on the impact of the bill. One involves adding a clause to the preamble, to the "whereas" part, to mention access. That's an interpretive clause. The second deals with changing the wording of the bill to related structures. I can answer questions on those.

My concern in these amendments is to conserve access to some sites, including wharves or helipads, so that heritage light stations can be maintained and utilized by communities. It's interesting to know that of the 256 lights, I am told that 125, or roughly half, can only be accessed by water or helicopter. Therefore, the point has been made by many of you that they wouldn't qualify for heritage sites if you couldn't get to them.

In correspondence that is filed with the clerk, Mr. Hearn has made it clear that since many of these light stations are operating light stations—which addresses some of your points, Mr. Manning—DFO

has to maintain them and to maintain access to them now. Every light station in British Columbia is an operating light; there are no surplus lights, as there are in Mr. Miller's riding, or on the east coast. So DFO is committed to maintaining that access. The access, as I say, would be dealt with in the preamble, according to the proposed amendment.

As for access in British Columbia, only one of the 52 light stations in British Columbia is on the mainland. Think of that whole coast. Only one is on the mainland. That's Point Atkinson in west Vancouver, and it's already a national historic site. All of the rest of them are on islands; that's why they're there. So access is important.

• (1015)

Minister Hearn successfully argues that since DFO must provide access to operational light sites for operational security and maintenance purposes—and all B.C. light stations and many others are operational—conserving them as heritage resources is unnecessary.

In recognition of our concern about access, he suggests the committee should be encouraged to adopt language in the preamble that acknowledges the importance of providing access to heritage lighthouses in order to recognize and promote their contribution to Canada's maritime heritage. As I said, I believe that will be presented.

Minister Hearn's concern, as you heard earlier, was that the existing wording of the bill implies that the means of access—i.e., wharves and helipads—would require being maintained to heritage standards, which of course is not our intention. I prefer Saturna's new contemporary government dock to the old dock, with its creosoted pilings, that burned down.

Therefore, the minister suggests that the government's proposed related buildings amendment, which would replace the clause now existing in Bill S-215, would be the greatest public benefit in terms of cost-effective heritage conservation.

On the assumption that these proposals are made in good faith, we agree with the proposed changes and seek the committee's support for them.

The heritage lighthouse bills, all of them, were designed to involve the public in the designation, conservation, and maintenance of these important assets. If Bill S-215 is passed, the fate of these marine assets will require the public to take the initiative. We can pass the legislation, but somebody out there has to take the initiative to form the petitions, so it will be in the hands of Canadians.

I would like to take my remaining time to review a few examples of Canada's light stations to show their great diversity. So I am directing you to this—

• (1020)

The Chair: Senator Carney, we have a round of questions, and our time is getting limited, so you'll need to clew up your remarks so that—

Hon. Patricia Carney: This will just take a few minutes. I need to show you the different—

The Chair: We'll have to shut down at ten minutes to 11, because we have a bit of committee business that we need to care of.

Hon. Patricia Carney: But I would like to have a few minutes, because there's been a lot of talk about light stations, and this very short presentation will show you what the different light stations look like.

The Chair: Feel free to go ahead, but I may have to limit questions.

Hon. Patricia Carney: Okay.

The first one is Peggy's Cove, which is known to all of you and is an operating light station. You'll notice its architecture. It's accessible. You can drive to it.

The next one is the Nootka light station. When we talk about access, this shows the importance. Nootka light station is on an island on the west coast of Vancouver Island. It is a very historic place. It is where the first European contact was made between first nations and Europeans in the late 1770s: the meeting of Quadra and Cook under the auspices of Chief Maquinna, which led to the famous Nootka Convention, which broke the Spanish hold on the Pacific lake. After Nootka, British and Portuguese explored the Pacific Ocean.

It was established in 1911. It's at the aboriginal home of Yuquot or "windy place". It's the traditional summer village of the Mowachaht/Muchalaht people, and it could be, at some time, when we talk about coastal communities.... There is no community at Nootka. It might be proposed for the tribal area of the Nuu-chah-nulth group, which might take the whole coast, so you can't restrict the idea of community just to the adjacent community.

The next one is Cape Forchu, which is in Nova Scotia and has been successfully divested—so you may look at that—to a local community.

Pachena Point light station shows you the access issues and shows you the surf. This is an operated light station. It is also manned. If you look at the sea, you can see why you need a pair of eyes to tell you what the sea state is and what the fog state is. This was established in 1908, two years after the sinking of the *Valencia*, which up to the time of the *Titanic* was considered one of the worst maritime disasters in history.

The Chair: Senator Carney, I hate to interrupt, but if we're going to go through the 10 slides, we're definitely not going to be able to do our questions.

Hon. Patricia Carney: Okay. Then I commend them to you. I particularly commend the slide of the 52 staffed lighthouses in B.C., which shows you how isolated they are, since that's an important point—there are no communities in many of those areas—and also of the East Point foghorn building, which is being resurrected by my community. And the last slide is the burning down of Mosher Island light station in Nova Scotia.

I am now finished this discussion.

The Chair: Thank you for that.

Mr. MacAulay.

Hon. Lawrence MacAulay: Thank you very much, Mr. Chairman, and welcome, Senator. Obviously, you've done a lot of work, and you are to be commended.

How many petitions do you foresee coming in the next, let's say, five years? I think you mentioned the number 260 or 261 or 264 or 256. Is that the number that you feel...or is it a lot lower? What do you see as the number of lighthouses that would be petitioned to be designated?

•(1025)

Hon. Patricia Carney: We simply don't know. If you look at slide 8 in my presentation, you'll see that an awful lot of the B.C. light stations are so far away from communities that they may never be designated. It's the same with Newfoundland. But there are others on that B.C. page, like Merry Island, Entrance Island, Trial Island, Cape Mudge—most of the lower ones—that are accessible. So it really depends on which group is willing to take them on.

I know there is incredible interest in taking it on. People will donate time. They'll donate material. On our foghorn building people will donate the paint. So a lot of the costs will be covered by donations. And we can't really tell people....

This bill is in its eighth year—and Mr. Keddy talks about the exhaustion of people. Some people think it's never going to happen so there's no point in trying to organize petitions. But I can tell you that once this bill passes and receives royal assent, there will be people applying over the time period involved in the bill to take over part of the light station. It's an important point, because with some of the light stations, the operating ones, DFO is not going to give them up, but DFO will give up or sign a licence of occupation for part of the light station, such as the lighthouse keeper's house. On Sisters Islets, on the B.C. coast, the Land Conservancy is interested in taking over and maintaining the lighthouse keeper's house, which is empty, for European tourists. People will pay to go and sit on a rock in the middle of the Gulf of Georgia.

I already sit on a rock in the middle of—

Hon. Lawrence MacAulay: Senator, when these lighthouses are petitioned and turned over, the ones that are not used for lights would become private property. Is that right?

Hon. Patricia Carney: No.

Hon. Lawrence MacAulay: None of them? Will they always remain under the jurisdiction of the Government of Canada? What is the intent?

Hon. Patricia Carney: The intent is to meet Treasury Board rules, which, as you've heard, means they have to have a common public purpose. Every single light in B.C.—the province I'm most familiar with—is an operating light. We couldn't imagine them being disposed of to private interests. I don't know about the ones on the Nova Scotia coast.

Hon. Lawrence MacAulay: So the fact is they will remain as public property?

Hon. Patricia Carney: They certainly will be if they're operating lights. In our experience, we're signing a licence of occupation for 30 years at a buck a year with Parks Canada to refurbish and operate the foghorn building.

Hon. Lawrence MacAulay: Have you done any research into how the United States and other countries have handled this situation?

Hon. Patricia Carney: You'll hear about that from the Heritage Canada Foundation, which has done that kind of work. According to Heritage Canada's information—Chris Wiebe was here, I believe—one in six lighthouses in the States built before a certain cutoff period is considered a heritage light. So that's about 600 lighthouses.

Of 600 lighthouses, one in six were heritage lights. If you apply that standard in Canada, I think it would be higher.

Hon. Lawrence MacAulay: Now, you indicated too in your presentation that DFO has really no mandate and no money to deal with this issue at the moment. Am I correct?

• (1030)

Hon. Patricia Carney: It has no mandate. Money is a question of what you use budgeted money on. That's a different—

Hon. Lawrence MacAulay: But just to get you on the right track, which I'm sure you're quite capable of doing, in terms of DFO and the funding they have, everybody around this table knows they don't have enough right now.

Hon. Patricia Carney: Never enough.

Hon. Lawrence MacAulay: No, but it's very scarce. The fact is that when this is passed and the requirements come into place, without any dollar figure attached to this bill, is it not going to create a problem?

Do you think, Senator, that this committee should propose a motion or an amendment to make sure the proper funding, \$65 million or whatever, is attached or is suggested to the government?

I agree with Mr. Keddy. The path is important. The legislation is important. But it's absolutely useless if we don't have the money to do it with. I'd like you to comment on that.

Hon. Patricia Carney: There are two parts to your question.

A senator cannot introduce a money bill, so—

Hon. Lawrence MacAulay: Well I'm just asking for your....

Hon. Patricia Carney: No, but for the record, you asked about—

Hon. Lawrence MacAulay: It has to go through the House.

Hon. Patricia Carney: Yes, and on two occasions, the House of Commons Speaker has said, "This is not a money bill".

When you're asking about allotting specific dollars, that is in your hands, but I'm loath to do that, because if you put a dollar figure, it'll be spent, and in many of these lights, the dollar figure might be quite low because the community will be offering resources. In our case, DFO has already maintained that it has an obligation to support operating lights, whether they're heritage or not, and it is not, but that's a different subject. It's letting the operating lights crumble. That's a separate issue from heritage lights.

And in many cases, Parks Canada offers in-kind services that there's no dollar figure on. For instance, on our foghorn project, they will do the environmental cleanup, which may just be a coat of paint. Treasury Board has said a mitigating factor for lead paint may be just a coat of paint. They have provided a structural engineering survey to ensure the building is in good shape. They've done a cultural

survey. There are no dollar figures attached to that, and the community will raise the money to refurbish it and the community will maintain it through the sale of postcards and pictures and other things.

So I'm saying you're free to suggest the \$65 million, but it may not be necessary because that money may be phased in over time.

Hon. Lawrence MacAulay: As an example, there is a problem we have in my own district, in East Point, where the lighthouse was too handy to the water, as it happened, and they had to move the whole structure back a piece. The problem we have is that we need some armour rock, or whatever, put in place. It costs a lot of money.

In another area, we had trouble down in Point Prim with the painting problem. Actually, the lead paint, of course, became a problem. It all had to be done over again.

What I'm getting at is that I don't believe you're ever going to have communities or groups take these over and be able to take on these massive figures. That's why I asked for your suggestion on the dollars.

Hon. Patricia Carney: Again, if it's an operating light, it may not be a heritage site. It's going to take time before these heritage sites are designated, beyond the ones that are already national historic sites, or designated as historic sites, so I can't give you the answer you're looking for.

My position right now—nothing to do with heritage lights—is that if a DFO operation is crumbling, it should be replaced out of its operational funds, and I'm afraid that if you put a budget figure on this...and I'm not against it, but the money that is allocated to so-called heritage lights may go on other issues, may go on other spending.

It should be repaired, okay? But that's not an issue of this bill on heritage lights. Point Atkinson is already a historic site, and the roof is falling in.

Hon. Lawrence MacAulay: That's the problem, and of course in some of the areas that we have, there are massive dollars involved, and I don't believe the communities could ever take it over. But again, it's a DFO funding problem to put it in proper shape. All I'm fearful of is that when this goes through and they have to be designated, or should be, or could be, then the groups or community groups couldn't even look at them because they can't afford to do it.

What I'd like to see is the bill in a form so that there'd be some way at least. And you can't take the money from small craft harbours, the dollars that are needed in this. What you're doing is very important, but if you don't have the dollars in place, we can't do it.

The Chair: Thank you, Mr. MacAulay.

Mr. Blais.

[Translation]

Mr. Raynald Blais: I would like to continue along the same lines as my colleague. You have heard the comments of departmental officials and in particular those of Mr. Hegge. You have also heard my views and those of other committee members. It appears that there is no easy solution.

In order to see the light at the end of the tunnel, I would be prepared to accept your recommendations. However, from where I stand, there is no solution. On the one hand, there is a desire to protect heritage lighthouses; on the other hand, we want to transfer responsibility for these structures to the community. The transfer of responsibility comes at a very high price. Simple maintenance such as a fresh coat of paint is not that costly per se. However, there are higher costs associated with decontaminating a site or with respecting the heritage or historical nature of a lighthouse.

In my opinion, it would be irresponsible to support this bill, in light of the financial realities. How do you feel about this?

• (1035)

[English]

Hon. Patricia Carney: First of all, I would like to thank you very much for suggesting an important change to the present bill, which is to restrict it to federal jurisdiction. In earlier versions of the bill, you opposed the wording on the grounds that it should be restricted, and I thank you for that. This bill applies only to federal jurisdictions.

In terms of the cost, I don't think it's irresponsible to turn a derelict or heritage building that is in danger of being demolished into an economic opportunity for the community involved, if that's what's happening, as is the case on my island. Many of the witnesses have told you that there are funds in other departments that can go towards supporting this bill.

Decontamination of sites is a federal responsibility under Environment. The idea that you leave a building contaminating a park—which would be the case in Saturna—and not address it would be irresponsible. Decontaminating that building is responsible. And doing it in a way that allows a community to utilize that building I consider responsible.

Each case will be decided on its merit, and that's why we've left the criteria at the minister's discretion, because what is going to work on the west coast won't work, necessarily, on the east coast. I do not think that over time.... I know this is going to cost a lot of money. The money that has to be spent on the lighthouses is either DFO's responsibility now, under their operating light mandate—and does not have to do with heritage—or money that can be diverted from other departments, or raised by the community.

In the case of our foghorn project, we have estimated that it will cost \$50,000. Half of that is to put power on site, because there's no power to the foghorn. That's not a big amount of money for us to raise, and the maintenance costs are considered to be \$2,000 a year. On two other Parks Canada properties, one of which involves a lighthouse, the operating costs, the maintenance costs, are about

\$2,000, which the community raises without difficulty. So I don't think the cost implications are part of....

[Translation]

Mr. Raynald Blais: To clarify what I just said, it is not that I am opposed to the idea of designating certain worthy structures as heritage lighthouses. I don't disagree with the idea of protecting and designating heritage lighthouses. I do not have a problem with that. The problem, as I see it, is that it would be irresponsible of us to support a bill if there is no proper funding in place.

On behalf of my party, I am prepared to go along with the principle of designating certain lighthouses as heritage structures. However, the department has already told us that implementing this bill's provisions will cost money, not to mention that there will be additional costs as well. That is where I see a potential problem.

• (1040)

[English]

Hon. Patricia Carney: I realize your concern. You're overlooking the fact that right now communities cannot do this; they cannot contribute. I'm told that Mike Forrestall's son Tom is dying to go down to offer his services to paint a community lighthouse in Nova Scotia. There is no way to do it now because there is no way to actually permit the communities to assist, short of divesting them, turning them over.

[Translation]

Mr. Raynald Blais: With all due respect, Ms. Carney, I do not believe that a bill can resolve the type of problem that you are talking about. In my view, the purpose of bills is to regulate an overall situation and to ensure that given criteria are applied. What you are saying here is that the problem lies with the way in which the department deals with lighthouses and the agencies that will be eventually be providing some assistance. I do not think that a bill can resolve this situation.

[English]

The Chair: It's an interesting debate, Mr. Blais, but we'll have to move on.

Mr. Stoffer.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

Thank you, Senator Carney, for coming today and working so hard over these many years, and for working with the late Mike Forrestall, and for your willingness to work with all parties in order to keep this as non-political as possible, to move forward a really important issue that affects us right across the country.

You had talked about the amendments aspects of it and that you would be supportive of the amendments that Minister Hearn or his department had put forward.

One of them was of course the “related structure” versus “related building”, and the other was the access one. Were there any other amendments that you foresee may be coming forward?

Hon. Patricia Carney: First of all, many amendments have been incorporated in this bill over the time. The only two that I understand are being proposed by DFO.... One is to add wording to the preamble, for interpretive reasons, that says:

AND WHEREAS it is important to provide access to heritage lighthouses, to understand and appreciate their contribution to Canada's maritime heritage;

That would be in the preamble.

Basically, in terms of the second one, and "related structure"—and this is Mr. Miller's—we would drop from the existing Bill S-215, (b), under clause 2, which says:

any structure on the site on which the lighthouse is situated, the maintenance of which is necessary in order to provide access to the site.

We would drop that and change that phrase, but add the access to the preamble as an interpretive.... That's the saw-off we both agreed with because it's dealing with both their concerns, our concerns.

Mr. Peter Stoffer: Okay. In my discussion with various groups like Barry MacDonald's and the lighthouse groups in Nova Scotia, they are also supportive of this approach.

Hon. Patricia Carney: Yes. Just remember, access is not as big a problem in Nova Scotia. I have a list here of the 125 stations where access is a problem. In Newfoundland and Labrador, of course, there are 26 light stations only accessible by water or helicopter. Nova Scotia has 34.

You have a lot of light stations—only 34.

New Brunswick has 12; Prince Edward Island has two. As I say, in British Columbia, it's 51 of 52. So access is an important question.

Mr. Peter Stoffer: I appreciate your comments to Mr. MacAulay when you talked about how you're not really enamoured of putting x number of dollars in the bill and telling the government, "You must allocate x number of dollars".

I fear we're in the chicken-and-egg syndrome. If we don't have this bill, then basically the status quo remains and not much will happen. We advocate all the time on various issues and never really say.... Even government backbenchers advocate all the time on specific issues for their constituents, for various groups, or they're critical without telling the government, "You must, by the way, have x number of dollars", because those analyses are done after legislation is put forward. Then you could say, "Okay, for this particular year we're able to do so much in this regard according to the bill, and next year we could do more and more".

You're absolutely correct. There is more than one department that will allocate funds to this, let alone community groups, other groups, and other people who will offer their resources as well. I would advise my colleagues, as Mr. Keddy has done, to get the process of this procedure and this bill through, and then the access, the resources, will come later. Without this, you're guaranteed nothing will happen, and then we'll have further deterioration of these lighthouses and more bills—except for Mr. Miller, Mr. Keddy, and others.

I've had similar legislation. I had this similar sort of parallel tracking, and I'm hoping this committee can agree to get it through fairly quickly and then back to the Senate for approval.

In your experience in the Senate, if the bill went back to the Senate amended, how quickly can it go through the Senate?

• (1045)

Hon. Patricia Carney: Well, I cannot ever speak on behalf of former senators. But I understand that since this bill has the backing of the government and has been certainly backed by the Liberal senators—it wouldn't have gotten through if it weren't for the Liberal senators—I can only assume that it will get quick passage if the House of Commons gives its stamp of approval. Just remember that the Senate can't initiate money bills.

I'm not discouraging your spending money on this bill, but as Mr. Keddy points out, if there is no process in place, you can't allocate. I understand that Treasury Board has money set aside for this bill.

The Chair: Thank you, Mr. Stoffer.

Go ahead, Mr. Miller.

Mr. Larry Miller: Thank you very much, Ms. Carney. Thank you, first, for coming today and taking the time. I know you're just beginning your retirement, and I certainly wish you well. I would be remiss if I didn't sincerely pass on my thank you, and I think I can say it on behalf of everyone, for carrying on Senator Forestall's dream of having this bill. Unfortunately, he's not around to see it to fruition. And of course Senator Murray was quite involved, and other groups. There is Barry MacDonald, and I see Chris Wiebe here. I know he has supported something.

Mr. Blais talked about money. I don't know whether I can say it as eloquently as Mr. Stoffer did, but he echoed Mr. Keddy's comments earlier that without this bill we have nothing. We have to start somewhere, and I think this is a great foundation.

Having money in this 2008-09 budget, knowing full well that with the time it takes to set out the criteria and that we're going to allow future groups to take over this.... The reality is, probably, that no money is needed in this budget year. That's how we end up with \$12 billion, \$13 billion, and \$14 billion surpluses around here, by budgeting money that realistically isn't going to get used in a given year.

The government is behind this bill and supports this bill. So when the time comes, I think it would be remiss of them not to support it in some way. All you have to do is look at the amount of money that has been placed over the last number of years to look after our various wharves around the country. In this last budget, there was money put in there. The government recognizes it. You can argue that maybe it's not as much as some would like to see, but it's an increase. It's heading in the right direction.

That's my point in mentioning this. This bill certainly goes a long way in the right direction. I am going to be very happy to support it.

Thanks again, Senator Carney. I have no questions, but I thank you for your time.

I'm going to pass the rest of my time over to Mr. Kamp.

Hon. Patricia Carney: He has already asked all the questions.

The Chair: Thank you. I'm sure you'll get a transcript of that for your next road trip.

Go ahead, Mr. Kamp.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair.

Thank you, Senator Carney, for appearing here and for your work—and not only on this bill. I know you've been determined over the years about this, but you have also ably represented British Columbians, of which I'm one, for the last many years, so I appreciate that.

Perhaps you can help me understand the chronology of this bill. As I understand it, if everything goes according to plan we will have royal assent. Built into the bill is a two-year period following royal consent before it comes into force. In the two years following the coming into force, a couple of things happen. The minister can receive petitions, but during those two years the ministers who have any lighthouses under their jurisdictions can make public a list of lighthouses that are surplus to their operational requirements. Then, according to the bill, there's also a five-year period from the coming into force, when the minister considers the petitions he's received. After that five-year period, he or she has 90 days to publish the decisions made on the petitions they have received.

As you see the bill, is it only surplus lighthouses that will be the subject of petitions? Is it only lighthouses that are the subject of petitions that will then become designated? Those are two kinds of related questions. In other words, does it require somebody who has an interest in actually taking over this lighthouse to make a petition for it? So will only lighthouses that are divested be designated heritage lighthouses, or is it built into the bill that some lighthouses that continue to be owned, maintained, and even perhaps operated by the federal government can be designated heritage lighthouses?

• (1050)

Hon. Patricia Carney: Let me say that it is certainly not restricted to surplus lighthouses. The Newfoundland and B.C. lights are operating lights, and so are most of the Nova Scotia ones.

Divestiture is a program that DFO already has and seems to be operating. This might help it become more national, but there are no surplus lighthouses in British Columbia, and I do not believe there are any in Newfoundland. I bow to my colleagues on that. But it would provide that facilities on the light station that are not being used by DFO—for instance, at unmanned light stations—could be used by communities.

I give the example of Sisters, which is an operating light, but since it's unmanned, the lighthouse keeper's house is available for a group to take over. Georgina Point in Mayne Island, which you would know, just the next island up from me, is an operating light, but it is unmanned. It's one of the minority of unmanned lights in British Columbia. The lighthouse keeper's house is operated by a community group. So under a licence of occupation, operating lighthouses can make surplus facilities available to communities.

As I understand it, you need to have a petition. That's not a problem. You have to advertise and tell people that if they want their light stations to be available under this program, they need to find 25 able-bodied people over 18 to sign a petition.

Mr. Randy Kamp: Does signing a petition require me to take it over...or just a community-minded group that says this should be designated as a heritage lighthouse?

Hon. Patricia Carney: Yes, you start the process. The process starts with the public. Right now, what's been happening is the public has not been involved. DFO transferred our light station to Parks Canada, and we read about it in the paper. DFO, of which you are the august parliamentary secretary, came and dismantled our assistant lighthouse keeper's house—just took it away overnight—when we could have used it for community purposes. The process starts with a public petition and with the announcement that the minister will accept petitions over time.

It was Senator Forrestall's idea to put in these time milestones. I didn't think it was necessary, but he thought of them as maximums, so that the bill, as Mr. Stoffer says.... Mr. Stoffer has done more work on this light bill I think over the eight years than anyone else, and Mr. Keddy has too, but you've been outstanding on this, and if you don't put in the time milestones, nothing will happen. It can happen fast or it can happen late, but the milestones are there to make sure there's some sort of reporting process.

You can pass this and get royal assent, and I tell you that you'll have petitions—not a lot, because people have to do business plans. To address Mr. Blais' point, they have to get together, decide how they're going to do this, and then submit an application. You know how government works; it takes forever. We're just hoping the lighthouses don't fall down.

My office is dark today, my BlackBerry goes, my telecommunications are cut off, my able assistant Sarah Cuff is already unemployed as of last night, and my retirement will not start until royal assent is received on this bill, so my determination will continue.

I want to thank you all for your attention and for all your work over the years—and Mr. Miller's work on this latest bill—to get this through. People care about their light stations. They care about their heritage. They care about their history.

• (1055)

The Chair: Thank you, Senator Carney. Certainly on behalf of the committee, we thank you for your hard work also.

Following up on Senator Forrestall, being new here, I only had the opportunity to spend some time with him, but certainly his dedication to ensuring that this bill was passed was nothing that missed us in the short time we had to share with him. Thank you for your work in following up on that.

Thank you for your testimony here today and for your comments. We wish you all the best in your retirement. We hope your assistant finds employment soon.

Gentlemen, there are a couple of quick items we have to deal with. We're not going to be taking a break right now. We have a budget request. I need a motion to approve a budget for witnesses to the tune of \$20,200.

Mr. Bill Matthews: I so move.

The Chair: It is so moved by Mr. Matthews and seconded by Mr. Keddy.

(Motion agreed to)

The Chair: Mr. Blais, there was something you raised earlier, when we began our meeting.

[*Translation*]

Mr. Raynald Blais: Thank you, Mr. Chairman.

Regarding the tragedy that occurred off the coast of Nova Scotia and the death of the Magdalen Island residents, I can give you the addresses of the victims' families so that a message of condolence can be sent to them on behalf of the committee. I do not believe we need to pass resolution in this case.

As for the decisions that we have reached, in light of the order of business and our upcoming work agenda, I think the Subcommittee on Agenda and Procedure should meet tomorrow afternoon. This is

generally when our meetings are scheduled. The purpose of the meeting would be to lay out for committee members a schedule of future meetings. Right now, we have a series of commitments to uphold.

[*English*]

The Chair: Thank you, Mr. Blais. You had mentioned to me earlier that maybe we could have a steering committee meeting tomorrow after QP, if that would be possible. We'll arrange to have it after QP tomorrow. I'll have somebody send a notice. Julia will find a room for us and notify us for a steering committee meeting.

We're booked up until our April break. Following that, we'll be doing at least three to four days of estimates, and then we'll be working on some details following that.

On Thursday we have more witnesses here: Natalie Bull from the Heritage Canada Foundation, Barry MacDonald from the Nova Scotia Lighthouse Preservation Society, David Bradley from Memorial University's Maritime History Archives, and Peter Noreau from Corporation des gestionnaires de phares de l'estuaire et du golfe du Saint-Laurent.

We'll see you on Thursday. Thank you very much. The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.