



NEWS RELEASE

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FOR IMMEDIATE RELEASE

NAN FEARS CHANGES TO NAVIGABLE WATERS PROTECTION ACT THREATENS FIRST NATIONS' LIVELIHOOD

THUNDER BAY, ON: Nishnawbe Aski Nation (NAN) Grand Chief Stan Beardy fears impending changes to the Navigable Waterways Protection Act (NWP) under consideration by the Government of Canada threatens First Nations who have relied upon navigable waterways to sustain their livelihood for centuries.

“It is unacceptable that NAN First Nations were not consulted and that our traditional way of life was not considered during the development of the recommended changes put forth by the Standing Committee on Transport, Infrastructure and Communities (SCOTIC),” said Nishnawbe Aski Nation (NAN) Grand Chief Stan Beardy. “The fact that these proposed changes are being considered for implementation without proper consultation and input from the people of Nishnawbe Aski is not only wrong, but in contravention to the Crown’s fiduciary duty to consult and accommodate First Nations enshrined in the Canada Constitution Act.”

In June 2008, SCOTIC put forth eight recommendations to change the NWP. NAN is especially concerned with the following recommended changes:

- Proposed amendments to the definition of navigable waters to exclude minor waters and that the new definition should clearly state what constitutes “navigable water.”
- Proposed amendments to the definition of “work” under the NWP to exclude “minor works.”
- Proposed deletion of specific reference to each of the four “named” works (bridge, boom, dam and causeway) under Section 5(2) of the *Navigable Waters Protection Act* without compromising the review of works which impede or obstruct navigation.

Beardy is concerned that these proposed changes would make it easier for large scale projects to be undertaken in First Nation territories without proper environmental protections. As well, proposed changes would shift the responsibility for conducting environmental assessments from the Government of Canada to First Nation communities, many of which do not have the capacity to do so.

“Proposed changes to the NWPA should not be included in Bill C-10, the Budget Implementation Act, as part of the Government of Canada’s \$40-million economic stimulus package,” said Beardy. “We are not opposed to a fiscal stimulus to aid in the recovery of the Canadian economy, but it is unacceptable that such economic expedience would come at the expense of First Nation rights and environmental protections.”

Nishnawbe Aski Nation is a political territorial organization representing 49 First Nation communities within James Bay Treaty 9 and Treaty 5 territory – an area covering two-thirds of the province of Ontario.

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