

Nashwaak Watershed Association Press Release For Immediate Release August 19, 2014

## **Ombudsman vindicates Nashwaak Watershed Association's claims of government inaction on Water Classification program**

**Ombudsman concludes the Water Classification Regulation 2002-13, of the Clean Water Act "exists primarily as a mirage"**

**Fredericton - Today, the Nashwaak Watershed Association (NWA) responded to the "Report of the Ombudsman into the Department of Environment's Management of the Provincial Water Classification Program", released on Friday, August 15<sup>th</sup> by Ombudsman Charles Murray.**

"We are both saddened and encouraged by the Ombudsman's findings," says Paul McLaughlin, President of the Nashwaak Watershed Association.

"Saddened because for more than ten years now, we have been working, largely as volunteers and in good faith with the Department of Environment, to see enacted the protections afforded under the *Clean Water Act*, and we have been stalled in our efforts by the inaction, indecision and neglect by our provincial government."

McLaughlin, speaking on behalf of the community-based watershed association, said "we are however, also heartened by the fact that the Ombudsman's report is an unequivocal validation of our concerns and attempts to move the program forward over the intervening years".

The Report makes strong statements about the inaction of successive governments in proceeding with water classification and about their assertions that the legislation is unenforceable: "The suggestion that there continues to be unaddressed issues about the legality of Regulation 2002-13 12 years after its coming into force strains credulity."

The NWA has long asserted that the delays in implementing the program have left New Brunswick's water effectively without protection. This point too is clearly reflected in the report, "... Regulation 2002-13's complete ineffectiveness is in some respects worse than having no regulation at all. Like a smoke detector without batteries, it provides no protection ..."

The Association has also charged that the Department of the Environment's claim they are working to amend the legislation is simply foot dragging, and this point has not escaped comment by the Ombudsman: "... the Department indicated that it planned to have a new Regulation in place by 2016. With respect, we considered that timeline to be so distant as to amount to little more than aspirational thinking."

Stephanie Merrill, Freshwater Program Director for the Conservation Council of New Brunswick, who supported NWA's complaint to the Ombudsman, echoes McLaughlin.

"We have been trying to highlight the rollbacks and facade of water protections in New Brunswick in recent years and this report helps big-time," said Merrill "it feels like a victory after years of frustration."

“We are proud to work with and support NWAJ in this effort. NWAJ has stepped up to defend their river and their years of work”, says Merrill. “We hope that the Report has rippling affects across all watersheds and rivers in New Brunswick with outstanding applications to be classified such as the Meduxnekeag, the Kennebecasis, the Richibucto, the Miramichi, and 14 others,” she continued.

McLaughlin and Merrill are both looking forward to meeting with the Department to hear their detailed plan to address the ineffectiveness of this program, as recommended by the Ombudsman.

The NWAJ will continue to work with government and other stakeholders towards the implementation of an effective water classification system. NWAJ sees the upcoming provincial election as an opportunity to press political candidates for their positions on this issue and hopes to encourage all who plan to vote to do the same.

### **Background: Water classification timeline**

2002 – Water Classification Regulations are introduced and water classification efforts, supported by the New Brunswick Environmental Trust Fund, begin.

2002-2012 – Non-governmental groups continue to work in good faith with the Department of the Environment, waiting for perceived issues with the legislation to be addressed in order to proceed with classification.

June 2012 - A coalition of five community organizations file an official request to the New Brunswick Department of Environment and Local Government to classify the Nashwaak River and its tributaries under Section 8.2 of Classification Regulation 2002-13 of the Clean Water Act 2002-56, as largely pristine “A” class waters.

July 2012 - The NWAJ receives a non-response from the provincial government, indicating neither acceptance nor denial of the application.

February 2013 - NWAJ submits a complaint to the New Brunswick Ombudsman, requesting an investigation into the government’s inaction on regulation 2002-13 the Water Classification Regulation of the *Clean Water Act*.

August 15, 2014 - New Brunswick Ombudsman, Charles Murray, tables his report on the pursuant investigation to the New Brunswick Legislature.

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### **Links:**

Ombudsman’s Report: <http://www.gnb.ca/0073/PDF/EnglishWaterClassificationReport.pdf>

<http://www.nashwaakwatershed.ca>

<http://www.conservationcouncil.ca>

**Resources:**

<http://www.nashwaakwatershed.ca/resources/water-classification-fact-sheet/>  
Conservation Council summary of Ombudsman's report - <http://www.conservationcouncil.ca>  
[http://www2.gnb.ca/content/gnb/en/services/services\\_renderer.201090.html](http://www2.gnb.ca/content/gnb/en/services/services_renderer.201090.html)

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