



October 28, 2016

Standing Committee on Transport, Infrastructure and Communities  
House of Commons, Ottawa

**Re: Navigation Protection Act**

Thank you for the opportunity to submit these comments.

As we all know, water gives and sustains life. Access to safe drinking water is a fundamental human right and a prerequisite for the realization of other human rights and living with dignity. In 2010, the human right to water was recognized in a historic vote by 122 of the 192-members of the United Nations. Canada abstained from that vote. The Government of Canada's attitude toward the right to water is illustrated internationally and domestically. For example, Canada was the only country to withdraw from the UN Convention to combat drought and its effects.

Nationally, the Government of Canada's disregard to water quality, safety, and human rights is shown by the more than 100 First Nation communities, which at any given time, are under boil water advisories and the estimated 200 First Nation communities that have water systems that put residents' health at risk. A reckless attitude towards the health and protection of water including navigable waterways is also illustrated by the absence of robust legislation that manages the impacts of human activity and climate change on these precious resources.

Canada's water and environmental protection regime is inadequate to protect the quality and health of our natural resources and ecosystem of which humans are apart. Under Omnibus Budget Bill C-45, the previous Conservative Government eliminated environmental protection of 99% of Canada's lakes and rivers when the *Navigable Waters Protection Act* was replaced with the *Navigation Protection Act* (NPA). In the NWT, only three water bodies retain some environmental protection – Great Slave Lake, Great Bear Lake and the Mackenzie River. The NPA also exempted large projects such as pipelines from scrutiny so their impacts are no longer assessed for any navigable waterway. Lack of federal protection of our many lakes and rivers is worrisome for residents in the NWT as there is no modern legislation to protect our water against climate change, drought, and risky industrial activities such as fracking and mining, or to enforce trans-boundary water agreements with neighbouring jurisdictions.

In the last few years, the NWT has experienced unprecedented forest fire activity and low water levels. But still, fracking was permitted in the Canol area without any environmental assessment, policy guidance, or legislative means to assure us that our water including navigable waterways are protected. This activity was permitted even though fracking is well-known as contributing to the depletion of water resources, widespread environmental and public health problems, contamination of surface water, long-term risks to underground water sources, and concerns about the impacts of toxic chemicals and the release of natural contaminants, organic pollutants, and naturally occurring radioactive material into the whole ecosystem.

The Conservative Government also rolled back regulation of water-harming activities including those impacting navigable waterways. For example, changes to the *Federal Fisheries Act* permit mining corporations to dump toxic waste directly into lakes and rivers, and removed the hard-fought protection of fisheries habitat, a vital component of ecosystem health. Again, this is troubling for the NWT as the Canada/NWT land and resources devolution agreement downloaded administration (including clean-up) responsibilities to the Government of the NWT but the Government of Canada retained decision making power for major industrial projects. The responsibility to assess and make provisions for the environmental impacts of exploration and development continues to reside at the federal level. Lack of robust federal

environmental assessment legislation and territorial regulatory legislation that protects our fragile ecosystems and navigable waterways is a constant concern.

It is worrisome that lack of strong federal and territorial legislation to protect our water could exacerbate the perpetual care required to contain the highly toxic 237,000 tonnes of arsenic trioxide stored underground at Giant Mine and keep it out of the groundwater and Great Slave Lake. It is also troubling that the massive amounts of fresh water used upstream in tar sands production are altering natural drainage patterns, changing the water table, and impacting navigable waterways throughout the Athabasca River and Mackenzie River Basins. None of the companies working in the tar sands have met provincial regulations requiring them to clean up the almost 200 sq. km. of tar sands tailings ponds and none are being forced to meet legally binding reclamation targets. Further, there is no independent monitoring regime in place, even though Suncor has undiluted waste water leaking into the Athabasca River that contains arsenic, ammonia, chloride and polycyclic hydrocarbons which are cancer causing chemicals. Ongoing wastewater spills and flooding show just how close we are to a crisis, from which there is no turning back. These are just two industrial activities that pose risk to navigable waterways and to the health of our ecosystem.

Every effort must be made to protect our lakes and rivers and navigable waterways. The June 2013 Rosenberg International Forum report on the Mackenzie River Basin stated that the Basin may be the most threatened in the world by climate change. This is because it is the largest cold water basin on the continent and therefore, the lynch pin that holds the ice-water-weather-climate of North America together. Robust legislation to protect and manage water resources including navigable waterways must be in place to address these modern-day challenges.

We urge the Standing Committee to recommend:

- Legislation and national policy to protect all lakes, rivers, watershed, and waterways in all Canadian jurisdictions. Rigorous Federal Government scrutiny and assessment of any activities that potentially impact the health of our lakes, rivers, watersheds, and waterways.
- Each jurisdiction in Canada be required to enact legislation that bolsters Government of Canada law and responds to regional risks to water resources.
- Meaningful consultations and accommodations that reflect responsibilities under the United Nations Declaration of Indigenous Rights for free, prior and informed consent in recognition of Indigenous treaty and water rights.
- Strict safeguards for waterways and watersheds within the framework of the United Nations recognized human right to water and sanitation.

Thank you for your efforts to protect the health of Canada's waterways now and for future generations.

Sincerely,



Lois Little,  
Co-Chair,  
NWT Chapter