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ANCIENT SPIRIT, MODERN MIND

# Huu-ay-aht First Nations Engagement on the Canadian Navigable Waters Act and the Wrecked, Abandoned or Hazardous Vessels Act

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## Background

The Indigenous Participant Funding Program Capacity Component aims to advance reconciliation with Indigenous Peoples by supporting the capacity of Indigenous communities and organizations to participate in processes and activities related to the Canadian Navigable Waters Act (CNWA) and Wrecked, Abandoned or Hazardous Vessels Act (WAHVA). The specific objectives of this project are to identify areas of cultural and ecological importance to Huu-ay-aht First Nations (HFN) in relation to the CNWA and WAHVA, build HFN capacity to engage with Transport Canada, and to build a procedure for HFN to respond to inquiries from Transport Canada that will preserve HFN's cultural interests and development capacity.

## The Canadian Navigable Waters Act (CNWA)

The CNWA aims to protect waters on which the public has the right to travel (navigable waters). It seeks to achieve this by:

- Restoring lost protections so that recreational boaters can continue to travel Canada's vast network of rivers, lakes and canals for years to come;
- Delivering greater transparency about proposed projects that could affect navigation;
- Allowing good projects to move forward; and
- Providing opportunities for Indigenous people to partner with Canada in the administration of protections and safeguards.

The Act is relevant to the interests of Huu-ay-aht given the numerous navigable waters which flow through the Treaty Settlement Lands and the broader ḥahuuḥi, and upon which the Huu-ay-aht exercise their rights, including cultural and economic activities.

## Key Questions

1. How does navigation (travel) on waterways impact you? E.g., what happens if you or your community cannot use the water to travel or have less access?
2. How can Transport Canada better seek your input on its activities, such as adding waterways to the schedule? How do you want to be engaged by Transport Canada?
3. What navigable waters within the ḥahuuḥi do the Huu-ay-aht use to exercise their rights, requiring protection under the Act?



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4. In what ways does Huu-ay-aht currently monitor navigable waters, enforce rules, or make decisions in relation to navigable waters? How would you like to see Huu-ay-aht involved in this?
5. How can we best ensure that Huu-ay-aht traditional knowledge is considered, protected, and included in any approval process for projects related to navigable waters?

## The Wrecked, Abandoned or Hazardous Vessels Act (WAHVA)

The WAHVA aims to protect coastal and shoreline communities, the environment and infrastructure. The legislation governs wrecked, abandoned and hazardous vessels (problem vessels) and establishes a compliance and enforcement regime. The Act seeks to achieve the following:

- Improve vessel owner responsibility and liability
- Address irresponsible vessel management, including a ban on vessel abandonment; and
- Enhance federal powers to take proactive action on hazardous vessels.

Under the new Act, you may not:

1. Abandon your unwanted vessel.
2. Cause your vessel to become a wreck because you fail to maintain it.
3. Sink, strand or ground your vessel on purpose.
4. Without being authorized, leave your vessel in poor condition in the same area (within a radius of three nautical miles) for more than 60 days.
5. Leave your vessel adrift for more than 48 hours without taking measures to secure it.

This act is relevant to the interests of Huu-ay-aht given their cultural-ecological, and economic dependence on coastal and shoreline ecosystems. Problem vessels can pose hazards to the environment, public health and safety, and local industries such as fishing and tourism – all of which are of critical importance to the culture and economy of the Huu-ay-aht. Many Huu-ay-aht citizens own and operate vessels themselves, meaning the new Act may apply to their activities.

### Key Questions

1. Are there wrecked, abandoned or hazardous vessels that need to be addressed currently within the coastal and shoreline areas of Huu-ay-aht's Treaty Settlement Lands and the broader ḥahuuti?
2. In what ways do wrecked, abandoned or hazardous vessels impact the rights of the Huu-ay-aht, including cultural and economic activities such as fishing and tourism?
3. How might Huu-ay-aht be involved in the coastal and shoreline clean-up of wrecked or abandoned vessels?
4. Is this Act problematic for Huu-ay-aht citizens who own and operate vessels?

For more information or questions on this project, contact:

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