



SUPPORTING PAPER #1:

CONTEXT FOR THE NAVIGATION PROTECTION ACT REVIEW

July 2017

Introduction: Review of Environmental and Regulatory Processes

The Government of Canada is reviewing the changes to the [Navigation Protection Act](#) (NPA) to fulfill its commitment to restore lost protections and incorporate modern safeguards. This is part of a broader [review of environmental and regulatory processes](#) that aims to strengthen and restore trust in Canada's environmental assessment and regulatory review processes.

Consultation has been at the core of these reviews. The expert panels and parliamentary committees that undertook the reviews heard from provincial and territorial authorities, Indigenous peoples, industry representatives, scientists, academics and the public from coast to coast. They heard views on what does and does not work in our current environmental assessment and regulatory processes.

Based on the advice and recommendations delivered by the expert panels and parliamentary committees and consultations by departments, the Government is proposing direction for modernizing environmental assessment and regulatory processes that regain public trust, protect the environment, introduce modern safeguards, advance reconciliation with Indigenous peoples, ensure good projects go ahead, and resources get to market.

Please see the [Environmental and Regulatory Review Discussion Paper and Website](#) for more information on all four elements of the review.

Background: Navigation Protection

The common law protects the public right of navigation, which gives people free and unobstructed passage through navigable waters. Only federal legislation can authorize interferences to navigation. The primary purpose of the NPA is to ensure the public right to navigate is protected in the context of economic development projects (e.g., bridges and dams) in Canada's navigable waters.

The *Navigable Waters Protection Act* (NWPA) was amended in 2009, and again in 2012, at which time it was renamed the NPA. The most recent amendments focused regulatory reviews on Canada's busiest commercial and recreational navigable waters.

As part of the broader comprehensive review, the Government of Canada is reviewing the changes to the NPA to fulfill its commitment to restore lost protections and incorporate modern safeguards.

Proposals for Changes to the NPA

After carefully considering what was heard during the first phase of the NPA review from provinces, territories, Indigenous peoples, industry, and interest groups, **Transport Canada is seeking feedback on proposed changes that would:**

- Restore lost protections for the public right of navigation (**see Supporting Paper #2**);
- Partner with Indigenous peoples (**see Supporting Paper #3**); and
- Promote open, accessible, and transparent processes (**see Supporting Paper #4**).

Transport Canada is also undertaking a department-wide review of its cost recovery regime, and will be seeking feedback from Industry on which NPA activities could be delivered under a cost recovery model going forward.