



## Canadian Navigable Waters Act

### Proposed Amendments to the Minor Works Order

On August 28, 2019, the Minister of Transport announced the coming into force of the [Canadian Navigable Waters Act](#), to restore and better protect the right to move freely on Canada's navigable waters.

Following the coming into force of the Canadian Navigable Waters Act, Transport Canada:

- published the [Major Works Order](#), which designates the types of works that are likely to substantially interfere with navigation, and for which owners must apply for an approval on any navigable water;
- published the [Order Amending the Schedule to the Canadian Navigable Waters Act](#), which added 25 navigable waters to the schedule of the Act including eligible Heritage and wild and free-flowing rivers;
- released a new tool, called the [Common Project Search](#), a registry where Canadians can search for past, current and proposed works on navigable waters; and
- released a new [project review tool](#) for owners of works to understand their obligations under the Act and an [online submission site](#) for owners to submit applications for approval.

#### Consultation activities for development of an updated Minor Works Order

Transport Canada is consulting on updates to the existing **Minor Works Order**, which includes requirements for certain types of works in order to be considered as “pre-approved”.

Transport Canada is inviting applications from Indigenous communities or organizations to support their involvement in the review of the proposed updates to the Minor Works Order.

To support the consultations, Transport Canada has published a discussion paper on the Minor Works Order, available at <https://letstalktransportation.ca/cnwa>. The discussion paper:

- a) explains the process used to identify the types of work considered to be likely to slightly interfere with navigation; and
- b) explains the proposed requirements and conditions that would apply for each type of minor work, and seeks feedback.

Transport Canada is requesting that feedback on the discussion paper be provided by October 6, 2020. Transport Canada understands that Indigenous communities and organizations may require additional flexibility or time to gather views and provide input due to the COVID-19 pandemic. Please contact us at [NPP-Secretariat-PPN@tc.gc.ca](mailto:NPP-Secretariat-PPN@tc.gc.ca) to discuss any concerns and alternative arrangements that may be required or if an online/virtual presentation on the Minor Works Order is required.

#### Minor Works Order

The [Minor Works Order](#) designates the types of works considered by Transport Canada to be slight interferences to navigation. Owners of minor works are allowed to construct, place, alter, rebuild, remove or decommission their work, if they meet the requirements established in the Order.

In May 2019, Transport Canada, through its “Let’s talk” website, launched an initial discussion paper on its proposal to review and update the Minor Works Order. The 2019 discussion paper briefly described the types of works captured by the existing Minor Works Order, along with a proposed approach for seven potential new classes under consideration by Transport Canada.

Transport Canada heard a range of views from Indigenous people, other levels of government, and industry, in response to this initial discussion paper. From the Indigenous community and other respondents, we generally heard support for the proposed inclusion of additional types of works in the Order. Other views suggested that every work on navigable waters should be subject to approval, or that owners of all minor works should be required to post details of their proposals on the public registry.

### **Available Funding**

Participant Funding levels for consultation activities for the Minor Works Order are available for eligible recipients up to \$4,000 for single groups<sup>1</sup> and up to \$7,500 for aggregates<sup>2</sup> for the following eligible activities:

1. Organize or participate in meetings with Indigenous organizations or communities to enhance knowledge, strengthen awareness, and gather views to provide to Transport Canada, related to proposed regulatory, policy, and program changes for navigation protection; and
2. Review documents (e.g., discussion paper(s), supporting materials) and prepare written submissions that represent the views of Indigenous organizations or communities on proposed regulatory, policy and program changes for navigation protection.

Please see the attached documents for further details about available funding, program requirements, and the application process:

- Applicant’s Guide
- Application Form

In order to request funding for these activities, please complete the application form and return it to Transport Canada at Indigenous Participation Funding Program / Programme de financement pour la participation autochtone [IndigenousParticipation-ParticipationAutochtone@tc.gc.ca](mailto:IndigenousParticipation-ParticipationAutochtone@tc.gc.ca) by September 16, 2020. Following that date, applicants will be advised of funding decisions in a timely manner. Costs

become eligible on the date the applicants are informed of funding approval. A letter of approval will be sent to recipients to advise them of this date.

Please note that to be considered in decision-making, views will need to be provided by the deadlines that will be established by the relevant discussion document.

Notes:

<sup>1</sup> Single group means an indigenous community/Band or Settlement.

<sup>2</sup> An aggregate means an Indigenous community or collective representing more than one Indigenous community.