



Second Session, 38th Parliament

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LEGISLATIVE ASSEMBLY
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Tuesday, April 4, 2006
Afternoon Sitting
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THE HONOURABLE BILL BARISOFF, SPEAKER

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LIEUTENANT-GOVERNOR
Her Honour the Honourable Iona V. Campagnolo, CM, OBC

SECOND SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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TUESDAY, APRIL 4, 2006

The House met at 2:03 p.m.

Introductions by Members

C. James: It is my pleasure today to introduce Mr. John Kula, a constituent of mine from Victoria-Beacon Hill, who lives in a float home at lovely Fisherman's Wharf, which is just a few blocks from here. Would the House please make him welcome.

Tributes

CHARLIE COLEMAN

Hon. S. Bond: I just wanted to bring a really good-news update to the members of the House. Last week we celebrated Education Week, and I know that members from both sides of the House joined in celebration of eight outstanding individuals — just a sample of the ones that serve in public education.

We introduced you to Charlie Coleman, who is the principal of Khowhemun Elementary School in Duncan, who had been recognized for his achievement. We said at that time that he had also been nominated for an award, the 2005 Outstanding Young Educator of the Year, which was offered by the Association for Supervision and Curriculum Development. That is an international organization.

Charlie just got back from Chicago, and I am so pleased to tell the House that Charlie was honoured at the opening session of the ASCD. He was made the Outstanding Young Educator. That is the first time that has ever happened in Canada, so we are proud to recognize him again here in the House today.

Introductions by Members

D. Cubberley: We're joined in the galleries today by 23 grade four students from Pacific Christian School in my constituency, who are here with their chaperons and their teacher Ms. Diane Houston. Would the House please join me in making them welcome.

[1405]

Hon. M. de Jong: Congratulations to members from both sides of the House who walked, ran, wheeled, crawled...

An Hon. Member: Some are still out there.

Hon. M. de Jong: ...and to those that are still out there — in the first annual 5K fun run, walk, wheel. To the staff and countless others — hundreds, in fact — who joined with us for that event over the lunch hour: congratulations, thanks, and remember to act now.

N. Simons: It gives me pleasure to welcome to the House today in the gallery Sam Heppell, the president

of the UBC YND and a former cello student of mine. He is, surprisingly — notwithstanding that — a pretty good musician. So if the House would please make him welcome.

Hon. M. Coell: I'd like the House to welcome a number of students from the University of British Columbia, the University of Victoria and the Emily Carr Institute of Art and Design. These students are pioneers. They're young adults with developmental disabilities who are taking their rightful place on the campuses and universities and colleges of British Columbia. These students are not classmates. In fact, this is the first time these students have been asked to come together.

Like any other student, they audit courses of interest such as biology, psychology, human kinetics or 20th-century art history. Like their classmates, they pursue other campus activities — all as individuals, not as a group activity — such as yoga classes, international house lunches, clubs and fitness activities.

Inclusive post-secondary education has been made a provincial priority by a determined community organization at the STEPS Forward Inclusive Post-secondary Education Society. My ministry, with the support of Community Living B.C., the non-profit group VOICES, and the administration and faculty of the universities of Victoria and British Columbia and Emily Carr, have implemented an important vision. By working together, we have made inclusive post-secondary education a reality in British Columbia. These students are leading the way in a new frontier of inclusiveness that will slowly transform post-secondary classrooms and workplaces across the province.

Would the House please welcome Elizabeth Etmanski, Joel Klassen, Stephanie Phillips, April Proudlove, Jenna Proudlove, Aine Rathwell, Benjamin Russell and Riia Talve. Would the House please make them welcome.

S. Fraser: It gives me great pleasure to rise today and acknowledge Bruce Fraser, my brother, who is watching the proceedings today. Bruce and I grew up learning a unique sense of humour so superior that few people laugh at our jokes, but we crack each other up. It's Bruce's birthday today. He turns 43. Will the House join me in giving applause in recognition of Bruce's birthday.

L. Mayencourt: Members on both sides of the House joined the Consulting Engineers of British Columbia for a breakfast meeting this morning, and we very much enjoyed it. The executive director Ms. Glenn Martin is here with us today, as well as Rob Harmer and Arnold Badke. Would the House please make these three very important guests welcome.

R. Hawes: I notice that on the floor with us today is the former member for Nanaimo, Mike Hunter. Could the House please welcome Mike back. Good to see you, Mike.

**Statements
(Standing Order 25B)**

REFUGEE RIGHTS DAY

R. Chouhan: April 4 is Refugee Rights Day. On this date in 1985, the Supreme Court of Canada ruled that the Canadian Charter of Rights and Freedoms protects the rights of refugee claimants in Canada to life, liberty and security of person, and that claimants are entitled to an oral hearing in accordance with the principles of fundamental justice.

This ruling has become known as the Singh decision in recognition of Harbhajan Singh, Sadhu Singh Thandi, Paramjit Singh Mann, Kewal Singh, Charanjit Singh Gill, Indrani and Satnam Singh, who brought their case to the court.

[1410]

The Singh decision has had a great impact on the lives of refugees living in Canada. Refugees now have access to basic entitlements to allow them to live in dignity and afford them the same rights to work, education and emergency health care coverage that other Canadians enjoy.

Despite their progress, refugees to Canada continue to face challenges in their search for protection. Refugee claimants are often unnecessarily detained. They wait years for their families to be allowed to join them, and they are often misrepresented in the media. When people are forced to flee their homelands as refugees, they look for a safe place for themselves and their families. For many refugees, coming to Canada means a drop in their standard of living. People with professional careers in their home countries often end up working menial jobs in Canada.

Refugees around the world face tremendous hardships, and Refugee Rights Day is an opportunity for us to recognize and better understand the experience of refugees who live among us. I ask the members of this House to join me in recognizing Refugee Rights Day.

INNOVATIVE BURNABY BUSINESSES

H. Bloy: It is my pleasure to speak about two innovative companies from Burnaby which are demonstrating a commitment to green technology and improving worker safety.

Recently I attended the opening of the Swiss Water Decaffeinated Coffee Co.'s second production line. The reason the second production line is in Burnaby and not the U.S.A. is because we eliminated the provincial sales tax on manufacturing equipment. What is unique about the Swiss Water is that they are the only coffee company in the world that does not use chemicals during the process, producing a healthier product but also being more ecologically friendly.

This socially and environmentally responsible company also used local engineering firms, suppliers and contractors in their expansion, injecting over \$13 million into the economy of the lower mainland.

The second company, ALGIS, an acronym for automatic lumber grading and inspection, has developed a system for the high-speed automated grading of lumber. This innovative technology will assist graders with the manual and highly repetitive aspect of their job. Not only that, automated grading will increase accuracy and, most importantly, help prevent injuries. Of course, safer, faster, more efficient grading means a better return for mills and a better contribution to British Columbia's booming economy — benefiting all.

This B.C.-based company is also becoming an international success. Their products are being used in as many as ten different countries, and over 150 ALGIS systems are in service. With pioneering companies such as these, our province is surely establishing itself as a world leader.

SOUTH ASIAN IMMIGRANTS TO CANADA

H. Bains: It is with mixed feelings that I stand before you today speaking about *Komagata Maru*. It was 92 years ago today that *Komagata Maru* set sail from Hong Kong on a voyage to Vancouver to challenge the discriminatory and unjust immigration laws of Canada. The ship carried 376 passengers of Indian origin led by Mr. Gurdit Singh.

My feelings are mixed because these passengers were never allowed to come off the ship. They were sent back because the lawmakers of this country passed laws to halt the immigration of Indians to Canada. There were laws requiring Indians to have \$200 on their person and come to Vancouver via direct passage, knowing full well there were no ships that travelled between India and Canada directly.

These were very unreasonable and unjust laws designated to keep people of the South Asian region out of Canada. Indians who were already in Canada were also subjected to bad faith and discriminatory laws. Even though they were British subjects, a law was passed denying them the right to citizenship and hence denying them the right to vote. They were prohibited to run for public office, serve on juries and were not permitted to practise in many professions. It was their way to challenge these unjust and bad laws.

It is with great pride and accomplishment that I stand here today, 92 years later, with elected men and women of this House. With different ethnic and religious and political backgrounds, we came together a couple of weeks ago and unanimously agreed on a bill recognizing the Sikh contributions to Canada and the Five Ks.

[1415]

Please join with me in recognizing how far we have come towards recognizing our unity in diversity and to thank those men and women before us for their hard work and vision to enable us to realize their dream.

TSUNAMI RELIEF WORK OF
KEVIN AND SUSAN GARBER

M. Polak: Members of this House will recall that on December 26, 2004, a tsunami devastated a large area

in Southeast Asia. The disaster motivated a worldwide response. Today, in the spring of 2006, the damaged areas are still recovering.

Constituents of mine, Kevin and Susan Garber, were visiting the island of Khao Lak, Thailand, when the tsunami hit. While they and their three children escaped without harm, they were deeply moved by the tragedy around them. The Garbers' response was to put together a fundraiser at the Langley Coast Hotel and Convention Centre. They raised over \$30,000.

That is praiseworthy in and of itself, but Kevin and Susan have gone one step further. This winter Kevin and Susan, along with a volunteer English teacher, returned to Khao Lak to personally kick off the construction of a local school, orphanage and English teacher residence. Next month the Garbers will return once again with plans to see the completion of the building project.

The Garbers' initiative, along with the generosity of the people of Langley, is only one small part of the recovery for victims of the tsunami. Realizing this, the Garbers intend to continue their work. There are plans underway now to make the fundraiser an annual event. As Kevin Garber says: "We'd like to remind people that this is going to take years to fix."

Mr. Speaker, I know that as members of this House we remember and think often of the needs of those around the world who have suffered great tragedies. We encourage all of those, like Kevin and Susan, who give of their time and energies to help.

RIDGE MEADOWS SENIORS HEALTH CLINIC

M. Sather: The Ridge Meadows Health and Wellness Clinic for Seniors has been in operation since 1987 and has been a huge success. Nearly 400 clients are registered with an average 70 to 80 clients per week attending their three-hour Tuesday clinics.

The program, run out of the Ridge Meadows seniors centre, provides a drop-in clinic to monitor blood pressure, weight and height of seniors over 55 in Maple Ridge and Pitt Meadows. It is run by Peggy Lambert, a former practical nurse, who along with other volunteer nurses provides these services to our local seniors. The program provides an opportunity for local seniors to take charge of their own health and receive ongoing support, informal counselling and referrals. Seniors participating in this program are encouraged to have their own personal physician.

The clinic boasts senior peer counsellors who are dedicated volunteers and who provide support and guidance to those who experience problems or are in crisis. From time to time, medical speakers are brought in to inform seniors about their prescription and non-prescription medications. These volunteers work one-on-one with seniors and identify potential problems.

The third Tuesday of every month, experts from Crystal Optical come in to clean hearing aids, fix lenses, check ears and arrange for hearing testing, if necessary. On that Tuesday they also have a local pharmacist and diabetic educator, who provide advice on diabetic diets and do blood pressure testing, if

necessary. Finally, they have a massage therapist who comes in every Tuesday to provide ten-minute massages.

The health and wellness clinic has received very positive feedback from clients and a lot of support from local doctors. I commend the work that is being done by all the volunteers who run the clinic and who have made the program such a great success.

HOMELESSNESS RELIEF PROGRAMS IN MISSION

R. Hawes: Homelessness is not a new phenomenon. Although a number of cities are working on the Premier's task force to seek solutions, many communities and individuals still look exclusively to the provincial government to solve the problem. But that's not so in my community. In Mission, they're acting.

The Mission Downtown Coalition, comprised of social agencies and downtown businesses, recognized a few years ago that panhandlers were a problem. They reacted by developing the heart of Mission red card. The card costs \$2 and is available at most downtown businesses. It entitles the recipient to a choice of a coffee, a meal, a bag of toiletries, clothing articles or a shower, and it's given out instead of cash. The concept has been very successful, and panhandling has been greatly reduced.

[1420]

But now the coalition is ready for the next phase — the gold card. The card will be available to about 15 permanent Mission residents per year. In addition to the basics of food, shelter and clothing, the card could provide services such as basic dental visits, haircuts, access to movies, the library or the leisure centre. The gold card will come with responsibilities. These could include volunteering in the community, following addiction treatments and/or counselling, and making a commitment to a weekly mentoring program. The cost of the program has been underwritten by the Mission Community Services and business improvement area businesses of downtown Mission.

This is truly an example of a community taking responsibility and acting with compassion. I congratulate them and pledge whatever support I can lend to ensure that the gold card program in Mission is successful.

Oral Questions

INVOLVEMENT OF DAVID BASI IN GOVERNMENT BUSINESS

C. James: In March 2004 the Minister of Transportation received information from the RCMP that the B.C. Rail spur line deal may have been compromised. As a result, the deal was cancelled. We now know a little more about this period of time. Top government aides were allegedly wrapped up in an elaborate lobby and kickback scheme.

My question is to the Attorney General. Can he inform this House if the government has conducted a

thorough investigation of every file that Mr. Basi touched?

Hon. W. Oppal: This government, in the spirit of openness and transparency, enacted legislation in 2001 that required the lobbyist to be registered. The Lobbyists Registration Act was enacted in 2001; the registry was opened in 2002. That was done in the spirit of openness so that people can have access to persons who lobby government.

I would point out that no similar legislation was enacted by the NDP in the ten years that they were in power. I do note, however, that in 1994 a private member, Mr. Schreck, introduced legislation. However, the NDP obviously did not think it was important enough, because the legislation was never enacted.

Mr. Speaker: The Leader of the Opposition has a supplemental.

C. James: To the Attorney General: my question is actually about political aides appointed by the government, not about lobbyists, but I'll try again.

To the Attorney General. If we take a look at the specific spur line deal, here's what the Minister of Transportation said about the decision to cancel that deal: "In one case they — the Premier's office — felt that there were serious enough allegations being presented to the RCMP to terminate." So we know, according to the Transportation Minister, that the Premier's office stepped in.

My question to the Attorney General: if the Premier had enough information to cancel the spur line deal, then why won't the Attorney General look closely at all dealings that Mr. Basi had within government?

Hon. W. Oppal: I'm sure the hon. member, the Leader of the Opposition, knows that this matter is now the subject of proceedings in the Supreme Court. If she has information regarding any improprieties in the awarding of contracts, that information ought to be given to the RCMP. But it would be totally improper for me to comment on the scope or the tenor of any investigation that the RCMP is involved in. That matter is now before the courts.

Mr. Speaker: The Leader of the Opposition has a further supplemental.

C. James: The last time I checked, decisions made by the Premier and this government were not before the courts. Therefore, I'll ask my question again of the Attorney General.

[1425]

We know that Mr. Basi was allegedly working behind the scenes in three different ministries to secure deals for Liberal insiders. My question, again, to the Attorney General: what evidence does the government have that Mr. Basi wasn't working with other ministries on behalf of other Liberal insiders?

Hon. W. Oppal: I must say that I find disturbing the somewhat cavalier fashion in which the Leader of

the Opposition attributes wrongdoings and illegal activities to people who are before the courts. We live under the rule of law. The foundation of the rule of law is the presumption of innocence and proof beyond a reasonable doubt. I can tell the Leader of the Opposition that statements of that sort make it very difficult for any judge or jury to make findings of fact.

Interjection.

Mr. Speaker: Member.

D. Chudnovsky: When Justice Dohm released the initial summary of the search warrants, the Premier stated: "It is clear from the court summary that this is a personal issue. It is not an issue with government." The B.C. Rail spur line was cancelled, and now it seems that the integrity of the Agricultural Land Commission has been compromised. These are issues within government.

The allegations paint a very disturbing pattern of corruption. Can the Attorney General assure this House and British Columbians today that no other files have been compromised by this top Liberal insider?

Hon. W. Oppal: Clearly, the hon. member didn't hear my last answer. That is that it is totally improper for anyone here to comment upon whether or not there was any criminal damage done and whether or not anybody's interests were compromised. I'm not prepared to make any comment or speculate as to what criminal activity took place. That will be ultimately decided in the Supreme Court.

Mr. Speaker: The member for Vancouver-Kensington has a supplemental.

D. Chudnovsky: To be clear, the questions that are being asked from this side of the House today are about actions or inactions of government. They do not bear directly on any court case.

It's interesting. Cabinet ministers were very sure of themselves two years ago. Here's what the Minister of Forests and Range said at the time: "I have every confidence that the integrity of government has been protected."

Clearly, that confidence was misplaced. What evidence does the Attorney General have that backs up the minister's claim that the integrity of government has been protected?

Hon. W. Oppal: Again, if the member has an allegation of wrongdoing on the part of a minister or any governmental official, then it's the obligation of the lawmaker to report that to the RCMP and not to speculate in this House.

J. Kwan: The Premier, back in 2004, was concerned enough that he actually cancelled the B.C. Rail spur line deal. Gary Collins, the former Minister of Finance, assured British Columbians that Mr. Basi had no involvement in anything related to the budget, to cabinet

meetings, to Treasury Board, to caucus meetings or to legislation. But it appears that the ministerial assistant to the former Minister of Finance was involved in the Agricultural Land Commission.

[1430]

The government's assertion that Mr. Basi was just some legislative usher is simply not credible. He was a top aide and a top adviser, hand-picked by the former Minister of Finance. He was a top organizer within the Liberal Party. If the Attorney General is so sure that there was nothing untoward with respect to Mr. Basi's actions, will the Attorney General then table all relevant documentation such as calendars and e-mails pertaining to Mr. Basi's role while he was in government?

Mr. Speaker: Member. I want to remind members to be very careful of where they're going here, because we have breached a little bit over the line here. I think the comments that the Attorney General made are very salient in the points that we should be very careful where we're going. We're making accusations about things that the Supreme Court has to make a decision on, so I think we want to be very careful where we're going.

Hon. W. Oppal: That's precisely the comment that I was going to make. You know, it's fair to ask questions of me. That's why I'm here. But to suggest that Mr. Basi was guilty of some wrongdoing or that a deal was cancelled as a result of his improper conduct is clearly a matter before the Supreme Court. It would be totally improper for me or for any other member in this House to prejudge those comments and thereby compromise Basi's right to a fair trial.

Mr. Speaker: The member for Vancouver–Mount Pleasant has a supplemental.

J. Kwan: Well, then I think what's important for members of this House, and I think for British Columbians, is for the minister to commit to tabling all the documentation and involvement relating to Mr. Basi so that we can see what really happened in terms of how far the reach of Mr. Basi was in terms of the issue. Will the Attorney General commit to produce a full inventory of Mr. Basi's dealings in all areas of government so that the public can finally know...

Interjections.

Mr. Speaker: Members.
Continue, member.

J. Kwan: ...how far his influence reached?

Hon. W. Oppal: Well, the examination and the assessment of documents will be before the Supreme Court. That's precisely the nature of the process. The Crown seized certain documents as a result of information that was sworn, and a warrant was issued and executed. It's not for me to say how the Crown is going

to run their case. There's a special prosecutor involved here who is not associated with the ministry. We have an independent special prosecutor who's looking after the case.

In any event, the point I'm making here is that whatever documents the hon. member makes reference to will be in the public arena. They will no doubt be exhibits in the trial, and every person in British Columbia will have the right to look at them through the media.

INVOLVEMENT OF DAVID BASI IN DECISIONS OF AGRICULTURAL LAND COMMISSION

B. Ralston: Yesterday we learned that Mr. Basi's alleged dealings touched on the Agricultural Land Commission. The public perception of its integrity is now in doubt. Can the Minister of Agriculture and Lands outline what steps he has taken to find out exactly what level of involvement Mr. Basi may have had with the Agricultural Land Commission?

Mr. Speaker: I want to remind members again to be very careful where we're going here.

Hon. P. Bell: It's already been clearly articulated by my colleague the Attorney General in terms of what may or may not be revealed. But what I can tell members of this House and what I've already stated this morning — the member canvassed clearly in estimates — is that we have been advised by the RCMP that the Agricultural Land Commission itself and the agricultural land commissioners are not part of this investigation. There is no reason why either anyone in the commission or the commission itself has been implicated in the documents brought forward yesterday.

Mr. Speaker: Member for Surrey–Whalley has a supplemental.

[1435]

B. Ralston: Well, that may be the view of the police conducting the investigation at this stage.

Interjections.

Mr. Speaker: Members.

B. Ralston: The Attorney General has not said that the investigation is not ongoing. However, given the allegations that touch on the land commission, will the Minister of Agriculture and Lands commit to review all agricultural land reserve exclusion decisions that took place while Mr. Basi was here in this building wielding his influence?

Hon. P. Bell: That is a totally inappropriate question, and I'm amazed that the member would even ask that question. But let me state very clearly that the RCMP have indicated to us that the Agricultural Land

Commission and all the individuals within the Agricultural Land Commission are not part of this investigation. There is no reason to believe there was anything untoward done on the part of the Agricultural Land Commission. Quite honestly, I find it despicable that the member opposite would even suggest that.

J. Horgan: I listened very carefully to the Minister of Agriculture's response. But the situation we find ourselves in.... A special prosecutor recommended charges in a case revolving around a decision by the Agricultural Land Commission.

So my question to the minister is this. Does he believe that public confidence in the ALC has been compromised by these charges?

Hon. P. Bell: No.

Interjections.

Mr. Speaker: Members.

Does the member have a new question?

J. Horgan: Yes, I do, hon. Speaker.

Mr. Speaker: Proceed.

J. Horgan: The community of Sooke, just outside Victoria, is a vital part of my constituency, and the community is in upheaval as a result of these charges. The question being raised in the community is: did the process follow the course that it should have?

Does the minister agree that confidence in my community in the ALC decisions with respect to land in that area has been compromised?

Hon. P. Bell: I'm not sure what the members opposite don't get here. The courts in British Columbia have a job to do. Let's allow the courts to do that job.

LOBBYISTS REGISTRATION LEGISLATION

L. Krog: I agree with the comments of the minister. The courts have a job to do, and the Legislature has a job to do, and the government has a job to do, which is to ensure transparency in government activities.

Interjections.

Mr. Speaker: Members.

L. Krog: The Lobbyists Registration Act does nothing more than provide a listing of lobbyists. It provides no requirement to disclose when lobbyists meet with political appointees.

We know that representatives from Pilothouse Public Affairs Group met with various ministers or met with the government. My question to the Attorney General is, very simply, this. Can he inform the House if ministerial assistants in the Ministries of Health,

Forests, Public Safety or Economic Development ever met with these lobbyists on issues around Omnitrax?

Hon. W. Oppal: Clearly, those are matters that will be before the court. Obviously the member, being a lawyer, knows full well that I can't answer that question.

Mr. Speaker: Member for Nanaimo has a supplemental.

L. Krog: With the greatest respect to the Attorney General, the reason the question cannot be answered is not because this matter is before the courts. It is because the Lobbyists Registration Act does not require the disclosure of that important information. That is the source of the problem.

[1440]

Now that the Attorney General has had an opportunity in the last 24 hours to consider the position of the government in this matter, will he now commit to an all-party review of the Lobbyists Registration Act to restore some trust in government in British Columbia?

Hon. W. Oppal: I find it somewhat ironical that the hon. member who was here in the '90s was part of a government that didn't think it was important enough to have such an act.

I admire and respect the member's sudden interest in the Lobbyists Registration Act. To answer the question more directly....

Interjections.

Mr. Speaker: Members.

Continue, Attorney General.

Hon. W. Oppal: We're always prepared to listen to reasoned discussion, reasoned submissions and ideas to improve the legislation. This government has always been dedicated to transparency and openness.

Interjections.

Hon. W. Oppal: Well, I give you the fixed elections. Did the opposition ever bring them in?

What about the awarding and hiring of contracts? They're done on a merit basis. The political process was taken out of those.

What about Crown corporations — ICBC, B.C. Hydro? There's openness involved in all of the legislation regarding their accountability to the public.

M. Farnworth: The Attorney General needs to realize that we're not here talking about something that occurred in the 1990s. We're talking about what's happening here today in British Columbia. The Attorney General has indicated to this House both yesterday and today that he is open to suggestions, that he is amenable to constructive alternatives, constructive criticism

and constructive suggestions. Well, I want to offer one right now.

Earlier we heard that serious allegations around the spur line deal in the Premier's office brought an end to that deal. They were clearly concerned. What we have right now are allegations that have been made and that involve, in part, the lobbyists act and its contribution to those allegations. So while that is before the courts, perhaps the Attorney General might want to take into account the fact that allegations have been raised that should cause them some concern. They may want to start investigating possible solutions to some of these problems, and that revolves around the Lobbyists Registration Act.

Our question is very simple. Will the Attorney General commit to putting the Lobbyists Registration Act to an all-party review of this House?

Hon. W. Oppal: Well, I appreciate the member's passion. My purpose in pointing out the 1990s was simply.... If the members opposite were so concerned about lobbyists, I asked rhetorically why nothing was ever done about it. But I'm digressing.

Interjections.

Mr. Speaker: Members.

Hon. W. Oppal: The purpose of the Lobbyists Registration Act is to ensure that those people who are involved in lobbying activities register so as to make their activities transparent. The act was never intended to reveal criminal activity, unlawful activity or activity that was not proper. That is a part of the criminal law and the civil law of the land.

That legislation has to be looked at in conjunction with other legislation. That's exactly what has happened here. The Lobbyists Registration Act was never, ever intended — and it's never intended in any jurisdiction — to have, as a part of the legislation, any sanctions and criminal activity other than the fact that if you failed to register, then you're liable to a \$25,000 fine.

Mr. Speaker: The member for Port Coquitlam-Burke Mountain has a supplemental.

[1445]

M. Farnworth: The Lobbyists Registration Act was intended to give confidence to the public of British Columbia, and right now it's not doing that.

My question, again, to the Attorney General.... Recognizing how all these things are tied up, this is one small part that he may want to look at, which helps to restore confidence while these allegations make their way through the courts. That is, will he push for an all-party standing committee to review the Lobbyists Registration Act to see how it can be improved and restore confidence for the people of British Columbia?

Hon. W. Oppal: This government is always open to transparency. We're concerned with openness — open-

ness of government, openness of procedures. If the member has any suggestions or any recommendations, we're prepared to listen to them, as I'm sure is the registrar under the act.

ROLE OF GOVERNMENT IN B.C. FERRIES PLANNING AND REPORTING

G. Coons: The Minister of Transportation has continually referred to three independent reports that shaped and moulded the privatization of our marine highway. He maintains that this government is absolutely consistent with these three reports. However, he conveniently chooses to ignore the most important part of the Wright report, which recommends that under this model B.C. Ferries would receive a clear mandate and understanding of the provincial expectations, would annually present its business plan through the Minister of Transportation to this Legislature and would report quarterly on the results of its operations.

The reason the report recommended these business plans and reports come back to this Legislature is because Mr. Wright understood that public resources and assets must receive full public scrutiny and oversight.

My question is to the minister. When can we expect the business plan and quarterly results from B.C. Ferries to come to this Legislature so the \$127 million in public funds can be adequately scrutinized, as the Wright report recommends?

Hon. K. Falcon: I'm pleased to see the opposition now has a renewed interest in seeing business plans. That's progress from the 1990s, certainly.

I'm a little surprised that they're kind of going back to the well on this question, Mr. Speaker. You know, we canvassed this pretty thoroughly a couple of weeks ago. Not surprisingly, none of the public came rushing to the aid of their suggestion that we need to make it a Crown corporation again and turn it back into a situation where you get political interference.

The fact of the matter is that today there is more accountability in place for B.C. Ferries than there ever was when it was a Crown corporation with NDP members interfering in it. The independent ferry commissioner has broad-ranging powers. If the member or any member of the public has any concerns, they can see that independent ferry commissioner, and he would be happy to help address any of those concerns or investigate them.

Mr. Speaker: The member for North Coast has a supplemental.

G. Coons: One reason the public wasn't running to the minister is because most people were concerned about the people in Hartley Bay. They were concerned about the passengers; they were concerned about the crew of the ship. I recommend that this minister take a visit to Hartley Bay and see what's happening there.

My question. As the minister knows.... He's read these reports, and they recommend significant and clear oversight by this House. The Wright report concluded, as the minister should know, with the following statement: "It is imperative that an integrated marine transportation plan be prepared, which delineates the role of roads, bridges and other competitive transportation alternatives."

It's clear that this minister has essentially washed his hands of our vital marine highway system. My question is to the Deputy Premier. Will she commit today to legislating a special committee with coastal MLAs to develop a long-term vision for our marine highway that is accountable to this House, and to amend the Coastal Ferry Act to ensure that ferry-dependent communities have a ferry system that is safe, reliable and affordable?

[1450]

Hon. K. Falcon: Well, this is really rich. You know, the member has finally taken time to read the reports, and I want to commend the member for that, because clearly it took him several years to read these three independent reports. And he forgets an important paragraph from that report — the Wright report — and that one of the overriding recommendations was to make sure B.C. Ferries was going to be exempt from political interference. That's exactly what we did. It was the right decision then. It's the right decision today.

GOVERNMENT ACTION ON HOMELESSNESS

D. Routley: Homelessness is an exploding crisis in B.C., like nowhere else in Canada, and the response by this government has been inadequate. By cutting services and making applications for income supports more onerous, the Liberal government has worsened the problem. Five thousand people in Vancouver last year were turned away from two shelters alone; 2,700 in Surrey. Many homeless people find our shelters being used as detox centres and mental health clinics rather than appropriate shelter for them — particularly women.

Will the minister stand up in this House and commit today to provide adequate resources to the shelters and to the housing program of B.C., to properly house and adequately and appropriately shelter all the needy residents of British Columbia?

Hon. R. Coleman: The province has increased funding for housing and emergency shelters in this province at a higher level than anytime in the history of British Columbia. As a matter of fact...

Interjections.

Mr. Speaker: Members, listen to the answer.

Hon. R. Coleman: ...we've increased the annual funding for the emergency shelter program by 40 per-

cent, increased year-round shelter beds from 711 to 868, increased cold-wet weather beds from 197 to 391. We had the Premier's Task Force on Homelessness, which is the first task force in the history of British Columbia to take some leadership with communities to build and work with the homeless issue in British Columbia.

[End of question period.]

Petitions

C. James: I rise to present a petition from resident float home owners residing at Fisherman's Wharf in Victoria asking that float home owners enjoy the same rights, freedom and privileges as other property owners in British Columbia when it comes to the home-owner grant.

Tabling Documents

Hon. J. Les: I have the honour of presenting today the annual report of the gaming policy and enforcement branch in my ministry dated April 1, 2004 to March 31, 2005.

Petitions

C. Puchmayr: I rise to present a petition of hundreds of cards from students in my community, and I will just read the sentence: "I owe \$25,000 in student debt, and I can't afford to graduate."

Tabling Documents

Hon. P. Bell: In the spirit of openness and transparency, I rise to table the decision document from the Agricultural Land Commission for Sunriver Estates Ltd.

Orders of the Day

Hon. M. de Jong: I call Committee of Supply. For the information of members, in Section A we will be debating the estimates of the Ministry of Energy, Mines and Petroleum Resources and, in this chamber, the continued estimates for the Ministry of Environment.

[1455]

Committee of Supply

ESTIMATES: MINISTRY OF
ENVIRONMENT AND MINISTER
RESPONSIBLE FOR WATER STEWARDSHIP
AND SUSTAINABLE COMMUNITIES

(continued)

The House in Committee of Supply (Section B); S. Hammell in the chair.

The committee met at 2:58 p.m.

On Vote 28: ministry operations, \$152,559,000 (*continued*).

Hon. B. Penner: Just to pick up where we left off prior to the lunch break, the member who was asking questions — from Skeena, I believe — asked a question related to the location of seasonal conservation officers for this year. I have now obtained a copy of the news release, which is available on the ministry's website, dated March 2, 2006. This year seasonal conservation officers will be deployed to the following communities: North Vancouver, Whistler, Port Hardy, Sechelt, Campbell River, Fernie, Vernon, Castlegar, Kelowna, Invermere, Dease Lake, Fort St. John, Burns Lake, Williams Lake, Prince George, Chetwynd and Vanderhoof.

Also, in further answer to a question from the Environment critic prior to noon about staffing in the minister's office, I can confirm that the order-in-council number rescinding the appointment of Joel Palmer as ministerial assistant to the Minister of Environment is contained in order-in-council 90, approved on February 21, 2006.

S. Simpson: I thank the minister for that information. At this point I'd like to explore a couple more questions related to fisheries matters. I believe that the appropriate staff are here.

Specifically, I'd like to explore a couple of questions related to the ongoing discussion around the Cheakamus River and the restoration of the steelhead in the Cheakamus.

[1500]

As the minister well knows, and certainly in discussions that I've had with him and with some of his officials and others, we know there is a difference of opinion between the ministry and ministry staff and, as best I can tell, the district of Squamish, the B.C. Wildlife Federation, the Squamish First Nation and now a number of eminent scientists from the University of British Columbia fisheries programs. They all have a very different view that suggests that some limited and targeted hatchery and enhancement program would be the appropriate way to go on the question of steelhead.

Could the minister tell us what his thinking is currently and why he has chosen not to explore this option that's put forward by this group of experts and critical stakeholders?

Hon. B. Penner: Hon. Chair, the member will remember we had a short discussion about this in question period a week ago or so. My message remains essentially the same. The Ministry of Environment is interested in making decisions based on sound science. I know some people would prefer that we make decisions based on politics or political pressure. That's not the intention of the ministry. We want to look at what the best available science is when making important decisions around fish and, particularly, wild steelhead, which are an important symbol for British Columbia.

I know that there are organizations out there saying.... I'll read a quote I've just been provided with: "If

we want the government and the company to act, we have to force them politically." Well, in fact, we are acting. Within hours of the CN train derailment on August 5, 2005, Ministry of Environment staff were on site, and they haven't stopped working ever since. The work has been ongoing in terms of, first of all, assessing the damage, mitigating the spill, helping with the cleanup, collecting evidence along the riverbanks for possible future investigations, and working with recovery plans.

A number of projects are planned over the summer, as the member knows, with the conservation corps, which is a new program with a \$9 million commitment from government over three years to have recent graduates and students participate in a hands-on way in improving the habitat and the environment for British Columbia.

There is a divergence of views in the scientific community. Some people prefer fish farms; other people don't. Some people prefer using hatchery augmentation to achieve goals related to steelhead. There are others in the fishing community, including scientists, who say that hatchery steelhead have not proven to be successful over time. So there is a divergence of views, and I recognize that. The ministry does have professional biologists, and their ultimate goal is to recover the wild steelhead habitat.

Appreciating the fact that there is a divergence of views on this issue, the ministry has retained an independent scientist, Dr. Marc Labelle, who, as I understand it, has a PhD from the University of British Columbia. He'll be reviewing the science and information that's available and assessing what the advice was from outside stakeholders as well as advice provided by professional biologists within the Ministry of Environment.

[1505]

Let's be very clear. This government is very committed to improving the waterways in British Columbia. We've established the living rivers trust fund. That was done under our government a couple of years ago. We started it with a \$2 million contribution, and then we increased it to \$7 million a couple of years ago. During the last election campaign, the Premier made a commitment to triple it from \$7 million to \$21 million. That funding will go to supporting and enhancing rivers around British Columbia, because that is a key priority for this government and for my ministry.

There are a number of activities underway across the province, but specifically related to the Cheakamus, I've detailed what the ministry has been doing. I know there's a steering committee that's in place. We're waiting to hear formally from what the steering committee has to say about recovery options for the Cheakamus, but in the meantime we are taking action along the lines I've already outlined in terms of habitat and spawning enhancement.

S. Simpson: I guess just to be clear, this isn't.... I'm not raising these questions to challenge that the minis-

try has acted in regard to the river and has done a number of things after the derailment to try to deal with the river. Certainly, I'm not questioning whether the ministry has a commitment to steelhead. What I'm questioning here is whether the decision that's being made is the correct one.

The concern here.... Maybe first is a question to help clarify this. The minister referenced an independent scientist who has been retained by the ministry in order to provide some assessment. Could the minister first tell us: is the job that this scientist has been asked to comment on or to do some analysis of whether the decision around a natural habitat approach to steelhead versus the enhancement approach...? Is that what this scientist has been asked to comment on — his view as to which of those is the preferred option? Or has he been asked to comment on something else?

Hon. B. Penner: Some more information, first of all, about the scientist that I referred to, Marc Labelle. For the *Hansard* record, that's Marc spelled M-a-r-c and Labelle, L-a-b-e-l-l-e. I am advised that he has extensive academic training and work experience in marine and fishery sciences acquired all over the world during the last 30 years. His areas of expertise include salmon biology, tropical reef fish ecology, biostatistical modelling and stock and fisheries assessment.

Dr. Labelle served as the head of the stock management unit at the fisheries branch of the B.C. Ministry of Environment, Lands, Parks and Housing in the past. He's been the head of — this is a French organization — *Mathématique Appliquée*, something about evaluation of resources and a word that I'm not going to even attempt to pronounce, and something else. I can get the CV to the member in due course here.

During the past few years Dr. Labelle has worked mainly on assessing the performance of models and methods used to assess the status of a number of different stocks. He is a graduate of three Canadian universities: McGill University for his bachelor of science degree, master's degree in science from the University of Alberta and a PhD from the University of British Columbia.

My apology to French-speaking people everywhere for that attempt.

Dr. Labelle will be preparing reports specifically related to the Cheakamus and providing us with recommendations after reviewing, among other things, academic literature, and meeting with ministry staff, NGOs, first nations, and Squamish and Whistler municipalities for input.

S. Simpson: I'm glad that this is a unilingual House, for both our sakes.

[1510]

Interjection.

S. Simpson: No, believe me. I'm glad because my French is no better than the minister's.

Just getting back to the question. To be more specific, I appreciate that the doctor is going to look at a range of issues. Will he be making a specific recommendation on this issue related to the steelhead and the best approach to take in order to restore the steelhead in the most effective and efficient way? Is that his intention?

Hon. B. Penner: Yes.

S. Simpson: Could the minister tell us: what's the time line for the doctor to report back on that issue?

Hon. B. Penner: I've asked my staff to get me that information.

S. Simpson: I appreciate that, and I look forward to that.

Here's the point that I would make. I am told by folks who know, including people from UBC and from wildlife interests and local community interests, that we have a relatively short window here now that the steelhead are back. We probably have three weeks, give or take a week, in order to take a brood stock, if that decision was to be made — based on the advice that the minister is getting from his staff, from external interests, and now from Dr. Labelle, when the doctor reports. This is a very tight window we have. After that, we lose that opportunity.

I'm told that because of the cycle of the steelhead, where 400 or 500 fish — something in that range — will be back this year, the numbers drop dramatically in the next couple of years, and about three to four years out, we will have essentially no fish come back that year because that will be the stock that was killed in the derailment.

The question I have is: what is the minister's intention in terms of...? To be clear, the minister obviously, since he's getting this assessment done, continues to have somewhat of an open mind on this question, or he wouldn't be getting this assessment done. If that assessment isn't going to be available in time to change a decision, how's the minister going to deal with that in terms of determining how to go forward?

Hon. B. Penner: The professor I've identified, Dr. Labelle, has already commenced work with the Ministry of Environment. I would assume that if he were to come to a conclusion, even early on in his work, that the ministry was recommending the inappropriate action, he would give us an immediate interim indication of that. I have not been made aware of that at this point. Certainly, I remain willing and able to hear any kind of message of that sort, if that were to be forthcoming from Dr. Labelle.

I think it's important for members to recognize — and I admit I'm not a specialist when it comes to fish, and I'm busy learning about fish and all other kinds of species in this job that I find myself in — that steelhead have a different life cycle than other fish that we may be more familiar with, particularly Pacific salmon.

Whereas Pacific salmon may come back to spawn once in their lifetime, steelhead, depending on circumstances, may actually spawn up to three times in their life. Some steelhead may choose not to go out to the ocean.

[1515]

In fact, one of the risks that's been identified in terms of using hatchery steelhead is that the fry from hatchery steelhead may choose in greater numbers not to go to the ocean but continue to live out their lives in the river and act as predators upon wild steelhead fry and, in effect, displace the wild steelhead by preying on the emerging juvenile steelhead from the wild stock — clearly not the result that we would be looking for.

That's what the scientists are looking at. I acknowledge that there are arguments on both sides of the equation here. It's a delicate balance to strike. At the end of the day, I think it's important that we make this decision carefully because if we make the wrong decision here, it could have lasting consequences. And that's on both sides of the options that are presented. If the risks manifest themselves in terms of hatchery steelhead and they end up displacing the wild steelhead, that won't be very good for the guide-outfitters and others that have come to depend on tourism activity around the steelhead. I'm advised there's a premium that people are willing to pay in order to go out and fish for wild steelhead over hatchery steelhead.

I'm looking forward to getting the report as quickly as possible from Dr. Labelle, but I'm also told that if he were to come to some emergent conclusions that were causing him alarm, he would pick up the phone and let me know.

S. Simpson: I appreciate the minister's comments. I guess what my response would be is that I also had discussions with a number of people who are much, much wiser than I am on this issue and who are proponents of a limited hatchery program for the steelhead. They tell me that part of the issue is that they would be less excited about that option if they weren't talking about taking a brood stock from the wild steelhead in the Cheakamus itself and the fish that were coming from that river initially. That's where those trout would be coming from, and that was significant for them.

They also spoke extensively about the need to be very careful about how you reintroduce those fish into the river if you use the hatchery program. There are challenges; there's no doubt about that. The point they made — and as the minister will know, nothing's black and white; everything's some shade of grey on these things — was that if it was done properly, the enhancement possibilities are significantly better. It's an argument that I found compelling, but I appreciate the minister, at this point, is of a different view.

The question I have for the minister is that the advice I've got that sounds particularly wise to me, because there are scientific differences of opinion, is the advice that says: go in now; take that brood stock of 30, 40, 50 — whatever the appropriate number of fish is —

put it into a hatchery where you have the fish available; and allow the discussion to take a little bit more time between the scientific interests of the ministry, independent interests and others who have something to contribute to the discussion.

If, at the end of the day, the determination is that this is not viable, then you can deal with the matter — with those fish in the hatchery. If the decision at the end of the day is yes, this makes sense under the circumstances — a situation nobody ever wanted to be in, to have to make this choice.... But if it's decided it is viable, the option and alternative remains.

What we're being told, though, is if the ministry doesn't go forward with this, the option does not exist. The question I have for the minister is: why wouldn't the ministry choose to take a brood stock and look at creating that option, making it available while the scientists still sort things out?

Hon. B. Penner: That will be something that Dr. Labelle is looking at, and I'll make sure that he is. It's important to note, though.... The critic may find this interesting, because I know there's been media attention over the last year or two — and increasingly so — concerning the fate of the Cultus Lake sockeye. Now that's a COSEWIC-listed species, and the primary responsibility for that species rests with the Department of Fisheries and Oceans. Department of Fisheries and Oceans biologists have determined that using the approach that the member just referred to in terms of steelhead in the Cheakamus would not be appropriate in terms of preserving the Cultus Lake sockeye.

[1520]

They have recommended other approaches, other options for protecting the Cultus Lake sockeye and making sure they continue to exist as a species, and that's because, I'm told, using brood stock or hatchery approaches for conservation purposes is considered experimental. That's the approach that DFO has taken with Cultus Lake sockeye as well as with the Bay of Fundy Atlantic salmon stocks. That's to be contrasted with using hatchery augmentation for simply increasing angling opportunities versus conservation purposes.

I don't think I've got the charts or graphs in front of me, but as I mentioned earlier, I'm busy learning all about fish in this job that I've got. Maybe eight or nine or ten days ago I had an opportunity to pay a visit to a number of rivers along the east coast of northern Vancouver Island. In doing so, I met with some people who showed me charts and graphs correlating the release of hatchery steelhead with the number of fish actually being caught in the river. I have to tell you that there was a disturbing correlation. It seemed to suggest that the greater the use of hatchery fish, the lower the returns were in subsequent years.

Whether or not there's cause and effect, I'm not one to say, but there certainly was a correlation that was not positive and was counterintuitive. I would have thought, as a layperson before starting to learn about fish, that simply dumping buckets and buckets of

hatchery fish into the river would mean that at the end of the day, there would be more and more fish coming back for people to catch.

Apparently, the relationship is not linear. In fact, in some cases, it's actually counter to that. Not in all cases. That's why the scientific community gets divided on this, and that's why it's not an easy question to determine. The evidence is mixed at best, so here we are. Accordingly, I've instructed the ministry to hire Dr. Labelle to review the best available science that's out there because, at the end of the day, we all want what's best for the wild steelhead. I will take the member's suggestion under consideration, and I'll make sure we get a response from Dr. Labelle about that suggestion.

S. Simpson: Just one last question in relation to this. I understand that there are other rivers that use hatchery programs and such in relation to the steelhead — the Chilliwack, I believe, and the Vedder.

Could the minister tell me: what's the difference? What is it that works there that might not work in a place like the Cheakamus, from his understanding?

Hon. B. Penner: As I've mentioned, I'm still learning all about fish, but here's what I've learned to date. As I mentioned, on eastern Vancouver Island hatchery augmentation of wild steelhead has not resulted in increased numbers of steelhead in rivers in subsequent years. In fact, the results have been very discouraging. It's a bit of a puzzle, so we can only conclude that there are a number of factors at play. In fact, it's possible — not proven, but possible — that using hatchery steelhead has actually hurt the wild steelhead.

How could that be the case? One of the possible explanations — although, again, I'm not offering this as solid proof, but it's been offered to me as a possible explanation — is that the hatchery steelhead tend to reside longer in the river and, in fact, in their life span may choose not to go into the ocean. As they become larger, they become more and more interested in using the wild steelhead that are just emerging as fry from the gravel as their food stock. In effect, the hatchery steelhead may end up preying on the wild steelhead and have a negative consequence.

I've also been told that the survival rate for fish from hatcheries in terms of their return to the source of where their life originated is much, much lower than the return rate for wild fish. Whether it's salmon or steelhead, the percentage return on hatchery fish is lower. Again, it's a matter of argument and debate — and, perhaps, some speculation and conjecture — about why that is.

One of the explanations I was given by the hatchery manager at the Chilliwack fish hatchery when I visited there some weeks ago was that hatchery fish do not necessarily learn the right actions to survive. In other words, because they're raised in a protected environment — they're fed by hand — they don't have the same competitive instinct in terms of finding food and avoiding predators when they're raised in the hatchery setting. That may account, in part, for their lower ocean

survival once they're released into the river. That's just offered as one possible explanation why hatchery fish may not be as successful in the long term in terms of returning back up the river to spawn.

[1525]

The member mentions the Chilliwack River. The member is correct; there is a hatchery program there. One of the explanations for that is that there is a relatively healthy — it varies from year to year — stock of wild steelhead in adequate numbers, perhaps, to withstand predation from the hatchery steelhead. On eastern Vancouver Island, for example, the numbers of wild steelhead have dropped significantly, and that may make them more vulnerable to the impact of hatchery steelhead.

We've also adopted fairly recently in the ministry something called the steelhead stream classification policy, where certain rivers are designated as wild and where the ministry's goal and objective is to pursue wild steelhead as the dominant fish for that particular river — again, to enhance angling opportunities and economic benefits. As I mentioned earlier, there's a premium that people are willing to pay if they're fishing for wild steelhead as opposed to hatchery steelhead.

S. Simpson: Hopefully, we'll disagree on this one at the moment, and maybe there'll be a difference and one of us will change our mind over time.

The last question I would ask is: will the minister commit to make Dr. Labelle's reports or analysis available, including any interim report, in a timely way so that both the members of this side of the House and, more importantly, those members of the public who are most concerned about this issue — and members of organizations like the Wildlife Federation — will be made aware of Dr. Labelle's comments and can either be comforted by that or question that analysis?

Hon. B. Penner: Yes, in answer to the member's questions. In addition, the work by Dr. Labelle will be shared with the various groups that are represented in the Cheakamus River recovery steering committee.

Before we leave the whole topic of the Cheakamus, I may as well put this on the record. The member knows this, in part, because of the speech that he had to endure me giving last week at the Wildlife Federation. The ministry has sent an interim bill to CN Rail for the costs of our response last summer to the immediate spill. That was \$60,000. CN has paid that bill.

More recently, a couple of weeks ago, we issued a second interim bill to CN Rail in the amount, I believe, of \$78,000 and change. I've got the exact number here somewhere: \$78,398.90, to CN Rail, reflecting the cost now of our recovery planning process. As we embark on further measures, whatever they may be, including side-channel enhancements to promote spawning opportunities and rearing opportunities for fish, those costs will be directed towards CN Rail.

Again, just so members don't get it confused in their minds, those are the out-of-pocket costs for recov-

ering from the spill. Anything related to possible prosecutions or convictions would result in additional payments if that were to be the result.

S. Simpson: I was done, but now that last point by the minister actually raises another question. I thank the minister for reminding me about that.

The minister will know that in Alberta, where CN had a problem in relation to damage in a lake from a spill, they ended up, I believe, putting into a trust fund somewhere from \$12 million to \$18 million. We also have heard about — not with CN but with a comparable U.S. railway — the Sacramento River in California where, again, there was a fund created of around \$28 million U.S. Those funds were put in place both to pay the costs of cleanup, of remediation, of all those costs, and to be able to deal with any kind of penalties in relation to that.

[1530]

I understand that different approaches are taken by different jurisdictions. Could the minister tell us why he has chosen to do this a bill at a time rather than to ask CN to put a significant amount of money in trust that could be expended? I'll just reference.... The reason for this is I have been told that certainly while people in the community around the Squamish community are working hard on this and CN is at the table, many of them would feel more comfortable if there was a pot of money there that was not necessarily directly in CN's hands that they were drawing from to pay the bills.

I'm just wondering what the administrative decision is as to why to not create a pot of money versus doing it the way that you've done it.

Hon. B. Penner: I'm aware CN has made a contribution, I think, to the Pacific Salmon Foundation in the order of \$1.25 million, give or take. That money will be used for a variety of projects not necessarily directly related to the Cheakamus. What we've done, and it's what we're authorized to do under provincial law under the spill cost recovery regulation, is hit CN for the full cost of our actual out-of-pocket expenses. What we're doing in the ministry, and I've asked staff to do so, is collect and keep every receipt associated with the costs of responding to this.

Quite frankly, a very tragic situation. I'm pleased that no human life was lost last August. That could have very well happened with the crew on that train, and if you had a chance to see that bridge and how far the train tumbled down the tracks, it's quite conceivable somebody could have been killed in that incident. Nevertheless, it was a very serious incident and about as serious an incident as you can imagine from an environmental perspective.

I'm not aware that the approach we've taken is in any way slowing down the response. Our response is that we're going to spend whatever it takes to do the best thing from a scientific perspective in terms of recovering from that spill, and CN will be held responsible for those costs. I don't think there is a significant

risk of CN not being around today or tomorrow or a year from now in terms of being there to pay the bill.

I do — and this comes from my history, having been a lawyer in private practice — believe in the method of interim billing so that you continue to keep the cash coming in. That's what I have instructed the staff to do, and that's why we are taking the interim billing approach — so that we regularly send CN an idea of what it's costing us, and we keep the money flowing back into government. But none of that will slow us down either, in terms of what we're going to spend to recover the river as best we can, based on the best available science we have.

There is an investigation that's actively underway by both federal and, I believe, provincial authorities participating. I don't want to prejudge the outcome of that investigation, but it's a matter of record what the potential penalties could be for that.

The member mentioned the incident that took place last year in Alberta, which was also a very serious incident from an environmental perspective. I'm told that last fall the Alberta government commissioned a study or a review to see how they responded to that event because I'm told their response was not as coordinated as ours. One of the things they looked at was adopting our incident command structure, or unified command structure, that we use here in British Columbia to address environmental emergencies.

It's the same approach that we implemented on the north coast two weeks ago, when the ferry sank, to help bring all the various agencies together — federal, provincial and local — under one unified command structure so that we don't get into jurisdictional arguments and delays. I'm told that to some extent some of that happened in Alberta, and it led to less timely information-sharing than might otherwise have been the case.

[1535]

We're always looking for more or better ideas and certainly keeping an open mind. But it does appear to me that the unified command structure approach that we've been implementing in B.C. has been a good approach. Obviously, we'd all prefer that this event had never happened and that the train had stayed on the tracks. That would be my first choice. But given that emergencies will occasionally happen, I think it's good to have a unified command structure to break down those jurisdictional walls as much as possible between agencies, because at the end of the day, I think taxpayers want us all pulling together in the same direction to solve the problem.

S. Simpson: I appreciate the comments. As the minister did state, the million-plus dollars — the million and a quarter or whatever it was — that CN gave to the Pacific Salmon Foundation.... It is my understanding that there is no direct linkage between the Cheakamus and that money, which is fine. I'm sure that the Salmon Foundation will do good things with it, and they may make sure some of the money goes in there, but they aren't obliged to do that.

I do want to switch gears a little bit here, and the minister transitioned it well when he made references to the *Queen of the North*. Could the minister tell us around that what the status is now in relation to the *Queen of the North* and particularly the status in relation to the 200,000-odd litres of fuel and oil that I understand remain on the ship?

Hon. B. Penner: I think all members of this House are indebted to the quick response of ministry staff in responding to that incident. B.C. Ferries personnel on the ship did a tremendous job in rescuing as many people as they did from that ship. Certainly, the outcome, although tragic, could have been worse in terms of loss of human life.

In terms of the environmental response, at 7:15 that morning we had Ministry of Environment personnel dispatched to the north coast area. I've had a chance to talk to the opposition critic about this and the fact that last fall the ministry actually had completed and conducted a spill-response exercise in that general area — it may have been Kitimat; I think I told the member Prince Rupert, but I've since been told it might have been in the Kitimat area, but nonetheless, in the north-west part of the province — simulating a very similar-sized event. We did a table-top review of that exercise in February to see what processes could be improved, and I think that has served us well in terms of a speedy and coordinated response.

Andy Ackerman, who's a regional manager for the Ministry of the Environment in the northeast part of the province, served as our incident commander from the outset of the incident. It was on Wednesday. I forget the date exactly, but it was a Wednesday — not last week but the week before. He has now been replaced or relieved. He's done his stint. I'm advised that Lance Sundquist will now take over as the incident commander. He's a ministry employee as well. I think normally he would be serving as a regional manager for conservation officers, but he's now assuming the role as incident commander to coordinate our environmental response.

I'm told there are some international engineering experts who have been retained at the cost of B.C. Ferries to take a look at the wreckage and what can be done to minimize, mitigate or eliminate the risk of further fuel contamination into the water. I'm not aware of a recommendation being received yet. It's certainly one that I'm very interested in because, as the member mentions, there could well be a sizeable quantity of fuel still on board the vessel.

[1540]

The last information I had was that the rate of leakage appears to be slowing. That was confirmed by the submersible that has cameras and was able to apparently document the rate of fuel leakage. I forget the exact numbers now, but I think they said that a quarter-sized globule every 25 or 30 seconds or so appeared to be emerging from the vessel. That information is as of late last week. I'll be getting more information, and when I do so, I will be pleased to share it with the member.

S. Simpson: I appreciate the offer, and I look forward to the information.

I'll look forward to hearing what these experts — the engineers or the experts — have to say about how to deal with the vessel and with the leakage. Is the minister confident that in fact those tanks are secure enough at this point that we don't need to worry about further damage with the tanks, or is he of the view that we really can't take any of that for granted and that we need to deal with either capping or getting the fuel out of the tanks?

Hon. B. Penner: I believe it's too soon to tell for sure what conclusions the international salvage experts will come to in terms of what the best course of action is. The vessel appears at a depth of greater than 1,400 feet below the surface, so I believe that makes it impossible to scuba dive to. In fact, it requires the use of a submersible to get down to that depth and investigate. That makes, I would guess, some of the recovery options more difficult, given the depth of the water, so we'll have to wait and see what is practical and possible.

My information is, though, that the rate of leakage has slowed considerably since the incident first took place. The ministry, in conjunction with the federal agencies — including the federal department of environment and DFO — B.C. Ferries and the contractor Burrard Clean, has been working with first nations who are embedded into our incident command structure. Local representatives of the Hartley Bay band as well as the Kitkatla — if I have that correct — are embedded right in the incident command structure. When I visited Prince Rupert I had a chance to see them working around the table with representatives of the various government agencies.

Everybody's input is going into the decision-making process about where to locate the booms to minimize the risk of damage and also to share information. Again, it's quite something to see that number of different agencies sharing information openly and, frankly, it's what should take place, in my view. There shouldn't be a balkanization of information between different government agencies when responding to something like this.

I have had a chance to speak to the federal Environment Minister twice, I think, about this — Minister Ambrose — once in person in Vancouver, just talking, again, about what we needed to do to coordinate our response. There's a high level of interest in this incident, obviously, and to date, the environmental damage, I'm told, has been minimal.

The ministry, however, is committed to a testing or monitoring program in conjunction with first nations, with them helping us identify those areas that are of greatest concern to them. Those results from the testing will be made available when that testing is complete. But I expect that there will be a series of tests over time to monitor the key shellfish sites that have been identified.

S. Simpson: I'm glad to hear that, because I'm sure, as the minister knows, the people of Hartley Bay are

not quite as confident. I know that I've been speaking to them fairly regularly — to the chief up there — and they're not quite as confident. They are feeling a little bit better after a more recent discussion with ministry officials. But as the minister knows, they have serious concerns about the impacts on shellfish, on their seaweed harvest, on what's happening in Wright Sound, on Fin Island and on Farrant Island, among others.

That raises another question. I'm curious. The chief there, Bob Hill, expressed frustration to me that after what was a heroic effort on their part to play a role in the rescue — to come out, this small community, and clearly, to initially be the centre of attention for a day or two while things were being put together — they have felt to some degree like they have been out of the loop.

[1545]

One of the concerns that they raised to me was around, I guess, when the Premier went to Prince Rupert and didn't make it up to Hartley Bay. I understand he's now said he's going to look forward to getting there at some time in the future when his schedule allows.

Also, when the minister went out to the dive site and didn't come back to Hartley Bay to meet with the chief and people in the community itself.... I'm just curious as to why the minister didn't go back to Hartley Bay. He knew they were feeling some anxiety. It was their community and their livelihood on the ocean that was there. Why is it that the minister wasn't able to make it back to speak to the chief and the community?

Hon. B. Penner: I'm not sure if the member for Vancouver-Hastings has ever been to Prince Rupert, but it's not a quick place to get to, particularly from Victoria. The member will also be cognizant of the fact that the Legislature is in session. I don't know if he has to deal with the Whip, but I do from time to time. So there are constraints on the amount of time that I can spend outside the Legislature when the Legislature is in session.

That said, I would have loved to have gone to Hartley Bay itself, but I was advised by an elected representative of Hartley Bay that he would like me to go take a look at the shellfish sites that they were concerned about from an environmental perspective.

So the day goes something like this. The plane leaves Vancouver Airport sometime after seven in the morning and lands in Prince Rupert. Again, if you've ever been to Prince Rupert, you realize that you land on an island, not in Prince Rupert itself. There's some delay that takes place in trying to get from the airport onto a bus. You have to wait until everybody is ready with their luggage. Although I didn't bring any, I had to wait for people who did.

Then once you get on the bus, you drive to a little ferry. Then there's some delay in terms of getting on the ferry. Then the ferry takes you across a bay to Prince Rupert proper. From there I went to meet with ministry staff to say hello, and then we went to the floatplane to fly to the site. There was some delay in terms of arranging the floatplane. The floatplane took

me to the site of the sinking. I got off the floatplane, and we had to wait for RCMP because the RCMP are involved in that area and protecting the site for investigation. So there was a protocol that had to be followed.

I lost track of how much time was taken up in terms of just waiting for clearance from the RCMP to get from the floatplane onto an RCMP Zodiac to take me to the barge operated by Burrard Clean. Burrard Clean's barge is where the majority of the equipment is located in terms of responding to the spill.

I appreciate that I'm giving the member a travelogue, but I recognize he hasn't had the same opportunity that I've had to go to that site. On the barge I had a chance to meet with people involved with the spill recovery, including some first nations members from Hartley Bay. At that point we had a discussion about how much time was left in the day and whether I would be able to make it to Hartley Bay or go see the shellfish sites.

Using a boat operated by a member of the Hartley Bay band.... I think it was Marven Robinson. He took me, along with an elected member from Hartley Bay, to the shellfish sites. I got a chance to walk around Fin Island, and it's a remarkable place. I saw where some of the booms are in place. I talked to some of the people looking after the booms, including first nations members, and I talked about how the spill response had worked to date. I was told that in fact the people were very pleased at the quick response and that it appeared at that point that there hadn't been serious contamination, although we're continuing to monitor that.

At that point the floatplane came to get us. In order to get back and catch a return flight out of Prince Rupert, we had to get back in time in order to catch another bus and wait for everybody else to marshal onto the bus to take us to the ferry, which then takes us to the airport. I did have a chance to make a brief visit, as I mentioned, to the incident command centre. That's where, again, I saw some first nations members who are embedded right into the incident command structure.

My commitment has been, and the ministry's commitment remains, that we will be there to complete the work as long as it takes. Somebody asked me the other day: how long will it take? It will take as long as it takes. We will continue with the monitoring and taking a lot of our guidance from the first nations members, from that band and others who are closest to the situation.

[1550]

I know the government of British Columbia is extremely grateful to the people from Hartley Bay who participated in the rescue efforts. Again, it was my great pleasure to spend some time with one of the individuals who operated his own boat in performing that rescue. That's Marven Robinson. It was with him that I went to Fin Island.

I expect that in the days ahead.... There's already been discussion about what we can do to further recognize the community of Hartley Bay. It may well re-

sult in visits from other members of the government. Certainly, if I ever get a chance to go back to that area, I would love to go visit. We did fly over Hartley Bay, at my request, on the way back, but I was advised that time would not permit us to land and then also catch our flight.

No slight intended to Hartley Bay; in fact, the Hartley Bay elected representative is directly involved in our incident command structure and, I'm told by my ministry staff, is providing valuable input in a meaningful way into determining our priorities.

S. Simpson: I know the morning that the minister was up at the dive site, I was speaking with the chief, and he said: "Well, you know, the minister's here. The minister is out at the site and visiting." He was quite keen; he certainly seemed to be under the impression that you would be coming to Hartley Bay to meet with him. When I spoke to him later on in the day, after it became clear that that wouldn't happen, I know he was quite disappointed by that. So the minister might want to give the chief a call and talk to him, if you haven't had a chance to do that since the incident.

I want to take this to the next point of discussion around our oceans. We know now that... We've heard this raised now by the Haida and by others, following the situation with the *Queen of the North*. The issue that we're hearing about reflects on what may be decisions around tankers and Enbridge, coming out of Kitimat. The question I have is: what assessment is the ministry doing of that proposal and of any of those options related to the notion of tankers or activity of that sort in the strait and up into Kitimat? Is this an issue that the ministry is looking at?

Hon. B. Penner: Madam Chair, if you see me grimace from time to time, it's just that my back is rapidly deteriorating on me here. We'll see how long I can continue.

I have just asked for the deputy minister of the environmental assessment office to come. I can tell the member that we do take the whole issue around marine traffic very seriously, particularly since the *Exxon Valdez* spill. I think that was in 1989, if I remember correctly. The Minister of Environment at that time initiated a number of measures to mitigate any similar occurrences from taking place in our marine and coastal environment.

[1555]

When I was in Prince Rupert, a gentleman accompanied me from the ministry and has been involved since that time, I think, in helping document and record electronically the most sensitive areas along the coast. In fact, I think the entire coastline of British Columbia has now been electronically mapped, including videotaping, so that we have that information readily at hand should an event occur, and so we can pull out of archives detailed information about estuaries and bays and different areas that may be impacted should something happen.

Obviously, our preference is for things not to happen, so what we've done.... I'm trying to find the note

here, but there is an agreement about where tanker traffic can go. There's something called the B.C. marine oil spill response plan that provides a coordinated response by the province to major oil spills.

I think I've now been joined by the deputy minister from the environmental assessment office, and I'll add more to my answer in a moment.

S. Simpson: I just have one or two more questions related specifically to this. I understand that the minister is feeling a little out of sorts here with his back. But I have a couple of quick questions here, and then I would like to move to some discussion around wildlife and species items that will come up quite quickly.

The question I have, then, around the assessment: what is the expectation around...? This is a very large project, obviously. The Enbridge project, if it's coming in, is a very large project. It would be a brand-new situation for us to have those tankers moving in and out of the Kitimat area.

Can the minister give me some sense of...? What's the scope of what the environmental assessment looks like for a project like that? It's not something that we've entertained in that way in British Columbia before, I don't think, or at least not in recent times.

Hon. B. Penner: I'm just getting clarification on the proposal. The member asked about the Enbridge proposal, which, as I understand it, is being reviewed by the Canadian environmental assessment office for a CEAA review — Canadian Environmental Assessment Act review. As well, the National Energy Board has some jurisdiction in the matter. Certainly, I would be inclined to offer them our perspective on concerns related to British Columbia, as they fulfil their legal obligation under their legislation to review that project.

S. Simpson: Is the minister saying that this proposal will not have a provincially based assessment? It will be done exclusively at the federal level? There'll be no provincial assessment of the impact of tankers in and out? Not just the pipeline per se, but the actual vessels coming in and out to load — there'll be no provincial assessment?

[1600]

Hon. B. Penner: The Enbridge proposal, as I mentioned, is reviewed pursuant to the Canadian Environmental Assessment Act as well as the National Energy Board Act. I'm told that there's no legal role for the province in the sense that it's a federally regulated undertaking under the division of powers in the constitution. That's how the federal government gets into it: through the pipeline, which is considered to be a national undertaking or something that falls under federal jurisdiction pursuant to, I guess it would be, section 91 of the Constitution Act of Canada.

Certainly, the province does take an interest, though. It would be my view that we would share with them specific concerns that we would have and ask

that the CEAA and the NEB, for that matter, take those matters into consideration.

S. Simpson: I'm going to leave that for the moment. What I want to do is.... I'm going to move our discussion now. We'll talk about environmental assessment at a later time. I believe it's planned to be later in our schedule, and I appreciate pulling the ADM in for this.

I want to now move to the discussion of wildlife and species questions, and I'm going to turn the floor over to my colleague down the way here who has some questions in relation to that, and then I'll be back later, if it's okay.

M. Sather: I wanted to ask the minister some questions about a couple of species of animals that are considered of special concern by the Committee on the Status of Endangered Wildlife in Canada — that being the grizzly and the wolverine.

I wanted to talk with specific reference to a study that was done on these two species by Wayne McCrory in Kakwa Provincial Park recently. Mr. McCrory is a renowned carnivore biologist in British Columbia. He's had a lot of exposure to grizzly bears in terms of the studies he did in the Khutzeymateen. He has done a report outlining concerns with regard to intensive snowmobiling in that park and the effect on the grizzly and the wolverine.

Apparently, during his study, they measured — in one two-week period — 600 snowmobiles in use in that particular area. The concern is around the denning behaviour of these two species. Grizzlies are hibernators. If they're disturbed from hibernation and actually come out of hibernation, their energy balance is at risk in terms of their survival and well-being. If it's a sow with cubs, of course, it could be fatal to the cubs, which are born at a very precocial stage.

[1605]

Wolverines are not hibernators, but they den to give birth, and their young also are very much at risk of disturbance.

I wanted to ask the minister, first of all, if you would make that report public.

Hon. B. Penner: I have looked at this myself on the ministry website. If you look up Kakwa Provincial Park, you'll find that there's a draft management plan that you can download. It's my understanding that the draft management plan would incorporate some of the views or the information provided from the person that you are referring to. I haven't seen the actual report that you're mentioning, which is from Dr. McCrory, I believe, but certainly we can endeavour to get that.

M. Sather: The report was done, as the minister knows, for B.C. Parks. A draft management plan had suggested that snowmobiling be restricted in two areas — Mount Sir Alexander and Mount Ida.

Subsequent to that, or at about that time, the Minister of Agriculture and Lands, who is from Prince George, apparently made a petition on behalf of the

snowmobiling club there in Prince George to B.C. Parks that there be no restriction placed on snowmobiling in those areas. That hasn't been done to this date, as far as I'm aware. I was wanting to ask the minister if he would place those needed restrictions in Kakwa Provincial Park?

Hon. B. Penner: As I mentioned, there's a draft plan that's available on the website for people to download and take a look at — or save the paper and don't download it, but just read it off the computer monitor. That document's still available because we're still receiving public input, and that is part of our planning process.

I expect that the public comment period will close sometime by the end of this month, and then I expect that I would be given a recommendation from staff at the regional level as it works its way up through the ministry.

[1610]

I don't know the precise date when a decision will be made, but I'm expecting that the public comment period will close fairly soon. If people have specific suggestions or comments in respect of the draft management plan, now would be a good time to offer those comments through the ministry website or the regional office.

I believe Kakwa Provincial Park was established in 1999 as a class-A park. It's about 170,000 hectares in size, and from the time it was established in 1999 until the present, there have been no restrictions on the use of snowmobiles in that park.

M. Sather: I wanted to ask the minister some questions about mountain caribou. We did talk about mountain caribou last fall, and the minister was very forthcoming with information. That was appreciated.

I wanted to ask about recreation tenures in the caribou range. There's a moratorium, as I understand, on those tenures in the southern part of the mountain caribou range. Those are the most vulnerable populations. If one looks at the recreational tenures down there, they're pretty well subscribed now, so a map of the recreational tenures is pretty consistent with a map of mountain caribou winter range.

There's been no commitment to extend that moratorium to the northern part of the range of those caribou. In December a tenure was approved for BearPaw Heli-Skiing, and I believe it was the Hart Ranges, where there is a more stable population of caribou. This was despite the recovery implementation group's request that no further recreation tenures be granted in mountain caribou winter range until they'd had a chance to complete their work.

I just wondered if the minister could comment on that — if there was any reason why that moratorium couldn't be extended to all of the mountain caribou winter range.

Hon. B. Penner: I know the member was asking some questions of the Minister of Agriculture and

Lands as well — at least, I believe you were — around this topic. The responsibility for implementing plans for three particular species, including the mountain caribou, rests with the Minister of Agriculture and Lands due to the importance of the land base to that particular animal and the fact that they live on Crown land.

[1615]

However, we do provide advice in a supporting role to the species-at-risk coordination office. That work is ongoing in terms of the recovery strategy. It's not complete. There's more work being done.

I could direct the member to a source of information for what's known as "tourism wildlife guidelines" that's applicable to tenure holders in British Columbia where there are wildlife considerations, and that website address is too long for me to give here, as helpful as this note is. It's basically accessible through the Ministry of Environment website; then go to "Wildlife" and then one or two more clicks will get you there.

M. Sather: Switching gears to fish in the Fraser River. The minister, I'm sure, is aware that there was a serious fish kill near Ferry Island in the Fraser recently, where a structure having a causeway.... It resulted in damming water to allow the causeway.... The purpose of it was to allow individuals to reach a gravel deposit. But in the course of that operation, it's been discovered that millions of salmon alevins perished as a result of lack of water.

Salmon, of course, in the Fraser are the primary responsibility of the DFO, Fisheries Canada, but the Ministry of Environment, as I understand, has some involvement in this. I just wondered if the minister could outline what the role of his ministry is in this area.

Hon. B. Penner: I am aware of the incident that the member raises. I had a chance to go out there and take a look at it a couple weeks ago, shortly after it was reported in a Chilliwack newspaper and after I received some phone calls from some local anglers that I know.

By the time I got there, the structure that the member referred to had been removed, but the water level was still low. I'm told that water levels are much lower this year than previous years. I have asked staff in the ministry to share whatever information or insight they may have with their federal counterparts in the Department of Fisheries and Oceans, because we certainly don't want to see a situation where alevins — things that will soon become fish — are prevented from carrying on in their life cycle and becoming fish. That's clearly not the result anybody's looking for.

There was a follow-up article that I can refer the member to from the *Chilliwack Progress* dated March 17, 2003, where a DFO official, identified as an area director, Jim Wild, said it was "totally inappropriate" to blame a causeway built by the contractor with federal fisheries approval for what took place. This individual, Mr. Wild, goes on to say that the water levels were low compared to previous years, etc.

Now, I'm not in a position to say whether or not that explanation is the correct one, but that's certainly the view of that person. I have asked that ministry staff, if we have information, share that with the federal counterparts to see what happened.

It's important that gravel removal take place in the Fraser River, but it has to be done in a way that does not negatively impact fish stocks. I'm advised, and there have been plenty of reports and studies to support this, that it is possible to have a regimen of gravel extraction at certain times of the year, respecting fish windows and the like, without unduly affecting fish habitat. Certainly, nobody that I've ever spoken to wants to impact fish habitat.

[1620]

There is a societal need to reduce the flood risk in the Fraser Valley by making sure that the channel remains deep enough that the river can contain the water during the spring freshet. On the other hand, we all are looking forward to the continuation of that incredible heritage that we have, which is Pacific salmon and other fish species in the Fraser River.

Something happened here. I don't know exactly, again, about causation. There appears to be correlation. What the officials will try to determine is if there is, in fact, causation that resulted in the negative impact to those alevins.

M. Sather: Well, there certainly are different points of view. There are those that are well versed in fisheries biology who disagree completely with Mr. Wild that it was in any way a natural causation, and they maintain quite steadfastly that it was the result of the causeway.

I do want to also ask the minister about that, though. With regard to gravel extraction, it's my understanding that there was a technical committee that had a role from the ministry — with the ministry's involvement, at least — in these gravel extraction contracts. I wonder if he could just talk a bit about that role.

Hon. B. Penner: I'm trying to remember the member's question. There is a technical committee, I'm advised, where the Ministry of Environment provides input. The Ministry of Agriculture and Lands also has a role to play from the provincial perspective. The Department of Fisheries and Oceans has lead responsibility in terms of determining what measures are required for protecting fish habitat and protecting the fish.

We provide advice pertaining to what sites or gravel removal projects will have a benefit from a hydraulic navigation and/or erosion control benefit. When I say hydraulic, I think what I mean is in terms of controlling the water flows or helping mitigate the risk of flooding during the annual freshet. So this is a group effort, but the lead responsibility in terms of the fish habitat in the Fraser River rests with the Department of Fisheries and Oceans.

M. Sather: Well, I'm advised that the technical committee is not as strong as it was some years ago, in

2002. There is some concern about the oversight of the Ministry of Environment with regard to gravel removal in the Fraser River.

This is my last question to the minister. In view of the fact that we have a building boom, a construction boom, in the lower mainland, gravel is in great demand. Can the minister assure this House that lobbying efforts by members of the Legislature are not in any way influencing this procedure such that the environment is being put at risk?

Hon. B. Penner: My primary interest is in making sure that we protect the environment and that any gravel removal is done in a way that is sustainable from an environmental perspective. The primary motivation in terms of removing gravel, certainly from my perspective, has been to lower the level of the river to reduce flood risk.

During the 1990s there was a moratorium placed on gravel removal. The net result of that was that the bottom of the river rose over time. Depending on the report, I am told that we might have lost a metre of freeboard. That means that today the same volume of water might be a metre higher as compared to the top of the dikes.

[1625]

This results in increased seepage along the side of the dikes, which has a number of impacts in terms of agriculture in the Fraser Valley. In other words, farmers can't get on their land as often. More seriously and perhaps worse from a public safety perspective, it means that the dikes are closer to being overtopped.

One solution that some people put forward is to just keep making those dikes higher and higher and higher. You can imagine the risk that takes place if you do have a breach. Then you suddenly have an incredible torrent that will do untold damage not just to communities, and there's hundreds of thousands of people that live in the Fraser Valley, but also to any fish that might happen to be in the river at the time of the flood — if a flood were to take place.

What we want to do, in a measured way, is reduce the amount of aggregate that's accumulated to lower the riverbed so that, all things being equal, the surface of the river drops to a level that is no longer as much of a risk. However, and this is the big caveat, we have to find ways to do it in a way that is not harmful to fish. It's my belief that we can do that, but it has to be done appropriately.

There was an incident that took place a few weeks ago, and I know there's a lot of discussion about it. I take it very seriously, and that's why I've asked ministry staff to share whatever information or perspectives they have with DFO to see what took place, because we can't have situations taking place where the fish eggs and the like are deprived of water and their source of oxygen as a result of gravel removal. That should not be taking place. But it is also important that we lower the riverbed for the reasons I've stated.

I know that there may be a side benefit in terms of the aggregate that's produced, but that's not the reason

why we support a regulated and controlled withdrawal of gravel from the banks of the river. It's for flood protection purposes, not to supply a source of aggregate to industry, although that may be one of the results at the end of the day.

S. Simpson: Maybe just a quick related water question here. When I look at the budget, on page 15 of the service plan, I notice the most significant number.... All of the numbers stay fairly consistent across the board excepting water stewardship, where there is a dramatic increase, particularly in the '07-08 plan. There's a mention here that this has to do with the integration of land and water. Could that be confirmed that that's, in fact, what's occurring here to create this big jump to \$63 million from \$28-odd million in the '06-07 budget?

Hon. B. Penner: The estimates do indicate an increase of, I think, \$7.6 million or so, or about 36.6 percent. But the member's suspicion is correct. A lot of that has to do with the full-year accounting on an annualized basis of the transfer of responsibilities from what was the Ministry of Sustainable Resource Management.

Just to break that down a little bit in terms of that increase, I can advise that there's \$4.4 million in water rental remissions; \$2.89 million in annualized funding to support programs previously run by Land and Water B.C., which as you know, was a Crown corporation that reported in through the previous Ministry of Sustainable Resource Management; \$191,000 is apparently a building occupancy adjustment; \$124,000, employee benefits — apparently a rate was increased from 24 to 25.6 percent; and \$23,000 representing a lift to, again, the transfer related to issues or components of the previous ministry.

[1630]

S. Simpson: I appreciate that this shift from '05-06 to '06-07 — which I think the minister was referencing, the \$7 million, \$8 million or so — includes, I see, about 31 FTEs that presumably came over with Water and Land. I appreciate that, and I understand where that comes from.

My interest, then, is '06-07 to '07-08 where the budget more than doubles to some \$63 million from \$28 million, and yet there are no additional FTEs. So somewhere in here an extra \$35 million of operating expenses appears without any additional FTEs. I wonder if the minister could explain that.

Hon. B. Penner: Just confirming my hunch, and apparently, my hunch is correct. That figure, about \$35 million, is attributable to water rental remissions anticipated in fiscal 2007-2008 — the next fiscal.

S. Simpson: So if I'm correct — I seem to remember this number from last year — these are remissions. This is dollars going back to hydro — remissions of dollars related to hydro? It's a bookkeeping exercise mostly?

That would be correct. I'll just take the nod and not ask the minister to stand up more than he has to.

Interjection.

S. Simpson: Well, you know, that's bookkeeping.

I want to talk about species questions. But, before I do that, I think I'm going to just broach a topic here that came up and was raised to me primarily and I heard a lot about at the Wildlife Federation, which is the question of allocations for resident versus commercial hunters. Maybe we'll just explore that a little bit. Could the minister tell us what the new allocation policy is and how that differs from the old allocation policy?

[S. Hawkins in the chair.]

Hon. B. Penner: The member may recall, with a varying degree of clarity, my speech from last week to the Wildlife Federation. This is one of the topics that I did address because I know it's been of considerable interest to guide-outfitters as well as the B.C. Wildlife Federation and others.

[1635]

In the past, allocation policy was largely determined by different regions. What we are seeking to do is provide greater consistency to the decision-making process by establishing a formula that will be applied across the province by regional offices and, by having a more transparent or explicit set of considerations, will make the process more transparent.

We have extended the time line for our decision. The decision is not finalized at this point. The reason we've extended the time line is to provide for more consultation and input from interested stakeholders, including the Wildlife Federation.

For those people who are following this debate but aren't entirely sure what we're referring to when we talk about wildlife allocation, we're referring to the process by which the harvestable portion of the wildlife population is divided between recreational hunters — also known as resident hunters — and commercial hunters, who are clients of guide-outfitters and quite often are non-residents in the province.

S. Simpson: Maybe the minister could simplify this for me. What is the current situation in terms of percentage of allocation that would go to resident hunters versus percentage to commercial? And what is the change in that in terms of the proposal?

Hon. B. Penner: Allocation becomes necessary when the harvest of a particular population of wildlife must be limited for conservation or other reasons. In many parts of the province that is the case for the species we're talking about, so the allocation rules vary by species and by region. That will continue to be the case, but we'll now have a more consistent set of criteria that are evaluated.

I'm told that, based on inventories, every year an assessment is done in terms of how many particular animals are in a particular herd. Then a number is determined that, in terms of the allowable or harvestable

portion, biologists think is sustainable. From that, first nations get the first draw on the amount of the harvestable portion of wildlife. Following that, the priority has been and will continue to be to resident hunters in British Columbia.

For the sake of discussion with the groups we're currently talking to, we've been talking about a starting point of 75 percent in favour of residents and 25 percent for guide-outfitters. It depends on the species and the region. Then there'll be a list of criteria, so that 75-25 number could move back and forth a little bit, could vary, but that will be the essential starting point.

[1640]

In many parts of the province that is essentially where we're at today, but it does vary by region. There's less consistency today, in terms of the previous policy, than what we're hoping to achieve by going to the new policy and just having a more consistent set of criteria.

S. Simpson: Well, maybe I'll put the question this way. The minister will know, and his staff will know, that the Wildlife Federation is not real crazy about where this is going on the allocation issue. Certainly, the comments made to me by members of the Wildlife Federation are that they're not happy about where this is headed or where they believe this is headed. I understand that there haven't been final decisions made.

Maybe the minister could explain to me — because I'm sure that he's spoken to many people in that organization, as have his officials.... Maybe he could tell me: what is the ministry proposing, or what does the ministry have on the table that the Wildlife Federation finds objectionable from the point of view of resident hunters? Where is that problem that clearly was indicated at their annual general meeting?

Hon. B. Penner: There is a not unlimited resource of wildlife that we're talking about here, but there are competing demands and competing interests. I'm sure the guide-outfitters would like to have more, and I'm sure the B.C. Wildlife Federation and their members would like to have more. But there's a limited amount, so it's about allocation.

I've heard some concerns from those groups about the amount, for example, that first nations are allocated as well. Whenever we get into a situation where you're having to make decisions around allocating — I wouldn't say a scarce resource, although in some cases that's the case — certainly a resource that has its limits from a sustainability perspective, you're going to have divergent views about who should get the bigger share.

It will continue to be the case that resident hunters will be given priority over non-resident hunters. We do in British Columbia, though, reap significant economic benefits from having a viable guide-outfitting industry. So that's the balance that needs to be struck — giving resident hunters ample opportunity to hunt and recre-

ate while also preserving our guide-outfitting industry in British Columbia, which provides substantial benefits to rural parts of the province. Many people make their livelihoods on that activity.

[1645]

S. Simpson: Has the ministry done an economic assessment or had one done to assess the economic value of the resident hunt for communities in the province versus the economic value of the commercial hunt?

Hon. B. Penner: I don't have all the numbers that the member is asking for at my fingertips, but in 2004-2005 more than 83,000 resident hunters and 5,800 non-residents generated more than \$8.7 million in direct revenues to the Crown in the form of licence sales. That's just in the sale of licences.

It's been estimated that hunters in British Columbia spend about \$110 million annually, leading to 1,700 jobs and about \$48 million in gross domestic product. As we already noted, many of those expenditures occur in rural communities.

As you'll know, a person hiring a guide will pay a substantial amount of money for the opportunity to be here in British Columbia, to take part in hunting opportunities. I don't have the exact number on that, but I think the member will agree that there is an economic benefit from having guide-outfitting in British Columbia.

S. Simpson: I'm sure there are, as the minister said. It was \$110 million or something, is what the guide-outfitters told me — the number they gave me. The number that interests me, and I'm not going to pursue this further at this time, is that the resident hunt tells me that they have hundreds and hundreds of millions of dollars, of course, that they generate through their activities and the expenditures in communities that they make when they go into communities to hunt as well. Their interest, as they put it to me, was in who calculates the value of that number and what that's worth as you measure this out.

I want to move, though, to the discussion of species at risk for a while. Particularly, I'm interested in... I spoke to the Minister of Agriculture and Lands in his estimates the other day. We talked about species at risk, and of course the minister told me that he's not really responsible for species at risk. He's responsible for SaRCO, which is responsible for three species. All other matters related to species are the responsibility of the Minister of Environment. I believe he also told me that the references to the new legislation that are in the strategic plan are, in fact, Ministry of Environment legislative proposals.

The question I have is: what is the expectation...? Not of content, because I understand the minister can't talk about the content of legislation before it's on the table. But the strategic plan has announced that we will have a species-at-risk law in the province. What is the

expectation in terms of the timing of that new species-at-risk law?

[1650]

Hon. B. Penner: I think the provisions that the member's referring to were actually contained in something known as the Wildlife Amendment Act. It may be commonly referred to by the term that the member used, but they were contained within the Wildlife Amendment Act.

The ministry is continuing to work in cooperation with the species-at-risk coordination office in developing regulations pursuant to that legislation that will provide for the listing process for species that are to be listed, as well as a definition of the residences for species. We want, wherever possible, to harmonize our process and our system with the federal government's approach under the Species at Risk Act that they've brought in. I'm told that they just recently completed some work that we are counting on for our process to make sure that we harmonize, as I mentioned, wherever possible.

S. Simpson: Maybe it was the way it was written. When I read the 2006 strategic plan... It explicitly says in the plan, I believe, in the list of accomplishments under the fourth golden rule or goal, that B.C. would have its first species-at-risk law. Just a clarification: is the minister saying we're not going to have species-at-risk legislation, but there may be an amendment around the Wildlife Act and that we may see some amendments within the context of that act that will deal with species issues?

Hon. B. Penner: The reference the member is talking about occurs at page 30, I think, of the province of B.C. strategic plan. I'll read the section: "Passing species-at-risk protection legislation for the first time in British Columbia." We did that. The legislation that deals with protecting species at risk is contained in the Wildlife Amendment Act, 2004.

S. Simpson: We currently have a situation in British Columbia where three species are on the SaRCO list. There is no effective protection necessarily for any other species in the province. So we can expect that nothing is going to change from what we have today? Is that what the minister's saying — that the species-at-risk regime that's in place today is the regime that we will have for the foreseeable future?

[1655]

Hon. B. Penner: The member may not have heard my answer a minute ago where I talked about the additional work we're doing in terms of the regulations we're drafting pursuant to the amendments that were passed in the Wildlife Act — working with the federal government to harmonize that process and those regulations so, as much as possible, it's consistent with or harmonized with the Species at Risk Act federally, which does apply in British Columbia.

In addition, of course, there's the Wildlife Act that has existed for many years, and I'm told has provided specific protection in relation to the sea otter, the white pelican, the burrowing owl and the Vancouver Island marmot.

In addition, on the books in British Columbia, we've got the Forest and Range Practices Act as well as regulations made pursuant to that legislation. It does a number of things: allowing us to establish categories of species at risk, designating wildlife habitat areas. In my opening comments this morning, I talked about — and I think it was 265 or so — those areas that we've established over the last number of years, winter ungulate range reserves that have been established and other wildlife habitat features and protection measures for sensitive fisheries watersheds.

In addition to the Forest and Range Practices Act and the regulations pursuant to that legislation, there is something called the Private Managed Forest Land Act and the private managed forest land regulation made pursuant to that legislation, and there's a schedule attached there that has a number of species identified.

S. Simpson: I found it interesting that the minister listed those four species: the burrowing owl, the white pelican, the sea otter and the Island marmot. To the best of my knowledge, those are the only four that cabinet has ever put on the list in 25 years.

The problem here, as I see it, is that we're not protecting the species we have in this province that are at risk. I'm told that there are about 1,300 species that in some way, shape or form are identified as being at risk in British Columbia. Could the minister confirm that number?

Hon. B. Penner: The fact that a particular species is not specifically mentioned under one of the acts I previously referred to does not mean that the ministry is not working on recovery plans in relation to those species. I think I was told we're currently working on recovery plans for a total of — quite a number — about 89, I believe, different species that we're working or leading in terms of planning process for species at risk under SARA legislation. There is a total number of... Additional species, as well, that we're looking at in terms of participating — in terms of the recovery planning process.

[1700]

The ministry is busy and is working with SaRCO on the three you've mentioned, but we are also working on a wide range of other species, and I'm told that we're making good progress in that regard.

I just caution the member about climbing too high on a pedestal on this issue, because it was an NDP Environment Minister who at a previous time — his name was Moe Sihota — stated: "I have indicated on several occasions publicly that this province and this government does not intend to introduce endangered species legislation — period."

We have done that. We've made amendments to the Wildlife Act, and we're developing legislation pur-

suant to that. But even while that work is underway, we're working on recovery plans for a large number of species in British Columbia.

S. Simpson: I understand, of that 1,300-odd species... The number that I have says about 43 of them are receiving some degree of protection, but I'll give that maybe that number is low. Maybe I believe that the 80-something number that the minister used is an accurate number. Then it would be about 6 percent, 7 percent of the species that are identified as at risk that are receiving some attention. So what is the position of the ministry on the other 90-plus percent of species that are deemed at risk? And what actions is the ministry taking to ensure that they don't get into a desperate situation?

[1705]

[B. Lekstrom in the chair.]

Hon. B. Penner: There are a variety of different lists and numbers that can be referred to. I'm not sure what list or numbers the member's got, but what I have in front of me is a total number of species identified by the SARA, the Species at Risk Act, and the federal government. They list 345 species in Canada that are a subset of the COSEWIC listed species.

Of the 345, there are 135 that are within British Columbia. Then, when we take that number, there are 89 species of that number where B.C. either leads or co-leads in the planning process. That is organized around 32 teams. What you'll quickly find out when you start looking at the numbers, as I just did, is that one team may be responsible for more than one species. As an example, the Garry oak ecosystems recovery team is working on 28 different species. One team may well work on more than one species, and that's why there is a discrepancy between the number of teams versus the number of species.

In terms of the balance of species — out of the 135 or so that are said to be in British Columbia according to the COSEWIC subset under SARA — the federal government would have the lead responsibility for those in terms of leading the recovery efforts, but obviously the province of British Columbia is involved in that as well.

S. Simpson: Well, the number I'm dealing with... Maybe the minister could tell me, then: how many species are there in the conservation data centre list identified as being species at risk?

Hon. B. Penner: Just a caution to the member about the use of terminology. There is a specific legal definition for the phrase "species at risk" contained within the Species at Risk Act, and that's the term or definition and meaning that I'm using. When the member refers to the conservation data centre, there is a different definition that applies in terms of what gets included in that information, so it's not comparable. It may have

some overlaps, but the test is different, the standards are different, and the legal definition is different.

[1710]

I'm told, in answer to your question, that the CDC data is available to the public. However, there is a small subset of the data which is considered sensitive by the biologists, who are concerned that if certain individuals were to get hold of that information, it may place undue jeopardy on a number of the species that we're hoping to protect. The CDC website is available at www.env.gov.bc.ca/cdc — for the benefit of everyone who is going to look at this in terms of *Hansard*. I think that's my answer to the question.

S. Simpson: Well, I asked the question because 1,303 is the number that I got off the conservation data centre list, which is the ministry's list. In fact, if you add in the actual plants and their risk, the number goes to about 1,570.

I found the minister's answer interesting. He says that there is a different definition. Maybe the minister could tell me and tell us: what is the definition used in the CDC for which 1,303 species are deemed to be at risk?

Hon. B. Penner: I suspect that that definition is listed on the website, but I don't have it printed out here. I should be receiving that shortly.

S. Simpson: The minister speaks about SARA, the federal Species at Risk Act. It was my understanding — maybe the minister could clarify this for me — that in fact SARA is only applicable to federal lands in British Columbia. Could the minister confirm that it is only federal land where that act applies?

[1715]

Hon. B. Penner: COSEWIC, which is one of those acronyms that comes along from time to time in this job.... I believe the abbreviation is COSEWIC, which stands for Committee on the Status of Endangered Wildlife in Canada. They rely on the definition of species at risk as set out in the Species at Risk Act, and it is through the COSEWIC process that this number of 135 species in British Columbia has been arrived at.

Now, the member is correct that the primary direction or intent of the SARA legislation, or the Species at Risk Act, is first and foremost on federal lands within British Columbia, whether that is the Department of National Defence or national parks or the like. But the listing that COSEWIC does in terms of species that are at risk.... That definition or criterion arises out of the Species at Risk Act, whether or not those 135 species are residing on federal land.

I can state it differently. Not all of these 135 species that I'm talking about reside on federal land — or strictly on federal land.

S. Simpson: I appreciate that.

I would note that I believe that the federal government owns about 1 percent of the land in B.C., or some-

thing like that. It is not a big piece of property, relative to the province, that that particular piece of legislation or that particular law applies to.

I appreciate the comment of the minister on where the definition for the 135 is, and I'm sure that the minister will clarify for us the definition of the other 1,300 that are on the conservation data centre list at some point today or tomorrow, when we get another chance to get back at this.

The minister said that we now have the law in place. There is regulatory work to be done, I believe was his comment, to put regulations in place to make the law work. I'd like to ask some questions about how that regulation is going to be developed.

Could the minister tell us: what is the process for developing the regulatory regime for species at risk over and above the three that are covered by the SaRCO office? The rest that the Wildlife Act talks about.... The minister, I believe — and maybe I misunderstood him — talked about setting regulations that would apply to the range of species, including the 135 that he spoke about here. How is that set of regulations going to be developed, and what's the consultation process to determine the elements of that regulation?

[1720]

Hon. B. Penner: The ministry is engaged in internal review and discussion at this point and with other ministries. When the appropriate time comes, there will be a consultation with outside stakeholders as well. I'm told we're not yet at that stage, but that is where we're getting to.

S. Simpson: Does the minister have any sense of what the time line looks like as to when the ministry will have completed its internal review and expects to be going out to stakeholders and to the public for consultation?

Hon. B. Penner: The time line that we're anticipating is fall of 2006.

S. Simpson: I just want to go through a few questions about some thinking of the ministry around what the framework for these regulations might be about. Then my colleague has about five minutes of questions, and then we'll see where our time's at.

In terms of the regulations for species at risk, is it anticipated that this will be habitat-based? As the minister will know, the most effective ways to protect species are around the protection of habitat. Rather than being so much concerned about the individual species, you protect the habitat of those species. Is it the expectation that the regulations will look at habitat? If that's the case, then maybe the minister could tell me how that works in terms of the jurisdiction of the Ministry of Environment versus the jurisdiction of Agriculture and Lands, which has habitat?

Hon. B. Penner: The work is ongoing, but what we're anticipating or contemplating is a focus on resi-

dences for particular species that we're concerned about. The member should also know, though, that the Wildlife Act initiatives are just one component of a range of different initiatives that the government's taken.

[1725]

The Forest and Range Practices Act is all about habitat and placing restrictions on what can take place from an industrial perspective, with an interest in protecting that habitat for species that require the habitat.

We've established something like, I think, up to 13.8 percent of the entire provincial land base now in parks or protected areas. We talked earlier today about another 1.2 million hectares coming, in terms of protected areas on the north coast. That's all about habitat.

There are 320 wildlife habitat areas throughout the province, including 28 ungulate winter ranges that have been established. I think those were established, if I'm not mistaken, under the Forest and Range Practices Act. So there is other legislation that's on the books and that's already in place geared towards protecting habitat.

S. Simpson: I do want to pursue this discussion of habitat further for a number of reasons, not the least of which is to clarify where the responsibility lies between the ministries of Environment, of Agriculture and Lands, and of Forests and Range. We'll talk about that some more today or in our next opportunity to talk about this.

I want to then pick up on a comment that the minister made, where he talked about the Forest and Range Act. Now, my understanding is the forest stewardship plans — and I'd be interested... Obviously, those plans are now being put in place. I believe there are a handful of them done, but there are somewhere upwards of 400 forest stewardship plans to be completed by the time that that exercise is done. Clearly, those plans will have an impact on species and on habitat.

Could the minister tell us: what role does the Ministry of Environment play in the development of forest stewardship plans as they affect habitat and species at risk?

[1730]

Hon. B. Penner: The Ministry of Environment's role is to define the important wildlife and ungulate species, the wildlife habitat areas, the ungulate winter ranges, the general wildlife measures and objectives and the wildlife habitat features, as well as fisheries-sensitive watersheds and objectives. Ultimately, the statutory decision-maker is the Ministry of Forests, but as I indicated, we do define what the objectives are that must be met by those plans.

S. Simpson: Now, maybe the minister can correct me if I'm wrong. My understanding of this process is that while, as the minister says, the Ministry of Environment provides information that may be relevant in the preparation of the plan and may be helpful in including some of that information around species.... It's

also my understanding that after the plan is submitted for approval, the ministry then has no specific role in the determination process and does not have a role in commenting on whether the plan in fact meets or accomplishes those objectives.

The role is to be a resource during the preparation, but when it goes in for approval, the ministry does not have a formal role in that approval process on stewardship plans. Is that accurate, or is there maybe something else there?

Hon. B. Penner: As I said, the Ministry of Environment actually does define what those objectives are, with a goal of measurable or verifiable results. It is the Ministry of Forests that's responsible for implementing those, or checking them off, as the statutory decision-maker.

S. Simpson: Here's the problem that I see with this. When I look at forest stewardship plans.... Just as an example, I'm looking here at a document that is an overview and recommendations in regard to some of the forest stewardship planning on the Sunshine Coast. Here the issue happens to be watershed reserves. It talks about the objectives set by government for water being diverted for human consumption through licensed waterworks, etc., and the need to protect that.

That's all good, but I understand there is a rule of some sort called the "unduly" rule or whatever. What this essentially says is that the objective set by government applies only to the extent that it does not unduly reduce the supply of timber from British Columbia's forests. That number is 1 percent. It doesn't reduce the timber supply by more than 1 percent; I believe that's the number.

Can the minister tell us whether that's accurate? If so, what's the implication of that for protecting species, for protecting water, for protecting riparian areas, if once these stewardship plans are in place, there's no room to move — if they can't impact timber supply by more than 1 percent?

[1735]

Hon. B. Penner: Just to clarify matters for the member, the 1 percent is not the total extent of what's available in terms of being used for protection. That 1 percent number was established in 1993 and applies only to identified wildlife that have been determined by the ministry. So for example, those 320 or so wildlife habitat areas that I mentioned earlier — that comes out of that 1 percent. However, there is a 6-percent provision that was also established in 1993, which would apply to things like ungulate winter ranges, sensitive watersheds from a fisheries perspective, community watersheds and water quality objectives. So the total amount of land that can be impacted for a variety of reasons is 6 percent.

S. Simpson: We'll get back to this at the next opportunity that we get to sit, and we'll continue on. But at this point I'd like to defer to my colleague, who has a

couple of quick questions, and then we'll deal with the time.

C. Trevena: I will try and keep them brief. They are quick questions related to my constituency, and one follows on from my colleague from Vancouver-Hastings about the environmental role in the forest — what is happening. I wondered how many environmental protection officers are working in North Island actively in the forest sector.

[1740]

Hon. B. Penner: In terms of the environmental stewardship division on Vancouver Island.... Sorry, I don't have this broken down by north Island or south Island. In terms of the entire Island, there are about 50 full-time-equivalents. They range from the likes of biologists, technicians, section heads, hydrologists, park rangers and others. That, of course, would be in addition to anything that the Ministry of Forests has in terms of staff doing compliance and monitoring and also in addition to any biologists and foresters that would be employed by the private sector directly.

C. Trevena: I thank the minister for that. I know time is limited, so I won't press too much on that. But I wondered whether the minister's staff could provide a breakdown of job descriptions and locations. I think that would be quite helpful, if that's possible.

Hon. B. Penner: I'll just ask a question of my own. Could you clarify what type of staff you're looking for? Is it everyone in the ministry, and which communities?

C. Trevena: It's for North Island. It's the staff who are actually working in the field, the people who are out there — biologists, protection officers and so on — in my constituency, Campbell River north.

Interjection.

C. Trevena: Conservation officers, biologists, compliance officers, the people who are out actually enforcing the regulations — the ones who work in the field largely. Thank you, minister.

Hon. B. Penner: Just again to clarify, your definition of North Island would be your constituency boundaries — so any communities located within the constituency of North Island? We'll work to gather up that information.

C. Trevena: I thank the minister for that. I also have a couple of very quick constituency questions. I have written to the minister about these in the past. I just wanted to get a bit of clarification on them. They're both about provincial parks in my constituency.

One is Cape Scott Park at the north end of the Island. I have written to the minister about the north coast trail that's being established there; it is almost complete. The trails committee have all the raw materi-

als there to complete it, but they still need some funding. This will be a tremendous trail when it opens. It will be a really fabulous trail, but they can't open it without extra funding. I wondered if there is any allocation for trails for the Cape Scott Park in this budget.

[1745]

Hon. B. Penner: I understand that the society that was established was pretty optimistic about their fundraising potential but have not quite achieved the objective they thought they could achieve in terms of fundraising.

B.C. Parks has provided the organization known as the North Vancouver Island Trail Society \$45,000 to help design a route plan, to fund a business plan and to assist, I think, with some fundraising activities. The society had told us that they thought they could raise \$450,000 in corporate and private donations. To date, I'm told that they've actually raised maybe about \$13,000 — substantially less than what they were hoping to raise.

The Ministry of Environment at this point doesn't have the funds on hand to cover their shortfall, but I know the assistant deputy minister responsible for environmental stewardship is continuing to have discussions with them and with other agencies and government to see if there is something more we can do to be of assistance.

C. Trevena: I thank the minister for that. It's good to know there are talks continuing.

My final one is another parks question. Again, I wrote to the minister some time ago about the contiguity of Main Lake Park on Quadra Island. There's a block of land in the middle of Main Lake Park that is for sale, which does break up the park — that and a small inlet also on Quadra Island. Would the ministry look at incorporating these two parcels of land into the park to make it a contiguous whole?

Hon. B. Penner: I think we're talking about the same thing here. I've got something identified as Waiatt land, Main Lakes. If we're talking about the same area, it is on a list of properties that we are interested in. I don't think there has been any final resolution to concluding an agreement, but it is on a list of things that the Ministry of Environment and B.C. Parks are interested in.

S. Simpson: Noting the hour, I move that the committee rise, report progress and ask for leave to sit again.

Motion approved.

The committee rose at 5:49 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of Supply (Section B), having reported progress, was granted leave to sit again.

Committee of Supply (Section A), having reported progress, was granted leave to sit again.

Hon. B. Penner moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until two o'clock tomorrow afternoon.

The House adjourned at 5:50 p.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF ENERGY,
MINES AND PETROLEUM RESOURCES

The House in Committee of Supply (Section A); H. Bloy in the chair.

The committee met at 3 p.m.

On Vote 26: ministry operations, \$43,674,000.

Hon. R. Neufeld: I want to start by saying that I am pleased with the performance of the Ministry of Energy and Mines over the last year. We've accomplished an awful lot and look forward to accomplishing a lot more.

We have a small ministry, a small staff. In fact, 271 people work in the Ministry of Energy, Mines and Petroleum Resources with a budget of about \$77.2 million. This ministry is responsible for an awful lot of revenue for the province of British Columbia to provide health care and education.

It's actually manned by a lot of people — not manned, but there are a lot of people that work in the Ministry of Energy and Mines that are very committed to this ministry. They work long hours. Let me tell you, it never ceases to amaze me at nighttime, when I can call, or on the weekends, if I have to call, that there seems to be someone around all the time. That bodes well for this ministry, and that's why this ministry runs very well. It's because of the dedication of the people that actually work in the ministry. As I said, it's a small number. There are not very many people at work — but very dedicated.

Also, I'm pleased to say that I share this ministry with another very able minister who actually has a responsibility for the mining portion of the ministry, started just this last year. I have found it to be very refreshing to work with this member as co-ministers in this ministry, and I look forward to actually working for a while into the future with this member in this ministry.

We have come to an agreement with the opposition on an order that will be going through the ministry. I want to let the official opposition know that we're willing to accommodate whatever we have to accommodate to make sure that everybody gets an opportunity to ask their questions and to get answers, or we will get the answers for them.

So the first part of the ministry will be taken care of by the mining and minerals division, and the minister will take care of that.

Hon. B. Bennett: I just have very brief introductory remarks to get us started here today. I would like to introduce the staff from the ministry who are here today. Deputy Minister Greg Reimer, Assistant Deputy Minister Geoff Freer, Assistant Deputy Minister Yvette Wells and Assistant Deputy Minister Doug Callbeck are with us, and there are other staff with the ministry, who will be introduced later, that are sitting over here.

I want to start, as my colleague did, by thanking the staff of the ministry for all the work that they do. This is a very successful ministry. We've done a lot of good work in the last five years, and I think the people that work within the ministry should be very proud. I'm going to make specific references as I go through my introductory remarks to some of the things the staff has done over the past five years that have gotten us into the very positive position that the industry is in and that I think the ministry deserves some credit for.

[1505]

Just to summarize the status of the ministry and the industry at the same time, the exploration investment in the province in 2005 was \$220 million. That's up by over 600 percent from the \$29 million that was invested in mineral exploration in 2001. *Mineral Titles Online* is up and going and has increased claims registration since 2004 by 400 percent. It's the best claims registration system in the world, and the staff of this ministry should take a lot of credit for the work they did there. They're also working on an on-line permitting process, which will also be state of the art and will make us proud.

The mining plan. We're going to be announcing within the next couple of months all of the boxes in the mining plan that we can check off — the things that have been done. We've got quite an extensive to-do list, and we're going to be checking off a bunch of those items.

Staff and ministers are also working on a coal plan for the province. The coal industry is booming in this province, so we're putting together a specific plan to foster additional development of that industry.

We have 20 major mining projects in the environmental assessment process. That's compared to one in 2001. It's just another indication of how busy the ministry is and how hard the staff is working. We've got 650 exploration projects, mining projects, on the go in the province.

A couple of things I wanted to mention that I think are unique to this province. We have a prospector training course. It's in its second year. It started in

Smithers with the partnership between the Smithers Exploration Group and Northwest Community College. We're going to take that program and roll it out to the rest of the province. We're going to involve other rural community colleges and other regional exploration groups to train people — particularly first nations people and folks from rural communities — to be prospectors.

This year, for the first time, we're going to have some environmental teams as a pilot project. Those teams will be made up of first nations youth and rural youth that will go out and start to clean up some of the old sites from the old days. Most of these are orphan sites. We don't know who put the junk there, but we think that it's important to continue to build the social licence that the industry has to operate and that we get people involved in going out to some of those old sites and starting to clean them up.

We also have another unique program that staff has worked very, very hard on. It's called the jobs and opportunities tour. We've gone to or are going to 20-plus communities in the province to link people up with the glorious opportunities that there are for new jobs in the mining industry and, also, to educate people in the province as to the industry, how it works and how important it is to the future of the province. That's called the jobs and opportunities tour. In fact, the name for it is Mining Rocks–Job and Career Opportunities Tour. It's a great little program that I'm really proud of.

In terms of what's actually happening in the mining industry, this past year we've seen three new coalmines come on. We've got two reopened metal mines at Gibraltar and Mount Polley.

We're working on an aggregate pilot project through the ministry that is very challenging. There are a lot of potential conflicts between people who live close to gravel pits and quarries that make it difficult to operate those aggregate pits and quarries. Yet we need that aggregate to base our economic development on. It's important that government works to find a way to reduce those conflicts, so we're working on that pilot project.

We've involved first nations with the mining industry to a large degree — a very exciting component of what the industry is doing. In the northwest the Tahltan are becoming great supporters in their own way of the mining industry. They've signed a very exciting deal with the Galore Creek project. I'm struggling to remember the name of the company. It's NovaGold Resources.

Then, at Sechelt, the Sechelt group — Judith Sayers was the leader there — have gone into a partnership with a local company that's building an aggregate quarry there that's also going to give that first nation great opportunities.

On health and safety. There were some accidents this past year in the States — in Virginia — and also, of course, in China. We're proud in this province that we have a very safe record in terms of mine safety. Mines basically have the best record eight out of the last ten years of all the heavy industries in this province, so we

should be proud of that. Our inspectors do a good job of ensuring that that safety is there.

[1510]

I want to just conclude by saying that the industry offers the province and the people of the province great opportunity in the future, particularly in rural parts of the province, where sometimes it's hard to find those high-paying jobs. My job as the minister — in addition to doing the more mundane, bureaucratic things that all ministers do — is to promote the growth of responsible mining and to make sure that as many people get those good jobs as possibly can.

C. Evans: I'll make some introductory remarks too, and my introductory remarks will be, actually, my first-ever opportunity to participate in estimates from this side of the table.

You might remember, hon. Chair, that last year when Energy and Mines did its estimates process, I was, unfortunately, in Ottawa — unfortunately because I missed estimates and unfortunately because I lost while I was there on the issue which took me there. So I have never before participated as the critic. If I do anything wrong, you can straighten me out, and I'll get it better.

By way of introduction, how I got this job, I think.... Actually, I got this job because the Leader of the Opposition asked me to do it, but I think that might have something to do with where I'm from. I am from the Slocan Valley. The place where I live, where the Payne Mountain silver deposit was, resulted in mining activity that, rumour has it, in total dollar value, between the boundary and where the minister lives, exceeded the California gold rush, the Yukon gold rush and the Cariboo gold rush combined. Out of that industrial activity we built essentially all the mainline roads in the Kootenays and then added abundant hydroelectric power to build the largest lead smelter in the world.

I got to experience lots of that infrastructure in the years that I logged. I drove on mining roads to get to work. Once at Retallack falling trees, I even fell down a shaft that was left over from the mining days, and other guys had to pull me out with my saw.

I saw the industry in hard times with a low metal crisis 30 years ago, and I see it now returning where I live. There's a molybdenum deposit that, I think, is going to get worked in Trout Lake. Just at the very north end of my constituency there may be.... The silver mine in Sandon may be reopened, even when we finish these estimates. And there's a carbide works in the Slocan within miles of my house at present.

My general impression.... I want to talk a little bit about the politics of Liberal and New Democrat culture in terms of mining. I've thought about it for many years, and it feels to me that, culturally, the huge risk that exploration constitutes, in terms of anomalies or areas of interest that attract exploration to the development of an actual mine, I think is about 10,000 to one. That requires the development of a capital market to support exploration, which British Columbia has produced with the Vancouver Stock Exchange.

[1515]

Then the deep, deep pockets that it actually takes to sustain an operating mine through good times and bad times have meant that we tend to have the buyout phenomenon. My constituents will explore, prospect, find a deposit, sell a property. The junior company that buys the property will probably be bought itself or sold, or will sell the property a few more times, and eventually a very large corporation takes over the operation to actually mine it.

The actual operating mines tend to be organized by labour, so New Democrats have historically had an affinity for mining. But the exploration industry tends to be supported by capital markets and risk capital and entrepreneurship. I would say that exploration tends to be supported by Liberals or Social Credit liberals.

I think, as the minister has said, we're now entering a period of time with tremendous interest in our province and tremendous opportunity for rural people. I was just at Highland Valley — 400 jobs, average wages plus benefits of \$100,000 a worker, which, in the kinds of places where we live, is tough to get from any other kind of business.

I would like — and I belabour all these introductory remarks — to make the point that I think it would be a good thing if the traditional political culture around mining and the two parties' interests matured a bit at this point into a more sophisticated world-view of some benefit to the people and to the industry and to the land base.

The last thing I want to say is that I've been trying to learn since I got elected last May what opposition might mean. I heard a rumour that when Russia fell apart and new countries, new democracies were born, those countries all understood how to have an election. They used to have rigged elections even under the Communists, but now they had to have real elections. They figured out how to have a voting booth. They figured out how to have poll clerks and print ballots, but the hardest thing for them to understand was that you didn't get to shoot the party that lost or put them in jail. Those people constituted a legitimate function called an opposition — a function, I might add, I think invented by Westminster and celebrated here today as Her Majesty's Loyal Opposition.

I've been trying to figure out what the role of that opposition is. I'd like to say, as we work through these estimates of the next three days, that I and other members of the opposition are getting wages to oppose, to criticize, to attempt to find error, because that is the way in a democracy that we build balance. But nobody listening to these remarks — the hon. Chair, the minister or people who read the *Hansard* — should misinterpret that to mean any lack of support on either side for the industry itself.

The industry has probably more capacity to employ my constituents in future and the constituents to the north and the south and the east and the west of me than any other industry that I can think of. Should roles be exchanged, I would expect nothing less from the hon. minister, should he some day be in a position of opposing me. Those are my introductory remarks.

My first question. I have never had experience with what the Minister of Energy and Mines stated were co-ministers of one portfolio. Maybe the minister could begin by explaining to me how it works to have two ministers. What is his job and role at cabinet, and what is the other minister's job, and who answers to who? Do staff answer to the minister of state or to the minister who introduced the minister of state? Do both ministers attend cabinet meetings? Who carries a Mining portfolio when there's a cabinet meeting — that kind of thing?

Hon. B. Bennett: I'm relieved to hear that the member won't try and imprison me or shoot me. That's a relief, so I think we should be fine for the rest of the way.

[1520]

I will do my best to explain the role of the Minister of State for Mining in this government. I think, first of all, that the opportunity is what you make of it, but there are some formal aspects to the job. The Premier created the position a couple of years ago in response to the need, really, to treat mining separately from the rest of the ministry — not to treat it separately because it's special, necessarily, but because it has issues that require a different skill set, maybe, and different knowledge. It's very, very challenging.

I think you will have the opportunity to ask my colleague from Peace River North about his experience back in the days before we had a Minister of State for Mining. It was very, very challenging. When you're working on the energy plan and trying to.... You're the guy that's responsible to generate a lot of the income that the government needed to get the books straightened out. It was a very, very big job. I think that the minister and the Premier decided a couple of years ago that mining as an industry would benefit with its own minister, and so the position was created. I was fortunate enough to get appointed to the job after the May election in 2005.

The member knows that I have my own office. It's on the third floor. I have my own ministerial assistant, my own executive assistant and my own administrative assistant. I have the services of the deputy minister for the ministry. I have the services of all three assistant deputy ministers that I introduced earlier. I spend most of my time with two of those assistant deputy ministers: ADM Freer, who is on the mining side, and ADM Wells, who is more on the first nations side.

The Minister of Energy, Mines and Petroleum Resources is ultimately responsible in terms of the legislation, the budget and the ministerial accountability act, in terms of the budget for the ministry. So although I am involved in discussions about money that is spent on the mining side — and mining does have its own budget within the ministry — the Minister of Energy, Mines and Petroleum Resources does have ultimate responsibility for the budget and, essentially, for everything in the ministry, which puts him, sometimes, in the awkward predicament of actually being responsible for what comes out of my mouth. That's why I'm as careful as I am.

C. Evans: Thanks for that explanation. Just a couple of other questions. Firstly, I think what the minister said is that staff, in a legal way, answer to the Minister for Energy and Mines. I think the minister said, however, that both would go to a cabinet meeting, and the Minister of Mines would carry a file if it was going for cabinet discussion. Are those three assumptions correct?

Hon. B. Bennett: The Minister of State for Mining attends cabinet regularly. I'm a member of cabinet, sworn in the same as all other ministers. I'm also a member of Treasury Board. The Minister of Energy, Mines and Petroleum Resources is not a member of Treasury Board. We are both members of the Committee on Natural Resources and Economy, and we have our respective other committees that we sit on.

When we have a file that is strictly mining, it is my responsibility to take that file forward. If there was a presentation to be made, I would make the presentation. But I think, if the file was significant enough, and it probably would be if it was going to one of the committees that you mentioned, it would be likely that the Minister of Energy, Mines and Petroleum Resources would be there with me.

C. Evans: I think I understand the minister's role, and I appreciate his answers.

Moving into specifics. I attended the mining jambo-ree — I can't quite remember that term — in... [1525]

Interjection.

C. Evans: Say what?

J. Horgan: It's a roundup.

C. Evans: Roundup. Is that right?
...Vancouver a couple of months back.

Casual discussions with a lot of people there led me to believe that in the mind of the capital markets, the future of Kemess's expansion would be seen as a symbol of British Columbia's regulatory capacity to proceed from exploration to a mining project. That would predetermine or decide whether capital flowed to other projects in the province. I would like to know: is my read of the importance in a symbolic sense to the investment community of that particular project his own?

Hon. B. Bennett: I arrived at that conference. It is called Roundup. I arrived on Sunday night, went to my first event Sunday at about five o'clock and finished that event on Thursday night. I don't think I missed a thing, and I must say that is not an impression I was left with following my four days there.

I think that the mining industry would tell you, particularly those involved on the investment side, that we do need a big splash at some point. By a big splash, what I think they usually mean, what they tell me, is

that they would like to see a new metal mine or two or three announced in the province, and that's certainly something we're working towards.

I can't make specific comments on the Kemess application that is presently with a joint committee of federal and provincial environmental assessment people, because it is in that process presently and a decision will have to be made and signed off on by both the province and the federal government. So I'm not going to get into specifics about that project, but just to answer the member's specific question, I'll say no, I don't think that the future of the mining industry hinges on that particular decision.

C. Evans: I appreciate that answer. I'm actually glad, because it feels to me kind of dangerous when a particular project becomes a symbol. It limits decisions that governments or regulators might make. I am, however, a little bit dismayed about the idea that the minister would rather not discuss the project. Would the minister explain what he means? Am I allowed to ask questions about the Kemess project, or by virtue of its presence in some environmental review process, does it preclude it from this dialogue?

Hon. B. Bennett: I'd be more than happy, actually, to discuss the Kemess project here or anywhere, but I am not allowed to discuss the application that Northgate Minerals has into the province's environmental assessment office and also into the environmental assessment process federally to expand their operation to what they refer to as Kemess North.

Kemess North is a deposit that is located about six kilometres away from the main pit, the main operation. The ore in the present pit is being depleted, and so they would like to access this other body of ore about six kilometres away in order to keep that operation going and to keep those people employed who were there and to keep generating the kinds of economic and social benefits that have come from that operation since it started. However, they will not be allowed to access that other deposit until they have the approval of the joint environmental assessment panel that is set up between B.C. and Canada.

[1530]

It is that panel and that process that the Minister of Energy, Mines and Petroleum Resources and the Minister of Environment provincially sign off on — as well as some federal ministers — and because they are the statutory decision-makers, we don't.... I'm sure no government minister would comment on the actual application and review process. I hope that's clear.

C. Evans: It isn't clear. But I will be happy.... I'm just going to ask some questions, because I came here to understand. Both people in the mining industry and citizens in the region raised the issue with me, so I would like some understanding. I'll ask questions, and if the minister says that he can't answer them, then that'll be the answer on the record.

I was advised that in its original form Kemess North produced 17 options for disposal of tailings. Is that true?

Hon. B. Bennett: I apologize to the member. I got all of his question right up until the punch line. If he wouldn't mind just repeating the last sentence for me, I'd appreciate it.

C. Evans: The punch line was: "Is that true?" I was advised that in its original design phase, Kemess expansion engineers thought that there were 17 options for disposal of tailings. Is that number correct?

Hon. B. Bennett: I wouldn't swear that it was 17. I know it was more than a dozen, and I think it was less than 20. There were a number of options that were considered for the disposal of tailings.

C. Evans: It's my impression that the joint government group that's considering the application is looking at one option for disposal of tailings. Is that true?

Hon. B. Bennett: The way the environmental assessment process works, there is a considerable amount of work that's done by the proponent with government — in this case, governments, both Canada and B.C. — to define the application. The application doesn't actually go into the environmental assessment process formally until everyone agrees: "Okay, we've got an application here from the proponent's perspective that we support. We think it defines the way this mine should be built and is based on a proper business case going forward."

In this case the proponent has come to the conclusion that a particular type of tailings disposal is what this Kemess North expansion project requires in order for it to meet the company's business case going forward. I believe that the tailings disposal as suggested by the proponent is what is under consideration today.

C. Evans: Can the minister enlighten me about whether or not the rejected options, somewhere between 12 and 20, are public information that he could share with us?

Hon. B. Bennett: I'm quite sure that we could dig those options out. I think they're a matter of public record. We don't have them here with us today. They belong, basically, to the proponent, but they would also, I think, belong to the process that I referred to between Canada, B.C. and the proponent. I'm sure that we could get those options for the member.

[1535]

C. Evans: There appears to be some debate about whether or not first nations in the region agreed to participate or were invited to participate in the environmental review process. Can the minister comment on (a) whether or not they were invited and (b) what their response was?

Hon. B. Bennett: I'll give not a long answer but a somewhat longer answer, perhaps, than what the question might elicit, to save the member the next question, possibly. The first nations whose traditional territory the mine is located on are always invited into the process. The first nations in this case were invited into the process and are regularly encouraged to participate.

They do participate from time to time. They don't participate in every single meeting that's held, but they have participated. There have been many discussions between the proponent and the first nations, between the provincial government and the first nations and — I can't say for certain, but I expect — between the federal government and the first nations. I would say that there is not yet unity on how this project should go forward, if it does go forward, from the first nations point of view.

C. Evans: Does the minister mean unity between bands or unity between first nations and the province?

Hon. B. Bennett: I just wanted to double-check with staff, and the answer is: both. There isn't unity amongst the first nations in terms of a formal position on this project. By using "unity," what I meant was: in terms of the provincial government, the federal government and first nations, there isn't unity there on how to go forward as of yet, either.

C. Evans: I suspect that some of that difficulty achieving unity is the difficulty surrounding the different ideas or interpretations of the concept of aboriginal title. I am not going to canvass what those words mean in these estimates, but I would like to know who is charged with resolution of aboriginal title issues in this process.

Hon. B. Bennett: I think the best way to answer the question would be to distinguish between the issue of whether there is aboriginal title and the issue that we were discussing, which is the application of this company to expand their operation to the deposit six miles north of the current location.

[1540]

The first thing that happens is that government makes an assessment as to whether or not the project that's being proposed is part of the land that that aboriginal group would consider to be part of their traditional territory and thus subject to aboriginal title. The assumption made in, certainly, all the cases that I've encountered is that in fact, yes, we will treat this as if the first nation has aboriginal title, but that issue legally and formally is actually not addressed by the environmental assessment process.

The environmental assessment process will bring in the Ministry of Energy, Mines and Petroleum Resources. It will bring in the Ministry of Aboriginal Relations, which also happens to have the treaty-making component to the ministry. It will bring in the Ministry of Environment, obviously, and any other ministries like the Ministry of Forests, sometimes the Ministry of

Transportation, that might have some relationship with the project.

The legal issue of aboriginal title and whether it actually exists is not specifically addressed by the environmental assessment process. In several cases — some that I can think of, but, I think, many cases — the issue of aboriginal title remains unresolved while the project is dealt with.

C. Evans: I think that was a good answer, and it leads me to believe that first nations participation in the process is one of negotiations leading to a willingness on their part to set aside their demand for a resolution of aboriginal title issues prior to the advancement of a project. Is that correct?

Hon. B. Bennett: Many of the first nations that deal with and are consulted on projects, whether they be mining projects or other projects, are not in the treaty process. Some are; some aren't. Those who are not in the treaty process are actually not doing very much to make that final determination of aboriginal title. Those in the treaty process, you could say, are probably doing a little more, formally, to resolve the question of whether there's aboriginal title or not.

It's important that I state that in the past five years this government has, I think, recognized that the approach to resolving aboriginal title, the approach to treaty-making has not gotten us to where the people of the province want us to go, and that includes first nations people. That includes aboriginal people. What I mean by that is that I think we spent many, many years — about a decade — trying to settle treaties.

I think some people referred to it as the big bang theory, where you sit at a table month after month, year after year and you negotiate and you talk — the theory being that at the end of the day you're going to have a treaty, and that's going to solve everybody's problems, and all the projects that need to go ahead will go ahead, and everybody will be happy. After about a decade of that approach to dealing with first nations I think first nations and the people of the province came to the conclusion that treaty-making is a worthwhile exercise and we should continue to do it, but it's not getting us to where we need to be.

Our government has continued with treaty-making. We continue to resource it. We continue to be serious about signing agreements with first nations, but at the same time in a parallel way we work with first nations to help them build capacity within their communities so that they can take advantage of some of these projects, like the mining projects and some of the forestry and tourism projects.

Although aboriginal title is obviously a fundamental issue that we hope will be resolved — we want it to be resolved; first nations people want it to be resolved — we're not going to be able to help first nations people if all we do is sit around and talk about resolving aboriginal title. We do need to get on with helping them build capacity in their communities, and one of the ways we can do that is with mining projects.

[1545]

C. Evans: I'm going to take that as a yes, meaning I'm going to interpret that the minister is, in fact, suggesting that this particular project can go on and may go on should first nations people decide to set aside their desire for resolution of aboriginal title prior to the construction of the project. Do I err in that understanding?

Hon. B. Bennett: I think, frankly, that we're starting to stray into the approvals process again, and I think it would be improper for me to speculate on whether this project can or will go ahead for whatever reason — whether it's aboriginal title, whether it's some environmental reason or whatever it is. That decision is up to people that have the responsibility for that decision: the joint panel, the B.C.-Canada panel. I really want to make sure that I'm not trying to pre-empt them or to speculate on what their decision might be.

C. Evans: Moving on. Should the environmental review process result in the mine proceeding and should the mine proceed to use Amazay, or Duncan Lake, as a repository of tailings, would such a decision require legislative change, regulatory change or policy change in the province to proceed?

Hon. B. Bennett: I don't think so. I don't think that submerging tailings under the water of a lake would require a change in legislation. The reason I say that is because it has been done on I don't know how many different mine sites over the past hundred years in this province, but on some for sure and, I suspect, on some probably even while the member may have been in government. It's not unheard of, so that's what leads me to think that although my staff can't tell me conclusively, I don't think that a change of legislation would be required.

C. Evans: That concludes my canvass of that particular issue. I'm going to drop all the questions which I think the minister couldn't answer because of the environmental review process.

In the introductory remarks of the Minister of Energy and Mines, he explained that he would cut us some slack for the way that opposition members will come in and ask questions. I appreciate that, because given the schedules in the building, it may not be possible for opposition members to appear to ask questions about issues that are specific to their constituency exactly on the timetable of the staff. But we will endeavour to get in whatever mining questions we have this afternoon if it's at all possible.

I'm going to sit down as the members come in and see if we can fit them all in.

N. Simons: I'm pleased to have the minister here answering questions. Last time, actually, that I asked the minister questions, someone told him to put his seatbelt on. That's because we were on an airplane. He can relax. I don't think I'm going to be challenging him

too much, although there are some questions, I must say, that are of considerable interest to the constituents that I represent.

If I may, I'll just begin by asking the minister what plans this ministry has for increasing the input of communities in the consultation process from the time of exploration to actual mineral extraction.

[1550]

Hon. B. Bennett: When I got the job in May, one of the first things I did was to talk to staff in the ministry about the consultations that take place between communities, between regional district governments and between municipal governments who are in relatively close proximity to a mine project. We now make sure that regional districts and municipalities get letters informing them of prospective mine development. They didn't used to get those a few years ago, but they do now.

I should also say that when a company decides that they want to actually apply to develop a mine, then a fairly extensive consultation process kicks in. Local government and people who live in the community, neighbours and so forth, do have an opportunity to tell the government what they think of the project and to bring forward any ideas or any information that they have that relates to the proposal.

N. Simons: I think what people want to know is: what impact does the community consultation have? What weight does it bear on the project itself? I know that there are assessments of various types that go on with any application for a new permit, and communities often express their support or opposition to particular projects or particular aspects of certain projects. I'm wondering: how can that input be quantified so that the general public understands that their community consultation isn't just in name only?

Hon. B. Bennett: Well, it's a fair question. It's a good question, and it's certainly one that if you live out in areas where they have mining and forestry and other big industrial projects, as an MLA, you get drawn into these debates about whether something should go forward or not go forward.

With regard to the specific project that's in the member's riding — and there is actually more than one project, but with regard to the big project that he and I have discussed previously at Sechelt — in fact, the representations made by the people of Sechelt did have an impact on how the proponent took that project forward. They stopped work at the pit that they were licensed to operate in. I know that they've been back in there, and they've hauled stone out that was already quarried. But generally speaking, they have ceased their operations — as I say, for the most part anyways — in the pit that they were licensed to operate in, largely because of the opposition from neighbours who were in a fairly new subdivision, some of whom live across the inlet.

In addition to that, we've had staff from the ministry over there on numerous occasions. We've had

sound equipment there to measure the sound that comes from that quarry. We've had staff go and actually sit on the back deck of people's houses in the same lawn chairs that the member's constituents sit in just to experience what the noise is like. We've looked at the dust issues. We've looked at the truck issues. So I think it's fair to say that as a result of the work that this member has done and also as a result of the fact that these folks have been prepared to come forward, they've already had an impact on how this project has been managed.

N. Simons: I appreciate that response. My understanding is that the activities stopped pending the outcome of the environmental review that, I believe, the province is currently undertaking.

[1555]

That being said, I know the mining industry provides a number of jobs and has a major economic impact in a positive way on the province. I'm just wondering if this goal of engaging communities — and not just first nations communities, but... Non-aboriginal communities as well as first nations communities are being consulted more. I noticed that in the resource summary for the ministry service plan, it indicates that the budget for this activity of consultation is decreasing. Can the minister explain that?

Hon. B. Bennett: We're having some difficulty locating the evidence of a reduction in the budget. Perhaps the member can help us out.

N. Simons: I'm looking at the service plan, page 15. If I'm reading it incorrectly, I stand to be corrected.

Hon. B. Bennett: Thanks to the member for helping me out there. The line that the member is looking at... He is correct. There is a reduction from '06-07 to '07-08. That reduction, I am told, relates to some specific negotiations that the ministry is doing with the Treaty 8 first nations. What the member is looking at applies to the whole ministry, not just to mining. The expectation is that the negotiation with the Treaty 8 bands will be concluded, and that money will no longer be required. There is no reduction of community consultation funding on the mining side.

N. Simons: I thank the minister for that, and thanks for the information.

I'll refer now to page 11 of the service plan. I'm just wondering if... I'm just going to quote from the end of paragraph one. "The ministry will...work to operationalize the New Relationship with first nations as well as implement a community engagement strategy to enhance public confidence...." I'm wondering if any work has been done in that area at this juncture.

[1600]

Hon. B. Bennett: That also, I think, is a very good question. It's something that I'm particularly interested in, and I'm actually quite pleased that I've had the op-

portunity to work with first nations in the short time I've had this job.

[D. Hayer in the chair.]

There is an interministry committee that I understand the Minister of Aboriginal Relations may have referred to in estimates. Our ministry is represented on that interministry committee. In order for our government to have a meaningful impact on first nations people and their communities, we are going to have to take a unified, integrated approach. As some members with experience will know, that's very challenging, because government tends to operate in silos. We are making an effort to take a cohesive, integrated approach to dealing with some of the first nations issues — the challenges that are there.

In more specific terms for the member, we have done a lot of work with first nations on the Treaty 8 side. We prioritize as a ministry, just as government prioritizes, and we've prioritized over the past few years in Treaty 8 territory because of.... Well, because of many reasons — but that doesn't mean that it's the only place we've expanded energy or resources.

We've helped, for example, NovaGold Resources in their deliberations with the Tahltan people in the northwest. There was a very exciting announcement not long ago between the Tahltan Central Council and NovaGold Resources about how they're going to work together to make sure that the first nations people in that area benefit from the development of Galore Creek.

We also help out wherever we're needed and wherever we're asked to help. Another specific example for the member is the Eagle Rock project out at Port Alberni, which is another, I think, very constructive partnership between a mining company and a couple of first nations.

We're there to facilitate. We are not the ministry that is ultimately responsible for treaty-making or that ultimately has first nations in our formal name or anything, but we do have people who specifically are responsible for building relationships with first nations and for helping mining companies build relationships with first nations.

N. Simons: I thank him for raising the issue of a land use plan for the area. I didn't know that it was a collaborative effort that had that decision to engage in such a plan for the Sunshine Coast forest district. I think it will go a long way to addressing some of the conflict that exists, on the lower Sunshine Coast at least.

As the minister knows, the particular project in question — which we won't name so we can keep talking about it — has definite conflicts of land use that are recognized by all parties. It has to do with resource extraction and tourism, and of course, it's in a residential interface. I'm just wondering if the minister is able to assert that the highest levels of environmental assessments will take place in this project in particular.

[1605]

Hon. B. Bennett: I can assure the member that any project that enters the provincial environmental assessment process will be treated respectfully and will be subjected to the highest and most rigorous standards. I think the member is correct to suggest that the project in question is not far away from some very expensive houses and is located in an area that has a lot of tourism, a lot of recreation. It's a very beautiful area. Of course, what area of B.C. is not? It is a very, very beautiful area, so I can assure the member that those considerations are considerations that will be part of the environmental assessment process for that particular project.

N. Simons: In conclusion, I do appreciate the attention that the minister has paid to this project. I think the residents of the Sunshine Coast benefit from having the ear of the government, and I appreciate that.

I'm just wondering: is there a role for the province, not in lobbying but in ensuring that any trigger for a federal environmental review will take place? Will the province stand one way or the other, in favour or opposed? Will the province make some assertion that they...? Because their standards are high and because they want to make sure the environmental review process is of the highest standard, will they agree that a federal review might be in order in this particular case?

Hon. B. Bennett: The project remains unnamed; however, we're again getting close to discussing the actual application and assessment process. I'm not going to guess at whether or not the federal government will have an involvement in this process. I can assure the member that if the federal government decides it has a role in the assessment of a particular project, they will have a role. That will be their decision, and it will not be up to the province to determine whether they're going to be involved or not.

N. Simons: Thank you for that response. I understand. I asked, essentially, because I know that there's some attempt to harmonize some of the regulations and to streamline some of the environmental review. I was just hoping that it would catch him off guard, but obviously, I couldn't.

So at this point, thank you to the minister for being available to answer questions. I'll turn it back to my colleague from Nelson-Creston.

The Chair: Member for Nelson-Creston.

C. Evans: Thank you, hon. Chair, and welcome.

Another MLA is going to ask some questions. I just wanted to take the opportunity to give the minister a chance to correct the record. I think he misspoke himself in suggesting the value of the very expensive homes that are adjacent to the works the previous member was discussing might have some suggestion of importance. On behalf of his constituents — and mine, who tend not, some of them, to live in very expensive

homes — I'd like him to have the opportunity to suggest that it really doesn't matter. A human being's residence is a human being's residence, regardless of its value.

Hon. B. Bennett: That's called putting words in my mouth. That's not what I said, and that's certainly not what I meant, but I appreciate the member looking out for me.

D. Thorne: I'm here today to ask some questions about the Coquitlam River gravel mine operations on Pipeline Road, which I'm sure the minister and his staff are well aware of. This year the top-ten list of endangered rivers once again included the Coquitlam River. It's been there so long that there's some talk now of just giving it a permanent position so we won't have to wonder if it's going to be back on every year.

[1610]

The river is in a disastrous state. It's getting no better every year. Certainly, the citizens of Coquitlam are becoming increasingly alarmed. I'm here today because of it. Gravel mining is, certainly, a documented major reason, with the silt and the fines going into the river from the gravel mines.

That was a bit of a prelude. I guess my first question would be: is the Coquitlam River on the radar with the mining ministry at all?

Hon. B. Bennett: Yes, it is.

D. Thorne: Okay. Well, I guess....

The Chair: Member. Through the Chair.

D. Thorne: Sorry. I guess I could ask how it's there and how the ministry is dealing with it. I do know — I was on council for ten years in Coquitla, and just finished up this past fall — that there is a city committee, certainly, that the Ministry of Mines has been participating in. I'm wondering: if you're still participating in this committee, do you see this committee as having made or as making any real progress, any documented progress, for your department?

I know that there has been some progress on the part of the city of Coquitlam. They have made some very definite steps that are well documented. I'm wondering what your department has done as a result of the gravel operating committee.

Hon. B. Bennett: Well, it's interesting that the issue would be raised, and I appreciate the member raising the issue. I was at the B.C. Wildlife Federation annual general meeting on the weekend in Penticton — I'm actually a life member of the B.C. Wildlife Federation — and some of my friends from the Coquitlam area did raise this issue, so I am aware of it. I also have a briefing note on it in my binder, so we do know about the issue. We do know that we've got some work to do there.

My understanding is that there are three major gravel pits along the Coquitlam River, which have been there for a long time. They do employ a lot of people and do, I think, make a significant impact on the local economy and on the provincial economy as well. Nevertheless, we are concerned about the quality of the water in the Coquitlam River and the fishery. I can tell the member that.... She asks specifically what is happening. The member is correct that the ministry continues to work on the Coquitlam River Aggregate Task Force, which was created a few years ago to address those water quality concerns.

We have also met recently with mine operators on the issues that seem to be the most important. Those are slope stability and water control, particularly during major rain events, with the second issue being water quality and siltation — the regular runoff that you can get with a gravel pit or a quarry. We are working with the three companies to develop a plan that's going to address slope stability and water control better than it has in the past. We don't have that yet, but we're going to continue to do that. I commit to the member that we'll fire that up and put as much behind that as we possibly can.

D. Thorne: Well, I'm pleased to hear that it sounds as if you do feel there's some progress being made with the gravel mines. We continue to hope that there will be some solutions that can be engineered — solutions rather than closing the mines down altogether.

Certainly, last year at council and the year before, with Allard's gravel mine, specifically — I always think of Allard's mine because he's the most vocal of all, and I know him the best, I guess — council didn't renew the permits. The first time, it only lasted for about half an hour. Before the council meeting was over, councillors had reconsidered, because such a kerfuffle arose in the chamber. The next year there was a week, or two weeks, between the permits actually being okayed.

[1615]

It's very concerning to me, the chamber of commerce in the Tri-Cities, other businesses and the people that are building homes that the gravel mines might be denied their permit by council because of lack of progress in working with the operators. Now, I know that a few years ago they did spend some money — a considerable amount of money, in their opinion — on putting in some remedial solutions. It's what I like to refer to as an engineered solution, rather than closing down the mines.

I'm wondering if this ministry is considering.... I know you're working with the mines. I haven't noticed to date — and those people who are watching the river even more carefully than I am have not noticed to date — that the Mines Ministry has put what I would call pressure on the gravel mines to actually put their money where their mouth is and get cracking. So I'm wondering: is this ministry prepared to do that — to put some pressure on?

Hon. B. Bennett: Well, it's a fair question, but the ministry has been, to use the member's words, putting pressure on this situation for some time. We are in the process of hiring an environmental specialist, a private contractor to help with the plan that I referred to a minute ago, to try and figure out what mitigation is possible.

I've been out to the area myself. I've toured some of the pits, and I've driven along the river. So I know what it looks like, and I can understand what the challenges are like. I can also tell you that our Ministry of Environment is out there on a regular basis. So again, to use the member's words, in terms of pressure, there is a lot of pressure being put on the situation to resolve it. I can tell the member that we take the concerns of local people there seriously, and we're going to try and address it.

D. Thorne: Just wondering: what is the expected life of the mines? Is it a 20-year window, or is it longer? Is it more like a 30- or 35-year window, over all?

Hon. B. Bennett: I think the safest answer I could give the member is: a very long time. I'm not sure in terms of a number of years, but staff advises that they think it would be many years.

D. Thorne: I guess it's difficult to tell at the rate we're building in the GVRD, but we're probably talking longer than 30 or 35 years, then, in some instances — yeah. I can tell you that the river won't last that long.

I'm pleased to hear that you are putting pressure on and that you're willing to put more on, because sometimes one gets the impression that the gravel operators do feel that they own Pipeline Road and that we're unnecessarily blaming them for problems that they're just a small part of, rather than a big part of.

I'm wondering: do you get complaints and things from the public? Do you ever charge any of the operators, or do they get fines or anything? If so, how many would you have gotten, say, in the last year, and is this public information?

[1620]

Hon. B. Bennett: It is our practice in this ministry, given our responsibility for health and safety. We're not specifically involved with the fishery side of managing the Coquitlam River, but we are certainly involved in permitting the pits, so we have the capacity to provide orders or give orders to the operators, and we do that when it's necessary.

The orders require compliance. It normally requires the operator to do something that they weren't doing before or to stop doing something that they were doing. If the operator has some difficulty in complying with the order or refuses to comply with the order, they can be shut down and sometimes are shut down until they do comply with the order. In extreme cases the ministry will take the operator to court and ask for a penalty.

D. Thorne: Have any of those gravel mines on Pipeline Road ever been closed down, and have they ever been taken to court?

Hon. B. Bennett: I'm quite sure that we could get that information for the member. Just so that we don't cast our net too wide, you're interested in the three pits along that road, along the Coquitlam River? And you're interested in knowing, specifically, what orders have been issued to those three companies and whether they've ever been taken to court?

D. Thorne: Yes. Well, I'm interested in all of the pits along Pipeline Road. I think there are actually more than three. I think there are five companies, if I'm not mistaken. It's hard to say now because they've been selling... Some of the bigger companies have come in and bought out the smaller ones, so I'm not sure how many separate mines there are — but any of the mines along Pipeline Road, as they're all causing a problem to the river.

I think the broader community would be very interested in knowing what the situation is, what orders have been given to the pits over the last ten, 15 years. Also, if there have been any non-compliance issues, have they had to be charged or taken to court? I go back to my original question as well. I'm wondering if there have been charges come out of there or complaints come out of the community that ended up in orders.

I guess what I call a fine or a charge is sort of what you call an order. If you get a complaint from the community, you do an order to the gravel company. Am I correct? I've asked a lot in one question there.

Hon. B. Bennett: Again, I think the member has it right in terms of the terminology. We issue an order. The order contains some direction to the operator that the operator has to follow if the operator wishes to continue being permitted.

I think it is important just to repeat what I said about the distinction between the responsibilities of the Ministry of Energy, Mines and Petroleum Resources and the Ministry of Environment. Orders or directions or charges in regards to the fishery — the member would have to go looking elsewhere to find those, just so that we're clear.

D. Thorne: Yes, I know it's fairly complicated across ministerial jurisdiction. DFO gets in there as well, so it just complicates it for everybody when they're trying to figure out what's going on. It's unfortunate that the fish die and the river dies, which is an environmental issue, but it's caused by the mines. Sometimes things happen, and things don't get solved as quickly as one would hope because of the jurisdictional issues. So, yes, I do recognize that. I know that DFO and the Minister of Environment also try to be as involved with the city and with the stewardship groups as they can.

If I could get that information at some point in time about the orders, that would be great. That's really all the questions that I have at the moment.

[1625]

Hon. B. Bennett: If I could ask the member to maybe provide us just with a brief, little note — handwritten or whatever — with the names of the companies that she wants us to look at and give us how far back she wants us to look, if the member doesn't mind. That would just help save some staff time and resources here.

C. Evans: I think we should move to the subject of uranium mining. I have some questions about it, largely because when I started asking questions in question period, the minister advised me that my questions related to uranium mining were of federal jurisdiction. I obviously need to understand, then, the role of the province and the role of the federal government. Could the minister please begin by outlining the role of the federal government in permitting the exploration or mining and/or refining of uranium?

Hon. B. Bennett: Well, the province is responsible for legislating, regulating exploration in this province with regard to uranium. The federal government has ultimate responsibility for the permitting and operations of a uranium mine. So to repeat: the province is responsible for exploration but not for the development or operation of a uranium mine.

We have, in our code, special rules that relate, on the exploration side, to what a company must do if they are drilling and find uranium above a certain parts-per-million threshold. Those are health and safety regulations that apply to the exploration site. That may be a good place to get started on this.

C. Evans: Yeah, it is a good place to get started. Because I live near a place called Genelle, and because I was working here when there were some changes to the moratorium on exploration, I know — and I'm sure the minister knows — that we have a fairly complicated history in terms of exploration for uranium. A couple of weeks ago I think the spot price hit \$40 a pound in the United States. Therefore, there is considerable concern in the general public — I would say between Kelowna and not quite Creston — that they may find themselves with an exploration project functioning in their community that may lead to a mine.

The minister's answer just implied that we will limit our regulatory function not to licensing or refusing to license a uranium mine but simply to deciding the rules around exploration and then abdicate to the federal government responsibility to decide whether or not to mine a property that shows promise. Is that correct?

Hon. B. Bennett: No, that's not correct. The province is not abdicating anything. The rules around uranium exploration and uranium mining have been the

same for the last 30 years, including the ten years that the member who asked the question was in government. So nothing, that I'm aware of anyways, has changed with regard to the rules around exploration or mine development for uranium in British Columbia.

[1630]

What I just stated was, to the best of my ability, what the law is today in British Columbia. To repeat: it's my understanding that we are responsible here in British Columbia for the rules around exploration. If — and it would be, in my understanding, highly unlikely — a company wanted to propose a uranium mine, they would have to deal with the federal government. There is legislation in place that makes the federal government responsible for the development and operation of uranium mines.

C. Evans: In the unlikely case that an exploration proved positive and the federal government was to allow the development of a uranium mine in British Columbia, is it the minister's position that B.C. would accept uranium mining in the province?

Hon. B. Bennett: Well, I'm not going to take a formal position on a hypothetical, which I think is what the member has asked me to do. There has never been an application to develop a uranium mine in British Columbia. We have no experience with it. There are no applications to develop a uranium mine in British Columbia today. Not only are there no applications or even inquiries to the ministry with regard to uranium mining, there are no applications to even do mechanized exploration — in other words, drilling — around uranium in British Columbia today.

I appreciate the member's concern on behalf of his constituents and other folks in that region, but it appears to me that perhaps what we're doing here is creating some concern and some fear on the part of the general public that is unnecessary.

C. Evans: I'll try to stay on the side of caution and not create any fear. It's kind of funny. If citizens say to me, as they do, "We are concerned that the value of uranium and, actually, the changing of hands of some properties with radioactive capability in southeastern British Columbia...." Citizens say: "Well, we're concerned. Properties change hands. Investment is being made. People are raising stock. We are concerned that someone might begin to develop, at \$40 a pound, some of these properties."

Then I asked the question on behalf of the citizen. The minister is concerned that I am generating fear. I would hope, if I asked the questions well, that we would reduce fear, because it gives the minister the opportunity to say that he has no knowledge of any such process.

In the interest of reducing fear, would the minister then be willing to advise the regional district involved if and when he ever receives an application for a uranium exploration permit?

Hon. B. Bennett: We would be more than happy to advise a regional district or an adjacent community if

we were apprised of a company's intention or interest in exploring for uranium or even in developing a uranium mine. So the answer's yes.

C. Evans: See, hon. Chair, how we did that? We just, I think, reduced fear considerably. I rather suspect that the minister would have done it anyway, but now, by putting it on the record, everybody out there knows that there won't be any secret applications and that they'll know about it.

[1635]

I think we can continue here to reduce fear. The minister or the minister's staff will know the history in a community near Trail, Genelle. By the way, just about everybody who lives there is involved in the smelting business, so it's not an anti-mining community. It's people who are quite comfortable with mining and smelting of lead and zinc.

In the community of Genelle a company desired to explore for uranium and the Social Credit government of the time determined, after considerable discussion, that it was not in the interest of the province to engage in exploration for uranium and that they did not wish the investment community to put money at risk only to find out later that the answer was no.

I have heard representatives of the present government argue that it is unfriendly to business to put off "no" when no is the answer that business will eventually get, and that, in fact, the kindest thing to do for the investment community is to give a straight-up answer when they know a straight-up answer.

Can the minister assist the investor community by advising whether or not he would seriously entertain a uranium exploration permit should he receive one?

Hon. B. Bennett: It's a fair question and everything, but I can't help but think of some of the decisions that went on and on in this province in the 1990s, not the least of which was the Jumbo Resort decision that was put off and put off for over ten years.

We have an environmental assessment process that we have designed to be just as rigorous, if not more so, than it ever was. But we've put time lines on that process to make sure that we have discipline on us, on the government side, to make decisions in a timely way, whether it's yes or no. If a project went to the federal government....

Mind you, I should address the member's specific question. He asked me about exploration. If a company came forward and indicated to us that they had identified a threshold of uranium.... I should make this really clear for the record. There is a lot of uranium where the member lives. It's all over the place. It's in the water supply. It's in the rocks. It's in the gravel. It's all over the place, so it's not a question of there being no uranium. There's lots of uranium in the Kootenays and up through the Okanagan.

It's a question of whether the parts-per-million threshold is reached. If it's reached, then of course, as I said earlier, the mining company has an obligation to impose very specific health and safety regulations on

the operation. We wouldn't actually get involved in the situation until such time as the company made the determination that there was a parts-per-million threshold that had to be dealt with.

C. Evans: In the interest of getting along here and reducing fear, I accept criticism for all mistakes ever made at any time when I was working in this building. Part of what the minister gets right now is the benefit of my mistakes by virtue of whatever wisdom might go into whatever questions I might ask. A person who's never made any mistakes tends to be a stupid person who doesn't do much when they get up in the morning.

[1640]

I want to ask my question in terms of the answer I just got. I guess the simplest thing would be to ask to have it read back to me, but I'll try to do it from memory. I think the minister just said that the province would make its determination on an application to explore for uranium based on the information in the application itself. Is that a correct interpretation of what the minister just said?

Hon. B. Bennett: I'll try again, and if I don't get it this time, I'd ask the member to ask me again.

We have the discretion within the ministry to require consultation between the company and the government and surrounding folks — regional district or communities or whatever — in any given situation. We can make that happen. I think it's fair to say that if a company indicated that they were going to explore specifically for uranium over and above just going on the land and maybe kicking some rocks with a hammer — if they were going to apply to drill some holes or do something in a mechanized kind of way — we would, first of all, do what I said we would do earlier, which is to alert local government folks but also to involve local people and give them an opportunity to understand what is being proposed and to tell us what they think.

C. Evans: The minister is correct in saying that there is uranium all over southeastern British Columbia, or at least the Boundary and parts of the West Kootenay and even in people's basements. It's because of its prevalence that we know what people think. What they think — in such numbers that Social Credit one time had the wisdom to say: "We will not have exploration...." What people think is that they're afraid of it.

We have the happy situation that there are other places in the world to mine it that are cheaper. It seems to me that in the interest of avoiding wasted investment and in putting people's fears to rest, that if it is unlikely that the government would allow uranium exploration — and I think that's the subtext of what the minister is saying — then the minister should avail himself of the opportunity to say, "It is unlikely, because we know what the people think," and then fear will go away, and there will be calm on the land.

Would the minister be willing to go as far as to say it is unlikely that we would permit uranium exploration in British Columbia?

Hon. B. Bennett: Well, it is unlikely that anyone will discover a deposit of uranium that is sufficiently rich that they would propose to develop it. I can say that much to the member, and I think it's been said in the House already. I don't know what else to say to the member. I appreciate the fact that he's concerned about investors. So am I. But I can also tell him that I haven't had any complaints from any investors.

I'm led to the conclusion that the way we're dealing with this file is pretty much the same as the way the government of the 1990s dealt with it. We're taking it case by case. We're advised by the professionals that we have working in the ministry — our geologists — that it's highly unlikely that anyone will find anything worth developing.

C. Evans: I think that's sufficient on the subject of uranium. I had other questions, but I think, given the unlikelihood of the event actually taking place, we can skip the other questions, at least for this year.

[1645]

I would like to move to the subject of coal and talk about coal for a while. Hon. Chair, you might have to help me because — or maybe the ministers can help me — it's hard for me to know what questions are legitimate to ask in this section. In the case of coal that is then used for power generation, I might border on questions that are more appropriately asked in some other part of these estimates. I'm going to try to limit my questions to the mining of coal, and when the minister wants me to raise it elsewhere, I guess he can just tell me.

For starters, a little bit of background. Would the minister like to explain the end use of the coal that we presently mine in British Columbia? What percentage of it is metallurgical or coking coal, and what percentage of it is used somewhere in the world for power generation?

Hon. B. Bennett: If the member wants precise percentages, I know I can get them. I probably have them in my book, but I can be fairly close, I think. Most of the coal that is produced in British Columbia is high-quality metallurgical coal. There is very little thermal coal produced in the province, but there is some. In terms of percentage, I suspect it's less than 10 percent, but that would be the order of magnitude in terms of metallurgical versus thermal.

We ship most of our coal in British Columbia out of the jurisdiction. The vast majority of it goes to Asia — to Japan and other Asian countries. That is in particular regard to the metallurgical coal. We also have some coal that's mined in this province that is consumed in this province. Frankly, it's a tiny percentage. It's used in cement manufacturing plants, and I think there may be some other minor uses of it. For the most part, British Columbia's coal industry is an export industry. It ships offshore. It also ships back east to Ontario and some to the United States as well.

C. Evans: I have been to coalmines in the East Kootenay that actually overlook the province of Alberta, and I've been to Tumbler Ridge. I have never

been to coalmines in the Cariboo. I want to ask about the proposed West Hawk development in the Quesnel area. I believe the developer's name is West Hawk Development, and I believe the subsidiary involved in the particular proposal is called Northern Clean Fuels. I think the minister is aware of this proposition. Can the minister tell us if this proposed coalmine is metallurgical coal? Or is the coal for the production of power?

Hon. B. Bennett: We should probably start this discussion, if we're going to discuss this particular project, right at the very beginning. There are two coal licences that are issued for this particular area. There are no applications that I'm aware of to do any additional exploration on these two licensed areas. There certainly is no application from the company to develop a mine there. You know — and I know the member knows this, but I think it's important that I say this on the record — we need to distinguish between what enthusiastic business people say about what they'd like to do in the future and what they're actually doing.

[1650]

In terms of what they're actually doing at Australian Creek, they're not doing very much. They had some public meetings with folks that own ranchland in the area. As I say, they have two coal licences. The last word from this particular company is that they are going to look for a coal deposit elsewhere. That doesn't mean that they have given up their licences. They haven't. But they've indicated that they are going to look elsewhere for a different coal deposit.

I don't know for sure whether it's high-grade metallurgical coal or whether it's thermal coal or something in between. If the member would like me to get that information, I'm sure I can get it.

C. Evans: Yes, I would like for the minister to get that information and just provide it to me at his leisure. I accept the difficulty the minister has with a business person's ideas as opposed to a legitimate process. I think, however, that we have a job — I have a job — here to discuss issues of public policy, and we do the job better if we discuss them before there is trauma rather than during or after.

I think the minister is quoted as saying that there will likely be more land use debate in the Cariboo area between the interests of ranching and the coal industry in the future. Using the West Hawk Development proposed mine as an example, is it in fact true that the minister has said that he expects there will be increased land use debate between ranching and the coal industry in the Cariboo?

Hon. B. Bennett: I remember the Premier saying to me, back about four years ago, that my issue as an MLA in the East Kootenay was going to be not looking for growth and trying to find jobs for people but managing growth. Frankly, that's precisely what we have where I come from and pretty much what we have around the province. We have the fortunate challenge or problem on our hands that we've got a very strong

economy, and we've got high commodity prices. We've got confidence back in the mining industry.

I want to be really clear in my public statements about mining and the potential conflicts that there are out there on the land. We are going to have more applications to develop mines all over this province, and because of that, you'll naturally have people with opinions who will express them.

Yes, there will be, I'm sure, more conflicts around the activities of all of the resource extraction industries. I'm not sure that my comment was specific to the Cariboo, but it might have been. It would apply there as it would apply anywhere else in the province.

C. Evans: I am attempting to canvass, particularly, that kind of interaction between the coal industry and the ranching industry, which is kind of the history of the Hat Creek proposal and the various — what the minister describes as — businessmen's ideas at present in the Cariboo. I differentiate between those coal deposits which tend to be in places where there is not a pre-existing land use and those which might be in competition, especially with ranching. I think that following the BSE time and the market experience that ranching has had in the recent past, it creates quite a difficulty to be faced with the coalmining industry and major capital competition in their communities.

[1655]

Neither do I wish to blame anybody. I want to address the issue of whether or not some process can be put in place before conflict occurs to avoid the situation where a mining company shows up on somebody's door, and a bidding war takes place for traditional grassland. Can we take from the case of West Hawk Development some lesson and initiate some process that would bring the mining community and the ranching community in the Cariboo together to dialogue about likely developments in future and methods that might be used to mitigate or redirect those developments?

Hon. B. Bennett: The member has the experience to know that this is the crux of this ministry. Any resource extraction industry has a real challenge, nowadays especially, dealing with applications to do things on the land base. I recognize that the member has a soft spot for agriculture and the cattle ranchers. I actually do myself.

I'll make some remarks on this specific situation here in a second, but I do want to point out that it's certainly been my experience in the five years that I've been around this place that any time anybody applies to do anything on the land.... You talk about pre-existing activity. There's always somebody that's got an interest in that piece of land or that piece of water, regardless of where it's located in the province. You can go as far away as you want — as far north or as far south or east or west — and there's always an interest by people in that land that makes it more complicated to provide access to it.

I think, more specifically to this situation, that what made this situation different was, obviously, that the

land in question was private, as opposed to Crown land. Certainly, when private land is involved, it becomes a lot more challenging to deal with the application for exploration. For example, it becomes more complicated to deal with what the rights of the subsurface tenure holder are.

We have law in this province that is very old law. In fact, it's the same law, basically, that they have across the country in terms of the difference between subsurface rights and surface rights. The subsurface rights holders have rights to do certain things that I think are a huge surprise to somebody who owns a piece of property and doesn't pay much attention to the mining industry.

I think that's exactly the description of what happened in Australian Creek. I did actually meet with one family whose ranch was involved in this situation. I met with them in Prince George. You know, I had no problem understanding how they felt about a company coming along saying that they wanted to put a coalmine on their private property.

I think we — government and the ministry — are doing a very good job of trying to educate companies about how they should build their relationships with people, whether it's private landowners or whether it's communities or first nations. We have, actually, a process that we call the joint solutions workshop process, which our ministry has been taking around the province to communities. They get everybody in a room — first nations, environmentalists, miners, foresters, government people, just about every representative you can think of — and they put a case study on the table, and they say: "Solve this."

It's usually something that looks like you can't solve it, and they work their way through it during the course of the day. By the end of the day they've actually come to a resolution. We're doing as much of that as we possibly can do around the province, because there is a skill to resolving these conflicts. I think, frankly, that the ministry is doing a pretty good job of getting better at that.

In this particular case, I think that the company was — and I've told them this, so this is not out of school — a bit clumsy about the way they went about their business there. They needed to show more respect to the private property owners. They know that, and they'll do it differently next time. I hope the member realizes that we're as concerned as anyone is about how private property owners, particularly people that live in rural areas, like ranchers, who, you know, have such a strong connection to the land they're on....

I'm not sure that we're going to change legislation, but we're aware of the issue. We're aware that it's something we're going to have to continue to work hard on over the next few years.

[1700]

C. Evans: I just want to belabour the point a little bit longer. The minister points out that subsurface rights are often not understood by surface rights owners, and I completely agree.

In my constituency, in New Denver and Silverton and other places, we sometimes can manage to resolve subsurface mining conflicts by the fact that hard-rock mining tends to tunnel in underneath far enough down that you can actually mine underneath somebody's house. In the oil and gas business, it's sometimes possible to drill underneath your land and extract value for the Crown or for an investor without disturbing your house or your farm. Coalmining, though, is quite a different situation.

[J. Nuraney in the chair.]

The situation that we face.... The reason I belabour the point is because it is possible, I think, to destabilize an entire region by initiating open-pit coalmining — destabilize it culturally, destabilize it environmentally and destabilize it economically because of the competitive values, the great difference between the value of the subsurface rights and the value of the surface property.

It's also true that it is possible that mining on one site can affect the surface value — in other words, the resale value — of everybody's property around. We all know examples of parts of the world where mining activity has not actually taken away a person's home but has rendered it impossible for them to carry on their way of life. I think that the situation I just described is more true in terms of open-pit coalmining than it is in most of the other resource values that we extract subsurface in the province.

My question to the minister is: at minimum, could we engage in a process that advises surface owners of land, where the province knows that there are coal deposits under the ground, (a) that the coal deposits are there and (b) should those coal deposits be applied for by any citizen?

Hon. B. Bennett: I can certainly assure the member that we want the general public to know as much as possible, certainly as much as is available to them, particularly if we're talking about private property owners having some subsurface rights that they don't own underneath them. The fact of the matter is that we don't know where all the coal is.

We do have an easily accessible record of where the claims are. Because of the creation of *Mineral Titles Online* — I think a great accomplishment on the part of the ministry and staff — members of the public can go on *Mineral Titles Online*. They can go into the local access centre, and they can find out if, in fact, there are subsurface claims on their private property. So it's fairly easy for people to make that determination. They can't tell what type of mineral might be in the ground by looking at that. But certainly they could tell if somebody.... Just give me one second here.

I just wanted to clarify with staff as to whether or not you could tell whether coal was part of the claim that's registered, and you cannot. You can tell that there is a claim there on subsurface rights. That's, as I say, quite easy to access, but you wouldn't know what's necessarily there.

[1705]

Frankly, if the party that owns the subsurface claims hasn't done any drilling, they're not necessarily going to know what's there either. So it's pretty difficult to tell people what's under them, but it's not very difficult to tell them if somebody has expressed an interest in that subsurface by staking a claim or registering a claim there.

C. Evans: I think we're getting close to one positive step that we might take. I have had an opportunity to see the on-line.... I don't know what you call it.

Hon. B. Bennett: *Mineral Titles Online*.

C. Evans: It's bigger than *Mineral Titles Online*, because it also involves grazing leases and road permits — the whole system that the Ministry of Agriculture has set up. I think that it would be possible — in fact, easy — at the time when we mail assessments, to include a brochure telling property owners how to access *Mineral Titles Online* so that they could determine for themselves whether or not there are applications for minerals under their property. Would the minister consider working with the Minister of Finance, or whichever is the appropriate ministry that sends out property assessments, to include a brochure to property owners teaching them how to access this information?

Hon. B. Bennett: Before I answer this question, let me correct something that I said just a second ago. *Mineral Titles Online* does not yet include coal claims, so people in the Australian Creek area would not have been able to find out about those claims on line. They could fairly easily find out about those claims by going into the gold commissioner office, which in most places — like Williams Lake — would be in with the government office. But they can't do it on line. We should have that done within the next year and a half to two years. That's just a correction of something that I put on the record a minute ago.

In terms of answering the question: good suggestion from the member. I think I get the point. I think that I can commit, certainly, to recognizing the need to educate the general public about the fact that there may be subsurface claims beneath their private property that they haven't thought about, that they're not aware of. Whether the best way to get the word out to people is the way that's been suggested by the member, I don't know. But in general, I think it's a good idea.

We are doing some things right now. We are working with the B.C. Real Estate Association, for example, to educate them and all their realtors. They have, of course, access to a lot of people who deal with a lot of other people on real estate matters, so we're educating them on this particular issue. I know that with our Mining Rocks — Job and Career Opportunities Tour 2006 to 20-some communities, we're out there talking to people all the time. We'll have the opportunity, I think, to get this out to the public. One way or the other, I do commit to the member that he's made a

good suggestion, and we'll think about how we can accomplish the goal.

C. Evans: Firstly, I just want to say I'm a little bit attached to my idea as opposed to some singular event, because should we be able to communicate in an assessment notice to citizens how to research their own property, then it could happen annually, which would then keep them abreast of the fact that the situation might change in terms of mineral applications for sub-surface rights on a given piece of property.

[1710]

Secondly, the real estate idea is great for someone who's moving west and thinks it's nirvana and doesn't actually understand that we work here, but the Australian Creek example is a family that's been there for 100 years. The ranching community generally tends to be a transgenerational industry, and real estate people will not be the appropriate way to communicate with folks who aren't moving.

Having said that, which does not require an answer, I'm going to turn it over to another MLA for his constituency issues.

J. Horgan: It's a pleasure to be participating in the estimates process with the minister of mines. I see a number of his staff who are familiar to me — capable people. Some have children who play hockey — not as well as my children, but we can dispute that.

I want to talk about gravel quarries. I don't want to discuss a specific application; I know that wouldn't get us too far. What I've discovered is that in my constituency of Malahat-Juan de Fuca — we have communities such as Metchosin, Glenora, Cobble Hill, Shawnigan Lake, Mill Bay, Langford, Highlands.... The list goes on and on. In the short time that I've been a member of this place, a number of applications have gone forward, in what are quickly becoming urban areas, for gravel extraction. It's a question with respect to any contemplation of amending the act responsible for this activity so that communities don't have to mobilize every couple of weeks to take on the latest quarry.

Hon. B. Bennett: Another good question. It's certainly something that I spend a lot of time thinking about and working with staff on.

The simple solution to resolving or getting rid of all the conflict and potential conflict that's out there is simply to not allow any gravel extraction or quarrying anywhere close to where anyone lives. The result of doing that would be to drive the price of gravel and crushed stone up to the point where we would all be paying a lot more money to our respective governments and the provincial government, because we use aggregate in the construction of highways and a lot of other things we do, and so do the regional districts and the municipalities.

Rather than choose that extreme action, we choose to try and find ways to work through the conflicts that do exist when a quarry or a gravel pit is proposed. In fact, over the past year and a half to two years, we have

had something happening in the Fraser Valley that we refer to as the aggregate pilot project. That is an attempt by us and by the Fraser Valley regional district and by all the communities in the Fraser Valley to create some kind of a model for, first of all, zoning the area as to whether or not a gravel pit should go ahead with very little discussion, perhaps, or whether it should have a lot of discussion or whether it shouldn't go ahead at all.

We're talking about, in that pilot project, of zoning red, green and yellow. It's our attempt as a government and as a ministry to recognize that there are real conflicts, that people get concerned when there are trucks on the road and they've got kids going to school. They get concerned about noise. They get concerned about dust. So let's figure out how we can have an industry to support the economic development in this province that we all want, the jobs we all want, and not have our taxes go through the roof, but do it in a way that is as respectful as possible to the people who live in the area.

The final thing that I would just say on this issue is that the price of aggregate is determined, as much as anything, on the cost of transportation. It is a heavy substance, and the further you have to truck it or take it by rail, the more expensive it is. That is just a fact of life that governments and communities and, frankly, property owners have to deal with.

J. Horgan: I thank the minister for a very thoughtful response. I share his view on the importance of aggregate to our economy, and I don't dispute that for a minute. I'm very grateful to hear that he and his staff are contemplating the challenges that gravel extraction creates for communities. I know that the staff who I've been dealing with as an MLA are doing a great job of trying to be impartial and to listen to what may well sound to them like a broken record. Community after community, application after application, and the theme remains by and large the same.

[1715]

That's not to diminish the community response to any of these issues. But I'm wondering if in the process of developing the aggregate pilot project, the minister and his staff did muse about trying to restrict the number of applications in, say, a regional district over a period of time.

That speaks to the fatigue factor of citizens who feel that they're constantly mobilizing to stop their neighbours from doing something that they don't want them to do, partly, but also, they feel that they're fighting their government. I know that's not the intent and that's not the process, but that certainly is a sentiment I'm hearing in the community. Has the minister thought about that?

Hon. B. Bennett: I will commit to the member that I will raise his idea with MLA Hawes, who is chairing the aggregate pilot project in the Fraser Valley. Certainly, the member is free to discuss this with the MLA as well. I guess I'm not supposed to use his name, but

you know who I mean. Certainly, they can put that in the hopper.

I think I need to also say that the aggregate business is subject to supply and demand, like any other business. Often if you have an area that is seeing a lot of residential construction and commercial construction — new highways and so forth — you're going to get more applications to have gravel pits. That's just the nature of the business and the way the economy works.

You're also going to find some areas where there isn't any gravel, where there is a lot of construction. The industry has to go looking elsewhere, away from where this construction is taking place, to find the aggregate. Sometimes that can put pressure on an area that's not seeing any particular amount of development, but they've got all the gravel. All of those issues are real. We know they're there, and we're doing our best to deal with them.

J. Horgan: If the minister saw the shape of my tomatoes every year, he'd know that we have no shortage of gravel in my community.

The minister doesn't realize how close we are on these issues, but again, I have to be responding to my constituents and Malahat-Juan de Fuca, in particular. If the staff were able to review the number of applications from the various communities in my district, they'd find that it's significant. That speaks to the population growth in the community. I would like to say that there's more highway development or transportation infrastructure development. That's not the case, but certainly, residential construction is booming. That's leading to strains on the more rural areas in my constituency.

I appreciate the offer from the minister to sit down with the government Whip and review the work that's being done in his area. I'd just also like to leave the minister with the thought that, as I understand it, the act governing this activity is very, very old. I know future legislation is not a subject that we would want to touch on in these estimates, but if one were looking at an act that would be requiring revision, it may well be this one. I'll thank him for his time.

The Chair: Just to remind the members that these remarks should be always within the limits of the estimates questioning only. Legislation or enactment of any legislation is not appropriate.

Hon. B. Bennett: I want to thank the member for the questions. There are a lot of interesting files that I have, and that's certainly one of them. I can't resist saying that the reason we're having as many conflicts as we are in the aggregate business is because we have a very, very strong economy, which is true of coal development and mineral development.

Just to reassure the member, I do get it, and I think he knows I get it. I think that with population increasing, with people moving out to the country for the specific reason of wanting to have a more relaxed life style

and take some of the stress out of their lives, there is a need for government to recognize that that's important, too, in addition to tax revenues, in addition to driving the economy. To the extent that that's part of the balance, I can assure the member that I'll be thinking about that as I do my job.

[1720]

C. Evans: With that pleasant interlude, I think we'll go back to coal now.

I want to ask questions about the idea of burning coal to generate power, which I think is only 10 percent of our coal mining activity in the province, according to the general answer the minister gave earlier. It is my impression that no Canadian province, with the possible exception of British Columbia, is engaged in the consideration of new coal-fired power plants. Is that the minister's impression?

Hon. B. Bennett: Well, first of all, I think that I should say for the benefit of all members, to get it on the record, that this province is incredibly wealthy in terms of its coal resources. I have seen, and I'm not sure if the member has seen it or not, a pie chart — the round chart — with a piece of the pie that represents natural gas, which is a fairly small sliver. This is in terms of hydrocarbon resources in British Columbia. Oil is another even smaller slice of the pie. The vast, vast majority of that pie in terms of hydrocarbon resources is made up of coal. So we are very, very fortunate in the province to have the coal resources that we have.

Most of it, obviously, or all of it that I'm referring to, is still in the ground. Some of it's being mined in terms of metallurgical coal; some of it's being mined in terms of thermal. The member is correct that it's a very small percentage. But there's lots of coal of all different qualities and types in the province for future generations to try and figure out what to do with.

I'm responsible for mining, and the member knows that. My colleague, the member for Peace River North, is up next. He's responsible for electricity. So I'll let him deal with the questions that relate to the generation of electricity from whatever substances — coal, oil, gas, wind or whatever else it is that the members might want to ask him about.

C. Evans: I'm just trying to figure out where the line is. So is the minister suggesting that if I wish to ask questions about the mining of coal for the generation of electricity, that whether my questions are about the mining activity or the burning of the coal, I should refer those to the next set of estimates?

Hon. B. Bennett: I'll say this as concisely as I can. It's a fair question, and there aren't that many ministers of state in government, so it's a rather unusual situation. But the member, any member, should feel comfortable in this process asking me about the mining of any substance, coal included. I can answer questions in relation to the mining of coal. Happy to do that. I'll do my best to do that.

When it comes to using the coal to generate electricity once it's been mined, then the responsibility for answering that set of questions goes to my colleague, the member for Peace River North.

C. Evans: I'm going to try to honour that line, which means, I think, delaying most of my questions till the next opportunity, but what I don't want to have happen is when I get my next opportunity, to have that gentleman say: "You missed your chance."

Interjections.

[1725]

C. Evans: Yeah, fallen into the open pit, actually, hon. Chair.

It is my impression that the expansion of production in China and India has our mining industry predicting a minimum of 500 coal-fired power plants to be built in China or India in the next ten years, and that that opportunity, that construction plan or prediction, provides us with an opportunity to sell thermal coal to those power plants. Is that the minister's understanding?

Hon. B. Bennett: I can't comment on the numbers quoted by the member in terms of what the prediction is for what's going to happen in China or India. I really don't know whether his numbers are accurate or whether the prediction will come true.

What I can tell the member is that we have a very healthy coal industry today. It started out, or for many years it was based in the southeast. It was mainly metallurgical coal. There is some thermal coal there, but it is, as I said earlier, mostly shipped offshore.

The northeast part of the province is also seeing the resurgence of the coal industry, and there are, I think, three new mines that have opened up there. There are some others that I think will open up. They mine a fairly broad spectrum of coal quality there, and again, for the most part, all of that coal is being shipped offshore. So if the member is asking whether we will continue to have a coal industry, whether we will continue to try and expand our coal industry and continue to ship that coal offshore — yes, we will.

[H. Bloy in the chair.]

C. Evans: I guess what I was attempting to establish in a sort of a planning function is the expectation of companies — perhaps not government, but I think workers and training institutions — of a great opportunity to sell thermal coal in future due to the proposed expansion elsewhere in the world. I was just trying to put on the record that such monumental numbers are not beyond the pale.

Assuming that that expansion should take place, I want to go to how the selling of such possibly large numbers of hydrocarbons from British Columbia might affect our obligation to comply with Kyoto. So my question to the minister is: when a province sells hydrocarbons in an unburned fashion, do we accrue

obligations under Kyoto or is the charge under the Kyoto provisions accrued to the country that burns the product?

Hon. B. Bennett: Well, two things in response to the question. First of all, I want to restate what I think I said already. We do not mine much thermal coal in the province. It's my understanding that we don't have as much thermal coal in B.C. as we do metallurgical coal. The price for metallurgical coal is much greater than the price for thermal coal, making thermal coal much more subject to price fluctuations. It will be metallurgical coal that will carry the day, I think, in terms of supporting the coal industry that we have today and in terms of developing the coal industry of the future.

[1730]

With regard to the member's question about Kyoto and credits and debits and so forth, from the shipping of coal offshore from British Columbia, that's a question that he's certainly welcome to ask my colleague, the Minister of Energy, Mines and Petroleum Resources, but I think it's probably a question for the Minister of Environment.

C. Evans: I take it, then, that should mining of coal for the purpose of power generation somewhere in the world happen, part of the matrix by which the Ministry of Mines is obligated to review that permit is not the impact of the mining activity on our obligations under Kyoto, and that means that the Ministry of Environment will take that role in evaluation of a mining permit. Is that correct?

Hon. B. Bennett: Well, with all due respect, I think the member's creating public policy here on the fly. I think he has to ask that question of the Minister of Environment. As tempted as I might be, I'm not going to speculate on the accuracy of what the member has conjectured here. He should ask the Minister of Environment that question, and I'm sure he'll get an answer.

C. Evans: Hon. Chair, this is great. I'm getting an education in where to go to ask questions. I'll try and avoid inappropriate questions of this minister.

Moving on to another subject, I think that the minister stated at the Mineral Exploration Roundup that he had drawn up a list of concerns to present to Ottawa about Ottawa's regulation of the mining industry following the election. Is that true?

Hon. B. Bennett: Yes, that's true.

C. Evans: I wonder if the minister would share with us his list of concerns.

Hon. B. Bennett: I'd be happy to tell the member what concerns I have, in some cases, already taken to the federal government. In other cases I have not yet had the opportunity to talk to the right minister. If that's what the member wants, I'd be happy to do that.

C. Evans: That's correct. If it's a relatively short list that exists in his mind, I'd like the minister to tell us now and on the record. Otherwise, I'd like him to send me the information.

Hon. B. Bennett: We're struggling a little bit to remember everything that I had put on the list. I would be more than happy to prepare a list or to have a list prepared for the member. Obviously, there is no secret to any of it. There are issues that are important to the mining sector in the province that the federal government has involvement with. Those are issues that I would be talking to them about. If the member is satisfied with that, I'd be happy to get the list to him.

[1735]

C. Evans: I am satisfied with that, and I would like to see the list. I'll assume that staff will send it to me when they get a chance to prepare it.

The minister has also stated that in the past four years we eliminated a third of our regulations in terms of how they affect the mining industry. Is that correct?

Hon. B. Bennett: That is correct. It is my understanding that roughly a third of the regulation impacting mining was done away with over the past five years.

C. Evans: Can the minister assure us that...? I'm not going to ask for the regulations that were eliminated, because I presume that it's an extensive list and not something that we can canvass here, but I would like to know whether any of the regulations affect worker safety in any way.

Hon. B. Bennett: It's certainly my opinion that any changes that we made to legislation have not reduced the health and safety of people who work in the mining industry, if that's the member's question.

C. Evans: That is the member's question. Not just legislation, but also regulatory regime and policy. I want to be assured by the minister that when he says, "We have reduced regulations," he means land-based regulation and operational regulations that do not affect worker safety — not just legislation.

Hon. B. Bennett: I think the best way to answer the question is by stating a fact. The fact of the matter is that miners are safer today than they were five years ago, safer today than they were ten years ago. There are fewer fatalities in the mining industry. As I said in my warmup, for eight out of the last ten years, mining is the safest heavy industry in the province. The trend line is actually moving towards it being an even safer industry. I think that's certainly the best illustration of the fact that we as a government haven't done anything to undermine the safety of workers in the mining industry.

C. Evans: That's a good answer. That's what I wanted the minister to say.

I think we only have time for one more question. I'd like to ask a little bit about the need for workers. Everywhere I go people talk about the likelihood of a shortage of skilled labour. I wonder if the minister wants to comment on our present capacity to provide younger workers or new entrants to the industry with the skills that they require to get their first job in the mining industry.

Hon. B. Bennett: Another very germane question. The mining industry certainly tells me that that is their number-one issue going forward. Commodity prices are great. There's confidence in British Columbia again in terms of the investment community out there. But do we have enough people to actually build the mines and build the infrastructure that's needed to operate the mines? Projecting out over the next ten years, we don't have enough people to do that.

[1740]

This fact applies not only to mining; it applies to most of our sectors, actually. But it applies, I think, particularly to mining because of the average age of most people that work in operating mines.

This ministry has done a number of things. We have the Mining Rocks jobs and opportunities tour, which is bringing people into the industry, often, who have jobs in towns like Smithers and Cranbrook and Nelson and all the other places we've been. Many people came to the jobs and opportunities fair already having a job, but not a good job, not a job that paid them as much money as they wanted to make. They learned about mining and followed up, and in some cases actually found jobs right on the spot. That's a small thing, but it's important that we do that.

We've also got the prospector training program that we just expanded that I referred to in my opening remarks. That started in Smithers but is being expanded to other community colleges in the province. We've got the mining apprenticeship program that's actually based out of the College of the Rockies in Cranbrook. The college is in partnership with Elk Valley Coal. Fording River mine, which is one of the mines that's owned by Elk Valley Coal, now has 50 apprentices. They used to have only ten just a few years ago. The Elkview mine has, I understand, between 20 and 30 apprentices. They used to have about five to eight, so that mining apprenticeship program is working.

My colleague in Economic Development is also working on the development of programs that will get more people trained to work not only in the mining industry but in other industries. I don't know whether he's been through the estimates process yet or not but there's... I don't mean to keep steering the member off to somebody else, but he is in charge of skills development generally in the province.

We're well aware in this ministry of what's needed. I think, actually, we've grabbed the bull by the horns, and we've got a number of initiatives on the ground. We're also part of the Mining Education Network with the Mining Association of B.C. and the... They'll kill

me if I call them the B.C. Chamber of Mines, because they've changed their name to.... What is it?

Interjection.

Hon. B. Bennett: The Association for Mineral Exploration B.C. We are all partners in the Mining Education Network, where we go out and find ways to get people trained for the industry. The industry itself is really stepping up to the plate. It's a very innovative and responsive industry, as it turns out, and they're doing their share as well.

We recognize the problem. We probably need to do more, and as we go forward, we'll try and find more and more ways to find more people and train them.

C. Evans: I've received a helpful script, and I would like to move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:43 p.m.

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