

MEETING SUMMARY

Harbour Authority Advisory Committee (HAAC) - Maritimes/Gulf

Date: July 4-6, 2017

Location: Sydney, NS

Present (HAAC): Marco Lanteigne (Gulf New Brunswick), Vesta Adams (South West Shore & Bay of Fundy Shore, Nova Scotia), Osborne Burke (Eastern Nova Scotia), Edwin McKie (Prince Edward Island), Jamie Craig (Gulf Nova Scotia), Bonnie Morse (Southern New Brunswick), Tim Wentzell (Halifax West & South Eastern Shore, Nova Scotia)

Present (SCH): Alain Hébert (Regional Director and Chair), Léo-M. Vienneau (Regional Manager, Client Services), Nicolas Maltais (Special Projects and Training Coordinator)

DISCUSSION TOPICS

Welcome

Chair welcomed everyone and provided an update on the HAAC elections. Osborne Burke was re-elected in Eastern Nova Scotia. In Gulf New Brunswick the voting was extended until July 7, 2017 for administrative reasons. Results will be provided as they become available

Summaries for the October 2016 meeting and the February 2017 meeting were presented to the HAAC. Members were given until July 6 to review.

Agenda

The agenda was presented and approved with the addition of:

- Overcrowding
- Directors and Officers Insurance

Area Manager Presentation

- Stephanie Rose, Business Manager for Eastern Nova Scotia, provided information of ENS area. Eastern Nova Scotia is comprised of two areas: Cape Breton Island and the Mainland. There are 34 harbours in the area.
- Eastern Nova Scotia encompasses Lobster Fishing Area (LFA) 27 – 32 and lobster season was ongoing until July 17 for LFA 27.

Regional Update

The Chair provided an update on changes in staffing in Maritimes & Gulf :

- New Regional Director General (RDG) for Gulf, Serge Doucet.
- Jackie Richard is back as Associate Regional Director General (ARDG)
- Morley Knight, previously Regional Director General for Maritimes, has accepted the position of Assistant Deputy Minister (ADM), Fisheries Policy in Ottawa.
- Marie-Ellen Valkenier is the new Acting Regional Director General, Maritimes Region.
- Rhea King is back in the position as Acting Associate Regional Director General, Maritimes Region.
- Emilie LeBlanc, previously Real Property Specialist, has accepted the position of Manager, Real Property and Assets.
- Anne Keiver has taken over the role of Real Property Specialist.

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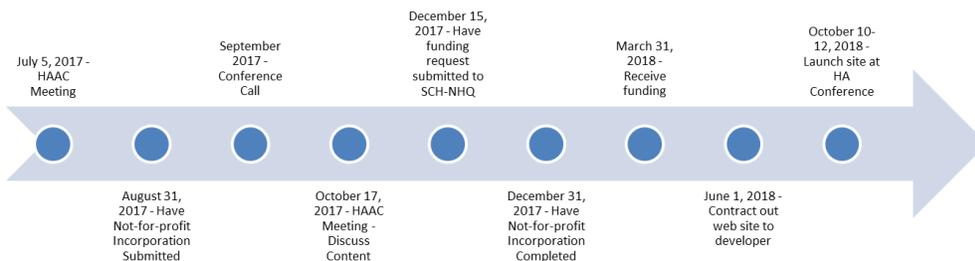
- Susan LeBlanc-Robichaud, from Integrated Program Planning and Analysis (IPPA), is currently on assignment. She has been replaced by Mariline Belliveau.
 - 3 senior engineers will be retiring within the next year or so.
 - Mylène Roy has started in the position of Environment Advisor within the Engineering branch.
 - Patrick Mazerolle is the new Senior Project Engineer for Prince Edward Island.
 - Bryan Daye, who had been Area Manager and Engineer in Prince Edward Island is now with Public Service and Procurement Canada (PSPC).
 - Baron Delaney is Area Manager in Prince Edward Island, Susan Campbell, Project Technician in Prince Edward Island, has announced her retirement.
 - Now that one of the two business manager position has been vacated, SCH is in the process of filing the position of Project Technician in Prince Edward Island.
- SCH continues to ensure its list of priority projects and property divestitures is up to date in the event funds become available.
 - The Minister, Dominic LeBlanc announced the Atlantic Fisheries Fund, \$325M that will be invested in the Atlantic Provinces.

SCH Program Update

- All 3 SCH streams (Client Services, Engineering and IPPA) have had their national meetings.
- The regional Peer review was completed in March and the National Peer Review was held in May during National Management Committee (NMC) meetings in Ottawa.
- National Harbour Authority Advisory Committee (NHAAC) conference call is scheduled for later in July. SCH-National Headquarters (NHQ) is working on the agenda
- Next National Management Committee (NMC) meeting is planned for September

Communication Group

- Members of the HAAC Communication Group committee had a conference call in April to discuss the next steps.
- While at National Management Committee, the SCH Regional Director sat with the Director General and National Headquarters (NHQ) representatives to provide a summary the HAAC Communication Group efforts towards developing a pilot project and obtain support in preparation for project proposal funding.
- The group needs to be incorporated prior to requesting funds from SCH.
- The idea is for SCH to provide initial funding for a number of years with the goal for the group to become self-sustainable.



- A business case will need to be put together in order to request a contribution funding. The HAAC Communication Group committee will begin working on business case with support from SCH.

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- It was mentioned that instead of having a “contact us” link where an e-mail would be sent to someone who is monitoring an e-mail address, the contact information for each HAAC representative should be listed. This would allow people to contact their respective HAAC representative for their area.
- HAAC meeting summaries used to be sent to all HAs as part of a semi-yearly newsletter. SCH advises that this newsletter has not been sent since 2014.
- It was suggested that a portion of the business case be dedicated to how the project will be launched and specify an amount from the budget to marketing and launching the project at the HA Conference. How will it be promoted, is there a need for promotional material?
- A suggestion was made that the group should also create a Facebook page that could direct traffic to the web site. The Facebook page would be free to set up and could be a useful tool.
- The 2019 HA Calendar that SCH hopes to be able to distribute at the HA Conference could also be used to promote the web site.

Specific time (2 to 5 hours) will be set aside at next HAAC meeting to finalize the Business plan which should include how the web site will be managed and maintained regularly, how the web site will be financed on the long run, etc. Members to be prepared for the discussion. Review other web sites, etc.

Dredging

- Discussing the dredging situation at Toney River, it was mentioned that approximately 2/3 of the dredge material is considered clean and could be used as bank stabilisation. However, beach land owners aren't happy when the black organic material is placed on the beach.
- Nova Scotia's Deputy Minister of the Environment Frances Martin has already been advised that SCH will be unable to meet the March 2018 deadline.
- SCH met with Environment Nova Scotia (ENS) on April 5th in Halifax. At this time SCH showed what progress has been made with regards to dredge disposal. Federal dredge disposal sites were also highlighted, notices of interests have been sent out. Public Services and
- Procurement Canada (PSPC) has completed their cost benefit analysis with regards to these sites.
- Options that are currently being examined are:
 - Bank stabilisation
 - Federal disposal site
 - On-site disposal site
 - Municipal landfill disposal
 - Transfer of sediments to property with similar background
 - Engineering solutions
 - Disposal at sea
- In 2016, 24% of dredge material was placed on private land.
- SCH is attempting to meet ENS technical group to discuss options available that will align with the regulations. A recent letter from ENS requested when SCH will be able to meet ENS environmental guidelines.
- Nova Scotia Department of Fisheries asked if we could deposit clean dredge on properties with similar backgrounds (meaning sites with similar chemical and mineral makeup). This option is being investigated.
- Another option that was discussed is the use of existing brown field sites, which are sites which have been used for dredge disposal in the past.

DAY 2

Lease Implementation

- The current head lease was revised in 2011 by SCH. Some regions implemented immediately, but Maritimes & Gulf for practicality reasons waited until the original lease expired to implement on an individual HA basis.

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- The 2011 revision of the lease is intended to bring more clarity to the roles and responsibilities of the HAs and SCH.
- The lease renewal process is ongoing; over 40 new leases have been signed by HAs while another 40 are in circulation for signature. As the Business Manager receives the copy of the lease, he provides it to the HA and guides its review. The HAs are always encouraged to seek legal advice concerning the lease.
- SCH is aware that a number of HAs in South West Nova Scotia and Southern New Brunswick have, as a group, sought legal advice. At this time, SCH has not received any feedback from these HAs or their legal representative.
- A HAAC member who is part of these HAs mentioned that some of the issues are enforcement and capacity of the HAs.
- The Chair mentioned that the legal advisor for the group of HAs has expressed the need to meet to further discuss the lease.
- The question was asked as to how long the holdover clause can remain in effect. The general consensus is that the holdover clause would remain valid when both parties are actively negotiating in good faith. However, when one of the parties will not negotiate or sign the lease, the holdover clause would not hold up.
- While discussing the requirement for insurance, it was mentioned that, with regards to insurance for fuel systems, spills must be reported within 72 hours. Therefore, many HAs who own their fueling system have obtained insurance that will cover past the 72 hours, which would otherwise be problematic for slow leaks.
- With regards to enforcement, in Nova Scotia HAs can use the *Act to Protect Property, Chapter 363* to request that the RCMP take action against a non-conforming party. In PEI, the *Trespass to Property Act, Chapter T-6* and in New Brunswick, the *Trespass Act, Chapter 117* are similar and could provide options to HAs.
- The *Criminal Code* of Canada could also offer options in Part V, section 175: *Causing disturbance, indecent exhibition, loitering, etc.*
- A list of options available to HAs in regards to enforcement had previously been enumerated at the July 2016 HAAC Meeting.

*Note: HAs may wish to obtain First Party Pollution coverage for their fueling systems, as pollution liability coverage under DFO's policy with AON is limited to **sudden and accidental**: Damages to the environment and to third parties arising from a sudden and accidental leak are covered provided that the incident is discovered within 72 hours of its occurrence and reported to the insurer within 90 days of discovery. Damage to the tank itself must be separately insured.*

Long Term Strategy (LTS)

- Long Term Strategy was implemented following a 2013 audit that recommended SCH get on track for sustainability.
- NHQ had commissioned Alan Winberg to complete a report which was tabled at the November 2016 NHAAC meeting and distributed to NHAAC representatives at that time.
- SCH is considering the recommendations put forth by the report to use zonal planning to reduce the financial gap between the budget and the requirements of the program.
- Where opportunities exist, SCH would bring together HAs to discuss zonal planning initiative.
- Zonal planning remains a gradual process bringing together HAs, SCH and industry.

DAY 3

Summary of meetings

The summaries of the October 2016 and February 2017 meetings were approved with the addition of a statement indicating that the winter storms that hit in February and March in SWNS created as much damage as hurricane

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Juan in 2003. There were large amounts of damage done to both infrastructures and vessels.

HA Financial Audits

- HAs are required to send financial documents to SCH each year.
- The lease between SCH and HAs stipulates that SCH can conduct financial audits.
- Another alternative to conducting financial audits is to conduct a less expensive review engagement.
- When a HA receives contribution funding, they are required to maintain separate books for those funds. A contribution audit is conducted on those books.
- There are two ways to choose which HAs to audit:
 - Randomly
 - HAs who have not submitted financials or have red flags following a review of the financial documents submitted to SCH
- The suggestion was made for SCH to provide a one-pager of best practices to HAs following the audits.
- New financial documents and guidelines are being developed by SCH.

2018 HA Conference

- The dates of October 10, 11 and 12th, 2018 were the preferred dates for the conference.
- When discussing location of the conference, the preference was to have the conference held in Moncton with Saint John as second choice.
- The group suggested a number of themes:
 - 30 for 30
 - 30 Years
 - Environment
 - 30 Years Later
 - Diamond Jubilee
 - Diamond in the Rough
 - 30 Years of Making a Difference
 - 30 Years – Growing Together
- If conference is held in Saint John, the Canadian Coast Guard could deploy a boom outside the hotel.
- A conference committee will need to be created. The committee would be made up of HAAC and SCH representatives.
- The recommendation was made to have a conference facilitator similar to the previous conference.
- A few topics were suggested for the HA Conference:
 - Dredging
 - HAAC Communication Group
 - Environment
 - Enforcement
 - SCH Challenges
 - Climactic changes
 - The work that science has done for the program
 - Abandoned & Derelict (A&D) Vessels
- It was mentioned that HAs enjoyed seeing photos of their harbours on the screen. Before and after pictures were popular.

Directors and Officers Insurance

- A HAAC member reported that a volunteer was injured during the installation of floating docks, leaving him partially disabled.
- The insurance company is reviewing the case, but since the person is partially disabled and not completely

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disabled, insurance may not cover.

- SCH is following up with insurance company to clarify the procedures.
- Suggestion was made that a brochure to better explain coverage would be helpful.
- HAAC member mentioned that the Harbour Authority Corporation was looking into producing such a brochure.

Abandoned & Wreck (A&W) Vessels

- Update on the A&W vessel committee was provided to the HAAC. Numerous calls of the committee have been held over the past few months.
- HAAC member mentions that a vessel of concern in her harbour was vandalised a few weeks earlier and is no longer water tight.
- The Chair recommended the HAAC member contact Transport Canada and Canadian Coast Guard to advise. She should also contact the SCH Area Manager in her area for support.
- The new A&W vessel removal program should be launched in the fall and will provide flow charts, templates and a more formal process to deal with A&W vessels.
- Once the program is launched, it will be presented to the HAAC.

Changes to travel claims: Incidental Allowances

- Chair advised the HAAC that a recent Treasury Board decision that the incidental allowance will no longer be an eligible expense.

Mooring Agreement

- Following a request at the February 2017 conference call, a copy of the Harbour Authority Association of British Columbia (HAABC) Moorage Agreement was shared with the group.
- There was the suggestion that perhaps the term "moorage" is more appropriate than "berthage" in documents in Maritimes & Gulf.
- The HAAC was asked to review the HAABC Agreement and compare with the User Agreements presently being used in Maritimes & Gulf so that the group could discuss further at the next HAAC Meeting.

Next Meeting

Looking to schedule next meeting October 17th or 24th (Depends on date for NMC) in Truro.