Updated Guidelines for *Navigable Waters Protection Act (NWPA)* Applications under the Navigable Waters Protection Program (NWPP) - June 5, 2013

**Background:**

On December 14, 2012, proposed changes the *Navigation Protection Act* ([NPA](#)) formally known as the *Navigable Waters Protection Act* received Royal Assent. However, changes to the *NPA* will not be implemented until the spring of 2014.

In the interim, Alberta Transportation must apply using the following procedures.

Note: Two significant changes have occurred to allow for applications that are more efficient.

A) Reductions in the types of projects that require a CEAA review (see bullet # 10).

B) Include all records of aboriginal consultation as per the TRANS consultation process (see bullet # 15).

**Procedures**

1. Application form is attached however there are periodic updates. Please check for updates at [http://www.tc.gc.ca/wwwdocs/Forms/80-0020E_1207-05_E.pdf](http://www.tc.gc.ca/wwwdocs/Forms/80-0020E_1207-05_E.pdf). This form can be filled out electronically and send to NWPP as long as all attachments can be electronically sent.

2. The Alberta Transportation (TRANS) project sponsor, project administrator (etc.) must sign the application form. Navigable Waters will reject it otherwise because TRANS (as the owners) have not signed it.

3. Examples for NWPA applications have been provided in the attached package. Bridge drawings must follow the example given (TRANS' ‘N’ drawings). Culverts require that a navigation envelope of 3 meters wide by 1.5 meters high be drawn on the culvert.

4. NWPP requires locations of watercourse crossing structures to be in **latitudes** and **longitudes**.

5. Include a covering letter to the application package that gives an expanded explanation of why this project is being undertaken (e.g., this culvert is collapsing because of ________ reason and a replacement is needed to protect the safety of the travelling public).
6. All maps require scales. Additional maps (as per the attached example) are required for TRAN’s applications. As can been seen by the package the more information and the more detailed the better.

7. A new feature is adding stream profile visuals showing slopes. This type of ‘visual data’ is very easy to interpret and will help speed matters up.

8. Do not miss anything in the MUST item checklist on the Navigable Waters Application form. For example, the most common error is not including six copies of drawings showing Q₂, the elevation of the bottom of the river, the elevation of the underside of the scaffolding, and the underside of the girder. As can be seen by the following flowchart of Navigable Waters Protection Program’s (NWPP) process the application must get past the screening process and into an officer’s hands as quickly as possible. If something is missing, the application will be rejected. (See below how to calculate Q₂.)

9. If an application is rejected for some reason, the faster the re-application can be submitted the faster the ‘turn around’ process for approval.

10. The Canadian Environmental Assessment Act (CEAA) has limited the types of projects that require a CEAA review. Only submit an Environmental assessment to TC if this project has been identified as needing a CEAA assessment.

11. At this point, there is a central point of contact for NWPP. NWPP was being inundated with too many requests about the same file. If you have a request about a file please email or phone Dana Becker (780-422-7623 or dana.becker@gov.ab.ca) and/or the Environmental Coordinator in your region.

12. Do not leave applying to NWPA until the last minute. Lack of planning does not constitute ‘emergency’ status.

13. Follow the Minor Works and Waters (NWPA) Order and the NWPA. This order is currently be revised and as soon as the changes are enacted TRANS will send out documentation on the changes.

14. Include public consultation comments (if completed) including who and when the person was contacted and what the results of the discussion were.

15. Include aboriginal concerns and comments (e.g. results of our consultation process). Even if there is only pre-consultation, please send the documentation
to TC. TC is accepting TRANS’ consultation as all the consultation that is required. In this case, the ‘crown’ is considered as both as provincial and federal governments. There is no need for a federal agency to repeat the consultation process if the province has adequately done so.

16. Proposed Clearance Box Reference Level Calculation Procedure

For crossings over navigable waterways, $Q_2$ must be determined for identification of the reference level for the navigation clearance box. For sites that have a nearby WSC gauge with a significant record length (> 20 years), $Q_2$ can be determined as the median of published annual extreme mean daily flow values. For all other sites, $Q_2$ can be estimated as a fraction of the design flow ($Q_{des}$) as determined by the TRANS’ Hydrotechnical Design Guidelines on TRANS’ website. The fraction can be determined as the reciprocal of the $Q_{des}/Q_2$ ratio identified in the analysis above. This results in:

$$Q_2 = \frac{Q_{des}}{(4 + 600S)} \quad S < 0.01$$

For sites with basins with significant drainage area higher than 1500m in elevation, lower ratios may be applicable. For sites with channel slopes > 0.01, $Q_2 = \frac{Q_{des}}{10}$ can be used.

Once $Q_2$ has been determined, the reference water level can be determined using the typical channel parameters as identified in the calculation of $Q_{des}$ in an open channel flow hydraulics tool, such as the TRANS’ Channel Capacity Calculator tool. The reference water level can be taken as the design water level minus the difference in depth between $Y_{des}$ and $Y_2$.

As the ratio is based on a lower envelope curve, the resulting reference water level should be a very conservative approach to meeting the NWPA Q2 practice. In addition, an analysis of flow durations indicates that navigation availability is not sensitive to this value. In cases where navigability requirements appear to govern the minimum gradeline across a bridge, further refinement of the reference water level and clarification of the navigation clearance criteria should be considered.
Navigable Waters “Process”

Timeframes

All Applications come to Edmonton office

All applications are go to the ‘screening room’

10 days

Application Complete?

If no, application is returned to proponent.

Assigned to NWPP officer

45 days

Navigable Impact Assessment

Refer to Transport Canada’s Environmental Assessment Staff

Advertising

Refer to Transport Canada’s Aboriginal Consultation Staff

Approval Issued

Timeframe dependent on other reviews and/or

Information required but if there are no delays the whole process should take no more than 90 working days dependent on project complexity.
NAVIGABLE WATERS PROTECTION ACT (NWPA) APPLICATION FORM

NAVIGABLE WATERS PROTECTION ACT REQUEST FOR WORK APPROVAL

Failure to complete all the requested sections of this form and to provide mandatory documentation will result in your application being returned. (*) indicates a mandatory field.

WARNING to all applicants and agents – any false or misleading statement on this form or relating to any document in support of this application, including concealment of any material fact, may lead to refusal to issue an Approval or suspension or cancellation of an Approval and be grounds for criminal prosecution.

NOTE: Prior to completing this form, self-assess your project against the Minor Works and Waters (Navigable Waters Protection Act) Order to determine if an application is required. http://canadagazette.gc.ca/rp-pr/p1/2006/2006-45-00/html/notice-ava-eng.html#id103

I am the upland property owner ☐ Yes ☐ No

OWNER CONTACT INFORMATION

Full name/company (*) Contact name

Address (*)

City/Town (*) Province/Territory (*) Postal code (*)

Telephone no. (primary) (*) Telephone no. (other) E-mail

AGENT (contractor/consultant/representative if any)

Name Contact name

Address

City/Town Province/Territory Postal code

Telephone no. (primary) Telephone no. (other) E-mail

WORK SITE LOCATION

Municipality/District/County (*) Province/Territory (*)

Site description **"(lot, concession, section, county/township, range, city/town, meridian, 911 address etc.)"

Coordinates

Work site: Latitude * ° ' " N Longitude * ° ' " W

Source of coordinates: ☐ Topo(s) ☐ Chart(s) ☐ GPS ☐ Other (describe):

Chart Number Topographical Map Number

Print

PROTECTED A (WHEN COMPLETED)

File no. (if known):

This is my first request for Transport Canada to review this project. ☐ Yes ☐ No

Canada
Official and/or local name of waterway

Description of waterway details (width, depth, etc.) and known waterway use

Vessel type(s) | Maximum vessel size
---|---
 | Length | Width | Draft |

Day/Night use
- [ ] Day
- [ ] Night
- [ ] Both

Amount of vessel traffic
- [ ] Low
- [ ] Medium
- [ ] High

Navigation Season
- [ ] Winter
- [ ] Spring
- [ ] Summer
- [ ] Fall

BASIC PROJECT DESCRIPTION (for large and more complex projects, detailed information may be required as an annex to your application)

Type of work (bridge, boom, dam, marina, etc.)

Brief description of your project, including how you are going to build or place the work (or attach)

Proposed start date (dd-mm-yyyy)

Proposed end date (dd-mm-yyyy)

Date of original construction (dd-mm-yyyy)

Date of original NWPA Approval (dd-mm-yyyy)

DOCUMENTATION REQUIREMENTS

Mandatory Documentation
- [ ] The completed signed application form
- [ ] Map and/or chart to show location of the project
- [ ] Detailed top/plan view of the project with dimensions
- [ ] Detailed side/profile view of the project (with dimensions)

Recommended Documentation
- [ ] Photographs of work site
- [ ] Environmental Assessment documents (if any)
- [ ] Aboriginal consultation results (if any)
- [ ] Executive summary of large project description
- [ ] Water lot lease information
- [ ] Other agency submissions prepared/received

1 See NWPP website for more information

www.tc.gc.ca/navigablewaters-eauxnavigables

SUBMISSION REQUIREMENTS

- All plans and drawings must be legible when printed on 11" x 17" paper
- For email submissions, provide a scan of all Supporting Documentation
- For hard copy submissions, provide Supporting Documentation along with six (6) copies of each map, plan and profile drawing printed on 11" x 17" paper
- Application package should be sent to appropriate regional NWPP office

AUTHORIZATION OF AGENT BY OWNER

I hereby authorize __________________________, located at __________________________, to act on my behalf as my agent in the processing of this application and to furnish upon request supplemental information in support of this application.

I hereby certify that the information contained herein is complete, true and accurate to the best of my knowledge and that I am authorized to submit this application.

Signature __________________________ Date (dd-mm-yyyy) __________________________

For office use | Date stamp:

The personal information provided on this form is collected under the authority of Navigable Waters Protection Act, sections 4, 5, 8, 10, 11 and 11. This information is required for the purpose of processing applications made under the above-named sections for proposed, commenced or existing works that are or will be built or placed in or, over, under, through or across any navigable water in Canada. The personal information collected is described in a personal information bank entitled Navigable Waters Protection Program (bank number TC PPU 595). Under the provisions of the Privacy Act, individuals have the right of access to, correction of and protection of their personal information. Instructions for obtaining personal information are provided in Info Source, a copy of which is available in major public and academic libraries or online at http://www.infosource.ca

1 Not all regions accept e-mail applications, please refer to the next page of this form for details.

Canada
## CONTACT INFORMATION

### OFFICES CURRENTLY ACCEPTING E-MAIL AND/OR HARD COPY SUBMISSION OF APPLICATION

<table>
<thead>
<tr>
<th>Region</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
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<tbody>
<tr>
<td><strong>Atlantic Region</strong></td>
<td>Transport Canada Queen Square P.O. Box 1013 45 Alethorpe Drive, 14th Floor Dartmouth NS E2Y 4K2</td>
<td>902-426-2728</td>
<td><a href="mailto:NWFDAFAR@tc.gc.ca">NWFDAFAR@tc.gc.ca</a></td>
</tr>
<tr>
<td><strong>Quebec Region</strong></td>
<td>Transport Canada 1550 d'Estimauville Ave. 4th Floor Quebec QC G1J 0C8 Tel: 418-648-4049 Email: <a href="mailto:psw-ssp-quebec@tc.gc.ca">psw-ssp-quebec@tc.gc.ca</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pacific Region</strong></td>
<td>Transport Canada Pacific Regional Office 520-800 Burrard Street Vancouver BC V03 2J9 Tel: 604-775-5947 Email: PswNP-PEFNP@<a href="mailto:dpt@tc.gc.ca">dpt@tc.gc.ca</a></td>
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### OFFICES CURRENTLY ACCEPTING ONLY HARD COPY SUBMISSION OF APPLICATION

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<th>Region</th>
<th>Address</th>
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<tbody>
<tr>
<td><strong>Ontario Region</strong></td>
<td>Transport Canada, Marine Office 100 S Front Street, 4th Floor Sarnia ON N7T 2M4</td>
<td>519-383-1603</td>
<td></td>
</tr>
<tr>
<td><strong>Prairie and Northern Region</strong></td>
<td>Transport Canada Canada Place 1100-9760 Jasper Avenue Edmonton AB T5J 4E8 Tel: 780-440-8215</td>
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Figure 2. Navigation Envelope for Culverts
Figure 3. Provincial Location Map
Figure 4. Site Map
Figure 5. Satellite image
Figure 6. Higher Resolution Satellite Image
Figure 7. Slope of stream around crossing location

Stream Profile along Sundance Creek

Confluence with McLeod River