

Restore the Navigable Waters Protection Act

In 2012, the Harper government gutted the former Navigable Waters Protection Act in omnibus bills C-38 and C-45. C-38 removed pipelines and power lines from provisions of the Navigable Waters Protection Act while C-45 significantly reduced the Act's scope over Canada's waters. The word "water" was even removed from the Act when it became the Navigation Protection Act.

Council of Canadians chairperson Maude Barlow has commented, "The Harper government killed the Navigable Waters Protection Act, stripping protections from 99 per cent of lakes and rivers in Canada. Major pipelines and inter-provincial power lines now have the green light to cross over and under more than 31,000 lakes and 2.25 million rivers without federal scrutiny."

During the October 2015 federal election, the Liberals promised to "review these changes, restore lost protections, and incorporate more modern safeguards."

- Protections must be put back on all lakes, rivers and waterways, so that every lake and every river is protected.
- Reinstate and strengthen federal scrutiny of large pipelines and power lines under the Navigable Waters Protection Act and assessment of waterways under Canadian Environmental Assessment Act.
- Implement strict safeguards for waterways within the framework of the United Nations-recognized human right to water and include a clause in the Navigable Waters Protection Act so that potential spills or discharge of harmful substances are assessed for their impact on all navigable waters.
- Hold thorough public consultations and independent expert panels and incorporate feedback to strengthen the Navigable Waters Protection Act.
- Consult with Indigenous communities and incorporate the obligation to obtain free, prior and informed consent into the Navigable Waters Protection Act so that Indigenous treaty and water rights are respected and a nation-to-nation relationship is truly established.
- Ensure that a consultation process is established that fosters true collaboration between communities and government so regulatory agencies implement community recommendations on an ongoing basis. Develop clauses that establishes a community's right to say "no" to projects that threaten waterways and empowers communities to create low-carbon, sustainable jobs that safeguard water.

The Trudeau government has only announced public consultations and independent expert panels for its reviews on the Canadian Environmental Assessment Act and the National Energy Board. Protection for navigable waters affects residents and communities from coast to coast. The Trudeau government must also hold public consultations and create an independent expert panel for its review on the Navigation Protection Act.