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Sent: Wednesday, February 25, 2009 9:04 PM
To: 'OSBALDD@tc.gc.ca'; 'Rajotte.J@parl.gc.ca'; 'Tweed.M@parl.gc.ca'
Cc: 'LafraM@parl.gc.ca'; 'Volpe.J@parl.gc.ca'; 'Bevington.D@parl.gc.ca'; 'Brown.L@parl.gc.ca'; 'Dhaliwal.S@parl.gc.ca'; 'Kennedy.G@parl.gc.ca'; 'Jean.B@parl.gc.ca'; 'Hoepfner.C@parl.gc.ca'; 'Gaudet.Ro@parl.gc.ca'; 'MayesC@parl.gc.ca'; 'Watson.J@parl.gc.ca'; 'Anne Merklinger'
Subject: NWPA Amendments & Canoe Kayak safety

Dear Mr. Tweed, Mr. Rajotte and Mr. Osbaldeston,

Following the Finance Committee meeting on the NWPA amendments we wish to reiterate CanoeKayak Canada's concern about the possible impacts upon the safety of Canadians paddling on Canada's waterways due to changes in the Act. Has the Canadian Marine Advisory Council's *Standing Committee on Recreational Boating* had an opportunity to review your proposals to amend the NWPA? If not, we believe this to be a serious oversight. We hope you can clarify this.

The Act is currently applied in a manner which presumes navigability for canoes and kayaks. Essentially, this ensures all approved works are not injurious to human life. Any change to the existing NWPA which changes this fundamental aspect of the current Act will have the impact of effectively constructing obstructions which will not only make some waterways non-navigable but may also make the construction of Transport Canada approved Works threats to human life.

The proposed Section 5.1 states; "*Despite Section 5 (which states; all works must be approved by the Minister.), a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section (5) if the work falls within a class of works, or the navigable water falls within a class of navigable waters established by regulation or under Section 13*". As you know, Section 13 permits the Minister to "*establish classes of works or navigable waters.....*" Essentially, the amendments permit the Minister to classify some waterways and some types of works as not requiring approval by the Minister. This is an entirely new section of the NWPA and will affect the administration of the NWPA. We feel it is important to know what works and what types of waterways are anticipated to be exempted in order that a proper assessment can be done with regard to safety issues.

From our reading of the proposals, it is not clear to us as to how the proposed changes are going to be implemented such that there will be no increased threat to human life. Since we are already recognized (by Transport Canada itself) as an authority on canoeing and kayaking, we feel we should have been and still should be consulted on all aspects of changes in Federal legislation or the resulting regulations which affect canoe and kayak safety in Canada.

We are gravely concerned and we hope you can let us know what consultations with regard to canoe and kayak safety you have conducted prior to bringing these recommendations forward.

Sincerely,

John Edwards
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