

## Changes to the NWPA: Background

The NWPA mandates that, if someone wants to build something in, on, around, under, over, or through a navigable waterway, such projects are subject to an **assessment of the impacts on navigation** (ability to canoe, kayak, go rafting, etc) and an **environmental assessment** (in accordance with CEAA) before they can be approved.

Thus, the amendments to the NWPA that were recently included in **Part 7 of the federal government's Budget Implementation Act (Bill C-10)** will have repercussions for both access to and environmental protection of Canada's waterways.

These amendments include:

- The removal of the four named works (bridges, causeways, dams, and booms) as obstructions to navigation
- Granting the Minister the authority to create "classes of works" and "classes of navigable waters" – ie: separating them into "major" and "minor" categories –and exempt them from all or part of the Act as the Minister deems fit
- Granting the Minister sole discretion to determine what constitutes a "significant interference with navigation"

Not only have the above amendments been proposed without proper stakeholder input, but this new Ministerial discretion would not be checked or balanced by any public consultation, transparent disclosure or Parliamentary review.

The NWPA was originally enacted in 1882. It is one of Canada's oldest pieces of legislation, and there is no doubt that some parts of the Act may need to be modernized—however, in the name of "cutting red tape" to speed up the building of infrastructure projects and stimulate the economy, the federal government is introducing harmful amendments that were recommended in a report dated June 2008 by the Standing Committee on Transport, Infrastructure and Communities, which failed to consult Canada's outdoor recreation, outfitter and ecotourism, First Nations, angler and hunter, and environmental communities, all affected stakeholders.

Navigation is a purely federal responsibility under the Constitution. Even when projects trigger provincial EA processes, these do not specifically require that the public right to navigation be considered. In short, both navigation and environmental rights are being sacrificed for short-term economic gain. The result will be less federal protection for the rivers, creeks, lakes and seas where Canadians paddle, raft, fish and play.

These effects will be felt by recreational and outdoors communities, from participants to ecotourism businesses. A few examples of potential effects include:

- Sea kayaking: Aquaculture farms may be established without providing a safe and effective navigation channel, which could effectively sever sea kayak routes.
- Fishing: Rivers with the potential of being restored for the purpose of reintegrating fish and aquatic life may not receive protection under the proposed amendments.
- River Paddling: Canoeists and kayakers may face increasing obstacles in their waterways such as culverts and small-scale hydroelectric dams. Seasonal and remote wilderness waterways may no longer be protected.
- Whitewater kayaking: Important sites may be considered to be not navigable and thus not protected due to the high number of “obstacles” along the waterway.

Potential environmental effects of the proposed amendments include:

- Obstruction of migratory fish populations
- Increased water toxicity levels, interfering with ecosystem health
- Increased water temperatures, interfering with the ability of fish to reproduce

The Canadian Rivers Network (CRN) has one key request for the federal government:

**Decouple the proposed amendments to the Navigable Waters Protection Act from Bill C-10, the Budget Implementation Act.**

These changes to the NWPA are not a budgetary matter, and should be treated as a separate piece of legislation, with a transparent process that allows for adequate stakeholder consultation.

Bill C-10, the BIA, is expected to go to a special joint meeting of the Transportation, Infrastructure and Communities committee and the Finance committee on Monday. Representatives of the Canadian Rivers Network and other organizations will be making brief presentations to encourage the federal government to treat the amendments to the NWPA as a bill of its own, separate from Bill C-10.

**For more information:**

Websites: [www.ispeakforcanadianrivers.ca](http://www.ispeakforcanadianrivers.ca), [www.waterkeeper.ca](http://www.waterkeeper.ca), [www.ecojustice.ca](http://www.ecojustice.ca)

Facebook Group:

<http://www.facebook.com/topic.php?topic=7203&post=30045&uid=54338330449#/group.php?gid=54338330449&ref=ts>

Facebook Cause: <http://apps.facebook.com/causes/214743?m=f6a2e5a8>

Twitter: [www.twitter.com/SaveNWPA](http://www.twitter.com/SaveNWPA)