

## MEETING SUMMARY

### Harbour Authority Advisory Committee (HAAC) - Maritimes/Gulf

**Date:** October 17 and 18, 2017

**Location:** Truro, 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), Mariline Belliveau (Regional Manager, IPPA), Nicolas Maltais (Special Projects and Training Coordinator)

DISCUSSION TOPICS
<p><u>Welcome</u></p> <p>The group was welcomed to the meeting and Mariline Belliveau, was presented to the group.</p> <p>Mariline is acting Regional Manager, Integrated Program Planning &amp; Analysis (IPPA) and replaces Susan LeBlanc-Robichaud as she manages the Atlantic Science Enterprise Centre project.</p>
<p><u>Agenda</u></p> <p>The agenda was reviewed and accepted with the addition of:</p> <ul style="list-style-type: none"> <li>• Overall HA Health</li> <li>• Distribution of funds</li> <li>• NHAAC</li> </ul> <p>It was also suggested that with the upcoming 2018 HA Seminar and the Communication Group, that February's meeting be a face to face meeting instead of a telephone conference. The suggestion was met favourably by the group.</p>
<p><u>Minutes</u></p> <p>The minutes from the July 2017 meeting in Sydney, NS were approved with the clarification that overcrowding is present in all areas, not just SWNS and Grand Manan.</p>
<p><u>Regional Manager, IPPA Presentation</u></p> <p>The Regional Manager, IPPA provided the HAAC with an overview of the Integrated Program Planning &amp; Analysis team.</p> <p>The HAAC questioned how allocation of funding is decided as the breakdown between Gulf and Maritimes isn't always equal.</p> <p>Funding is allocated via a peer review process where all projects are examined at a regional and national level. Some years Maritimes may have more funding than Gulf and others, vice-versa.</p>

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#### Regional Update

- National Headquarters is moving to Moncton in April 2018.
- Denise Frenette has been hired as the new Director General, Small Craft Harbours. Micheline Leduc will remain the DG until March 2018. Denise will work with Micheline until that point. Denise was VP of ACOA prior to her joining SCH.
- Most of the positions will need to be staffed as few of the existing staff will move to Moncton from Ottawa.
- New RDG in Maritimes is Mary-Ellen Valkenier
- New RDG in Gulf is Serge Doucet

Concern expressed from the HAAC that regional staff will want to leave their positions to work at the national level.

All positions will first be open as lateral deployments at level; this should reduce the number of staff wanting to transfer.

#### Abandoned and wrecked vessel program

Chair shares the deck from the National Management Committee on the program to the HAAC.

Discussion on differences between legal possession and ownership of a vessel. With legal possession, liability remains with the owner of the boat.

#### Lease Review

SCH met group of HAs and legal rep on Aug. 17<sup>th</sup> in Halifax in response to concern with content of the lease Bonnie and Edwin, members of HAAC, were part of the delegation for a full day of discussion

Excellent discussion and willingness to work together to update the lease to reflect the current relationship with HAs

- Wheatly Case (referral, prior to Archer Case re: property tax)
- Question of the lease regarding public access. Manage harbour in a non-discriminatory fashion. What is considered non-discriminatory
- Topic of environmental management and protection was discussed.
- Third Party Liability Insurance (TPLI) is offered by SCH, but is not mentioned in the lease.
- Enforcement was also discussed. Capacity from an HA perspective, how can HAs enforce their rules.
- Fire Prevention, lease makes mention to the National Fire Code. Where does this fit? Would there be a local or regional entity which could assist in this responsibility?
- Harbour Capacity: Annexes describe responsibilities of each HA. Work needs to be done on Annex B. Annex B is supposed to be flexible to reflect the capacity of the HA. This review should be approached on an HA by HA basis. Through the Business Manager and Area Manager, there is an attempt to match the capacity on Annex B with the individual HA. The program also has a responsibility to assist in increasing the capacity of the HAs.

Met internally and had a review with legal advisor in Ottawa. Following this, the Regional Director is ready to have a second meeting with the HA group and legal advisor.

A need for stronger linkage between the fact that the HA make their own rules with regards to access, remove non-discriminatory from lease.

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Public access was an important topic of discussion

- Example given that a harbour may have a waiting list and a fisherman who retires transfers his interest to his son, thus bypassing the waiting list.
- Garbage is a service provided by the HA, its not a necessity. Some HAs do not provide garbage services
- Fire Marshal inspection may meet the requirement for the “fire code” clause

How can SCH assist HA’s in dealing with difficult clients. A letter provided by area manager to support the harbour may help in certain cases.

If an HA has already signed the lease and if changes come from this review, what happens to their lease? Their lease remains in place, but the new lease will be presented to them when the lease renews. Renewals are at every 5 years. Maybe an addendum could be sent to HAs that already have leases signed. Section 2.4 (Invalidity of Provisions) may permit changes to be applied to every lease, even those that are already signed.

Bonnie mentions that there were good discussions from all sides, both sides talked about the issues. At first, she was afraid it would be very confrontational.

It was noted that it was interesting to hear from a legal aspect. Very good exercise, keep building on this and come out with a good lease that works for everyone.

#### How to Share Meeting Summaries

Discussion on how to better share summaries with HAs

E-mail

Mailed

Contact area/business manager for e-mail addresses for HAs

At area conferences, area managers could table the minutes

Action Item: Ask area managers to provide HA emails

#### Day 2

##### Recap

Few changes to agenda. Mr. Ferrar coming in at 9.

#### NHAAC

Chair reviewing proposed agenda for NHAAC

Topics will include

- A&WV Removal program
- Duty to consult
- Environmental Management
- Regional Profiles

#### Colin Ferrar

Meeting with Colin Ferrar who was hired to assist in the discussion and bring forth recommendation on the topic of Enforcement. Mr. Ferrar worked 40 years in RCMP, stationed throughout the Maritimes. For the last 18

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years, Mr. Ferrar provided legal advice in some capacity for the RCMP. Mr. John Warr, Superintendent with the RCMP contacted Mr. Ferrar to see if he was interested in looking into the issue.

The meeting began with a round table to introduce everyone  
 Everyone describes the area they represent and challenges they face  
 There are many differences between HAs, some high functioning and some not  
 The Chair describes relationship between SCH and HAs (HA Model)

Mr. Ferrar has been studying acts mentioned that HAs need to have their files in order before action can be taken:

3 themes

- Better understanding of property act
- What is the process required for HAs
- What is the process required for RCMP

Various examples were provided for consideration in the discussion.

- Examples: the Trespass act in New Brunswick doesn't apply to harbours, while the act in PEI and NS gives power to RCMP to detain individuals.
- Both Federal and Provincial Crown Office could prosecute under different situations, but how eager would prosecutors be to take on these cases?
- Rules and regulations differ from HA to HA. SCH should not impose rules on the HAs. According to the lease, they are responsible for making their rules.
- If court rules that individual needs to pay debt, sheriff would be the person who would serve notice
- In NB, unable to garnish wages
- If this does not apply in the act in New Brunswick, what are tools and recourse for HAs in New Brunswick.
- There will be a need to develop step by step for each province
- Cameras may be installed but should not record audio.
- Don't show footage to anyone that should not see it; they will only release footage to RCMP
- Moving a boat will not be a police matter

Action plan:

- Developing profile of actions, flow chart for provinces
- Discussion paper
- Other legislation that could apply
- What is the information that HAs need to track
- Manual for HAs to deal with enforcement matters

Enforcement officers appointed by DFO could be effective in enforcing  
 Under section 10 of the act, the minister can appoint an enforcement officer  
 Question if any harbours are served by municipal police vs. RCMP  
 Jurisdiction is important and affects who could respond

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Possibility to designate a fisheries officer as an enforcement officer  
 While the act in NB is not as direct, you can still serve notice to an individual  
 RCMP officers are also fisheries officers (or were previously)  
 Creating a disturbance may be the only section of the criminal code that could apply

#### HAAC Communication Group

Chair reviewed timeline with group.  
 Application for funding presented to the group.  
 Need to develop the scope of the work  
 Obtain quotes from service providers (3 quotes)  
 SCH will complete incorporation forms and submit to HAAC  
 SCH will develop project description for feedback by HAAC

#### Dredging

Met August 29<sup>th</sup> on a technical level. SCH will be meeting with provincial landfill owners to discuss disposal on those sites.  
 Update on initiatives, working closely with Public Service and Procurement Canada (PSPC) to purchase property near harbours to develop containment cells. A retired engineer from PSPC has been hired to design specs for containment cells.  
 Long term will also include large federal disposal sites  
 Working with Environment Canada for a disposal at sea permit  
 SCH has also hired the retired Regional Director from Environment Canada to work on this issue  
 Deputy Minister (DM) has been briefed by Maritimes Region Regional Director General, Mary-Ellen so that he can work with Deputy Minister of Environment Nova Scotia (ENS), Minister Martin  
 ENS is looking at sediment data from containment cells in order to look at disposal of dredge on commercial property of similar backgrounds

#### Discussions with web designer

Chair provides overview of Harbour Authority Program  
 Representative from Web Design Pro in Truro, NS makes presentation to the group  
 Suggestion to have a "Secure membership" where each user would have a login and password  
 May need to pay for translation services (would need to add to scope of work)  
 Possibility to have a non-secure site open to the public and a secure section open to members  
 Site would be optimized for desktop down to cell phone  
 Develop web site using 80/20 rule, where 80% will be able to use the web site no problem. 20% will find site too complicated and may require help to navigate.

#### 2018 HA Conference

Partnering Forum (Trade show format) – If an industry person coordinates the partnering forum portion, only the industry person deals with the partnering forum. Avoid duplication of effort by having only industry person coordinate partnering forum. HAAC Booth

Working committee  
 - Bonnie

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- Marco
- Edwin
- Osborne

#### Subjects

- Environmental Management
- Communication Group Web Site launch
- RCMP – Colin Ferrar
- Training for HAs

#### Other

- HA Testimonials
- HA videos
- Similar table assignments
- More time for discussion at tables
- Giveaway – Tuques
- Electronic surveys
- Facilitator

#### Speakers (throughout)

- SCH Director General (DG)
- Regional Director General (RDG)
- SCH Regional Director (RD)
- Minister
- Motivational speaker
- Governance
- Management
- Finances

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- Environment
- Operations

Format for 2015 testimonials was excellent

Prix d'Excellence: awards presentation to be done during the day.

Have networking event the second night, but take out the awards from that

Theme: 30 years and growing

30 years of partnering

30 years of partnership

A salute to 30 years

30 years of collaboration

A salute to 30 years of collaboration

RD to mention accomplishments during the past 3 years since Alain started

- HA Health
- First Nations

Harbour Authority representatives (1 per HA) will receive travel allowance as per the National Joint Council travel directive.

#### Winberg Report

Concern that RHAAC hasn't heard anything regarding the report

Report not being implemented before consultation with HAs and industry

Recommendation that the report be released at some point

RHAAC to bring up at NHAAC to question what is happening with it

#### Waste Oil Buildings

Stantect presentation was made to the group

Checklist of maintenance items to consider and pamphlet shared with group

Chair describes incident at a harbour including corrective measures that were taken

Inspection by Environment Canada (EC)

Warning letter sent to Assistant Deputy Minister (ADM), Regional Director (RD) and Harbour Authority President

Regional Office of Environmental Coordination (ROEC) will be doing inspections on behalf of SCH

#### HA Health

Question was asked as to what happens when an HA declares bankruptcy?

- Harbour Manager was removed by HA, books were never given to HA. Nothing up to date.
- Assets revert to the Crown

#### Next Meeting

January 30<sup>th</sup> and 31<sup>st</sup>, 2018 in Truro, NS