

June 10, 2015

Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC V1B 2K9

To Whom This May Concern

Re: Proposed Shuswap River Vessel Operating Restriction Negotiations

As a resident of the Regional District of Northern Okanagan ("RDNO") I am deeply disturbed by and very much against the RDNO's proposal for boating restrictions on the Shuswap River. The RDNO has officially stated that the purpose for the proposal is to enhance safety, to reduce conflict between users, to protect the riverbanks from erosion and to protect salmon egg spawning sites. However, there is no causal evidence to support this claim. The RDNO's application for boating restrictions on the Shuswap River should be withdrawn or made void for a number of reasons, including the following:

- (1) There is no history of accidents, injury or significant user conflict on the Shuswap River, yet inadequate safety is being framed as an issue. Our family and friends have been recreational users of the river for in excess of 15 years and have enjoyed a number of activities including motorized boating, swimming, kayaking, floating, stand up paddle boarding and wild life viewing on the river. Over that time period, we have never witnessed any incidents or concerns regarding safety, conflict between users or any other event that would suggest that these are legitimate concerns. Users of the Shuswap River are courteous and safety conscious.
- (2) It is widely understood that rivers are dynamic entities that naturally migrate across and build floodplains. Bank erosion is a natural process that is a component of channel mitigation that is particularly evident during high-water stages of the annual spring run-off. There is no proof that the riverbanks are eroding unnaturally or due to any human cause, nor is there conclusive evidence of disrupted salmon spawning sites, yet existing environmental protections have erroneously been deemed as insufficient. Use of the Shuswap River by motorized watercraft is typically limited naturally by the water level of the river. This generally results in motorized boat use of the river for a 6-7 week period from the end of June to the middle of August. To suggest that such limited annual use causes river bank erosion or impairs salmon spawning sites is erroneous and flawed. The seasonal access and current use by motorized watercraft has no measurable erosional effect on the river banks, particularly in comparison to the annual spring run-off.

- (3) Those stakeholders who lobbied for the proposal have only presented inconclusive data or anecdotal evidence in support of their claims, however the RDNO maintains that they will consider the Cowichan Valley Regional District ("CVRD") case study as sufficiently analogous to constitute legitimate supporting evidence for their proposal. As a stakeholder, I am outraged that the RDNO will consider inconclusive methods of reasoning when considering the implementation of these significant restrictions on, and elimination of, stakeholder rights.

The unconfirmed foundation for the RDNO's proposal raises suspicion that the proposal may be an attempt to achieve the self-interested ulterior motives of those who propose the amendment. It is wholly unacceptable that the RDNO would pander to a special interest group who seek to expropriate the use and property rights of taxpaying citizens for the singular benefit of such special interests group. This is particularly offensive in the current case where the proposal is based on unfounded and illogical claims. Many stakeholders strongly disapprove of the RDNO's proposal, which will eliminate or severely restrict stakeholder rights and any proposal such as this demands that precise, unbiased and conclusive evidence of a causal relationship between the restriction and its purpose be established before the amendment is even considered by the RDNO.

The failure to sufficiently produce legitimate evidence to support the rationale for its proposal reflects the overall inadequacy of the local authority to satisfy the consultation requirements mandated by the Cabinet Directive on Regulatory Management ("CDRM"). The current RDNO consultation schedule is insufficient for the following reasons:

- (1) Transport Canada states that generally a consultation period should last from 3-4 years in order to be considered thorough. The RDNO looks to be attempting to have the proposed restrictions enacted within one year of being introduced. The consultation period should be extensive and long lasting because when the rights of citizens are at stake, the inquiry must be meticulous.
- (2) The survey available on the RDNO's website, as well as the couple of open houses (scheduled on dates when part time residents are unlikely to be able to attend) barely begin to scratch the surface of what Transport Canada requires for a consultation stage to be considered comprehensive. Transport Canada's Local Authorities Guide clearly states that a survey is not sufficient consultation (pg 6). The inclusion of a couple of open houses is not a sufficient consultation either.
- (3) The overall impact of the proposed boating restrictions will also include fiscal consequences for all stakeholders and the RDNO, yet the mandatory economic impact analysis appears to be non-existent. If it does exist, it is completely deficient. The RDNO has failed to consider the economic

effects that the proposed restrictions will have on individual families as well as the entire region as a whole. Without a proper economic and actuarial analysis, the Treasury Board Secretariat cannot be fully informed in their utility based economic analysis and this can lead to an incomplete, inaccurate and unjust decision.

The foremost reason that I own property in the RDNO near the Shuswap River is to be able to enjoy boating and other recreational activities on the Shuswap River with family and friends. Moreover, this is the main reason that many stakeholders have purchased land in proximity to the Shuswap River. This feature of ownership is arguably the most alluring, desirable and valuable components of the land. Sadly, the RDNO's proposed restrictions, if adopted, would arbitrarily confiscate this utmost important source for the reasonable enjoyment of one's own property. The expropriation of this liberty will compel many stakeholders including myself to consider moving to an alternative property in an alternate region which can be reasonably enjoyed. This will effectively create a buyer's market and land values will inevitably depreciate in addition to the loss of land value and tax revenue that comes with the proposed restrictions. There will also be detrimental effects on seasonal businesses who significantly benefit economically from an influx of seasonal residents. Without a proper economic and actuarial analysis, the Treasury Board Secretariat cannot be fully informed in their economic analysis which will likely lead to an incomplete and unjust finding.

The failure to conduct a complete inquiry into the specific situation regarding the Shuswap River raises suspicions that there is no evidence to support the proposal. The requirements of the CDRM must be honoured if this proposal is to be pursued. As a concerned stakeholder I am vehemently against the proposed boating restrictions. If the RDNO wishes to further pursue this matter, I respectfully request that all necessary investigation be carried out including a peer reviewed professional scientific study and peer reviewed professional actuarial and economic analysis. In order for the RDNO to pursue this initiative further, their purported claims must not be speculative but rather must be made undeniably evident by scientific and professional standards. Further, it is the policy of Transport Canada as outlined by the CDRM not to give weight to demands of lobbyists, but rather to adopt an amendment only if the local authority can sufficiently prove a lawful purpose for the proposed restrictions. Such lawful purpose has not been established by the RDNO.

In the face of conclusive scientific and professional evidence, stakeholders will be more satisfied in regard to the integrity of the consultation process. However, the RDNO's current consultation process is inadequate and unfair to concerned stakeholders. The integrity of what is meant to be an impartial and

pragmatic process is being compromised. It is in the best interests of all concerned, including the RDNO, to avoid an improper, unjust and unprofessional procedure, which could result in an abuse of power by a local authority.

I formally request that the RDNO terminate this proposal immediately. Failing such termination, the RDNO must significantly alter their consultation agenda to include a comprehensive investigation. Furthermore, I respectfully request that Transport Canada strictly abide by its own policies and the regulations outlined by the CDRM in order to refuse the RDNO's submission and afford Canadian citizens the rightful protections that they deserve. The expropriation of property rights is a very significant matter and is not, in any manner, justified in the current circumstances. The RDNO must not move forward with the proposed boating restrictions, which appear to pander to the request of a special interest group while extinguishing the rights of a significantly larger group of citizens. The rationale cited for the restrictions are unfounded and speculative, and as such, cannot be relied upon.

, concerned recreational user
of the Shuswap River

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