

Navigable Waters Protection



An overview of the ...

- Application of the NWPA
- Program Delivery

The objective of the Act ...



To Protect the Public Right of Safe Navigation



There are 3 parts to the NWPA



- Part I** **Regulates the construction of works (such as bridges, booms, dams, pipelines, docks, marinas, etc) built or placed in, on, under, through, or across navigable waterways; and provides for the removal of works which obstruct navigation.**
- Part II** **Deals with the removal of wrecked vessels which obstruct navigation (and any obstacles which could affect navigation such as dumping of gravel, earth and sawdust).**
- Part III** **Provides the authority to regulate ferry cable operations, and swing and draw bridges.**

Acts and Regulations



Regulations Pursuant to NWPA

- Navigable Waters Works Regulations;
- Navigable Waters Bridges Regulations;
- Regulation of Ferry Cables and Swing or Draw Bridges;

Other related Acts and Regulations

- Ocean Dumping Control Act and Regulations;
- Collision Regulations;
- Boating Restriction Regulations;
- Private Buoy Regulations;
- National Energy Board Act sect. 58.29, 108 & 109;
- Canadian Environmental Assessment Act

How does TC administer the NWPA?



By:

- **assessing the impact of works on the public right to navigation and marine safety through an application and review process**
- **enforcing the provisions of the NWPA**
- **determining adequate markings for proposed works**
- **conducting site inspections and investigations**
- **Investigating and following up on complaints**
- **conducting public consultation (fed/prov and marine community)**
- **conducting final inspections to verify that works comply with plans and conditions**
- **notifying Canadian Hydrographic Service (CHS) of works for charting purposes**
- **issuing and following-up on notices relating to works (eg NOTSHIPS)**

Where does the NWPA apply?



The Act applies to all navigable waterways in Canada.



What is a navigable waterway?



Administrative definition of navigability:

- **Navigable Waters includes any body of water which is capable, in its natural state, of being navigated by floating vessels of any description for the purpose of transportation, recreation or commerce, and includes a canal or any other body of water created or altered for public use, as a result of the construction of any work;**
- **also includes any waterway where the public right of navigation exists by dedication of the waterway for public purposes or by the public having acquired the right to navigate through long use.**

What is a Work?



- **Section 3 of the act states;**
 - (a) *Any bridge, boom, dam, wharf, dock, pier, tunnel or pipe and the approaches or other works necessary or appurtenant thereto,*
 - (b) *Any dumping of fill or excavation of materials from the bed of a navigable water,*
 - (c) *Any structure, device or thing, whether similar in character to anything referred to in this definition or not, that may interfere with navigation.*

What is a vessel?



- Section 14 of the act states;

“vessel” includes every description of ship, boat or craft of any kind, whether propelled by steam or otherwise and whether used as a sea-going vessel or on inland waters only, including everything forming part of its machinery, tackle, equipment, cargo, stores or ballast.

What type of authorization do I need?



Formal Approval

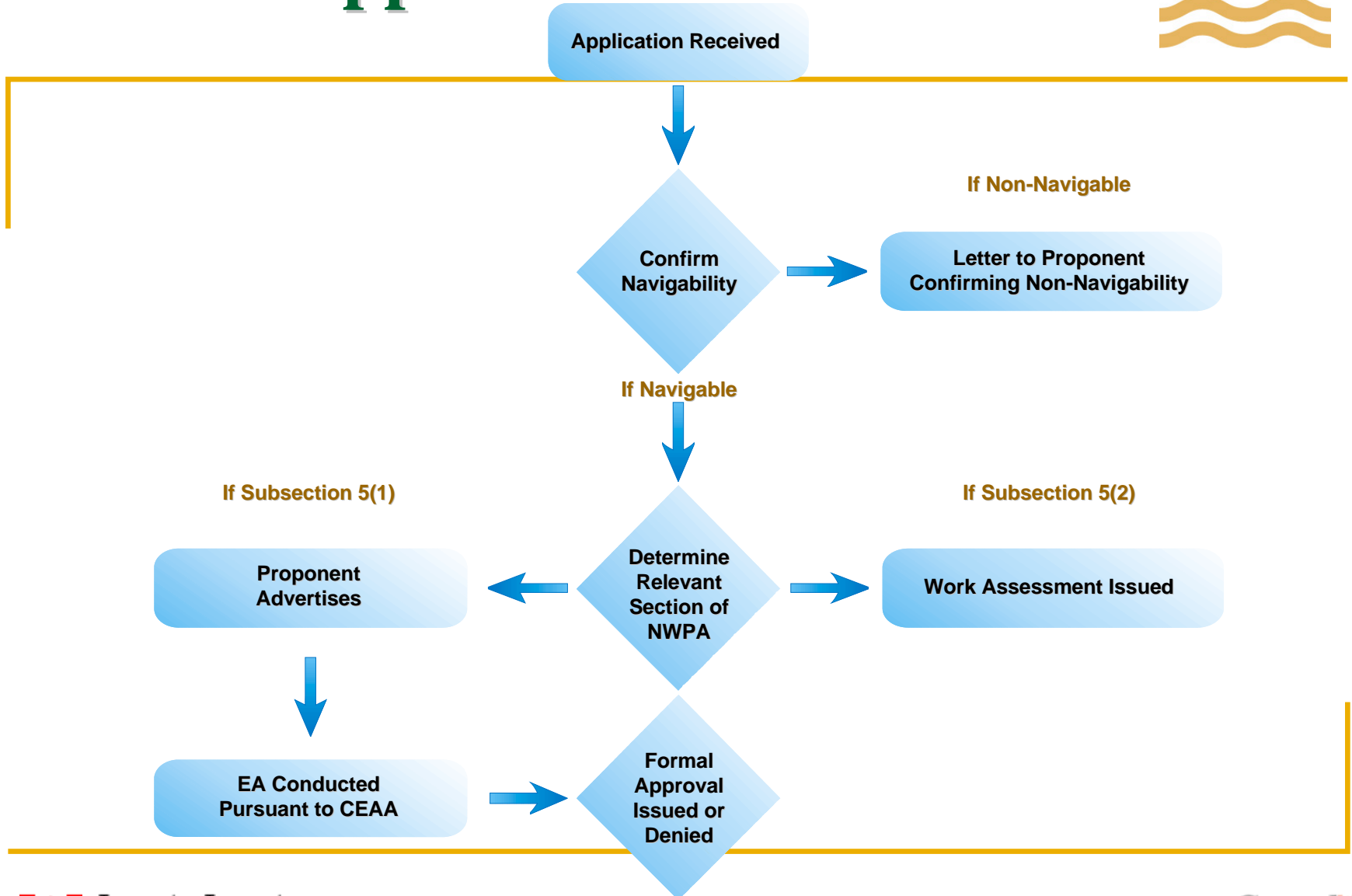
- Process followed for a work that is considered to substantially interfere with navigation or a named work under the NWPA (bridge, boom, dam, and causeway). Or, during the review it is determined that navigation aids are required to ensure marine safety.

Work Assessment document

- This process is used when the work does not substantially interfere with navigation and is not a named work.



NWP Approval Process



Approval Duration



Depending on the kind of work which is approved, the approval document may range from 5 to 50 years.

Example

Marina – 30 years

Wood Bridge - 25 years

Steel Bridge – 50 years

When approval period for work lapses it will require new approval by Minister

Review Process Timelines



- Complete application accepted for review, 0
- Determine which provision of the Act applies, 1 month
- Internal review of navigation impacts, including external referral to waterway users, 1 month
- Environmental assessment (if required), 3 months
- Completion of advertising requirements, 2 months

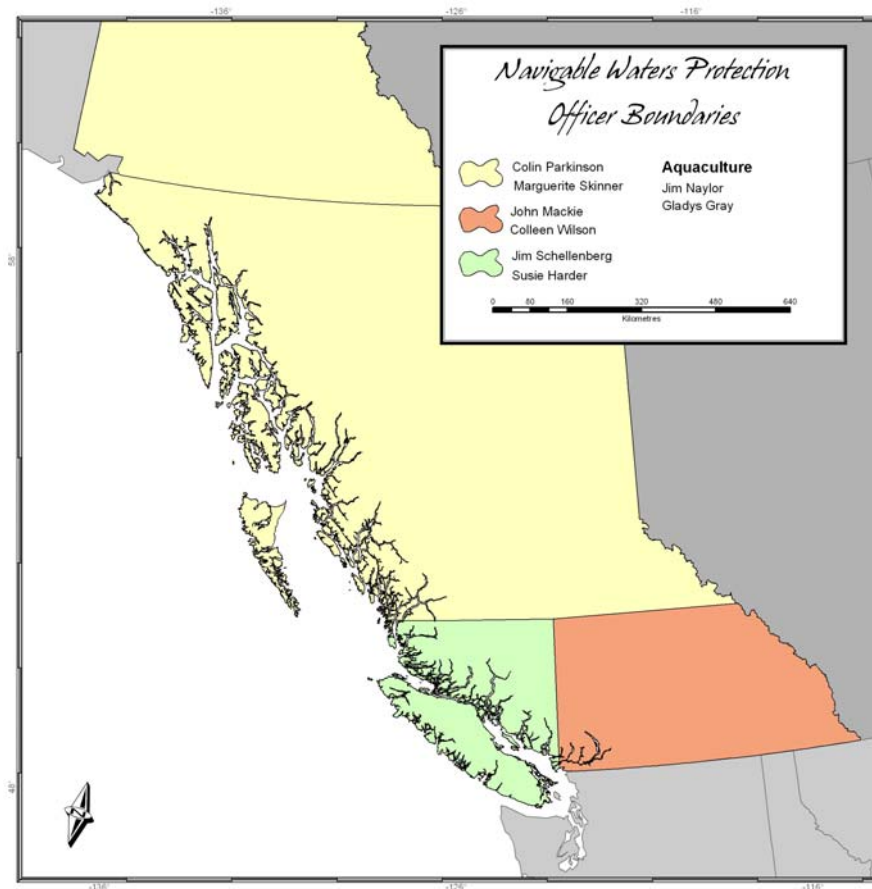
Depending on the identified navigation and/or environmental issues, the approval process can take 4 – 6 months, or longer.

Who may apply for approval?



- **Upland property owners**
- **Consultants**
- **Developers**
- **Corporations**
- **Other Government Departments**

NWP Area Boundaries



Navigable Waters Protection



Thank You