



Transport Canada
4900 Yonge St #400
North York, Ontario
M2N 6A5

[Submitted Electronically]

RE: Modernizing the Navigable Waters Works Regulations and the Navigable Waters Bridges Regulations under the Canadian Navigable Waters Act

On behalf of the Prospectors & Developers Association of Canada (PDAC) and our more than 8,200 individual and corporate members, we commend Transport Canada on its efforts to modernize regulations under the CNWA. The following recommendations are intended to assist the focus, clarity, and alignment of this modernization.

PDAC supports Transport Canada's proposed updates, including removing references to the *Navigation Protection Act*, eliminating redundancies, and modernizing communication methods with the inclusion of radio communication, consistent with other shared-use environments like logging roads.

Defined Activities and Impacts

Clearly defining activities regulated under the Act is an important step in ensuring consistent and predictable application of the Act across projects and jurisdictions. These definitions should apply to both new and historic or existing works which may have been constructed by proponents other than those conducting the present works.

These definitions must align with the criteria for "no interference". No interference should focus on minimum allowances required to maintain navigability, rather than zero-interference. This can be achieved by establishing measurable thresholds for: navigational clearance (vertical and horizontal clearances as required for vessels which could navigate the waterway), visibility, alterations to water levels or flows, and clarification on physical obstructions that could hinder navigation or create hazards.

Providing clear definitions and measurable thresholds and applying them consistently across regional offices will enable greater proponent self-assessment and fewer reviews of minor or low risk works.

Exclusion of Smaller Waterbodies

Excluding smaller waters from the definition of "navigable water" is a vital step in supporting proponent self-assessment and reduced regulatory burdens. Excluded waters should include:

- Seasonal creeks, streams, or ditches that have average flows and levels incompatible with navigation (e.g., dry creek beds and flood channels that experience sufficient flow only during snowmelt or heavy rainfalls)
- Narrow or shallow permanent waterways with insufficient average depth, width, or flow to accommodate small vessels (i.e., depths <30 cm or widths <2m at average water levels)
- Isolated or landlocked waterbodies (e.g., small ponds, wetlands, vernal or ephemeral pools) with non-navigable connections to broader waterway networks



- Artificially maintained waters designed for non-navigational or utility purposes (e.g., man-made ditches, irrigation channels, and stormwater systems)

These exclusions must be evidence-based and consistently applied across jurisdictions to ensure efficient and predictable processes.

Coordinated Federal Processes

Modernization of the CNWA would be well complimented by a review of coordination opportunities between Fisheries and Oceans Canada (DFO) and Transport Canada. Applying coordinated Indigenous consultation models, collaborating on identification of low-risk activities, and developing joint compliance tools would greatly support the government's commitment to reducing red tape.

PDAC appreciates Transport Canada's efforts to modernize the CNWA, and thank you for your consideration of this matter. Please contact Jeff Killeen (PDAC Policy & Programs Director) at jkilleen@pdac.ca should you wish to discuss our comments further.

Kind regards,

A handwritten signature in blue ink, appearing to read 'JKilleen', with a horizontal line extending from the end.

Jeff Killeen
Director, Policy and Programs