



Every Lake, Every River

DOES THE CANADIAN NAVIGABLE WATERS
ACT RESTORE PROTECTIONS AND IMPLEMENT
MODERN SAFEGUARDS?

EMMA LUI, WATER CAMPAIGNER, COUNCIL OF CANADIANS



Changes to one of Canada's oldest water laws

- ▶ Navigable Waters Act
- ▶ Navigation Protection Act
- ▶ Canadian Navigable Waters Act



IT'S TIME TO PROTECT EVERY LAKE, EVERY RIVER

By Adam Jones, Ph.D. CC-BY-SA 3.0

“Stephen Harper’s changes to the Fisheries Act, and his elimination of the Navigable Waters Protection Act, have weakened environmental protections. We will review these changes, restore lost protections, and incorporate more modern safeguards.”



Definition of a navigable water:



“navigable water means a body of water...that is used or where there is a reasonable likelihood that it will be used by vessels...as a means of transport or travel for commercial or recreational purposes, or as a means of transport or travel for Indigenous peoples of Canada exercising rights recognized and affirmed by section 35 of the Constitution Act, 1982, and [emphasis added]

- (a) there is public access, by land or by water;
- (b) there is no such public access but there are two or more riparian owners; or
- (c) Her Majesty in right of Canada or a province is the only riparian owner.”

DOES THE NEW NAVIGABLE WATERS ACT PROTECT **ALL** WATERWAYS?



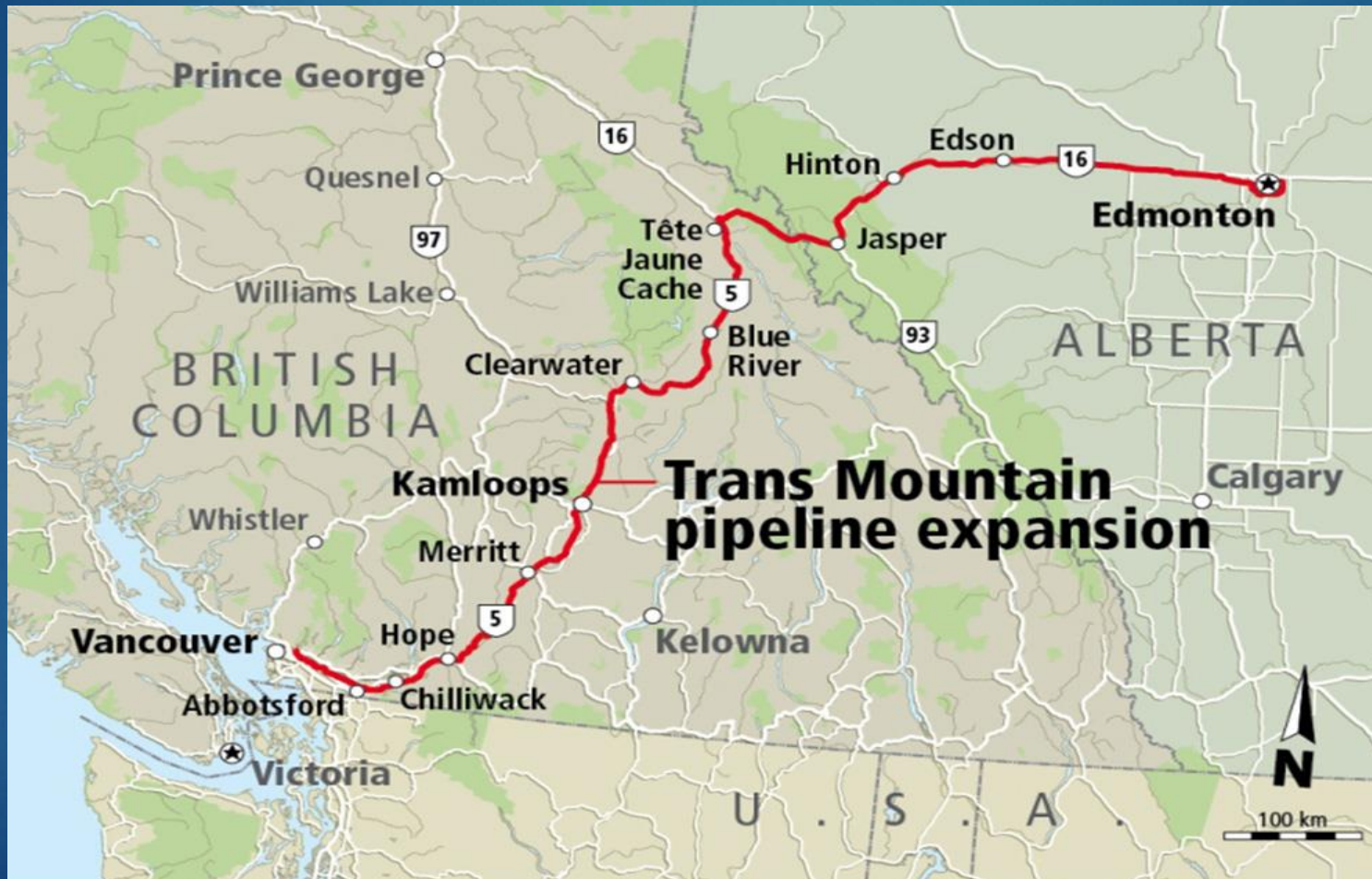
Federal Oversight & Protections:

Project Type	Impact on navigation	Waters on the Schedule (list)	All other navigable waters
Minor work 	Slight interference	<input type="radio"/> No approval needed	<input type="radio"/> No approval needed
"Medium" work <i>not minor or major</i>	Medium interference	<input checked="" type="checkbox"/> Must apply for approval	<input checked="" type="checkbox"/> Must apply for approval OR invite public comments
Major work 	Significant interference	<input checked="" type="checkbox"/> Must apply for approval	<input checked="" type="checkbox"/> Must apply for approval

The proposed NWA restores **some** lost protections for waterways. Unlike pre-2012 laws, less projects need approval and the environment is not considered.



Pipelines and power lines still exempted from the act

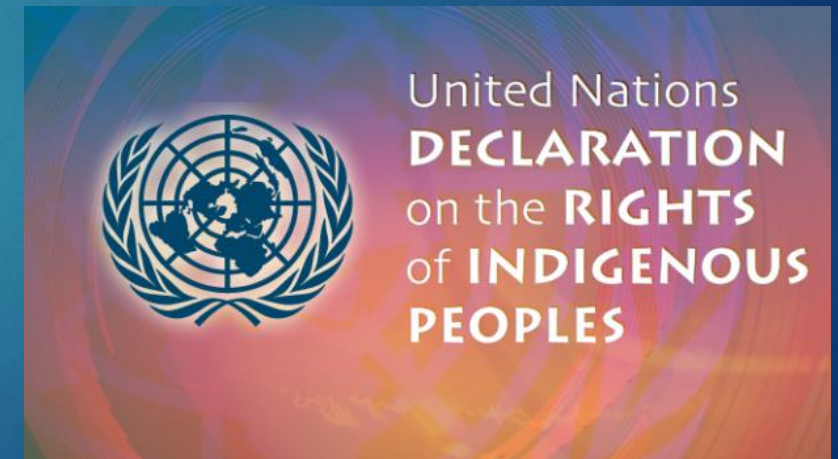


Approval after activity begins



“The Act must provide a mechanism to ensure that the government does not authorize conduct that may affect the lands or territories of an indigenous group without that group's free prior and informed consent consistent with the UN Declaration.”

Navigation Protection Review
Submissions of the
Blueberry River First Nation



Water legislation that enshrines the human right to water

We urge the federal government to scrap the proposed CNWA and table much stronger water protection legislation that:

1. Protects all lakes, rivers and drinking water sources from being put at risk by phasing out extreme energy and water intensive projects.
2. Protects oceans, ecosystems, marine life and the integrity of water itself to remain as intact as possible in watersheds.
3. Requires free, prior and informed consent as outlined in the UN Declaration on the Rights of Indigenous Peoples.
4. Enshrines the UN human rights to water and sanitation.
5. Appoints a federal water minister who would advocate for the protection of water.



#EveryLakeEveryRiver

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