

Water in Canada is left unprotected

Did you know that 99 per cent of the lakes and rivers in Canada are no longer protected by federal legislation?

What's more, lakes, rivers and other waterways have no protection at all from pipeline or powerline projects.

In 2009, the former Harper government began slowly clawing back protections from the *Navigable Waters Protection Act* (NWPA). The final blow came in Bill C-45, a 2012 omnibudget bill. Aside from removing the word "waters" from the title of the act and renaming the legislation the *Navigation Protection Act* (NPA), Bill C-45 stripped protections from 99 per cent of lakes and rivers, leaving only three oceans, 97 lakes and 62 rivers under the purview of the NWPA. The scant list of waters protected under the NPA, set out in the schedule of the act, does not include some of the largest lakes in Canada.

Dating back to 1882, the NWPA is one of Canada's oldest pieces of legislation. Originally, the NWPA prohibited any "work" constructed or placed in, on, over, under, through or across any navigable water without the federal Transport Minister's approval. If the project was deemed to substantially interfere with navigable waters, it automatically triggered an environmental assessment under the *Canada Environmental Assessment Act*.

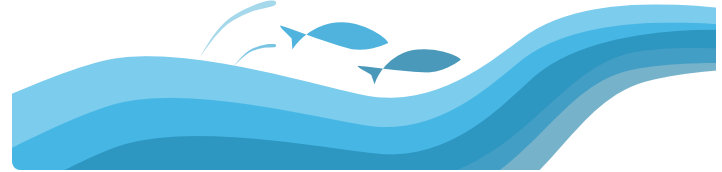
The NWPA was weakened in the 2009 budget when the former Harper government created a tiered classification system that allowed certain projects to be exempted from federal scrutiny.

Key changes to the Navigable Waters Protection Act

Ecojustice's 2012 legal background on Bill C-45 and the NWPA highlights the intimate link between navigation and environmental protection. According to the background, Bill C-45 legislated several significant changes to the act including:

- Companies will not have to notify the federal government that they are building a "work" that interferes with navigation, and will not need to get the Minister of Transport's approval.

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our lakes & rivers



- The Minister will no longer have authority under the *Navigation Protection Act* to remove obstructions, or request that they be removed. This could have serious environmental consequences. Sunken vessels and other obstructions may release harmful substances.
- The changes remove all automatic public consultation requirements, ignoring the public's democratic right to provide input on projects that could potentially interfere with navigation and consequently harm the environment.

Increased risks to drinking water

The Council of Canadians' report, *On Notice for a Drinking Water Crisis in Canada*, showed that there were thousands of people who could not drink their water in Canada in January 2015. There were 1,838 drinking water advisories at that time, some in effect for between five years and 15 years. There are routinely more than 100 drinking water advisories in First Nation communities at any given time. Canada has yet to implement the human right to water and sanitation and lacks legally binding national drinking water standards.

Yet the 2012 omnibus budget bills implemented sweeping changes to environmental laws and removed critical safeguards for water protection. The former Harper government promoted water-intensive and polluting industries such as tar sands development and mining by gutting much needed environmental legislation such as the NWPA, it cut funds to critical water research, and muzzled scientists conducting research on these polluting industries.

An access to information request made by Greenpeace revealed that the 2012 budget bill changes made to the NWPA, Fisheries Act and other environmental legislation were guided by the advice of industry associations.

Tar sands pipelines, fracking, mega-dams and mining all pose serious risks to drinking water sources and could result in an increase of people who cannot drink their water in Canada.

Chorus of voices against delisting lakes and rivers

There has been widespread opposition from musicians, outdoor enthusiasts and indigenous and environmental organizations, all decrying the former Harper government's efforts to promote oil, gas and other projects at the expense of communities' lakes and rivers. Canadian musicians like Sarah Harmer, Tragically Hip's Gord Downie and Feist spoke out against the changes to the NHPA. Mountain Equipment Co-op CEO David Labistour presented a list of 40 important waterways – half of which are Heritage Rivers – that are no longer protected.

In the fall of 2012, four Saskatchewan women started Idle No More, one of the largest movements in Canada in decades, with a teach-in on the removal of protections from water. The Mikisew Cree First Nation launched a legal challenge against the federal government for the omnibudget bills, which they won in January 2015 when Federal Court Justice Roger Hughes ruled that the Harper government should have consulted with First Nations before introducing bills C-38 and C-45.

Protected lakes and rivers in Conservative ridings

Other political parties have all expressed deep concerns about the impacts on watersheds. While Bill C-45 may have appeared to be a blanket delisting of the majority of lakes and rivers, 89 percent of the lakes and rivers that remained protected under the NHPA were in then-Conservative ridings. Only 20 per cent of the "protected" lakes were in ridings held by New Democrats and only six per cent in then-Liberal ridings.

Shortly after Bill C-45 was introduced, Francis Scarpaleggia, Liberal critical for water policy and public safety, wrote, "As a Quebec MP, I am particularly concerned that only four lakes in Quebec will remain protected with these changes. Canada's waterways across the country are an integral part

of our natural environment and part of our world renowned heritage. Protecting them must not be a partisan exercise."¹

The New Democratic Party of Canada launched a campaign to reinstate protections to the lakes and rivers in Canada, starting with the Canadian Heritage Rivers. In April 2013, 10 private members bills were introduced to restore protections on waterways. Later that summer, NDP MPs launched a second round of bills that targeting lakes and rivers in Conservative ridings.

Green Party Leader Elizabeth May repeatedly spoke out against the delisting of all but one per cent of the lakes and rivers in Canada: "This is nothing less than tragic for the majority of Canadians who love and respect our waterways from coast-to coast-to coast. Even rivers like the Margaree River in Cape Breton, a National Heritage River, will no longer be covered by the NHPA. The only river listed in the entire Yukon is the Yukon River."

Take action! #Pledge2Protect a lake or river near you

The Council of Canadians has launched an initiative to raise awareness about the need to protect our water and call on Members of Parliament to reinstate protections. You can join in by gathering a group of people and taking a photo at a lake or river in your community that is no longer protected. Be sure to download a sign from www.canadians.org/worldwaterday – or make one of your own – calling on your Member of Parliament (MP) to reinstate protection for that lake or river. You can then tweet the photo to your MP or post on their Facebook page asking them to #Pledge2Protect it. Or email us a photo you take of a lake or river you love and we will add it to the gallery with a message calling for it to be protected. Together, we will show the importance of protecting our cherished lakes and rivers.

¹ <http://www.davenportliberals.ca/blog/2012/10/31/conservatives-make-waterway-protection-partisan-leave-most-of-quebecs-rivers-and-lakes-unprotected/>

For more information about the Council of Canadians' water campaign, visit our website at www.canadian.org/water, or call us toll-free at 1-800-387-7177.