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**Métis Nation British Columbia Comments
Review of the Navigation Protection Act**

Submitted By:
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RE: Navigation Protection Act

In general, the original wording of the Act indicated that a watercourse had to first be defined as navigable, and this led to a lengthy and cumbersome review process as various methods were used to determine this metric. Subsequently, a list of scheduled water courses was created to assist proponents that built stream-crossing structures in their applications and to ensure that non-navigable waters were not constantly under review. The stream-lined review process was a necessity, but there are a number of recreationally used, navigable waterways that are not scheduled.

- Which criteria do you believe should determine the navigable waters subject to the Navigation Protection Act?

Major watercourses, important for commercial, social and recreational values are currently provided on the scheduled list of watercourses. However, in addition to these considerations, size, peak and trough flows, and access should be combined when considering feasibility of navigation within a watercourse. Many non-scheduled watercourses are regularly used for recreational boaters and fisherman, and this access should be protected.

- Do you believe additional protections are needed under the Navigation Protection Act, and if so, why?

No. Although some definitions and criteria should change, the overriding protections provided by Act are in line with its intended purpose. Water quality, fisheries, and other biota are all covered under different forms of legislation. This Act does, and should continue to, serve in physical impediments to recreational, traditional, and commercial navigation of watercourses. No additional protections are considered necessary.

- Is the authorization process under the Navigation Protection Act sufficiently streamlined, clear, and transparent to the public?

Adding priority watercourses to a scheduled list has been effective in streamlining permit applications and clarifying the application process. However, the use of the original determination of navigation is a more functional way to ensure the protection of navigable waters; clarity and speed should not be at the expense of functionality. Transparency is sufficient, as members of the public can get information on approved permits by request.

- Are the obstructions provisions in the Navigation Protection Act sufficient to protect navigation safety in Canada's waterways?

No. Currently obstructions are only considered on scheduled watercourses. This limits a number of watercourses that are frequently used for social and recreational purposes. There should be a mechanism for all watercourses to be appropriately considered when potential obstructions are proposed.



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The Métis Provincial Council of British Columbia was first incorporated under the Society's Act on October 23, 1996. In 2003 the Métis leadership ratified the "Métis Nation British Columbia" (MNBC) Constitution thereby establishing a new Métis Nation governance structure. Since 2003, the Métis Nation British Columbia (MNBC) leadership has implemented a number of institutions of governance such as the Senate, Métis Nation Governing Assembly, Youth representation, Women's representation, an Electoral Act, and an objectively verifiable citizenship process. MNBC represents thirty-six (36) Métis Chartered Communities in British Columbia and is mandated to develop and enhance opportunities for Métis communities by implementing culturally relevant social and economic programs and services.

Representing more than 14,000 provincially registered Métis citizens and a majority population of nearly 70,000 self-identified Métis people, the MNBC is recognized by the provincial and federal governments and the Métis National Council as the official governing organization in the province of British Columbia.

MNBC will work cooperatively to ensure that its Citizen's Aboriginal rights are respected and appropriately addressed. MNBC will work diligently and in good faith to protect all the natural resources that Métis people have, and continue to rely on, as a way of life and cultural connection. MNBC's vision is to build a proud, self-governing, sustainable Nation in recognition of the inherent Rights of our Métis Citizens.

Respectfully,

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Métis Nation British Columbia