



MP Devolin's Trent-Severn Waterway proposal is a daunting task

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MP Barry Devolin announced recently that he might table a Private Member's " Bill to create "a new agency to manage and operate the Trent-Severn Waterway." MP Devolin is not the first to reach a similar conclusion about alternative canals management.

The Panel on the Future of the Trent-Severn Waterway proposed an independent agency to manage and allocate water while a Heritage Region Council could provide guidance and coordination to Parks Canada on heritage and recreation management.

The United Kingdom Government recently shifted British Waterways to a charitable trust with ongoing core funding from government and the flexibility to pursue other sources of funding without the restrictions imposed on direct government agencies.

Mr. Devolin's pursuit of alternative governance needs to be considered but it is a daunting task.

What would be the new purpose of the Waterway? Its history has evolved from national security to commercial transportation to tourism and recreational boating.

The current mandate is "historic restoration, preservation and interpretation; natural environmental preservation and interpretation and the optimum use of federal lands. "

The 1867 Constitution Act retained canals within the federal prerogative in acknowledgement of national security and commercial interests. Should the Waterway really be a federal responsibility or be made more consistent with conventional constitutional division of powers?

Should the Bill seek to reduce jurisdictional confusion and duplication of effort in planning and environmental regulation by transferring ownership of the beds of the natural lakes and rivers to the province?

What lands and improvements will the new corporation own? Current legal ownership of waterway lands is largely based on one line in an 1867 piece of legislation, the Baird surveys of an even earlier time and a couple of ancient judicial opinions. A separate entity will certainly demand some certainty in this respect.

Crown corporations cannot, for the most part, create or enforce regulations. Should the Bill eliminate archaic instruments such as the Historic Canal Regulations and the Dominion Water Power Act replacing them with written "terms of use" and the provincial and federal statutes applicable to other lands and waters?

Should the proposed agency be freed from the constraints of the federal User Fee Act and processes and encouraged to reduce its operating deficit through market-driven product development and pricing strategies and new labour agreements?

How will Mr, Devolin's proposal address the longterm liabilities of the waterway? The Waterway, by some estimates, has an infrastructure replacement deficit in the order of \$400 million. Other legal liabilities such as providing free power to the community of Campbellford and paying all of the maintenance and recapitalization costs for a railway bridge on the CN mainline at Washago would need to be provided for.

Finding answers to these questions should not rest solely on Mr. Devolin's shoulders. He should be supported by municipal and provincial leaders. The waterway ceased long ago to be simply a transportation route and became an economic and social corridor with a multitude of beneficiaries.

Ken East
Warsaw