

Friday February 20, 2009

Dear Fellow Paddlers,

My name is Chuck Lee and I have been paddling in Canada for 36 years and currently I volunteer on several national, provincial and local paddling groups to promote and develop the sport that I love.

I am writing to you tonight to talk to you about a serious threat to your right to paddle your canoe, float your raft, jetboat up a remote river, kayak down a river or drift your river boat down your favourite trout stream here in Canada. I hope that you have been following the news on the planned amendments to the Navigable Waters Protection Act and this is my synthesis of the key points in this discussion that you should be aware of.

Parliament is currently debating the revisions of the Navigable Waters Protection Act within the passage of Bill C-10, the Budget Implementation Act. Last spring the Transport Committee held hearings and invited representatives from the provinces, municipalities, transportation industry, and commercial interests without getting input from the actual river user groups. Before we knew what was happening the Committee hearings had closed and they had prepared their final report. The only remediating action that was promised was a promise made to the recreation and tourism industries that a full public hearing would be held before this bill could be passed. But last month the government inserted the NWPA act into the Budget and is pushing this omnibus bill through without giving the paddling community an adequate chance to voice its concerns about the impact the changes will have on Canadians' rights to use our waterways.

We need your help in contacting your local MP and the committee members about this issue. Here are the points that I believe are critical for river users in this country.

There are two issues that are being debated within the context of this debate.

1. 1. The navigation of public waterways and the role of government in protecting that right for all users on any waterway
2. 2. The environmental protection of watersheds

I believe that as paddlers the first point is the most important one for us because there are other federal and provincial agencies that are responsible for environmental assessments and protecting the aquatic environment. This includes Environment Canada and the Department of Fisheries and Oceans on the federal side. Provincially there are several overlapping agencies that have responsibility for environmental issues. One of the key things the Federal government needs to do is reconcile its responsibilities with the provincially legislated mandates. All too often federal vs provincial bureaucracy overlaps and we pay too much in taxes to keep doing this. Not that the environment isn't important to me or to paddlers. But this is the Navigable Waters Protection Act and there are other environmental legislation that is in place to protect our rivers. So I want to talk about the issue of navigability and how the proposed changes will affect Canada's waterways.

On the issue of navigation there are two key points in the new legislation that is of concern to me:

1. 1. The designation of minor and major waterways and the removal of protection for smaller non-industrial rivers

2. 2. The definition of activities and works on rivers that require navigation review by government

I have several points to make on these issues. The first is the acknowledgement that the NWPA is now less about commercial shipping and more about recreation and tourism uses by canoeists, kayakers, rafters, powerboats, driftboats, jetboats, and other boating groups. The needs of these groups is no less important than the commercial shipping industry and in terms of public safety the recreation and tourism users are actually more vulnerable.

The intent of the original NWPA was to keep open the commercial shipping routes and prevent logging and mining operations from blocking fur trading and mineral exploration routes into Canada's wilderness. However the current purpose of the NWPA is more about maintaining the safety of our riverways for the public to use. This is no different from having government standards for highway construction, cycling paths and hiking trails. The difference is that a river is a moving and living entity that does not allow the user to put their feet down and stop when they come to a hazardous obstacle. The river keeps rolling along and will float the boater into whatever obstacle or hazard awaits downstream.

Imagine having local landowners being able to string a cable across a country road and the carnage it would inflict if motorists were not able to stop in time. Or having a town build a long tunnel on a bike path with a low ceiling in the middle where you have to dismount or risk being decapitated. Or having a local industry dig a ditch into a road or path that would trap the unsuspecting traveler and cause them to plunge off the edge of this lip into a hole where escape was impossible. Obviously we don't allow this for our land based transportation and we shouldn't allow this for our water based transportation either, be it for commercial or personal uses. We don't segregate or discriminate commercial trucking industry from the personal vehicle in terms of highway safety, why would water safety be different and yet that is what is being suggested through this legislation. Only the largest commercial shipping routes will be protected in the future.

I have seen telecommunication lines, electrical lines and barb wires strung across our rivers at a height just above the water surface that would clothesline a river traveler. I have seen culverts and bridges built that did not have sufficient clearance in them and that turned into people snares when obstacles stuck in the openings or on the piers. I have also seen perfectly engineered drowning machines – weirs and low head dams - constructed to build a head of water for industrial users. I know rivers that have been siphoned dry to provide mini-hydro power without regard to the river's recreation and tourism values.

What is being proposed in the revised NWPA would allow for the Minister to designate most of our rivers as minor waters that do not deserve protection under the Act. And it would allow for minor works (ie. cables and lines, fences, culverts, bridges, dams and other obstructions) to be exempted by cabinet.

It could be argued that the situations described above wouldn't occur because people wouldn't do that to other people, because of the liability involved to the proponent, and because our governments will protect our interests. However we have historical evidence that this legislation is required to protect the public from government, industry and landowners that would create safety hazards for river users. How many people in this country will die when new hazards are

built that are not controlled under the revised NWPA? This level of risk to the public is not acceptable now or in the future

I concur that there should be amendments to the NWPA to bring it up to date, but the NWPA is a significant public **safety** tool today that is not replicated in provincial law and is fundamental to the protection of Canadian society.

I would suggest that the amendments to the NWPA be pulled from the passage of Bill C-10 and further studies be undertaken immediately to allow for a proper public debate with all stakeholders being asked to contribute.

I am asking you to take a few moments to send a note to your MP and the other federal politicians that you know that could assist us in decoupling the NWPA from the budget implementation act so we can carefully evaluate how this historic legislation can be updated without jeopardizing your safety and the safety of our children from future developments.

So why not take ONLY THREE MINUTES to drop your name into an email and send it to:

- Your MP (<http://canada.gc.ca/directories-repertoires/direct-eng.html> )
- The PM ([Harper.S@parl.gc.ca](mailto:Harper.S@parl.gc.ca))
- The Minister of Transportation ([Baird.J@parl.gc.ca](mailto:Baird.J@parl.gc.ca))
- The Minister of the Environment ([Prentice.J@parl.gc.ca](mailto:Prentice.J@parl.gc.ca))
- The leader of the Opposition ([Ignatieff.M@parl.gc.ca](mailto:Ignatieff.M@parl.gc.ca))

Please distribute through your networks and encourage people to write to their MP along with the short list below and the members of the following standing committees of parliament, insisting on a full public consultation before amending the NWPA.

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Anyhow those are my thoughts. I think that our voices will have an impact upon the deliberations next week. And hopefully this is a winning tactic.

Thanks for your energy in pursuing this on behalf of paddlers everywhere.

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