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# **Standing Committee on Environment and Sustainable Development**

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**EVIDENCE**

**Monday, June 17, 2013**

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**Chair**

**Mr. Harold Albrecht**



## Standing Committee on Environment and Sustainable Development

Monday, June 17, 2013

• (1900)

[English]

**The Chair (Mr. Harold Albrecht (Kitchener—Conestoga, CPC)):** I'd like to call the meeting of the Standing Committee on Environment and Sustainable Development to order. We're in meeting number 82.

Prior to introducing our witnesses, I have something I would like to read, which I understand has been worked out with all parties:

That, notwithstanding the decision made by the Committee on June 13, 2013, the Committee move immediately to clause-by-clause consideration of Bill S-15, An Act to amend the Canada National Parks Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and to make consequential amendments to the Canada Shipping Act, 2001, following the witness testimony on Monday, June 17, 2013.

Are all in agreement with that? I understand we're in agreement to move directly into clause-by-clause study after the witnesses are finished.

Thank you very much.

We will move now to our witnesses. We have seven witnesses tonight. Three of them are joining us by teleconference.

To save a bit of time, I'm not going to mention all of them now. I'm going to go in the order that's listed on the orders of the day. If you don't have a copy, we can get a copy to you.

We'll begin with the Government of Nova Scotia, the Honourable Leonard Preyra, Minister of Communities, Culture and Heritage.

I have asked our witnesses as much as possible to try to limit their opening statements to between five and seven minutes to give us more time for questions from members; however, I will be a little flexible there, so we'll move ahead with that understanding.

Honourable Leonard Preyra, would you begin your statement, please.

**Hon. Leonard Preyra (Minister of Communities, Culture and Heritage, Government of Nova Scotia):** Thank you, Mr. Chair.

Members of the committee, good evening, *bonsoir*. It's a pleasure and an honour to be here today to mark another significant step in the process to designate Sable Island as Canada's 43rd national park reserve.

As you are aware, on October 17, 2011 Nova Scotia Premier Darrell Dexter, along with Peter Kent, the minister responsible for Parks Canada, signed a landmark agreement to make Sable Island a

national park reserve. I too signed that agreement as a witness that day.

That historic memorandum has helped secure a future of greater protection for this unique island. This agreement holds significance for all Canadians, for Nova Scotians and members of my constituency. I shouldn't say "my constituency". The Honourable Megan Leslie is here too. It's our constituency. We all have it. We're very possessive about it.

In particular it's especially meaningful to members of our constituency. It commits Canada and the Province of Nova Scotia to protecting Sable Island for the benefit and enjoyment of everyone both now and for future generations. It is about conservation and stewardship.

This legislation will put into law significant benefits for Sable Island, its habitat and the unique flora and fauna living there. That is the reason I am here today endorsing this bill on behalf of the Government of Nova Scotia. This bill protects Sable Island under the National Parks Act, the strongest federal conservation legislation available.

It will legislate for the first time a ban on exploratory and extractive drilling for petroleum resources from the surface of Sable Island. This will install a judicial buffer around Sable Island that prohibits drilling from its low-water boundary out to one nautical mile. This bill will put in place a legislative requirement for the Canada-Nova Scotia Offshore Petroleum Board to consult with Parks Canada should it want to issue a permit for activity on Sable Island.

The bill will also protect the asserted aboriginal rights and title by the Mi'kmaq of Nova Scotia by designating it as a national park reserve.

Sable Island holds a special place in the hearts of Nova Scotians and Canadians across the country. In our constituency in particular people have long voiced their fondness for Sable Island and have come out in support of the legislation to make the island a national park.

Mr. Chair, I can wax lyrical about Sable Island. All of you have heard presentations from Canadians, but I'm not going to do that. With that, I'm going to cut out pages 5 and 6 of my presentation at your request, but if it's possible, I'd like to have them in the record as read.

**The Chair:** You still have a lot of time left if you care to use it.

**Hon. Leonard Preyra:** Oh, no, I'm not ending here. I'm just cutting out pages 5 and 6.

**The Chair:** I'm sorry, once you stop in this committee, you're done.

**Voices:** Oh, oh!

**Hon. Leonard Preyra:** I always thank people who ask questions about this legislation. I was talking with Ms. Rempel earlier about how great the questions have been and how non-partisan they've been. The direction of the questions is really all about protecting Sable Island. It's a very heartening process. It's a very encouraging process. I want to thank you and the committee for conducting this meeting and these hearings in that fashion. It really underlines the respect and fondness that we all have for Sable Island.

Being designated as a national park has a number of advantages. It will guarantee a number of important protections and regulations for the island. It will help ensure that the beautiful wild and fragile island will remain as it should be for generations to come. This legislation will protect Sable Island as it deserves to be protected and as how so many people who care for the island want it to be protected.

Designating this national preserve was a truly joint effort. Working collaboratively with our federal partners and other stakeholders, the team first evaluated which protection legislation would work best to legally protect Sable Island for the future. The assumption has always been and continues to be, Mr. Chair, that the status quo is not sustainable, that in a world where the coast guard is changing its role and where lighthouses are not as necessary, the status quo is just not sustainable. In fact, the law as it stands is a bit of an anachronism.

It became abundantly clear that the best choice was to advance Sable Island for designation as part of the national parks system. Through the federal-provincial agreement, we began pursuing this plan. We then worked on the best way forward while considering various interests, including offshore petroleum resources. With that in mind, both the provincial and federal governments agreed to present legislation to prohibit drilling on the surface of Sable and out one nautical mile.

The legislation will provide protection for the island while allowing access to the island for activities such as the emergency evacuation of offshore workers and for low-impact petroleum exploration activities. These activities and any such activities will require adherence to a code of practice for the protection of the island and will be regulated by the Canada-Nova Scotia Offshore Petroleum Board in consultation with Parks Canada.

We have the utmost confidence in our partners' ability to serve as regulators for this code of practice. After three decades, the Canada-Nova Scotia Offshore Petroleum Board has developed a great deal of experience in this area, and Parks Canada is well versed in the environmental protection, conservation, and stewardship needed to ensure the island is safe and secure both now and in years to come. Parks Canada has been a committed partner in this process, and the consultation itself was a vote of confidence in Parks Canada and its ability to manage this heavy responsibility.

Once this legislation is enshrined in law, Sable Island's surface will never again be drilled. The petroleum companies strongly support this measure and volunteered to amend their discovery

licences to follow this provision. These licences have now been amended and were approved by the federal and provincial ministers.

We strongly support the development of a memorandum of understanding between Parks Canada and the Canada-Nova Scotia Offshore Petroleum Board to develop a protocol for low-impact petroleum activities and the way they may or may not be conducted on Sable Island. We are committed to this process and the public consultation that will help shape and support the memorandum of understanding.

Public consultation is a key part of the shared responsibility. Those of us who have been involved in Sable Island for a number of years now know that the public cares passionately about Sable Island, and any time you have public consultation, you will have a very open, transparent, and vigorous process.

We have been engaged along with Parks Canada in consultation with Mi'kmaq representatives on the creation of the national park reserve. We are pleased that there has been progress towards an agreement that would see the Mi'kmaq undertake research on and about Sable to help us and them learn more about their ancestors' possible linkages to the island.

Along with the Mi'kmaq, we are truly working together—the provincial government, the federal government, and business—to ensure that the significant cultural heritage and ecological value of Sable Island are understood and maintained. The amendments to the accord act are another step in the process towards completing the designation of Sable Island as Canada's 43rd national park.

The Nova Scotia House of Assembly passed mirror legislation to this effect. Nova Scotia will continue to carry out this important work on Sable Island, such as scientific research and environmental, climate change, weather, and air monitoring. We have made a continuing commitment to stay involved and engaged.

● (1905)

Nova Scotia will provide advice on the ongoing management of the island through the Canada-Nova Scotia offshore committee. We will continue to provide input on a number of topics.

I would like to thank and commend Parks Canada for their consultative approach to the establishment of Sable Island as a national park reserve and for an ongoing commitment to stakeholder inclusion. We look forward to further discussions with Parks Canada as they move forward with the management planning and in the actual ongoing management of this unique site. Sable Island is part of Nova Scotia's and Canada's history, and as part of the national parks system, it will be a special part of the future.

I would like to thank Minister Kent; Minister MacKay; Minister Parker, the Minister of Energy and Minister of Natural Resources; Harold Carroll; a number of other people who've been involved; and all our hard-working staff who have been involved in this process.

I want to thank you for the opportunity to speak here. I look forward to the discussion.

•(1910)

**The Chair:** Thank you for being understanding of our time constraints. I appreciate that very much.

**Hon. Leonard Preyra:** I just barely got it in.

**The Chair:** Well, you were a little over, but that was partly my fault. I'll take responsibility for that.

We'll move now to Mr. Stuart Pinks, CEO of the Canada-Nova Scotia Offshore Petroleum Board.

Mr. Pinks.

**Mr. Stuart Pinks (Chief Executive Officer, Canada-Nova Scotia Offshore Petroleum Board):** Thank you, Mr. Chair and members of the committee, for the invitation to appear before the committee this evening. I'll try to jump through my speaking notes which I think all of you have copies of, and try to hit some of the highlights to try to meet the five-minute time commitment.

My name is Stuart Pinks. I'm the chief executive officer for the board. I'm joined by Elizabeth MacDonald, who is an adviser on environmental affairs and a conservation officer with our board. I'm pleased to have the opportunity to communicate our support for Bill S-15.

Sable Island has long been the centre of oil and gas activity in the offshore Nova Scotia area since hydrocarbon exploration began back in the 1960s. To date, all the discoveries and the production that have been made in the Nova Scotia offshore have been within 60 kilometres of Sable Island, and a significant amount of that within 12 kilometres of Sable Island. The coexistence of Sable Island with the oil and gas industry has been going on successfully for quite awhile.

When the board was first advised of the changes in the status of Sable Island in November 2011, the board approached the licence holders in the area who voluntarily agreed to amend the terms and conditions for the five significant discovery licences that encompass or are within one nautical mile of the island. These licences were issued prior to the board being formed and give the rights holders tenure.

These amendments prohibit drilling from the surface of the island or within one nautical mile seaward of the low watermark of the island. We know this prohibition has been ingrained in the proposed legislation that is now before the House.

We understand that the current debate in relation to the proposed legislation has, in part, been centred on the definition of low-impact exploration activity that may be allowed to be carried out within the national park reserve. Our commitment is that once this legislation goes into effect, the board in partnership with Parks Canada intends to develop and publish guidance and interpretation notes addressing this matter.

The development of guidance and interpretation notes is contemplated under the accord acts and they form an important part of our regulatory regime. Public consultation will be a key component of this process.

Experience has shown that when conducted using appropriate equipment, work practices, and mitigation, the type of activities contemplated on the island can be carried out with little or no lasting

impact on the environment. These include things like geochemical studies and seismic-type work.

I think the committee is aware that in 1999 a four month low-impact seismic program was carried out successfully on Sable Island by what was then Mobil Oil Canada. The program and the code of practice were carefully observed by Zoe Lucas who lives on the island. Upon completion she concluded that in general the program had only limited and short-term impact on Sable Island.

Upon or prior to receiving an application by an operator to carry out any proposed exploration program for possible authorization, regardless of whether it is on the ocean or on Sable Island, the board would require an environmental assessment up front. In conducting this assessment, public comment periods are provided for. In order for the board to consider the issuance of an authorization, the environmental assessment would have to demonstrate that there would be a low likelihood of significant adverse environmental effects following the implementation of the project-specific mitigation from carrying out the proposed program.

Should work be proposed within the national park reserve, the board will solicit input and advice from Parks Canada among others. The requirement for low-impact exploration would drive consideration of, and potential implementation of, additional mitigation to further minimize or remove any potential environmental effects on all surrounding ecosystem components, including landscape, vegetation, wildlife, and marine life. Each operator would be required to develop and submit for board review and acceptance a code of practice specific to the work to be done on or around the island.

I wanted to speak very briefly to the fact that our board underwent an extensive audit by the federal Auditor General's Commissioner of the Environment and Sustainable Development. They looked at some 10,000 records generated between our board and the Newfoundland board and other federal parties. The report that was published in February 2003 concluded that the board exercises due diligence when assessing and approving offshore projects and activities; the board takes adequate steps to ensure that operators comply with environmental requirements; and overall, the board manages the current environmental impacts associated with natural gas activities in the Nova Scotia offshore area in a manner consistent with the size and scale of current operations.

•(1915)

Having those types of comments made by the federal Auditor General after an almost two-year review of the activities that our board undertakes was, to me, a huge vote of confidence.

In closing, the board supports the amendments to the Canada National Parks Act designating Sable Island as a national park reserve and the resulting amendments to the accord acts. The amendments to the accord acts reflect board policy that has been in place for many years for exploration licences. The establishment of this reserve is an example of government, industry, and the regulator cooperating to achieve a common goal, the protection of Sable Island.

In summary, I would ask that you consider the following points as you move forward.

One, the board commits to, in partnership with Parks Canada, develop guidance and interpretation notes to give definition to the term “low-impact exploration activities”.

Two, low-impact seismic activity occurred on Sable Island in 1999 and also previously in 1996. There were no significant adverse environmental effects from this program, according to the report that was prepared by Zoe Lucas, who I think is joining us as well.

Three, under the proposed bill, Parks Canada will have to be consulted and their views considered before any low-impact activities occur on Sable Island, which is not the case now. We could authorize those activities today without having to consult with Parks Canada.

Four, an environmental assessment, including a public component, will be required before any low-impact activity can take place on Sable Island.

Five, the federal Commissioner of the Environment and Sustainable Development recently expressed confidence in the board's execution of its environmental protection mandate.

Thank you again for the opportunity to provide the board's perspective on this matter. I look forward to some of the upcoming questions.

**The Chair:** Thank you, Mr. Pinks. You're right on seven minutes, right on the button.

We're going to move now to ExxonMobil Canada and its president, Andrew Barry.

Mr. Barry.

**Mr. Andrew Barry (President, ExxonMobil Canada Ltd.):** Thank you very much for this opportunity. I'm going to try to skip through this presentation to meet my seven-minute time schedule, but you have copies that you can read, as required.

For those of you who are unfamiliar, ExxonMobil Canada is a leading developer of petroleum resources off Canada's east coast, with offices in Halifax and St. John's. ExxonMobil also has a presence in Canada through our majority ownership of Imperial Oil, with whom we share many process systems and technologies.

In Nova Scotia we operate the Sable offshore energy project, which is located more than 200 kilometres off the coast. There we produce natural gas from several platforms located in shallow waters and spread across several hundred square kilometres in the vicinity of Sable Island. Our co-venturers are Shell, Imperial Oil, Pengrowth Energy, and Mosbacher Operating Ltd.

The Sable project introduced a new source of clean energy to Nova Scotia and New Brunswick and enabled the development of pipeline infrastructure that now connects these provinces to the North American natural gas market. The pipeline infrastructure has also allowed the development of subsequent fields, such as in Encana's Deep Panuke project, which is scheduled to start up production soon.

Total Sable project spending by year-end 2012 was \$6.5 billion, including approximately \$2.5 billion in Nova Scotia. Benefits from the Sable project include direct and indirect employment, spending

on goods and services, funding of research and development, as well as education and training, contributions to local community organizations, and the payment of municipal, provincial, and federal taxes. In addition, the Sable project's co-venturers pay offshore royalties. To date, the province reports that it has received more than \$1.7 billion in royalties from the Sable project.

Sable Island has been extremely important to our work in Nova Scotia and to our ability to safely deliver these benefits. For us, with our production facilities nearby, the island is a valuable safe refuge. It gives our standby vessels shelter from storms, and we know our helicopters can land there in case of an emergency.

Going back to the start-up of natural gas production in 1999 and exploration work that dates back 40 years, we feel privileged to have had the opportunity to work with stakeholders, including experts like Zoe Lucas, to help protect the island. We are proud that the Sable project is an example of how the oil and gas industry can coexist with a sensitive ecosystem and even enhance its protection.

We've provided funding for scientific research about seabirds and marine mammals and about the flora and fauna that call Sable Island their home, including the island's famous wild horses. This research includes a nesting bird census and a long-term survey of beached birds; a study of plants and invertebrate communities on the island; research on lichens, which are extremely sensitive to environmental changes and very good indicators of the island's health; and atmospheric research, including airshed monitoring and the study of tropospheric ozone. We've also helped with beach cleanups and other projects to restore terrain and dunes that have been disturbed in the past.

In 2011 we were pleased to collaborate when asked by our regulator on behalf of the provincial and federal governments to make amendments to our licences that would further codify a protected one nautical mile buffer around the island. We worked with the other industry interest holders to amend the relevant licences and provide the island with this additional protection.

For us the proposed park designation not only ensures that Sable Island will be protected for future generations, but also recognizes the importance of oil and gas activity in the area near the island.

Much has been made of the provisions in the bill that allow directional drilling below the island and also low-impact seismic activity on the island. Please allow me to clarify that ExxonMobil has no plans for additional drilling on licences near to Sable Island. In 2010 we said publicly that we would market our licences in the area to other parties that may have interest in their development. To date this has not been successful.

That being said, we firmly believe these activities can be carried out in ways that do not negatively affect the environment. While we do not have plans for these activities, we cannot speak for other interest holders and their view of the future.

We believe that in designating Sable Island as a park the public interest in potential future development of petroleum resources need not be compromised. The same is true for the private sector's interest in this development.

• (1920)

We believe that our record is proof that the industry can work in harmony with this special ecosystem, and that it would be short-sighted to foreclose potential future economic development with prohibitions which, in the end, add no meaningful added protection to this island.

We believe both the provincial and federal governments recognized this balance by approaching us with the idea of amending the licences to prevent drilling on the island surface, which were already part of our code of practice.

We are pleased to support this extra measure of protection, and we are delighted to be part of the practical plan to ensure that Sable Island will be protected for future generations of Nova Scotians and Canadians.

Thank you.

**The Chair:** Thank you very much, Mr. Barry.

We'll move now to the Canadian Parks and Wilderness Society. We have in person with us, Alison Woodley, the national conservation director. I understand Chris Miller, the conservation biologist, is with us by way of teleconference.

Alison, I believe you'll begin with the opening statement. Please proceed.

**Ms. Alison Woodley (National Conservation Director, Canadian Parks and Wilderness Society):** Thank you very much, Mr. Chairman.

Good evening. My name is Alison Woodley and I am the national director of the parks program for the Canadian Parks and Wilderness Society, or CPAWS.

As Mr. Chairman mentioned, also joining us this evening from Nova Scotia is Dr. Chris Miller, who is CPAWS' national conservation biologist. Chris has been leading our work on Sable Island.

[*Translation*]

Thank you to the members of the committee for having invited us to participate in this meeting to present our thoughts on Bill S-15.

[*English*]

CPAWS is Canada's voice for parks and public wilderness protection. For 50 years we've played a key role in the establishment of Canada's protected areas, including many of our national parks. We've been following the various debates on Bill S-15 quite closely in both Ottawa and in Nova Scotia.

We're pleased to hear what appears to be overwhelming support for protecting Sable Island which, as everyone knows, is a very interesting and unique piece of Canada. Like the other witnesses, rather than reiterate all the reasons why Sable Island is so special and deserves our highest level of protection, which has been discussed

very well, including during our testimony at the Senate committee, we'll cut to the chase on what we feel are the key issues.

CPAWS is strongly supportive of a national park designation for Sable Island. In fact, we first proposed this as an option for protecting Sable way back in 1971, so we're very pleased that the governments of Canada and Nova Scotia are taking the steps required to make the national park a reality.

The national park designation is a big improvement over the status quo and will result in much stronger habitat protection for the flora and fauna of the island. Parks Canada has a requirement to manage national parks for ecological integrity as a first priority and must develop a management plan that addresses this. The previous management structure for Sable Island using outdated regulations in the Shipping Act is not tenable over the long term and doesn't offer the sorts of ecosystem protections that many Canadians expect of this important location.

CPAWS is very concerned about the prospect of oil and gas exploration being allowed to occur on Sable Island. The ocean all around Sable Island is available for industry and we feel that the sliver of sand that is Sable Island should be left free from any such industrial activity. Specifically on the issue of allowing low-impact oil exploration, driving thumper trucks onto the beaches at Sable, stringing lines across the island, and digging listening devices into the sand, as has been described, are not what we would consider to be low-impact activities, nor are they appropriate activities in a national park, which should be off limits to all oil and gas exploration and development activities. We also believe they run counter to what most people want for Sable Island, which is simply for it to be left alone as much as possible and to remain this wild and free place that so many Canadians cherish.

For these reasons we are requesting that the clauses of Bill S-15 that would allow for oil and gas exploration activities to occur on Sable Island be removed. In summary, CPAWS is strongly supportive of a national park for Sable Island. We want this legislation to move forward, and we are requesting amendments to strengthen protection of the island from oil and gas activities.

I would also like to share some brief comments on clause 15 of the bill, which includes the proposed change to the leasehold boundary of the Marmot Basin ski area in Jasper National Park. We do not have a specific amendment to put forward here, but I do want to highlight that in exchange for the reduction in the leasehold area of the Marmot Basin ski area, there are new development proposals being considered that could have a significant impact on wildlife in the park, including on caribou which are identified as threatened under the federal Species at Risk Act.

For new development to be considered outside the current footprint of a ski area, Parks Canada policy requires the operator to demonstrate that there will be a substantial environmental gain from the overall plan. This net gain is not achieved by the redrawing of the leasehold boundary, but rather by the overall impact of developments and activities on wildlife and ecosystems, both inside and outside the current footprint and the leasehold areas. The developments and activities determine whether there's a substantial environmental gain.

In the case of Marmot Basin, CPAWS is particularly concerned about Jasper's woodland caribou, which have dropped to critically low numbers and are at risk of disappearing entirely from the park. There is a study under way to better understand the importance of the Marmot area to caribou and other wildlife, and given the precarious state of this species, no development that could potentially result in any further risk to caribou in the park should be allowed to proceed. As final decisions are made about developments at Marmot Basin in Jasper, we will be looking to Parks Canada to uphold its responsibility to put ecological integrity first in its decision-making.

Thank you again for the opportunity to present today on behalf of CPAWS. We will be pleased to answer any questions.

• (1925)

**The Chair:** Thank you very much, Ms. Woodley.

We'll move now to teleconference with Ecology Action Centre. Mark Butler is the policy director.

Mr. Butler, please proceed.

**Mr. Mark Butler (Policy Director, Ecology Action Centre):** Thank you for this opportunity. My presentation will be under five minutes.

The Ecology Action Centre has been actively involved in protecting Sable Island for over a decade. We've been a member of the government-led Sable Island stakeholder advisory committee for many years. We held our first event in 2004, in association with Zoe Lucas and the Sable Island Green Horse Society. Every year since we have held an annual update that attracts over 300 people, a testament to the ongoing interest in the island and its protection.

We first became involved because there was good chance the federal government would close the Sable Island station. The Ecology Action Centre, along with many other groups and citizens, strongly made the case that the island required a year-round human presence. Luckily and eventually the federal government agreed and committed to maintaining a year-round human presence on the island.

The Ecology Action Centre, along with the Green Horse Society and CPAWS, was supportive of Sable Island becoming a national park when first proposed in 2010. We have maintained that support over the last three years.

Despite significant public concern that by making Sable Island a national park Canadians might love it to death through increased visitation and supporting infrastructure, the EAC has seen the designation as the best possible outcome for the island.

We supported park designation for a number of reasons, including the expectation that the designation would result in the exclusion of oil and gas activities from the island.

In the summer of 2011, the EAC participated in Parks Canada's consultation on the island as a national park. We made the following comment regarding oil and gas activity:

The EAC opposes oil and gas activities on Sable Island including seismic. We would encourage licence holders to relinquish any existing licences on Sable Island. In addition, oil and gas activities should be kept as far away as possible from Sable Island both to reduce the impacts of pollution on the Island and to protect the integrity of the visitor

experience. The federal and provincial government should expand the current 1 nautical mile exclusion zone and put it into law. Parks Canada should not make any arrangement regarding sub-surface petroleum rights for Sable Island which would set a bad precedent for other national parks in Canada.

Consequently, we are disappointed to see that with this legislation, drilling under the island is still permitted, the exclusion zone has not been expanded, and—we hadn't expected this—exploration is allowed on the island.

There are effectively no new protections for Sable Island from oil and gas activity. We appreciate that the Canada-Nova Scotia Offshore Petroleum Board guidelines around surface drilling and the one nautical mile exclusion zone are now being enshrined in legislation. However, in practice most of us realize that it would be highly unlikely for any oil company to propose drilling on Sable itself, or in the surf and shallow water immediately adjacent to the island, or to do high-impact seismic on the island. Because of the shape of the island, which is long and narrow like a banana, a drill rig one nautical mile from the island will feel like it's on top of the island.

In terms of impacts, our main concerns are flaring, light and noise, produced water, and small spills. If there is a large spill, it probably won't matter whether the rig is one or five nautical miles away. We're happy to elaborate on these concerns.

We are opposed to the proposed amendments in the current form because of the ecological risk to the island and the precedent they set for other national parks, if not in legislation, in the public's mind.

We are also worried that this decision erodes the public's confidence in Nova Scotia's and the federal government's resolve to stand up for Sable Island on other matters, such as tourism. We note that both governments have received considerable praise for their decision to protect the island. At EAC we were happy to add our voices to that praise.

We also like to think that the government is also willing to take tough decisions on behalf of the island. We have followed some of the deliberations in Parliament. We are distressed that MPs and senators are in a position of having to choose between a park that permits oil and gas activities in its boundaries or delaying the establishment of a national park. It is an unfortunate choice, and one which we think could have been avoided.

There is a tremendous amount of goodwill within government and industry when it comes to Sable Island. Of course, the level of public interest and support for the island never ceases to amaze.

Because we weren't part of the discussions, we can only surmise, but we feel that both the federal and provincial governments missed an opportunity to bring all the players together to hammer out a deal that puts the best interests of the island first.

• (1930)

As far as we know, the oil companies were never explicitly asked not to do low-impact seismic on the island, or not to do directional drilling under the island. They agreed to what they were asked to do by the government.



If for whatever reason there is an opportunity to improve on this legislation, we would encourage that there be frank and inclusive discussions about how to meet the interests of the licence holders, while keeping oil and gas activities out of the park.

Thank you for your time and your work to protect Sable Island.

**The Chair:** Thank you very much, Mr. Butler.

We will move now to Zoe Lucas, from Nova Scotia, from Sable Island.

Welcome, Zoe.

• (1935)

**Ms. Zoe Lucas (As an Individual):** Hello. Thank you for giving me the opportunity to address the committee.

I began working on Sable Island in 1974, and since the mid-1980s I've spent eight to eleven months on the island each year.

My work has included dune restoration studies, studies of seals and horses, biodiversity surveys, and environmental monitoring.

Among the environmental monitoring projects that I conduct is a long-term beached oiled seabird survey conducted for the offshore energy industry as part of its environmental effects monitoring program. This ongoing survey, done once every four to six weeks since 1993—

**The Chair:** Excuse me for just one minute. Apparently we're having difficulty with translation.

**Ms. Zoe Lucas:** Okay, do you want to go to just asking any questions?

**The Chair:** Just one moment. We're checking to see if they have it. We believe they have it, but maybe haven't located it.

We were warned that the quality of the sound might not be great, so we're struggling with that. If you would just give us a minute or two, we'll see if we can resolve it.

We're going to try again, Ms. Lucas. Perhaps you could speak a little more slowly. We're going to see if our translators can pick up the quality of the sound, so proceed again, please. I'm sorry about the interruption.

**Ms. Zoe Lucas:** Should I start from the beginning?

**The Chair:** No, just carry on from where you were.

**Ms. Zoe Lucas:** In the mid-1990s, I became involved in the campaign to address the long-term problem of securing government commitment for support of the Sable Island station. This involved working with the Ecology Action Centre and Mark Butler.

To ensure environmental protection and conservation of Sable's natural values, a continuous human presence on the island is essential. There has been a government station on Sable since 1801, but for the first 150 years, the primary role of the station was to maintain aids to navigation and life-saving. The development of various technologies such as radar enabled ships to avoid the island. By the mid-1900s, the island's role as a hazard to navigation was greatly reduced.

The Meteorological Service of Canada has been collecting weather data on Sable since 1871. Increasing scientific interest in

the island generated awareness of its unique natural values and concerns about conservation and protection. Requests from tourists, media groups, as well as researchers to visit Sable have steadily increased.

By the mid-1990s, it was clear that the Canada Shipping Act was no longer a good fit for management of the island. This, combined with budget cuts during program review, resulted in a decade of serious uncertainty about the future of the island.

The announcement that the Government of Canada would consider national park status for Sable Island is great news. This status offers the highest level of protection and conservation available in Canada.

Given the unique history and issues of the Sable Island situation, the very grave concerns about the island's future, and the four decades of experience with the offshore energy industry in this region, this makes for a stable solution that will work well for the island. The expertise, mandate, and resources of Parks Canada will provide a high level of long-term and continuous protection for Sable Island. Advice provided to the Canada-Nova Scotia Offshore Petroleum Board by Parks Canada will greatly increase the depth and breadth of the board's understanding of Sable's environmental and biodiversity issues.

I support passage of Bill S-15 as is. Concerns arising from the amendment allowing for limited offshore energy activities can be addressed following the establishment of the Sable Island national park reserve. These concerns will most certainly be a consideration in the development of the Parks Canada management policy, and the guidance and interpretation on low-impact industry activities on the island will certainly improve that situation.

I've skipped over some of the things I was going to say, just to keep it short, and given the poor quality of the line, I'll leave it at that. Thank you very much.

• (1940)

**The Chair:** Thank you very much, Ms. Lucas.

I neglected to mention earlier that we also have with us, from the Canada-Nova Scotia Offshore Petroleum Board, Elizabeth MacDonald.

We're going to go into our rounds of questioning.

Because we have three people with us by way of teleconference, I'm going to ask our committee members to direct their questions to a specific witness, or two if they want, but I don't want just an open question where we wait to see who's going to answer.

Please direct your questions specifically to a witness.

I want to thank our witnesses again for their patience and forbearance with a shortened timeframe. Hopefully, with a question that's posed, you'll be able to get in some of the points you wanted to make in your opening statements.

We're going to begin with Ms. Rempel, who has seven minutes.

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

Thanks to our witnesses.

I'll very briefly but not adequately express the deep respect I have for everyone who has been involved in the development of this legislation over the decades. What we're seeing here tonight is the culmination of years of work, and you're all to be commended. Thank you for allowing us to take a small part in potentially making this legislation happen.

I'll start with Minister Preyra.

At a Senate committee meeting on April 16, 2003, Senator Patterson said this to you: "CPAWS has recommended that we amend the bill to not allow low-impact oil and gas exploration, not allow exploration activity of any kind on the island, and prohibit horizontal drilling under the island." Basically, he was asking you if you had any comments on that. Your response was: "In a way, it is a deal breaker, or at least it sets us back to square one."

Would those comments still stand today?

**Hon. Leonard Preyra:** I think they still stand, because at the moment what we're seeing is an alignment of different forces.

You have different levels of government agreeing. You have a whole variety. You have new unanimity among the stakeholders. You have the industry involved. Bringing about that alignment has taken a long time.

Yes, it would mean going back to square one. It would mean renegotiating agreements at a variety of different levels, and yes, it would set the process back.

**Ms. Michelle Rempel:** Thank you.

Mr. Butler suggested tonight that should any exploration happen within the one nautical mile boundary area, it would feel as though it were right on top of the island. I believe those were his comments.

In developing the one nautical mile boundary, what consultation was used, and what was the feedback as to the adequacy of that boundary to provide ecological integrity for Sable Island?

**Hon. Leonard Preyra:** I think there are two different questions there, and Zoe might be in a better position to answer part of it.

The questions around habitat protection and the flora and fauna of Sable Island and the protection of Sable Island itself are separate from any issues relating to oil and gas exploration. As far as I know, there isn't any particular necessity to protect habitat. I think at the moment it's about five or six kilometres offshore, and it hasn't posed any environmental difficulties. I know that aesthetically there will be some, but when you're on the ocean, things loom large generally.

One of the other members here might be in a better position to answer.

**Ms. Michelle Rempel:** Certainly. Go ahead briefly.

**Mr. Andrew Barry:** At the moment the closest facility to Sable Island that we have is about nine kilometres off the coast. That's our Venture pipeline.

• (1945)

**Ms. Michelle Rempel:** Mr. Pinks.

**Mr. Stuart Pinks:** Actually, one of your unmanned platforms is even closer, though. I think the South Venture platform is about six kilometres from the island.

**Ms. Michelle Rempel:** Great.

To continue, clause 3 of this bill, in proposed subsection 41.2(1) says:

Existing leases, easements and licences of occupation in or on Sable Island...are continued under this Act in accordance with their terms and conditions....

What consultation process would be used should any of that need to be amended in the future? My understanding, based on Parks Canada management and on the process that's been developed for this particular part, is that any time we demand a lease related to this, there would be extensive community consultation. Is that correct?

That question is for either Mr. Pinks or Minister Preyra.

**Mr. Stuart Pinks:** If I understand the question correctly, what we call SDL, significant discovery licences, were voluntarily amended ahead of this legislation in consultation among government, the regulators, and the interest holders like ExxonMobil.

Everybody has agreed that there would be, within those significant discovery licences, no drilling from the island or within one nautical mile. That was done collaboratively.

**Ms. Michelle Rempel:** Briefly, Mr. Pinks, we've heard a lot of testimony back and forth here, and it's my understanding there may or may not be exploratory drilling happening on Sable Island.

Could you briefly summarize your understanding as per what is proposed in this legislation of what would be allowed on Sable Island?

**Mr. Stuart Pinks:** The legislation has a couple of notes in that regard. One is that it would prohibit exploratory drilling for drilling of a well, either an exploration well or a production well. For the purposes of exploring for or producing hydrocarbons, drilling is prohibited on the island and within one nautical mile of the island.

There are activities that could be conducted on the island, and they are the low-impact activities that are identified through the geophysical and the geological seismic-type programs. I can come back to those in a minute.

Access is allowed for maintenance of pre-existing wellheads and for emergency response situations. If you had to evacuate a platform or a drilling rig in close proximity, there would be a place of safe harbour.

The provisions are well spelled out.

With regard to the low-impact activities that are described, as I said in my opening remarks, if those are carried out using the appropriate equipment, appropriate mitigation, and appropriate procedures, really by definition they are low impact. That doesn't mean that we wouldn't—

**Ms. Michelle Rempel:** I'm sorry, but my time is short. Perhaps I could interject very carefully.

Would you and Mr. Barry support the continued discussions, through either the parks management plan development or an MOU, on actually defining what low impact would be in that regard?

**Mr. Stuart Pinks:** Along with Parks Canada we have already committed to immediately developing guidance and interpretive notes around what low impact would mean, and we will publicly consult.

**Ms. Michelle Rempel:** Mr. Barry.

**Mr. Andrew Barry:** We're supportive of that.

**Ms. Michelle Rempel:** Excellent.

Very quickly, with the time I have remaining, Ms. Woodley, would you characterize this legislation as a net gain for the ecological integrity of Sable Island?

**Ms. Alison Woodley:** Yes, we would.

**Ms. Michelle Rempel:** Would you, Mr. Butler?

**Mr. Mark Butler:** Yes, but as I said in my presentation, it's unfortunate we're in this situation of having to choose between delaying the park and limiting or allowing oil and gas activity.

**Ms. Michelle Rempel:** I have the same question for Ms. Lucas.

**Ms. Zoe Lucas:** [*Inaudible—Editor*]...improvement, for sure.

**The Chair:** Okay. We've exhausted our time for Ms. Rempel.

[*Translation*]

**Mr. François Choquette (Drummond, NDP):** Thank you, Mr. Chair.

Would it be possible to hear Ms. Lucas' answer again? We couldn't understand it at all.

[*English*]

**Ms. Michelle Rempel:** Ms. Lucas, my question put to Ms. Woodley and Mr. Butler was whether you would characterize this legislation as having a net gain for the ecological integrity of Sable Island park.

**Ms. Zoe Lucas:** Yes, it does.

**The Chair:** Thank you very much.

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

**Ms. Megan Leslie (Halifax, NDP):** Thanks very much, Mr. Chair.

Thank you very much to all the witnesses for being here and helping us work through this legislation.

I know this legislation and the issue of Sable Island is important to all of you. I also know that you have either read the transcript of our last committee meeting, or you tuned in live, or you read the speeches in the House. I know you're very well acquainted with what we've been discussing both at committee and in the House. I know that you also know that the NDP does have some issues with the legislation. As Mark Butler of the Ecology Action Centre pointed out, we are in a situation where we are having to make a choice. Do we pass this bill and ensure that protection of Sable Island? I guess the other choice is we don't pass it.

We weren't a part of the discussions for the MOU, for example. We weren't a part of making this deal.

I'll start by saying our preference is no exploration on the island, and we have an amendment to that effect. We'll see if it passes. At the very least, I think it's important to define what low-impact exploration is, because there is no definition in the offshore accord act or in the parks act. I was pleased to hear that the province supports that as well.

Minister Preyra, have you any other words of assurance that this is a good way to go for the province? There is a problem here with needing mirror legislation.

● (1950)

**Hon. Leonard Preyra:** There's no question about it, and if you don't mind, Mr. Chair, I'll give a little longer answer.

I think one of the things we need to remember is that these licences preceded the creation of this park, which puts us in an unusual situation. Our understanding is, and as Mr. Pinks has repeated, currently the board has the authority to make these decisions without any other regulation. Directives have been issued on environmental assessments, but the board has the authority. Significant improvements are being made here that will set parameters around the board's decision-making. There will be consultation between the Canada-Nova Scotia Offshore Petroleum Board and Parks Canada, and Parks Canada has a very strong tradition of environmental conservation and stewardship. There will be commitment to developing a draft definition of protocol. That protocol will be put out for consultation among the stakeholders.

I talked in my presentation about how extraordinary the passion is among the stakeholders, among the public, as it relates to Sable, and I pity anyone who engages in that kind of consultation and expects to get an outcome that will do any harm to Sable. Of course coming out of that, there will be a mechanism under which the accord act will give effect to it through regulation, or directives, or guidance, or through an MOU. When we talk about exploration, we don't know what it will mean, but I can guarantee that going through that process we will end up with something very close to what even some of the critics are calling for in terms of low impact.

**Ms. Megan Leslie:** We've had a lot of talk about precedent, and my colleague Ms. Duncan put some pointed questions to Parks Canada about the precedent that this may or may not create. One way that I've been thinking about it is it's not that a park is being created with oil and gas just outside the boundaries, it's that we're creating a park in a gas field, which has a lot of challenges, but is ultimately a good thing.

Mr. Barry, let's just say for argument's sake the bill passes and we create a park so that piece is done. I recognize that you don't represent all industry, but do you think that industry would be open to continue discussions about the one nautical mile limit and possible expansion, or about surface exploration? Do you think that conversation could continue?

**Mr. Andrew Barry:** Yes, I think as you look back at the activities we have had there, the Sable project is a shining example of the cooperation and ability to produce oil and gas effectively in close proximity to the island. We've been doing that for many years very successfully.

The issue we have in front of us at the moment is that clearly, when you talk about removing the opportunity to do directional drilling or do drilling underneath the island, that is removing the opportunity to develop the resource as such.

We firmly believe that—

**Ms. Megan Leslie:** Sorry, but could you explain that a bit? I'm not sure I follow.

**Mr. Andrew Barry:** If you remove the opportunity to drill underneath the island, you remove the opportunity to develop that resource.

• (1955)

**Ms. Megan Leslie:** In its entirety?

**Mr. Andrew Barry:** When you say “in its entirety”, and you think about the resource and the gas field that is underneath the island, to be able to access that gas field you essentially need to drill into the appropriate location that might be under the island. Now, the exact location of that is unknown at this stage.

We know today the development is not economic, but we don't know what it might be in the future. When you talk about drilling wells underneath the island, it's important to recognize that the location of these wells is two kilometres to three kilometres underneath the surface of the island. So we're not drilling a couple of metres off the surface; it's very deep. Depending on where you need to access the resource to effectively develop it, it depends greatly on how it's all made up.

**Ms. Megan Leslie:** Okay. I was actually going to ask about the directional drilling piece to the CNSOPB, because a lot of people are contacting us saying, “What? You're going to support a bill that allows drilling under Sable Island?”

What would you say to Canadians who are concerned about horizontal directional drilling? How do we reassure people? One reassurance is that this is.... How far below did you say it was?

**Mr. Andrew Barry:** It's two or so kilometres below the surface of Sable Island, so it's very deep.

**Mr. Stuart Pinks:** It might even be a little bit deeper than that. It's two kilometres at the shallowest. There are three fields that sit under Sable Island. There's Olympia West Sable...there are two west Sable fields. The numbers I have for the three fields are anywhere from two kilometres to five kilometres underneath.

**Mr. Andrew Barry:** There's no activity happening close to the surface of the island. We can confidently say there won't be any impact on the surface of the island as we drill two kilometres to five kilometres underneath the island.

**The Chair:** Thank you very much.

We're going to move now to Mr. Woodworth, for seven minutes.

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Thank you very much, Mr. Chair, and my thanks to all of the witnesses, including those joining us by teleconference.

There are a couple of things I'd like to clarify, and I'll begin with the question of drilling. As I understand it, this bill and the agreement it formalizes prohibit any surface drilling on Sable Island.

I'll direct my question to Mr. Pinks. Am I correct in that understanding?

**Mr. Stuart Pinks:** It would prohibit any drilling of a well on Sable Island—

**Mr. Stephen Woodworth:** Okay. That's partly what I wanted to get at.

**Mr. Stuart Pinks:** —in the exclusion zone.

**Mr. Stephen Woodworth:** Are there other kinds of drilling that may occur other than drilling for a well?

**Mr. Stuart Pinks:** Not in the same context of what you're using. You have the possibility of collecting geotechnical-type samples. You're probably there with a shovel and a spade, or you might have a hand auger or something like that to collect some samples, but it's not the drilling that you're thinking of, with a drilling unit that's drilling kilometres down under the surface.

**Mr. Stephen Woodworth:** If I were to be talking of exploratory drilling, that could be just with a hand auger. That might be considered exploratory drilling.

**Mr. Stuart Pinks:** Exploratory drilling is defined in the act as exploratory drilling of a well that is for hydrocarbons.

**Mr. Stephen Woodworth:** That would be prohibited under the terms of this act and the agreement.

**Mr. Stuart Pinks:** That would be prohibited.

**Mr. Stephen Woodworth:** Thank you.

The low-impact activities that are contemplated include not only seismic, but also something called magnetics, gravity and geochemical studies. Could you give us a brief description of what kinds of impacts those three kinds of studies would have?

**Mr. Stuart Pinks:** It would be extremely limited to none, in terms of environmental impact.

There are programs called aeromagnetics that look at fluctuations in the magnetic field. People who specialize in that area can interpret distortions of a magnetic field as an indicator of oil and gas reserves. An aeromagnetic program is run by flying. You fly with the receivers, the equipment for detecting that shift in magnetic field, in an airplane.

If you look at geochemical-type studies, they're typically right at the surface, and they're looking for anomalies. In some areas of the world, you actually have natural seeps where oil and gas actually seep to the surface. You can dig a little hole and look at the sand and you can tell if there's any naturally occurring hydrocarbons, which would give you an indication of something underground.

We're not talking real industrial activities with those types of programs.

• (2000)

**Mr. Stephen Woodworth:** Let me put the point on that then. Is there any possibility that any activity with significant negative impacts would be considered by the board as low impact?

**Mr. Stuart Pinks:** No, the first thing that we would do.... When you look at Sable Island, we would look at this in a two-part process, actually a multi-part process.

When you get right to the environmental assessment piece, we would use the CEAA definition, which means we would look to make sure there's no significant adverse environmental effects, but we would go beyond that when it comes to low impact. We would say that those activities might be allowed under that test, but under the test of low impact we're going to be looking for additional mitigation that could be implemented, different methods that could be implemented to lower impact further.

**Mr. Stephen Woodworth:** Would this would be done in the context of a full environmental assessment of the proposal?

**Mr. Stuart Pinks:** Correct.

**Mr. Stephen Woodworth:** In such an assessment would you be giving public notice and allowing opportunity for public submission?

**Mr. Stuart Pinks:** Elizabeth, do you want to talk about that?

**Mrs. Elizabeth MacDonald (Advisor, Environmental Affairs, Conservation Officer, Canada-Nova Scotia Offshore Petroleum Board):** Absolutely. The CNSOPB does environmental assessments for seismic programs. We will be doing what we call an accord act environmental assessment for any proposed seismic, and that would include effects on wildlife, and if there's anything in the marine environment, effects on the marine environment, and air quality, commitments for air quality monitoring and such.

Sable Island has been considered in our strategic environmental assessment, which is done at the call for bids stage, as a special area. We completed a strategic environmental assessment in 2012 that included the Sable Island area.

**Mr. Stephen Woodworth:** I'm not sure if I missed it, but all of that would include public notice and a call for public input. Am I correct?

**Mrs. Elizabeth MacDonald:** Yes. That strategic environmental assessment included a public consultation, and the EA that would follow would include public consultation as well.

**Mr. Stephen Woodworth:** May I give Mr. Preyra an opportunity to respond to this as well?

**Hon. Leonard Preyra:** I know the answers have been couched in "in the present" and "in the past", but the future process is going to be significantly different. It will be guided by a new player at the table, Parks Canada, and the Offshore Petroleum Board protocol that will result from a series of public consultations. It will be a very different definition of low impact, I suspect.

**Mr. Stephen Woodworth:** By different do you mean more stringent?

**Hon. Leonard Preyra:** Yes, definitely, and I think the point being made here is that there was a directive given on strategic environmental assessments that already is pretty rigorous and this will just add to that.

**Mr. Stephen Woodworth:** Very good. I want to say, by the way, I'm very grateful to hear the comments of the environmental commissioner on the degree of rigour that the board already applies. I was reassured by that.

Mr. Preyra, are you able to tell me when Nova Scotia introduced its bill in the legislature on this? How long did it take to get it through to completion and passage?

**Hon. Leonard Preyra:** The actual public process started a long time ago, as some of the parties at the table know, but we introduced the bill in this past spring's sitting. There was unanimous consent in the legislature. We had similar types of discussions to what we're having here, but it did go through unanimously.

**Mr. Stephen Woodworth:** Excellent. Prior to that there was quite a significant period of time in which those consultations that you mentioned occurred. Is that correct?

**Hon. Leonard Preyra:** Yes. Parks Canada really is to be commended for the consultations and the process that resulted. The broad parameters that were established were a result of those consultations, including delegating to Parks Canada the authority to manage the island, both in terms of the visitation and what happens when you visit Sable Island.

**The Chair:** Thank you, Mr. Woodworth.

We'll move now to Ms. Duncan, for seven minutes.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Mr. Chair.

Thank you to all the witnesses for your time and effort tonight.

I do have a concern that we are unable to hear first nations testify today. I think their input should be fundamental.

I'll begin by asking you a question, Minister.

Would you say that the Government of Nova Scotia and the Government of Canada have provided ample consultation with first nations in the ramp-up to negotiating, drafting, and tabling this bill?

**Hon. Leonard Preyra:** There has been a significant amount of consultation leading up to it. The Mi'kmaq in fact wrote a letter saying that they agreed with the creation of Sable national park.

There have been discussions with Parks Canada that have also resulted in an agreement where Parks Canada will fund some of the research that will lead to establishing to what extent and where there was Mi'kmaq presence on Sable Island.

The made-in-Nova Scotia process will continue, and we will continue to work with the Mi'kmaq representatives. Parks Canada will continue to work with Mi'kmaq representatives. The Mi'kmaq chiefs want the park to happen. Out of respect for the potential claims, we've called it a reserve, and that designation will remain until those outstanding issues are resolved.

• (2005)

**Ms. Kirsty Duncan:** Thank you.

Mr. Pinks, according to this bill, the final authority on what activities can take place in and around Sable Island rests with your organization. While Parks Canada is required to provide counsel to the board, the board is not required to obey that advice. There's some nervousness out there. What assurances can you provide that you have the scientific capacity to make these decisions?

**Mr. Stuart Pinks:** As part of an activity authorization that we may receive, a full environmental assessment is done. Elizabeth just explained some of the ins and outs of that.

Consultation from a scientific perspective is a significant component of that. We will take environmental assessments that we receive and we will solicit scientific advice and expertise from people at DFO, Environment Canada, and very much Parks Canada in this particular case, and others. We will collect all of that scientific input.

The role of our board is to sift through that scientific input and make a final determination. Where science is offered to us with a proper scientific basis that is not conflicting.... You can imagine with a roomful of experts that you can sometimes get conflicting scientific input. We have to sift through that and decide what we accept, and which one we give credence to.

**Ms. Kirsty Duncan:** Thank you. I'd like to follow up on that, if I may.

Why is it not proper for Parks Canada to be the last say when it comes to protecting the ecological integrity of the island?

**Mr. Stuart Pinks:** Parks Canada would certainly have all of their input, and I can't really foresee a situation where we would not accept the input from Parks Canada. But with all due respect, Parks Canada is not the expert—and they would say the same thing—in oil and gas activities and in the management of oil and gas activities. Our board has been around for 20-odd years doing that very thing.

**Ms. Kirsty Duncan:** Thank you.

Mr. Butler, very specifically, what elements would you like to see changed in this bill if you had a wish list?

**Mr. Mark Butler:** I'd like to see the parties come together and agree to not do any exploration on the island, and I'd like to see parties come together to agree to either move the exclusion zone further out or leave it where it is and not allow horizontal drilling.

**Ms. Kirsty Duncan:** Okay. I appreciate that.

As you know, Ms. Woodley, Sable Island is a very special place from a wildlife and ecosystem perspective, but also policy-wise. We have never put a national park in a functioning oil field. I'm really concerned, as Ms. Leslie said, about the precedent this may set.

Are you concerned about having this park in an active oil field? I understand there's the legislation that's.... I've been told by Parks Canada that this will be protection. I've heard from Parks Canada that this will not take place, but it still could be perceived as a foot in the door.

Are you concerned that it may set a precedent?

**Ms. Alison Woodley:** Thank you, Ms. Duncan.

Would it be possible to ask Chris Miller to respond? I'm happy to, but he's sitting there in Nova Scotia and well placed to respond as well.

**Ms. Kirsty Duncan:** Yes, of course.

**Dr. Chris Miller (Conservation Biologist, Canadian Parks and Wilderness Society):** Yes, I can respond to that.

As an organization, CPAWS is opposed to any oil and gas activity occurring on Sable Island or in any national park.

On the specific issue of precedent, that's a bit different, because it has to do with the stacking of the two pieces of legislation, the Canada National Parks Act and the offshore accord implementation act. Because this bill does not amend the Canada National Parks Act, that actually, in our opinion, limits the concern of precedence, because it's the paramountcy clause contained in the offshore accord implementation act that creates this special circumstance where the possibility of oil and gas occurring within a national park exists.

That being said, we know, or suspect, that in the future there may be individuals, companies, sectors, or even jurisdictions that might try to take advantage of that situation or try to suggest that there is a precedent there. We would look to Parks Canada, to the federal government, and to the Nova Scotia government to strongly refute any such assertion that a precedent had been set.

• (2010)

**Ms. Kirsty Duncan:** Thank you so much.

I have one last question for Mr. Pinks. The CNSOPB promotes oil and gas exploration in the area through providing licences and permits. On the other hand, it has an environmental oversight component. These could be perceived as being at odds with one another.

How would you respond?

**Mr. Stuart Pinks:** I'd respond by saying the Canada-Nova Scotia Offshore Petroleum Board does not promote exploration and development in the offshore. The Canada-Nova Scotia Offshore Petroleum Board's responsibility is to regulate those companies that step forward and say that they have a desire to do those activities, and we have a rigorous authorization process in place.

When it comes to the licences—you hit on the licences—we run a process, and that's all. The process is that we will post parcels for consideration. There's a single criterion. We will evaluate those bids. Those are fundamental decisions and the two levels of government decide whether those licences should be issued or not.

We run on the licensing strictly a process. We do not promote the oil and gas development. We regulate, and we regulate to make sure it's done safely.

**The Chair:** Thank you very much.

Thank you, Ms. Duncan.

We're going to move now to the five-minute rounds, beginning with Madam Quach.

[Translation]

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

Thank you to all of you. It is rare that we have the opportunity to hear both sides of the story. It is very interesting.

My first questions are for Ms. Woodley.

You said that despite the fact that you are in favour of creating the national reserve, or the park, you remain concerned about exploration activities. Even though some say it is low impact, you say it may not really be that low. Could you elaborate on that, please?

[English]

**Ms. Alison Woodley:** Again, is it okay if I defer to Dr. Miller?

[Translation]

**Ms. Anne Minh-Thu Quach:** Yes.

[English]

**Dr. Chris Miller:** Yes, I can respond to that.

From our perspective, Sable Island is this incredibly sensitive ecosystem. It's a sand island located a couple of hundred kilometres off the coast of Nova Scotia in the rough North Atlantic. It's a sensitive ecosystem, so the potential for impacts occurring there are magnified over the same activities occurring elsewhere. In addition to that, national parks are supposed to be areas that are set aside from industrial influences. As an organization, CPAWS is fundamentally opposed to any industrial oil and gas activity occurring inside national parks.

[Translation]

**Ms. Anne Minh-Thu Quach:** Thank you.

Ms. Woodley, you also talked about section 15 of the bill, which concerns Jasper National Park of Canada and the Marmot Basin Ski Area. According to the bill, hectares will be exchanged, and some sections will be given back to the park for conservation while another will be given for the ski area. You said that despite that, the ecological integrity gain for Jasper National Park of Canada hadn't been demonstrated. Could you further describe the risks of passing section 15?

[English]

**Ms. Alison Woodley:** Thank you for that question.

I'm suggesting the environmental gain is not determined by the lines on the map, but by the development and the activities that will flow from that change in the leasehold areas. This act changes the lines on the map. The next decisions that will happen will determine exactly what happens in that leasehold area. Although those decisions aren't made, there is already a package of potential developments that will be going forward as a result of these changes.

That will determine how those proposals are considered, and the decisions made there will determine if there's a substantial

environmental gain. Looking at the initial proposals on this, our sense is that this is unlikely, largely because some of developments could result in more activity, more development, including in caribou habitat. Studies are ongoing on that, so we're awaiting the results of those studies to be able to be more conclusive, but we are concerned about that, and we'll be tracking, monitoring and participating in those processes.

It's important for the committee members to understand that a net gain has not been achieved at this stage. The next decisions will determine whether or not there is a substantial gain. Our sense at this point, from looking at what's coming, is that may well not be the case.

• (2015)

[Translation]

**Ms. Anne Minh-Thu Quach:** Given those fears or the fact that there isn't enough information to determine whether or not there is a gain, would you nevertheless go forward with this bill? Do you think including the park in the bill is going too far? Or does that issue not concern you to that degree?

[English]

**Ms. Alison Woodley:** We have not recommended any amendments at this point but we are flagging that the decisions to come will be critical ones. We'll be participating in that and looking to the Government of Canada and Parks Canada to make the decisions that are consistent with maintaining and restoring ecological integrity in Jasper.

[Translation]

**Ms. Anne Minh-Thu Quach:** Thank you.

I have a last question, and it is for Minister Preyra.

You said that the status quo wasn't a sustainable option currently, on Sable Island. Could you explain why?

**Hon. Leonard Preyra:** Thank you.

Since I don't have the confidence, the vocabulary or the grammar necessary to speak very accurately in French, I will answer in English. I apologize.

[English]

The problem is that the Canada Shipping Act is a bit of an anachronism. Having the coast guard manage Sable Island is a bit of an anachronism. As the coast guard retreats and as lighthouses become less important with global navigation, there's a vacuum there at the moment. Something has to be done to fill that vacuum. After consultations, we came to the conclusion that Parks Canada and the regime around that and the conversation with the Nova Scotia Offshore Petroleum Board was the best protection.

I don't know if some of you saw the *Chronicle Herald* this morning, but the tour company, Adventure Canada, wants to have a ship offshore of Sable. A couple of hundred people will be there. They want to do tours off the island. Sable Island is becoming more and more accessible, and our question is.... The danger to Sable is posed by people who want to come to the island, and we don't have a regime for managing it at the moment. We need to set up a system for visitation. We need to set up a system where people on the island are carefully regulated.

If I could go back to a question from Ms. Duncan, Parks Canada will have the final say on ecological integrity on all other issues, but there will be a conversation as it relates to oil and gas. On everything else, Parks Canada will regulate visitation and activities. There will be a conversation with Canada-Nova Scotia, the government process there. Ecological integrity is threatened more by people. Adventure Canada is quite a reputable company, so I don't want to.... But people have said that they want to have destination weddings, extreme sports, all kinds of things, and we don't have a management plan in place, which is something we desperately need. That's what this legislation does.

**The Chair:** Thank you.

**Mr. Stuart Pinks:** Could I very quickly add to that? Any operator who wanted to go onshore would have to abide by the parks management manual as well.

**The Chair:** Thank you. We're way over time on that one, Madam Quach. I think it was a great question, so I wanted to get that one in. Sorry to show my bias.

Mr. Lunney for five minutes.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Thank you very much.

I want to pick up on that theme. I thank you for the passionate description of the enthusiasm for Sable Island.

I want to come back to that, but first I want to ask a question, again, about the ecological integrity of this unique piece of geography. It is unique. It's sand. Here it is, what did you say, 200 kilometres offshore. It's 42 kilometres by 1.5 kilometres at its widest. It's a nice arc out there. It's between the Labrador current and the Gulf current coming up the other way. It is unique, and it moves, so that also is a challenge. It's been moving over time. It's being moved by the currents.

I'm going to direct my first question to Mr. Miller. It has to do with ecological integrity and some of the inhabitants of the island, and that's the horses. There are some 400 horses, I understand. They're very unique critters. They've survived there since the mid-1700s. They were introduced around 1760. I think it's the position of CPAWS, and Mr. Miller, I'm going to ask you to address this, that part of the reason for establishing a park is to help preserve the horses. But there are others who argue that the horses actually are a threat to the ecological integrity of this island. I just want you to clarify if you disagree or agree with the view that the horses actually represent a threat to the ecological integrity of the island.

• (2020)

**Dr. Chris Miller:** The horses have been on Sable Island for hundreds of years. It's not possible to separate the horses from Sable

Island. The two go hand in hand. We don't view that as a threat to the ecological integrity. We view the horses as part of the Sable Island ecosystem.

**Mr. James Lunney:** Thanks. I appreciate that perspective.

Now I want to come right back to where Madam Quach was headed, because I did hear some different perspectives there.

Minister Preyra, with your very enthusiastic representation on behalf of your own constituents, and Ms. Leslie among them, about the enthusiasm for the park, I think I heard you say that the creation of a park will lead to its protection and enjoyment for everyone in the area. Ms. Woodley, I heard you say in your remarks that your vision for the future of the park would be that it be left alone as much as possible in a wild and natural state. I think I heard Mark Butler refer to that as well. You expressed a concern that Canadians might love it to death.

It brings us back to this question about what a visitor experience to the island might look like. I think, Minister Preyra, you headed that way when you talked about the adventure tours parked offshore. What is your vision for what a park would look like there? How would you manage visitor experiences?

I'd throw it out to the people I mentioned to maybe expand on your vision of what a tourist experience and a visitor experience to the island should look like.

**The Chair:** Ms. Woodley, do you want to start off?

**Ms. Alison Woodley:** Once again, I'm going to ask Dr. Miller to respond. He's the one who's been doing the thinking on this on behalf of CPAWS. He has been doing a lot of thinking on this, so I'll ask Dr. Miller to respond.

**Dr. Chris Miller:** CPAWS' approach on the issue of visitation, and what we have been encouraging Parks Canada to do, is to bring the Sable Island experience to people, and not people to Sable Island. It's a remote piece of geography and it's very difficult to get to. It's very sensitive. The overwhelming feeling, at least in Nova Scotia for the most part, is to leave it alone. In fact, when a national park was first proposed, the big concern in Nova Scotia was whether that was good enough and whether this would increase visitation.

What we're proposing that Parks Canada focus on is to develop off-island visitor experiences. This may be a state-of-the-art facility in downtown Halifax, or somewhere else in Nova Scotia, where people can go to learn about Sable Island and understand its rich cultural history and its natural history. This is essentially to take off the pressure of people wanting to go to the island. In addition to that, in concert with bringing this experience to the people on the mainland and perhaps through websites and virtual experiences as well, we would cap the number of visits to the island near current levels. Certainly, we would look to Parks Canada to assess this as part of their management plan, that is, what is a scientifically defensible carrying capacity for visitation to the island.

**Mr. James Lunney:** Thank you, Mr. Miller.

Minister Preyra, I think you had something to say.



**Hon. Leonard Preyra:** Yes, just that I agree completely with Mr. Miller. There's one thing that came through in the consultations. People would love to visit Sable Island, but they also said that they understand why they shouldn't, so they would like to have a virtual visit. We have received a number of proposals to do exactly that, to create opportunities for virtual visits. I know Parks Canada is working on that as well.

I should also note that the Ecology Action Centre and Zoe Lucas and a number of groups also want that human presence, and that will involve scientific research, monitoring, and atmospheric testing. Parks Canada and the two governments will also have to establish protocols around that.

The visitation, as I understand it, as I heard in the consultation, and as Parks Canada has heard, will be no different from the most rigorous national parks that we have, the northern parks, Torngat Mountains, Nahanni, and all those. There will be very strict limits on who can visit and what they can do under those conditions. We do want to make sure that we use this as a teaching and learning opportunity, as a base for future research. But Nova Scotians and Canadians really want to be connected. It's an iconic place that exists in the imagination and they shouldn't be separated from it.

• (2025)

**The Chair:** Thank you very much.

I have one concern, Minister Preyra and Ms. Leslie. Will you have an opportunity to visit the island for canvassing purposes during election cycles?

**A voice:** You could ask the one constituent who is on the line.

**The Chair:** We'll move now to Mr. Choquette.

[Translation]

**Mr. François Choquette:** Thank you, Mr. Chair.

Thank you to the witnesses for the information they are providing us with today.

Contrary to Ms. Leslie, I am far from being an expert on Sable Island. My questions may therefore be a bit simplistic, at first glance. What's more, if this bill came from the House of Commons, we would have had more time to study it. Unfortunately, it comes from the Senate, which is not elected and not accountable. It is really unfortunate.

My question is for Mr. Barry.

If you don't want to conduct oil and gas exploration and development on the island, why would there be a seismic and geological program? Why do you need to do seismic and geological testing?

[English]

**Mr. Andrew Barry:** If you look at what our current outlook is, we have no plans for any seismic or drilling activities that are underneath or around Sable Island. The key is that we don't know what might happen in the future. There is a resource under the island. At the moment developing that resource is not economical, but—who knows—over time with the way technologies advance, that resource may be accessed and developed. We don't know whether additional seismic may be required to access that resource.

Today we have no plans, but if you limit it today and limit it forever, then you essentially are shutting out the development of that resource.

[Translation]

**Mr. François Choquette:** Unless I am mistaken, the gas under the island is non-conventional, and you would probably have to use fracking.

[English]

**Mr. Andrew Barry:** Underneath the island is a gas resource. Whether the quality of that resource requires fracking technology has not been contemplated in the plans. I'd say it's too early to talk about or to understand what development techniques would be required for that resource.

[Translation]

**Mr. François Choquette:** Thank you very much.

Mr. Miller, I have a few questions for you on the same subject.

In your opinion, what would be an appropriate distance for an exclusion zone? Currently, it is one nautical mile, if I am not mistaken. What do you suggest?

[English]

**Dr. Chris Miller:** There is not a specific number that we would suggest. We just don't have the first-hand experience at that site in the marine environment to make that recommendation. What we can say is that the concept of developing buffer zones around national parks is something that CPAWS promotes. It's something that we would like to encourage to happen in other national parks across Canada. So at that level, the fact that there will be a buffer zone around Sable Island is encouraging.

I do agree with Mark Butler that one nautical mile is very close to the island, and if you are on the island you will certainly feel that industry is imposing on the island. There will be disruption in that regard, but we can't recommend a specific figure for the marine exclusion zone.

[Translation]

**Mr. François Choquette:** Mr. Butler, what do you think?

[English]

**Mr. Mark Butler:** I would agree with Mr. Miller, and I would suggest four or five nautical miles from the island.

[Translation]

**Mr. François Choquette:** Does the idea of exploration being done under the island concern you?

[English]

**Mr. Mark Butler:** I think I'm less concerned about the fact that they might be drilling under the island since, as Mr. Barry said, that's fairly far down. It's a fact though that the drilling in the end is attached to the drill platform. If the drill platform is close to the island, it brings with it a bunch of impacts from discharge of produced water to light to flaring to small spills, which regularly happen on platforms. Let's not forget that Sable Island is different in its geography. It's long and thin. It's not like some other parks where perhaps once you're 10 kilometres into the park these things are less visible and have less impact on the park.

If, for example, you had drill rigs on either side of the island, there would be detrimental impacts on both visitor experience and, I think, the ecology of the island.

• (2030)

**The Chair:** Ms. Rempel now, for five minutes.

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

I have very brief questions for Mr. Pinks and Mr. Preyra. Then I'll direct the rest of my questions to Ms. Lucas.

My understanding is that the one nautical mile buffer zone actually protects an area that's over 200 square kilometres, which is approximately seven times the size of the island. Is that correct?

**Mr. Stuart Pinks:** I'd have to do some quick math.

**Voices:** Oh, oh!

**Ms. Michelle Rempel:** I guess the point I'm trying to make is that the protection that Bill S-15 affords to Sable Island is greater than just the island itself.

**Mr. Stuart Pinks:** Yes.

**Ms. Michelle Rempel:** It's actually quite a large area in and around the island itself, which is remarkable, as this is a park—the point made by Ms. Leslie—that's in an active petroleum development field.

I just wanted to put on the record that it is quite a large area that Bill S-15 is protecting. I think it's something that is positive.

Ms. Lucas, you spoke a little bit about the development of the parks management plan. I think a lot of the potential issues that we've raised in the debate in the House and here...we've heard from witnesses that this will be an excellent opportunity to address those through the development of this plan.

Could you perhaps elaborate for the committee on some of the things that you, being one of the leading experts on Sable, would be looking to see in the development of this plan?

**Ms. Zoe Lucas:** Well, I would start by saying that I agree with almost all the concerns expressed by Mark Butler regarding activities around the island and how they might have been better approached.

However, I've been involved on the island for so long. I have worked, have been involved, and certainly have interacted with the offshore petroleum board for several decades, and the offshore industry. I think many of the things that are of concern up front now can be addressed, as Mark suggested, if you bring all the players together during the development of the management plan and start looking at ways in which some of the worries might be addressed, such as the concerns around the impact of low-impact industry activity on the island.

That's one of the things that will have to be addressed during the development of the management policy. Certainly the development of the guidance and interpretive notes will contribute to that and will be informed by that. The management plan will also have to address not only the activities of visitors—the number of visitors and their activities on the island—but also the activities of researchers, including government researchers and university researchers, and the activities of media.

There's quite a wide range of people who have an interest in being on Sable Island. There has been tourism to Sable Island for many decades, indeed including some expeditions that have delivered 100 to 120 people to the island at one go, so there is experience. There is long-term experience in dealing with visitors to Sable Island as individuals, people coming by boat, people coming by air, and people turning up unexpectedly. That experience is there, and that can also be brought to the development of the management plan.

I think the management plan is going to start with a biodiversity assessment which is just beginning now. It is bringing together all the science research that's present, that's already been done, regarding Sable Island, and adding some new data. It's going to actually define what the ecological environmental issues are that have to be addressed, and how they might be addressed in the management plan.

It's a combination of managing people, managing activities, and managing the environment.

• (2035)

**Ms. Michelle Rempel:** Just to follow on that question, we're quite interested, both in the House and here, in the approach you took in working with industry on low-impact seismic testing in the late 1990s.

In your experience working with industry, are you optimistic that through the development of the management plan or an MOU an appropriate protocol could be developed that respects the ecological integrity of Sable Island but still allows for this type of activity in a very confined, prescribed manner?

**Ms. Zoe Lucas:** Yes. My experience, and I'll just use one example, would be the regulations imposed by the Offshore Petroleum Board on, for instance, the seabird surveys that I conduct.... The monitoring and the oversight of activities and the very stringent requirements for assessments and reporting indicate that this kind of cooperation by industry, Parks Canada, and the community will produce very helpful and effective guidelines and policies for the management and protection of Sable Island.

**Ms. Michelle Rempel:** Thank you.

**The Chair:** Thank you, Ms. Rempel.

We'll move now to Ms. Leslie, for five minutes.

**Ms. Megan Leslie:** Thanks very much, Mr. Chair.

Zoe Lucas, it is so nice to hear your voice. It's really great to have you be a part of this. I know you've been following this debate pretty closely. I've said in the House and at committee before that I want to support this bill, that I think it's a very good thing that Sable Island national park will be created, but I won't support this bill at any cost. I've been back and forth a lot with what our position should be, what my position should be, and the position I recommend to the NDP, as the environment critic.

On the whole, I believe this is a bill worth supporting to create these protections. But I have to admit, I breathed a great sigh of relief tonight when you said unequivocally that you support this bill. I love Mark Butler and Chris Miller, and I really respect their work, but I think there's no one I trust more on this issue than you.

I know you already said it, but this is something you think we should support. Is that correct?

**Ms. Zoe Lucas:** Yes.

**Ms. Megan Leslie:** That's a simple answer.

**Ms. Zoe Lucas:** As I said, I agree with the concerns expressed by the Ecology Action Centre. My feeling is that because of the circumstances and the difficulties that the island has faced during the last 15 years in terms of who is going to manage it, how it's going to be managed, what is to become of it, whether there is even going to be a human presence on Sable Island, which is essential, I think it's really important to pass this bill.

Because there is so much goodwill and so much commitment on the part of the community, government, and industry on protecting Sable Island, a recognition that this is an absolute priority, we could expect that during the next few years, with developing a management policy and with the consultations between Parks Canada, the Offshore Petroleum Board, and the industry, hopefully many of the concerns that have been expressed by CPAWS and the Ecology Action Centre can be dealt with.

**Ms. Megan Leslie:** Thanks.

I share those concerns with the Ecology Action Centre and CPAWS as well.

Mr. Miller and Mr. Butler, I want to turn the rest of my time over to the two of you to talk about what happens next. We are going to vote on this legislation very soon. Assuming it passes, what's next? Zoe has touched on it, with the development and management policy.

What would you prioritize? Let's start with Mark.

**Mr. Mark Butler:** Are you speaking specifically about oil and gas, or everything?

• (2040)

**Ms. Megan Leslie:** Everything.

**Mr. Mark Butler:** On the question of oil and gas, I think we've been over it enough, and I've made my point fairly clearly. My lament is that we didn't ask industry whether they would be willing to give up more than they currently have.

I sit on the stakeholder committee, which is industry, government, and NGOs, and I've always found industry to have lots of goodwill toward the island, and to be extremely supportive of protecting the island, hence my thought that with a bit of discussion, maybe we could have had a park that would have been a little cleaner when it came to oil and gas activity.

After oil and gas comes human visitation. We have to find the right balance. We have to regulate how, when, and how many people visit the island. People have been visiting the island, and I think they should continue to do so, but we need to be very careful about how they do it. Parks Canada has lots of experience there, so that's welcome. Not all 30-million-plus Canadians can visit the island, so we have to find good ways to interpret the island for them on the mainland and on the Internet, etc.

One thing I would note is the people who can visit the island, for the most part, are reasonably wealthy because it costs up to \$5,000 to

\$10,000 to get to the island, depending on how you get there, unless you're a fisherman perhaps. It would be interesting to find a way so each year three or four Canadians could be selected to visit the island through a lottery or something like that, who couldn't otherwise afford to go. That's not a top priority in terms of ecological integrity, but a lot of Canadians can't afford to go to the island and that might be a nice way to let them have a possible chance.

**The Chair:** Thank you, Mr. Butler and Ms. Leslie.

We'll move now to Ms. Duncan for the final five-minute round.

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

Mr. Pinks, do you have any thoughts on what you would like to see included in an MOU between your organization and Parks Canada?

**Mr. Stuart Pinks:** We've had an excellent working relationship with Parks Canada since this idea was conceived back in 2010. We've participated with them on the joint federal-provincial task force and on the working groups, and I think you sit on one of the working groups as well.

**Mrs. Elizabeth MacDonald:** That's correct.

**Mr. Stuart Pinks:** We'd definitely like to continue that dialogue. We want to work hand in hand with Parks Canada, looking at defining what type of low-impact exploration activities can take place and under what circumstances. We'd want to work with them on developing the protocol, if and when we ever did get an authorization request that included the national park reserve, and how we would manage that with Parks Canada.

Going back to your previous point, we see Parks Canada as the custodian of the island; we fully recognize that. We want to make sure when we're managing the regulatory aspects of oil and gas that we fully embrace what Parks Canada is looking for, at the same time working within the confines of the regulations and the legislation we have to uphold.

**Ms. Kirsty Duncan:** Thank you.

I'm going to pick up on low impact, since you brought it up. You've heard it over and over again tonight. Can you give an example of what you see low impact to be?

**Mr. Stuart Pinks:** From what I can tell from the debate, people are focusing on seismic activity.

I think we heard Mr. Barry say that the seismic data that is available at the moment is of pretty good quality, so there's no need in the foreseeable future to be collecting more seismic work. But we don't know where seismic technology may go in the future. It's really important to the oil and gas industry from an economic perspective, but also from a safety and environmental protection perspective, to have good quality seismic data.

For instance, if there were a step change and one could collect additional seismic data with as minimal an impact as possible to the island, that would be useful in determining whether the reserves really are what they think they are, in helping them pick a location to access the reservoir, if they wanted to produce perhaps not under the island but adjacent to the island; or it may give them data that says it's not what they thought it was or that it's so fractured it's not worth producing. You might save a well and not have development that might otherwise have occurred.

Last, from a safety and environmental protection perspective, having good quality seismic data really helps you in designing your drilling program, such as where you set your casing, how you run your mud program, and how you monitor and deal with pressure gradients, so you can drill more safely.

• (2045)

**Ms. Kirsty Duncan:** Thank you.

That's a bit different from what I was hearing from Parks Canada, which said there are no exact details and no discussion of when low impact becomes high impact. We even heard about hand drilling and coring. I appreciate your explanation very much.

My last question is for Ms. Lucas.

Could you describe what your relationship is with Parks Canada and with the CNSOPB, please?

**Ms. Zoe Lucas:** I don't have a relationship with Parks Canada as I'm not employed by or working for Parks Canada. At the moment I have a small contract to monitor bird strikes in the wind turbine area at the Sable Island station, but that's about it.

I have a relationship with the offshore board only because I am doing work on Sable Island that's associated with the offshore industry, which has to do with these environmental effects monitoring programs surveys. The results of my surveys and the protocol for the study have to be submitted to the board for review.

**The Chair:** Thank you, Ms. Duncan.

Ms. Rempel.

**Ms. Michelle Rempel:** I'd just like to thank Mr. Barry, who probably doesn't even know which time zone he's in right now, for interrupting a trip to Australia to be here tonight.

**The Chair:** That's excellent.

On that note, I would like to thank all the witnesses for coming in on very short notice and I thank those who were available by teleconference as well. Thank you for sharing your valuable input and expertise with us. We'll certainly put it to good use in the next few minutes as we do the clause-by-clause evaluation.

I'm going to suspend the meeting for three to five minutes to give members a break. We're going to come back and do clause-by-clause study in five minutes.

• (2045)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (2055)

**The Chair:** I call the committee back to order, please. We're going to move to clause-by-clause consideration of Bill S-15.

Pursuant to Standing Order 75(1), the consideration of the preamble and clause 1, the short title, is postponed.

(Clause 2 agreed to)

(On clause 3)

**The Chair:** On clause 3, amendment deemed moved, is there debate?

**Ms. Megan Leslie:** On a point of order, Mr. Chair, I'm not quite sure how this works with the amendments. Can you explain how we're doing this?

**The Chair:** Because Ms. May is not here, the amendment is deemed moved, and now we're open for debate on the amendment.

**Ms. Megan Leslie:** Is this on amendment MAY-1?

**The Chair:** That's correct.

**Ms. Megan Leslie:** Thank you.

**The Chair:** I do have a ruling on it, but is there debate first?

Okay. The motion has been made. However, the ruling is that Bill S-15 amends the Canada National Parks Act to ensure continuity of existing leases, easements, and licences of occupation in or on the Sable Island National Park Reserve of Canada. This amendment proposes to subject the continuity to pending consultations with first nations and the general public.

*House of Commons Procedure and Practice*, Second Edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, this condition is contrary to the provisions of clause 3 of Bill S-15 and is therefore inadmissible.

This ruling also applies to amendment MAY-2.

(Clause 3 agreed to)

(Clauses 4 and 5 agreed to)

(On clause 6)

**The Chair:** On clause 6, amendment MAY-3 is deemed moved. Debate.

• (2100)

**Ms. Michelle Rempel:** With regard to this particular amendment, it's my understanding that it contradicts the 2010 Canada-Nova Scotia MOU, in which Canada and Nova Scotia agreed not to recommend the "creation of a federal protected area" that would have an adverse impact on their interests in and management of offshore petroleum resources.

The amendment also contradicts the terms of the 2011 Canada-Nova Scotia national parks agreement. Industry may need access to Sable Island to conduct low-impact seismic from time to time to ensure that any offshore activities are conducted in a fully informed and environmentally safe manner.

As we have heard in witness testimony from across the spectrum of witnesses in the last two meetings, Mr. Chair, we do believe that through the development of the management plan, or potentially another instrument, this particular activity can be defined and put into a formal framework of some type, such that it can be done without adversely impacting the ecological integrity of the Sable national park.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** I have a ruling on amendment MAY-4 as well.

Bill S-15 amends the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act by prohibiting any work or activity related to the drilling for petroleum. This amendment would permit the establishment of any facilities related to emergency evacuation without the board's authorization.

*House of Commons Procedure and Practice*, Second Edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, this amendment is contrary to the provisions of clauses 6 and 8 of Bill S-15 and is therefore inadmissible.

**The Chair:** Amendment MAY-5 is deemed moved.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We're on amendment MAY-6.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Now we have amendment LIB-1.

Ms. Duncan, you have a minute to speak to your amendment.

**Ms. Kirsty Duncan:** Thank you so much.

It would prohibit drilling underneath the island. As you all know, it's a national treasure with significant biodiversity, 375 wild horses, 350 species of birds, etc. There are a number of breeds that are protected under the Species at Risk Act. This process to protect Sable Island has been decades in the making. We owe it to the island, the wildlife that lives there, and Nova Scotians to get it right. In terms of directional drilling, there's a lot we don't know.

**The Chair:** Is there further debate on amendment LIB-1?

Ms. Rempel.

**Ms. Michelle Rempel:** As we've heard in testimony from the Nova Scotia government and other witnesses, the horizontal drilling rights are important to seeing the passage of this particular legislation. I'd also remind my colleagues that there is mirror legislation in place with the province of Nova Scotia which this would impact significantly.

As has been mentioned numerous times, and it's my understanding anyway, there will be an opportunity to discuss policies and practices related to drilling, etc., as further consultations on the parks management plan is developed.

**The Chair:** Is there further debate on amendment LIB-1?

Mr. Woodworth.

**Mr. Stephen Woodworth:** I'd just like to add to that the fact that the evidence we've heard suggests that when licences of this nature are granted, there would be a very complete and rigorous environmental assessment. The environment commissioner was satisfied that the board that performs that assessment does its due diligence, and I have confidence in his opinion.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We're on amendment NDP-1.

Ms. Leslie.

**Ms. Megan Leslie:** Thank you, Mr. Speaker, or Mr. Chair, whatever works.

[*Translation*]

It is easier in French: it is the same for the Chair and the Speaker.  
[*English*]

We're going to try this the third time because it's basically the same amendment.

Notwithstanding the testimony of industry that we heard today, we are legislators around this table. We have the right to create legislation and industry will follow. I ask my colleagues to consider this amendment which is in the best interest of Sable Island.

**The Chair:** Is there further debate?

Ms. Rempel.

**Ms. Michelle Rempel:** I appreciate my colleague's testimony and I certainly appreciate the goodwill that has gone through the debate on this piece of legislation both in the House and here. My concern with this amendment is there is mirror legislation that has been passed by the Nova Scotia government which this would impact. Given the rationale that we've previously stated, and which Mr. Woodworth also just alluded to, my inclination would be to not support this amendment.

**The Chair:** Is there further debate?

Mr. Woodworth.

**Mr. Stephen Woodworth:** May I just, as a point of order, inquire about the fact that this amendment seems substantially the same as the LIB-1 amendment. It would seem to me that since we just defeated amendment LIB-1, it may well be out of order to be considering a further amendment which is in substantially the same terms.

[*Technical difficulty—Editor*]

(Amendment negated [See *Minutes of Proceedings*])

(Clause 6 agreed to)

(On clause 7)

**The Chair:** We're moving to clause 7. We have two amendments, MAY-7 and LIB-2.

Ms. May's amendment is deemed moved. Is there debate on the amendment?

Ms. Leslie.

**Ms. Megan Leslie:** It's not actually debate, I should have said "point of order".

There is a problem with the translation from English to French. If you look at proposed subsection (2) in the amendment, it says, "within 60 days" and there's nothing in the French version that says "60 days".

I'm not asking for a ruling, just that it's on the record that the two versions match.

**The Chair:** Are we okay to proceed based on making the English version applicable to the French version?

We're going to proceed as "within 60 days".

We're still on amendment MAY-7. Is there further debate on amendment MAY-7 with the point of order?

Ms. Rempel.

• (2105)

**Ms. Michelle Rempel:** Again, I would just point out on this particular amendment that in the first component, part (a), the amendment is not in line with the 2010 Canada-Nova Scotia MOU in which Canada and Nova Scotia agreed not to recommend creation of a federal protected area that would have an adverse impact on their interest in management of offshore petroleum resources.

My apologies to the translators for speaking that fast.

Also, the amendment is not in line with terms of the 2011 Canada-Nova Scotia national parks establishment agreement.

Furthermore, this section is calling upon Parks Canada's expertise to advise the board about potential impacts about proposed work or activities on Sable Island. It's appropriate that the agency be the one identified in legislation to carry out the activity. The rationale is similar for the second part of the amendment with regard to the MOUs.

**The Chair:** I just want to come back and allow our analyst to respond to Ms. Leslie's point of order regarding the reference to "60 days".

**Mr. David-Andrés Novoa (Procedural Clerk):** To clarify, in the French version the 60 days is already included in the bill. The line is not amended, and therefore there is no need to change it.

**An hon. member:** Oh, fascinating.

**The Chair:** Is there further debate on amendment MAY-7?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We're on amendment LIB-2.

Ms. Duncan.

**Ms. Kirsty Duncan:** Thank you.

The amendment prevents the board from issuing a licence or permit if the advice it receives from Parks Canada indicates the proposed work would have a significant negative impact on the management of the surface of the island, unless this negative harm could be prevented by mitigation actions or remedial measures. In essence, it gives Parks Canada the final say on matters of science and ecological health or integrity of the island.

All my colleagues know my concerns. I am concerned that as it stands now, Parks Canada is merely required to consult and advise the board on matters affecting the park, but the board is not obliged to take that advice. This amendment would change that relationship in that it would oblige the board to take Parks Canada's advice. We are leaving the scientific decisions up to the scientists.

If the act were to have a significant negative impact on the surface of the island, which we can all agree would be very bad, the amendment would invite the applicant to take steps to mitigate the negative consequences. In this way I think it's a reasonable ask. We recognize the unique circumstances of Sable Island and we are trying to work with them as best we can.

**The Chair:** Is there any further debate on amendment LIB-2?

Ms. Rempel.

**Ms. Michelle Rempel:** Mr. Chair, the proposed amendment directs that the board shall not issue an authorization if the advice Parks Canada provides indicates that the proposed activity would have a significant negative impact on the national park reserve.

I recommend that we not support the proposed amendment, as it constricts the ability of the board to act on the best advice should other experts disagree with Parks Canada.

In the case of receiving conflicting expert advice on how a proposal to carry out low-impact exploration work on Sable Island would occur, the amendment would presuppose that Parks Canada's view is the only view that would be correct and the only view that should be considered.

The amendment also differs from the terms of the 2011 Canada-Nova Scotia national parks establishment agreement, and the amendment would require support from the province as well as a similar amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

**The Chair:** Thank you for the debate on amendment LIB-2.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 7 agreed to)

(On clause 8)

**The Chair:** With respect to amendment MAY-8, there's a typo. It should say "be amended by deleting lines 26 to 28 on page 5". This amendment is identical to amendment NDP-2, so our action on this one will apply to amendment NDP-2.

Is there debate on amendment MAY-8?

Ms. Leslie.

**Ms. Megan Leslie:** Mr. Chair, once again, I understand the issue of needing mirror legislation, but we are legislators around this table. If we legislate, then others will follow. I think this motion is in the best interest of Sable Island, and I hope that my colleagues will consider that when deciding how to vote.

• (2110)

**The Chair:** I'm sure they'll listen.

We're going to proceed now to Ms. Rempel, and then Mr. Woodworth.

**Ms. Michelle Rempel:** I actually believe, Mr. Chair, that this amendment is poorly structured because by striking out the last line, the proposal deletes reference to allowing the emergency evacuation of offshore workers.

**The Chair:** I pointed out that line 29 should not be in; it should be line 28.

**Ms. Michelle Rempel:** We are legislators here; however, we have heard from witnesses that it is important to respect the legislation passed by our colleagues in the Nova Scotia legislature. I would recommend not supporting the amendment because of that, and also that we follow through with appropriate discussions as part of the parks management planned development.

**The Chair:** Thank you.

Mr. Woodworth.

**Mr. Stephen Woodworth:** Thank you very much, Mr. Chair.

In response to questions that I asked this evening, the witness who was representing the board gave a fairly good description of some of the kinds of geochemical, magnetic and gravity explorations that would be considered under this subparagraph of petroleum exploration activities. He described very well the extremely negligible impact that they would have. In my view, it would be acting completely arbitrarily to delete the subparagraph that allows such negligibly impactful activities to occur.

**The Chair:** Is there further debate?

Ms. Rempel.

**Ms. Michelle Rempel:** I want to emphasize that we have heard from witnesses both on Thursday and today that defining this particular term as well as the framework in which it would be operating is possible through other mechanisms. It should be approached that way rather than by seeking to amend mirror legislation.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Amendment NDP-2 may not be moved as it is identical to MAY-8.

Amendment LIB-3 has been withdrawn.

On amendment LIB-4 I have a ruling, but go ahead Ms. Duncan.

**Ms. Kirsty Duncan:** Do you want me to go ahead?

**The Chair:** If you'd like.

**Ms. Kirsty Duncan:** Okay.

**Mr. Stephen Woodworth:** Mr. Chair, on a point of order, if you have a ruling which suggests that debate is not required, I would suggest you should give it first.

**The Chair:** I'm at the will of the committee. The advice we're given is that debate should be allowed even though amendment is inadmissible in terms of voting.

**Ms. Kirsty Duncan:** It would require that before the memorandum of understanding is concluded between Parks Canada and the board, the Minister of the Environment would table the proposed draft to Parliament and the House of Commons would refer the

MOU to the Standing Committee on Environment and Sustainable Development, and that the environment committee would study the proposed memo and report its finding to the House.

Also, the amendment asks that the Minister of the Environment take into account any report of the committee. If the memo does not incorporate a recommendation of the committee, the minister shall explain to the House the reasons for not incorporating it.

I think this was because there's been a lot of talk at this committee of what happens next, of what is the next stage with Sable Island.

I know my colleagues and I discussed an MOU between the board and Parks Canada, or a directive; I guess I'm suggesting a bit of both. This would require that the environment committee study the MOU between Parks Canada and the board before it is included, not after it has been negotiated and it is too late for input. As we've said many times, it's a very special park.

**The Chair:** I'm sorry, but I have to interrupt you.

Mr. Woodworth.

**Mr. Stephen Woodworth:** I'm not raising a point of order.

**The Chair:** That's okay; we're on debate.

**Mr. Stephen Woodworth:** I think this would be a highly unusual clause. It would set a rather bad precedent if every time the government wanted to institute a memorandum of understanding it had to take it to committee. It doesn't seem wise to me.

**The Chair:** I think we're ready for my ruling; at least that's my impression.

Bill S-15 amends the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act to restrict surface access rights provided for under that act and to provide for the issuance of licences and authorizations with respect to activities that may be carried out in Sable Island national park reserve of Canada. This amendment proposes to lay any proposed memorandum of understanding concluded between the board and Parks Canada agency under section 46 of the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act before each House of Parliament.

*House of Commons Procedure and Practice*, Second Edition, states on page 766:

An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the amendment attempts to introduce a new concept that is beyond the scope of Bill S-15 and is therefore inadmissible.

(Clause 8 agreed to)

(Clauses 9 to 15 inclusive agreed to)

•(2115)

**The Chair:** We now have a new clause, which is amendment LIB-5.

Ms. Duncan.

**Ms. Kirsty Duncan:** This is a review clause. It would require Parliament, most likely a committee, to study not only the operation of this act but also the working relationship between Parks Canada and the Canada-Nova Scotia Offshore Petroleum Board.

I want to make sure we get this right and that we don't forget about Sable Island after Bill S-15 receives royal assent. I'm proposing that we come back and take another look at it in five years. How has it fared? How is it being enforced? What is the health of the island, its ecosystem, and wildlife? Also, what is the relationship between Parks Canada and the board? Are there areas of friction or concern? How can we smooth those out?

**The Chair:** I do have a ruling on this, but I will allow debate if you want to continue.

**Ms. Megan Leslie:** Thanks.

I think this is a great proposal. My only regret is that I didn't think of it myself. We see these kinds of parliamentary reviews quite often in legislation, for example, in SARA and CEAA, which we've dealt with in this committee. I think it's a great idea.

**The Chair:** Ms. Rempel, go ahead.

**Ms. Michelle Rempel:** This will shock you, Mr. Chair.

We also think that a parliamentary review is good, but there is another way. The issue I have with this particular amendment is that it would have the effect of amending the section dealing specifically with the Marmot Basin ski area in Jasper National Park. But the proposed amendment, in our opinion, is redundant in that, within five years, Parks Canada must table in Parliament a management plan for Sable Island national park reserve. This will provide the opportunity for a parliamentary review of the overall management of Sable Island, including the provisions of Bill S-15, as well as the work of Parks Canada with the Offshore Petroleum Board.

**The Chair:** I will give my ruling at this point.

Bill S-15 amends the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act by prohibiting drilling for petroleum, by restricting surface access rights, and by providing for the issuance of licences and authorizations with respect to activities that may be carried out in Sable Island national park reserve of Canada.

The proposed amendment aims to also review the working relationship between the Parks Canada agency and the Canada-Nova Scotia Offshore Petroleum Board.

*House of Commons Procedure and Practice*, Second Edition, states on page 766:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the "working relationship between the Parks Canada agency and the Canada-Nova Scotia Offshore Petroleum Board" is beyond the scope of Bill S-15 and is therefore inadmissible.

(Clause 16 agreed to)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** We'll move now to the preamble and amendment LIB-6.

**Ms. Kirsty Duncan:** Mr. Chair, this amendment would affect the preamble of the bill to affirm that the circumstances facing the establishment of Sable Island as a national park are an exception and that they should not be used as a precedent for creating national parks in areas of oil and gas exploration.

As all of you know, one of my biggest concerns with this legislation is that it may be used as a precedent to weaken environmental protection in the future. I know I've spoken on this before, but due to the fragility of Sable Island and its historic and ecological importance, I think it's worth saying again. I really don't want this to be used as a precedent.

● (2120)

**The Chair:** I have a ruling on this one as well, by the way.

Ms. Rempel and then Mr. Woodworth.

**Ms. Michelle Rempel:** Mr. Chair, the preamble to Bill S-15 is not repeated in the provincial legislation, so it would only apply to the federal act. The proposed amendment calls on the Government of Nova Scotia to, in part, not use Bill S-15 as a precedent for creating new national parks in areas of oil and gas exploration, or allowing oil and gas exploration in any new national parks. This subject matter is not germane to the province of Nova Scotia.

The preamble as currently written suggests that Parks Canada should no longer consider proposed national parks should they be located in areas of oil and gas exploration. This could constitute an enormous constraint on Parks Canada's ability to complete the national parks system.

I think this was the point that was made by Ms. Leslie in her questioning of certain witnesses. This is a park that exists within an area of hydrocarbon exploration, and we're actually getting an enormous ecological integrity gain from this legislation.

The preamble is redundant in that Bill S-15 does not amend the Canada National Parks Act to permit petroleum exploration and drilling activities in any national park or national park reserve, nor in any future national park or national park reserve.

**The Chair:** Mr. Woodworth, and then Ms. May. Oh, Ms. May, I'm sorry. You're not a part of the regular committee so your participation is limited to introducing your amendments.

Mr. Woodworth.

**Mr. Stephen Woodworth:** Ms. Rempel has come close to saying what I intended to say. Let me just emphasize it a little more by saying that I think, actually, it's a great precedent to establish an area of ecological protection within an oil and gas field. Quite frankly, that's the kind of precedent we should look to extend. If we have opportunities to create areas of protection within oil and gas fields, I see nothing wrong with that, and I don't mind it being a precedent for the protection of the environment.



**The Chair:** Mr. Choquette.

[Translation]

**Mr. François Choquette:** Thank you, Mr. Chair.

We are all happy that Sable Island is becoming a park, but not because oil and gas exploration can be done, or that it could constitute a precedent. It is not that at all. It is a marvellous, unique and exceptional place, and that is why we want to protect it. Unfortunately, yes, there is oil and gas exploration. However, we do not want to make it a precedent that would allow oil and gas exploration elsewhere. That is the difference. We were never pleased or said we were happy about a precedent being established, nor about the fact that, from now on, a park could be created and there could be oil and gas exploration at the same time. We thought it would be better to have a park than nothing at all. It is very different.

That is why Kirsty Duncan asked several times if this bill would create a precedent. Several times, we were told that that would never be the case. No one here ever stated they intended to make it a precedent and repeat this type of situation several times.

We have here a small amendment that says absolutely nothing dangerous. I know you have a ruling to give on it, Mr. Chair, but frankly, there is nothing dangerous about it. It only specifies that it would not be a precedent. It explains that a park is a park, and an oil and gas exploration site is an oil and gas exploration site.

I would like to vote in favour of this amendment. I hope we will be able to vote on it.

Thank you, Mr. Chair.

[English]

**The Chair:** I'm going to give the ruling of the chair on this amendment.

This amendment seeks to make a substantive modification by adding new elements to the preamble. *House of Commons Procedure and Practice*, Second Edition, page 770, states:

In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill.

—which we have not done—

In addition, an amendment to the preamble is in order when its purpose is to clarify it or to ensure the uniformity of the English and French versions.

In the opinion of the chair, the proposed amendment is substantive, and therefore, is inadmissible.

• (2125)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Chair, can you seek permission for me to speak to my amendments?

**The Chair:** The only way that a member of the House of Commons who is not a member of the standing committee has an opportunity to speak is with the unanimous consent of the committee.

**Ms. Elizabeth May:** I was invited to be here, but not given notice of the meeting until later in the day today, and I was in British Columbia.

**The Chair:** We were all given notice of this meeting late in the day, Ms. May. We all received late notice.

Ms. Rempel.

**Ms. Michelle Rempel:** Mr. Chair, I believe at the beginning of this meeting you sought unanimous consent to move to clause-by-clause review of this legislation upon the completion of witness testimony. By that, there was notice given.

**The Chair:** We will proceed.

Amendment LIB-6 has been ruled inadmissible.

We'll move now to the preamble.

Shall the preamble carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill to the House?

**Some hon. members:** Agreed.

**The Chair:** So ordered.

I'll just remind the committee that we will convene tomorrow morning at 8:45. The agenda has been sent to your...

Thank you. With that, the meeting is adjourned.





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