

Last updated: June 16, 2021

## Why is the RDNO changing direction now? What changed to prompt this announcement?

An essential component of an application to Transport Canada is a robust consultation process and evidence of broad-based support from stakeholders and other governments. Therefore, in exploration of the feasibility of creating an application, in 2015, the RDNO undertook engagement with other governments and held several community conversations, including a professionally facilitated mediation process to identify consensus and support a strong application to Transport Canada. The mediation process resulted in mixed success but no solid agreement on what the added rules should look like on the entire river.

Since this process, the RDNO has attempted to gain strong support from partners and other governments to navigate such a complex federal regulatory process successfully, but no significant progress has been made. Additionally, there is no feasible financial path to continue to fund these efforts.

Without a way forward and the impending busy recreational season on the river, the RDNO Board of Directors did not want the public to go into another summer with ambiguity on the status of the regulations process. As a result, the RDNO Board of Directors passed a resolution stating that the RDNO will not pursue additional regulations on the Shuswap River, and this file will be closed. The Board also requested that the federal and provincial governments take an increased role in addressing safety concerns on the Shuswap River.

## Why is it important to the RDNO that senior levels of government get more involved in the Shuswap River?

From the outset, the RDNO knew that achieving federal regulations for restrictions on vessel operation on the Shuswap River would be a challenge, given that the only option for a regional district is to apply to the federal government and follow their process. Despite best efforts, the RDNO has not been able to meet the requirements outlined in the [Local Authority Guide for Vessel Operating Restrictions](#).

It has become clear that this process is not one that a local government can be successful in alone. Local governments have less monetary and staffing resources and lack authority on implementing the regulations in question. Therefore, the Shuswap River is not just a local issue and support and leadership from the federal and provincial governments is necessary for imposing regulations.

## What will the RDNO do to improve the Shuswap River instead of seek vessel regulations?

The RDNO has reviewed the Shuswap River Sustainability Plan's objectives and is reaffirming its support for the environmental and safety aspects of the Plan. Emphasis will be placed on non-

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**MEMBER MUNICIPALITIES:**

CITY OF ARMSTRONG  
DISTRICT OF COLDSTREAM  
CITY OF ENDERBY

VILLAGE OF LUMBY  
TOWNSHIP OF SPALLUMCHEEN  
CITY OF VERNON

**ELECTORAL AREAS:**

"B" – SWAN LAKE  
"C" – B.X. DISTRICT  
"D" – LUMBY (RURAL)

"E" – CHERRYVILLE  
"F" – ENDERBY (RURAL)

regulatory actions that can have immediate effects in reducing the risk to public safety and the environment on the Shuswap River.

Formal regulations are only one of the tools available to make waterways safer and more sustainable. A positive outcome from the process so far is that there have been many important discussions and information sharing in regards to the scope of the issues facing the Shuswap River. There are many non-regulatory actions that can benefit the river.

Some widely agreed upon recommendations that the RDNO has acted on and will continue to support include:

- Funding for enhanced boat patrols by Conservation Officers
- Increased signage
- Education (support for river ambassadors)

The RDNO has increased financial support for the enhanced Boating Patrol Program in which Conservation Officers enforce existing regulations under the Shipping Act such the Small Vessel, Collision and Contravention Regulations.

## **Which existing laws have regulations that apply to safety on the Shuswap River?**

Some of the laws and regulations that govern user types and activities on the Shuswap River include:

- [Canada Shipping Act](#)
- [Small Vessel Regulations](#)
- [Collision Regulations](#)
- [Private Buoy Regulations](#)
- [Contraventions Regulations](#)

## **How much has the RDNO spent on seeking regulations, and is that money wasted?**

The RDNO has invested in many programs to make progress towards the goal of making the river safer and healthier. From 2008 to 2021, approximately \$1.2 million has funded initiatives to making the Shuswap River safer and more sustainable. About 90% of this funding has supported non-regulatory initiatives, including enhanced boat patrols on the Shuswap River, signage along the river banks, water quality assessments, the River Ambassador program, and dedicating staff time from the Safe Communities function.

While the mediation process did not result in a strong consensus on the entire river, the process resulted in significant discoveries and discussions on the issues facing the Shuswap River, many of which can effectively be addressed through non-regulatory methods that are within the jurisdiction of the RDNO.

## **There was a degree of consensus achieved on the Upper River through the mediation process. Why isn't that enough support to move forward with an application to Transport Canada?**

There was not consensus on the entire river which the RDNO Board of Directors felt was important to move forward with an application to Transport Canada. There is also not a reasonable financial path forward to achieving consensus amongst the stakeholders on the entire river. It is clear that significantly more resources are required to build the broad based support needed to be successful in an application to Transport Canada.

## **What is the background of the RDNO pursuing VORR?**

For decades, discussions have been held on how best to improve the environmental and safety on the Shuswap River. While many agree this is a goal worth pursuing, determining the tool to achieve these objectives is not widely agreed upon and exploring options has led to many strong, polarized views.

In 2014, the RDNO developed the [Shuswap River Watershed Sustainability Plan](#) to identify current issues and set goals, objectives and strategies to address those issues. This guiding document was shared with agencies and the community to help inform decisions that impact health and safety on the river. Five out of 114 strategies in the Plan include the possible option of applying to Transport Canada for the implementation of Vessel Operating Restriction Regulations (VORR), which would add to the existing laws that apply to navigable waters in Canada.

An essential component of an application to Transport Canada is a robust consultation process and evidence of broad-based support from stakeholders. Therefore, in exploration of the feasibility of creating an application, in 2015, the RDNO undertook engagement with other governments and held several community conversations, including a professionally facilitated mediation process to identify consensus and support a strong application to Transport Canada. The mediation process resulted in mixed success but no solid agreement on what the added rules should look like on the entire river.

Since this process, the RDNO has attempted to gain strong support from partners and other governments to navigate such a complex federal regulatory process successfully, but no significant progress has been made. Additionally, there is no feasible financial path to continue to fund these efforts, so the Board decided to close this file.

## **Didn't the RDNO commit to take action based on the mediation process?**

The RDNO committed to acting on the consensus reached through the following Board resolution with the following conditions:

On [March 17, 2017, the Board passed this resolution](#) to identify the elements for moving forward. The Board of the Regional District of North Okanagan is:

1. Desirous to reduce risk to public safety and the environment through increased management of motorized vessels on the river. **This may or may not include making recommendations to Transport Canada.**
2. Open to a range of options including, but not limited to those identified in the Shuswap River Watershed Sustainability Plan.

3. Committed to follow the consensus advice from a public advisory group that represents the range of stakeholders and perspectives subject to:
  - a. **Reasonable cost implications of the recommendations;**
  - b. Effective representation of the full spectrum of public interests;
  - c. Opportunities for broad public input have been provided;
  - d. First Nations have been consulted or directly involved.

The RDNO went through an intensive, year-long mediated process to attempt to achieve a consensus with mixed success and fundamental differences remaining on the primary elements of regulations, particularly on the lower Shuswap River. Since this process, the RDNO has attempted to gain strong support from partners and other governments to navigate such a complex federal regulatory process successfully, but no significant progress has been made.

Additionally, there is no feasible financial path to continue to fund these efforts. As stated in the above motion, the commitment to act is subject to “reasonable cost implications”. With no significant progress towards identifying a consensus, the Board of Directors feel that continuing to invest in these efforts is not reasonable.

### **Has the RDNO abandoned the action of seeking vessel operation restriction regulations on the Shuswap River?**

Pursuing additional Vessel Operation Restrictions on the Shuswap River would only be contemplated by the RDNO in a supporting capacity. There would need to be broad support from all levels of government with another agency, other than the RDNO initiating the application process.