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HARBOUR AUTHORITIES
our harbour, our community

SMALL CRAFT HARBOURS

Harbour Authority Manual / Operations

2021

Canada

OPERATIONS

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Introduction

PURPOSE

The purpose of the manual is to provide guidance for the safe and efficient operations of Small Craft Harbours for commercial fishers, harbour users and the general public.

This manual is not intended to be a universal manual for harbour authorities. It is rather a guide to help harbour authorities with harbour management.

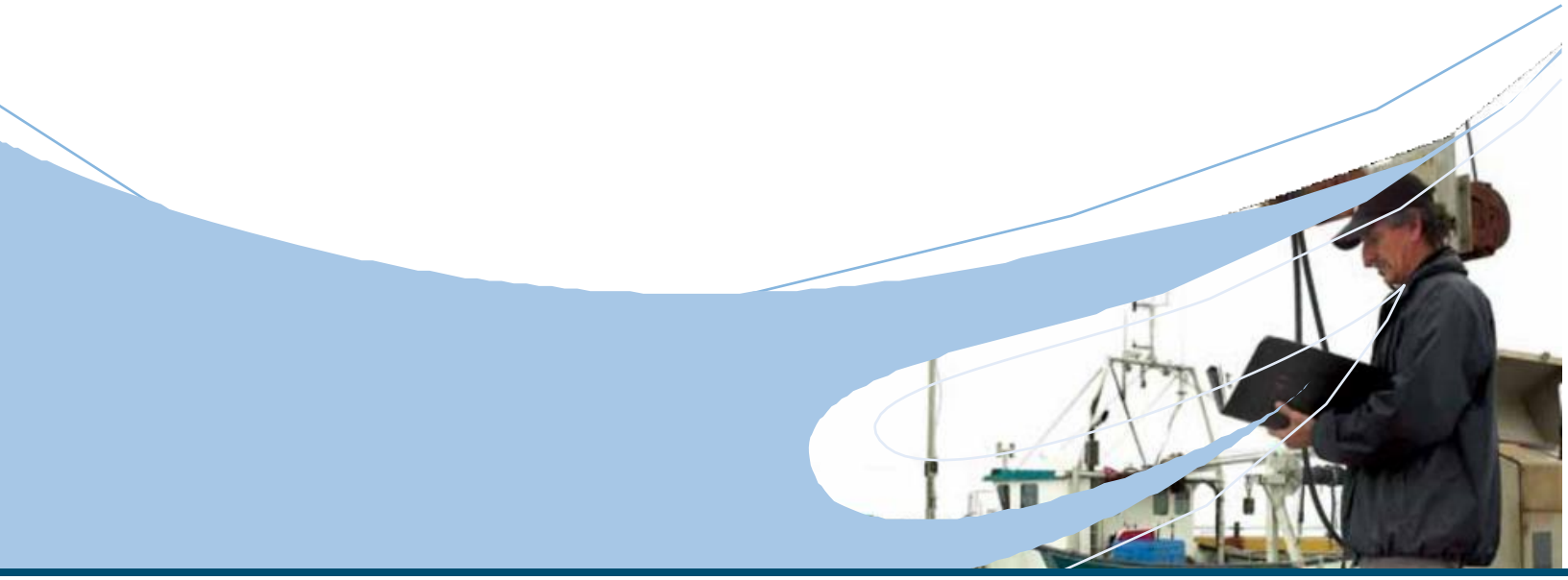
DAY TO DAY OPERATIONS

Harbour authorities are faced with different operational requirements in their everyday functions. The day to day operations section highlights the responsibilities of harbour authorities regarding rules and polices and how to seek compliance when confronted with delinquent users. It includes as well information on potential legal recourses.

This section also includes information on the types of rules and policies that can be adopted by harbour authorities as well as how to communicate these. A harbour rules sample that harbour authorities can adopt is also included in the manual.

The last part of this section presents how to maintain the day to day operations of a harbour. It includes :

- *information on daily supervision;*
- *suggestions for garbage disposal;*
- *how to deal with used oil storage tanks;*
- *how to provide utilities to users;*
- *information on parking and traffic on the site;*
- *examples of rules of conduct;*
- *information on vessel records;*
- *what to do in case of harbour improvements;*
- *examples of signage;*
- *what to do in cases of hazardous situations; and*
- *best practices when communicating with media.*



HARBOUR AUTHORITY RULES AND POLICIES AND COMPLIANCE

WHAT ARE THE HARBOUR AUTHORITY'S RESPONSIBILITIES

Harbour authorities have the responsibility to:

- ✓ Develop rules and applicable policies with the tools provided and guidance of Small Craft Harbours. Some harbour authorities may want to develop specific policies.
- ✓ Adopt these rules and applicable policies.
- ✓ Clearly and effectively communicate the harbour rules and applicable policies to users through signs or agreements with users and explaining why they exist. The most effective means of communicating at a harbour are:
  - posting signs in visible locations;
  - giving verbal reminders; and
  - setting good examples.
- ✓ Consistently and without bias ensure compliance with harbour rules and applicable policies.

RULES AND POLICIES

RULES AND POLICY DEVELOPMENT

Harbour authorities have the responsibility to develop and adopt rules or policies for the major activities that they undertake in managing their harbours. Rules or policies are the foundation of a well-managed harbour. By having them in place the harbour authority is being proactive in defining their expectations for all users.

Some harbour authorities may want to develop specific policies that go above the harbour rules. Here are a few examples of rules and/or policies that would be beneficial to have at a harbour:

- harbour rules
- rules of conduct
- policies on berthage agreements
- policies on sub-leases and/or licences
- emergency procedures
- rules of operations for used oil collection and disposal
- garbage disposal
- environmental management plan (EMP)

HARBOUR RULES

Below is a sample of harbour rules that the harbour authority can adopt. Harbour authorities may adapt and customize these according to their harbour requirements.

1. Management and control of this harbour is the responsibility of the harbour authority by way of lease with Fisheries and Oceans Canada.
2. The use of harbour facilities is on a user-pay basis. User fees apply.
3. All harbour users must enter into user licences and/or berthage agreements available from the harbour authority.
4. Vessels left in port must be properly moored and secured.
5. The harbour, all wharves, docks and surrounding areas are considered no wake zones – only idle speed is permitted.
6. No parking in front of the slipway or anywhere that may obstruct harbour operations. Vehicles obstructing harbour operations may be towed at the owner's expense and without risk/liability.
7. Please use garbage containers provided. Littering will not be tolerated.
8. Any oil spills or any environmentally damaging chemical spills must be reported to the Department of Fisheries and Oceans and any other relevant government entities. It is the responsibility of the individual using the facilities to clean up any oils/chemical spills.
9. No recreational diving or swimming on harbour authority property.
10. Only seaworthy vessels may berth within the harbour.
11. The harbour authority and its employees are not liable for any damage/loss/theft of harbour user's property on this facility. All persons may use the facilities at their own risk.
12. Accidents, safety issues and other concerns must be reported to the harbour authority immediately.
13. The harbour authority reserves the right to remove vessels obstructing harbour operations and/or presenting safety and/or environmental issues at owner's expenses and without risk/liability to the harbour authority.
14. All posted signs and harbour rules must be strictly adhered to.
15. Failure to abide by harbour rules could result in harbour access/services being denied and/or court action.

Annex A is a sample of harbour rules.

RULES AND POLICY COMMUNICATION

Once the harbour rules and policies have been developed, it is essential that they be properly communicated to users.

Harbour authorities should put their rules or policies in writing and make them available to the public. Harbour authorities are to communicate to their members and harbour users:

- any new rules or policies; and
- any changes to existing rules or policies.

Communication can be accomplished through:

- signs (they should be visible at all times in the harbour)
- written agreements
- information on harbour authorities websites, if applicable
- information bulletins

If a dispute ever arises, it will be helpful to the harbour authority if the rules and policies are properly displayed and communicated to users.

Annex A is a sample of a poster outlining harbour rules.

COMPLIANCE TO HARBOUR RULES AND POLICIES

When confronted with delinquent users or recurring inappropriate behaviors, the harbour authority must take every measure in their capacity to rectify the situation before considering legal recourse or engaging their Small Craft Harbours contact. The harbour authority must in all cases of non-compliant users follow these steps:

1. Issue a verbal warning.
2. Issue a written warning via registered letter.
3. Always document pertinent information regarding the incident (very important).

These steps are important as they will provide records of events in case of legal proceedings.

Important note: Following these steps, if the situation remains unresolved and it is a violation of the *Fisheries and Recreational Harbour Act* and it's regulations, the harbour authority can engage their Small Craft Harbours contact. All pertinent documents and information should be provided to Small Craft Harbours employees. The level of involvement or accompaniment from the Small Craft Harbours employees will depend on the harbour authority's capacity to deal with the matter, as well as the complexity of the issue.

SMALL CRAFT HARBOURS WILL NOT INTERVENE IN CASES OF UNPAID USER FEES.

A legal recourse can be both expensive and laborious and may not result in a quick and tidy solution. In some cases, however, a legal recourse cannot be avoided.

LEGAL RECOURSE

The harbour authority should meet with its lawyer to discuss its general credit policy and method of debt collection. The harbour authority should decide whether to retain a lawyer to act on all its debt collections and negotiate a volume discount, or handle Small Claims Court matters.

Small Claims Court

Typically, debts owed to the harbour authority are most easily and inexpensively collected through the Small Claims Court system. However, prior to proceeding on its own behalf, the harbour authority should verify the procedural and substantive rules governing Small Claims Court actions in its jurisdiction. For example, in Québec the maximum value of a Small Claims Court action is $15,000, while an equivalent Court in Ontario will hear claims with a value of up to $35,000. In addition, the filing of claims and other procedural matters may vary from province to province and these requirements should be verified in advance to increase the harbour authority's chances of collecting on the debt.

Should the harbour authority choose to handle a Small Claims Court action itself, a person should be designated to handle the matter. The designated person should visit the local Small Claims Court office to learn the substantive legal requirements and procedures involved.

Trespass Acts

Most Canadian provinces have trespass acts that might be helpful to harbour authorities when dealing with non-compliant users. In order to see if this is an option for your harbour authority, please consult with a lawyer.

PROCEDURES

DAILY SUPERVISION

Daily supervision of the harbour facility is performed by members of the harbour authority's board of directors, volunteers or employees. Harbour manager responsibilities, as specified in the terms and conditions of the harbour facility lease, include:

- explaining rules, policies, and fee structures to harbour users;
- assigning berthage and storage space;
- controlling parking areas;
- ensuring trash and used oil are collected and disposed of in appropriate containers;
- ensuring the facilities are clear of personal property and any general gear;
- ensuring that users of harbour equipment comply with operating instructions and restrictions; and
- reporting, in writing, the details of all incidents (e.g., fires, damage to property, etc.).

Additional information on roles and responsibilities is available in the Harbour Authority Governance Manual.

Daily log or notebook

Harbour managers are encouraged to keep a daily log or notebook to record notes. This can be a useful tool for observations, including the date and time of an incident, customer discussions, record of routine maintenance, unusual events, etc. The log or notebook is also useful for completing reports and, if necessary, it can be used for testifying in court.

If the notebook or the daily log is created in a Word document, information can be found easily by searching with key words.

Information management

Harbour authorities are encouraged to have an accessible list of suppliers, contractors, etc. This is important for supplies and materials that are not easily accessible or that meet standards established by Small Craft Harbours.

A harbour authority should have files with key contacts and property maps that identify the location of key items such as water shutoffs, water meters, fuel shut offs, electrical meter, etc.

A harbour authority should have a good data security system for customer records and record keeping. It's important to keep digital and hard copy files secured from unauthorized access to prevent loss of data.

More information on records management can be found in the Harbour Authority Governance Manual.

Hours of operations

Harbour hours of operation and a 24-hour emergency telephone number should be posted in a location that is visible to harbour users, such as the door of the harbour authority office.

GARBAGE DISPOSAL

Collection/Disposal

No garbage, waste, or other debris may be discharged or disposed of in the harbour water. The harbour authority should provide properly identified garbage containers in accessible locations. These can be locked overnight to prevent use by non-harbour users. Verify with the local municipality or service district since some charge a levy fee per unit for the collection of garbage and some do not.

Harbour authorities could limit the amount of garbage from transient boaters by providing specially identified receptacles, or by limiting the number of garbage bags per vessel per day. A fee may be charged for additional garbage bags.

Recycling of end of life fishing gear, cardboard, plastic, and compost should be encouraged. Flattening cardboard boxes will conserve space and reduce costs. Recycling may save money or create revenue for the harbour authority.

Non-harbour users who dispose of household or other off-site waste in the harbour's garbage containers could be accused of a theft of services and could be held criminally liable for committing such an act.

Below are examples of garbage containers.

Commercial waste containers for bagged garbage

Waste sorting garbage container

Hazardous material

Harbour users are responsible for disposing, in accordance with provincial or municipal laws, of hazardous material, such as:

- flammable liquids and their containers
- batteries
- refrigerants and corrosive material
- engine blocks
- hatch covers

USED OIL STORAGE TANKS

The storage of used oil in an aboveground storage tank in a fixed location is regulated by the "*Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, SOR/2008-197" under the *Canadian Environmental Protection Act*. Any used oil storage tank greater than 230L must be registered with Environment and Climate Change Canada under the Regulations.

Small Craft Harbours sometimes provides used oil tanks to harbour authorities. The presence of these tanks promotes the proper collection, storage, and disposal of used oil. Tanks typically range in capacity from 1,000 – 3,500 L. They are either located outside or within a building built for this purpose with proper ventilation and in-floor spill containment. They may be exempt from the federal storage tank regulations if the building provides 100% containment and if it prevents spills from entering the surrounding environment. The building will also protect against unauthorized use and will extend the service life of the tank.

Example of a building specially designed to house used oil tanks, with proper ventilation and in-floor spill containment.

Small Craft Harbours also requires the following for used oil tanks:

- All used oil tanks must have **secondary containment** (i.e. double-walled tanks).
- Tank interiors must resist the corrosive effects of salt water.
- All steel surfaces must be coated with high build marine epoxy paint applied as per the tank manufacturer's specifications.
- The storage tank must be constructed to Underwriter's Laboratory of Canada (ULC) Standard ULC S652 "*Standard for Tank Assemblies for the Collection, Storage and Removal of Used Oil*", including a 25L oil receptacle (with emergency venting), atmospheric vent, debris screen, safety decals, suctions stub, manufacturer's identification label and interstitial space monitoring (vacuum gauge or manual dipstick).
- The tank should be installed with a 2° slope toward the pump out sump to facilitate maximum emptying of the system.
- Tanks installed outdoors should be protected from potential vehicle impacts. Traffic protection can include concrete filled steel bollards, guardrail or concrete barriers.

Images represent examples of outdoor used oil tank installations with proper protection from vehicle impacts (fencing, bollards).

Harbour authorities and harbour users must make every effort to prevent the disposal or mixing of unsuitable products such as gasoline, antifreeze, solvents, cooking oil, bilge water, etc., with used oil. Mixing used oil with such products can significantly increase the cost of disposal.

Used oils must be removed by a licensed carrier and disposed at the provincially approved facility.

As required by the *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations* all registered tanks must have an Environment and Climate Change Canada identification number affixed on tank in a visible location.

Additionally, unless otherwise specified by regional requirements, Small Craft Harbours suggests the following signage be present at used oil facilities:

- rules for used oil handling including who to contact when the tank is nearing its capacity;
- location of the emergency plan and the emergency telephone number;
- information on the costs of mixing unsuitable products;
- a WHMIS warning and product identification label printed in both official languages;
- no smoking labels in both official languages that meets the National Fire Code of Canada (NFC) standards (minimum international "No Smoking" symbol not less than 100mm (4") diameter); and
- a label indicating that moving the tank without Small Craft Harbours approval is prohibited.

If flammable liquids are mixed with used oil, oily rags and debris can combust spontaneously when the temperature reaches between 22.8 and 37.8 degrees Celsius. For this reason, used filters, oily rags, and debris must be stored in containers and removed from the site on a regular basis. Harbour authorities should designate a space for these containers (inside the used oil building, if applicable).

Harbour authorities should handle, store, use, and dispose of all flammable and combustible materials in accordance with local fire authorities guidelines and the National Fire Code of Canada. Information on used oil and hazardous materials should be included in the Harbour Authority's Environmental Management Plan.

A notice should be posted near the used oil tanks indicating to immediately report any signs of spills or leakage to the harbour authority.

UTILITIES

A harbour authority should ensure that electrical and water systems are well maintained and properly used by harbour users. When these services are provided as part of the berthage fee, the harbour authority should monitor, and be aware of, possible abuse.

More details can be found in the Inspection and Maintenance Modules for Harbour Authorities. Harbour authorities can obtain a copy of this document through their Small Craft Harbours contact.

Electrical power

All work associated with wiring, junction boxes, meters, control centers and high energy lighting fixtures should be undertaken only by a qualified electrician with the appropriate equipment.

A harbour authority should never undertake electrical work for which they are not qualified.

Visual inspection and tests of electrical systems

A standard inspection checklist for electrical systems includes:

- ✓ Light fixtures; photocell operation can only be verified by inspecting the devices at night.
- ✓ Condition / remaining life of light bulbs or luminaries.
- ✓ Light standard or pedestal.
- ✓ Power outlets.
- ✓ Circuit breakers should be inspected for obvious sign of damage such as exposure to water, excessive heat, signs of overheating or heavy corrosion. The circuit breaker handle should lock into place in definite "on" and "off" positions, not flop back and forth.
- ✓ Ground fault circuit interrupters (GFCI) should be tested monthly. Simply press the test button, which will shut off all power to the entire circuit, press the reset button to restore the power to the circuit.
- ✓ Condition of outlet and/or service box.
- ✓ Wiring connections / breaker box.
- ✓ Electrical supply lines.

120V and 240V outlets

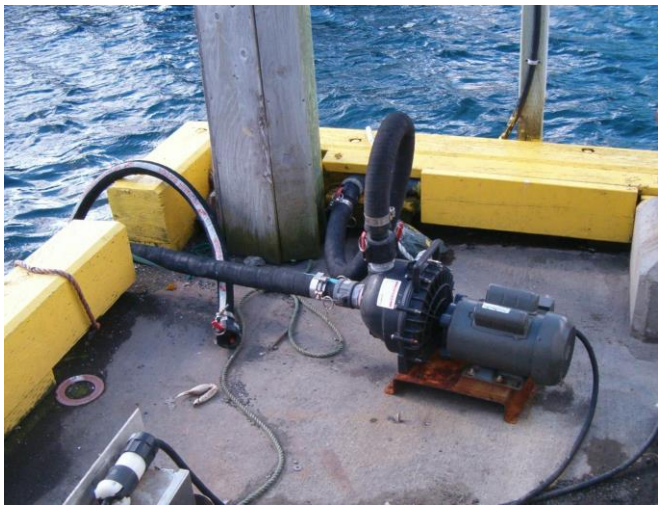
Power outlet distribution with breakers and lights fixture combined.

Water services

The harbour authority should regularly inspect water lines, connections, faucets, and valves for leaks, frozen sections, and changes in pressure. Location and operation of salt water intakes, pumps and wiring connections at pumps should also be regularly inspected. Seasonal start-up and shut-down procedures should also be conducted.

More details can be found in the Inspection and Maintenance Modules for Harbour Authorities. Harbour authorities can obtain a copy of this document through their Small Craft Harbours contact.

Connection to main line protected by wheel guard.



This service provides clean sea water for wash down of vessels.

PARKING AND VEHICLE TRAFFIC

The harbour authority is responsible for controlling vehicle access and parking on harbour property. Speed limits and parking regulations may be posted within the harbour and parking permits can be issued to restrict access to parking lots by visitors. Permits or parking meters, that can be administered by a third party, may be a potential source of revenue for the harbour authority.

The harbour authority may choose to impose the following:

- limits on the duration of parking;
- no camping or overnight sleeping, as this represents a security risk in most harbours;
- restrictions on vehicle access to the wharf for owners and operators of vessels for loading and unloading; and
- restrictions regarding vehicle size and weight.

RULES OF CONDUCT

The harbour authority should communicate rules of conduct to harbour users through clearly visible signs.

Harbour rules of conduct can include that:

- the consumption of alcohol is only permitted on private vessels;
- the use of illegal substances is prohibited;
- disruptive behavior will not to be tolerated;
- children under 10 years of age must be accompanied by an adult on wharves, floating docks, loading and launch areas as well as in storage and repair areas;
- pets must be kept on a leash and be under the direct control of their owner at all times and pet owners will clean up after their pets;
- swimming, water-skiing, scuba diving, and fishing is not permitted in the harbour;
- bicycling, skateboarding, and rollerblading is not permitted on wharves, floating docks, loading and launch areas; and
- harbour users must comply with municipal noise regulations if applicable.

Safety

The harbour authority should ensure that all main floating docks and walkways are free of materials, accessories, debris, and fishing gear. The harbour authority should also ensure that no mooring lines, cables, water hoses, and vessel structures obstruct walkways.

To ensure compliance with the Fishing and Recreational Harbours Regulations on fire prevention, the harbour authority may request that vessel owners and operators have no open fires or wood burning stoves aboard vessels or on docks within the harbour. Also, the harbour authority may request that charcoal burners, barbecues, and grills are to be used only in designated areas of the harbour.

All potential hazard areas should be barricaded as well as communicated to their Small Craft Harbours contact. Under the relevant Occupational Health and Safety regulations, harbour authorities are responsible for conducting safety inspections.

Please see *Annexes M, N, O and P* for examples of safety inspection checklists.

VESSEL RECORDS

Vessel records are a useful way to collect information about vessels using the harbour facilities. Vessel records should be kept in a safe place, protected from fire and other potential sources of damage or theft.

Vessel records can include the following:

- ✓ name of the vessel, vessel number and type of vessel;
- ✓ name, address, and telephone number of the owner, or operator, or both;
- ✓ length of the vessel in meters;
- ✓ provincial or federal registration number;
- ✓ hull and gear type; and
- ✓ number of the reserved slip (a berthage area set aside for the exclusive use of a particular vessel for a specific period of time) and anniversary date (the renewal and payment due date), if applicable.

IMPROVEMENT TO HARBOUR FACILITIES

In cases where additions or improvements to the harbour facilities take place, construction projects must be authorized by the Small Craft Harbours and supervised by the harbour authority. The lease or sublease also addresses what happens to said improvements upon expiry of the agreement.

For more information, harbour authorities should communicate with their Small Craft Harbours contact.

SIGNAGE

Effective signage allows for improved operational control at harbours and ensures harbour users are aware of the rules, activities, needs and risks associated with the harbour. Signs will reduce injuries, property or environmental damage. They also demonstrate due diligence on the part of harbour authorities in their communication with users. Harbour authorities are encouraged to develop a signage plan for their harbours.

Harbour authorities are responsible for posting signs, although their Small Craft Harbours contact may be able to provide assistance in some circumstances. The sign that identifies the harbour, that is usually placed at the harbour entrance, must meet the Federal Identity Program requirements. For more information, harbour authorities should communicate with their Small Craft Harbours contact.

Category of signs

Management

These types of signs are placed at the entry of the harbour to set the tone for the use of the facilities and communicates the expectations of the harbour authority. It also includes information on the harbour authority and the names and telephone numbers of key contacts.

Operational

These types of signs list operational practices and rules to be observed when using site-specific services and operational areas. Operational signs may include guidelines on safety, environmental or health.

Safety

These signs are to advise the public of potential hazards, in order to avoid accidental injury or possible property damage. Safety signs typically fall under the heading :

- DANGER - Hazardous situation that has a high probability of death or severe injury.
- WARNING - Hazardous situation which has some probability of death or severe injury.
- CAUTION - Hazardous situation that may result in minor or moderate injury.
- NOTICE - Statement of a harbour authority policy that relates directly or indirectly to the safety of personnel or protection of property.

Environmental management

These signs promote environmental awareness and identify practices to be observed in support of the harbour's Environmental Management Plan. Examples include the following:

- site specific environmental procedures for spill response, including information on spill kit and emergency contacts;
- clear operating procedures for used oil disposal, i.e., which products are acceptable or not, where and how to dispose of acceptable products, what to do if the tank is full or leaking, and who to contact for more information;
- signage for solid waste disposal and recycling;
- information on sewage discharge regulations in Canadian waters, including where and how to properly dispose of grey and black water; and
- information on hull maintenance and repair, how these activities can be harmful to human health and the environment and the best management practices that should be followed.

Signage considerations

The practicality, usefulness and durability of a sign is likely determined by its message, specifications and location.

Sign message: *Keep it simple, to the point and user friendly*

- context and necessity
- brevity and clarity
- language and familiarity of words

Sign specifications: *Impact is key*

- Design/presentation: Avoid visual clutter and ensure your sign can be clearly seen from a distance.
- Dimensions: Character size, the length of the message and the use of symbols determine the overall size of a sign.
- Material: Standard Aluminum is recommended for coastal environments.

<u>Sign location:</u> *It must be visible*

- Traffic flow: Place sign towards traffic and on correct side of the roadway. Maximize viewing potential by placing sign in high traffic areas, for example, at the entrance or near launch/slipways and berthing areas.
- Visibility and viewing range: No objects (such as other non-related signs) should distract from the target sign. This will ensure that your sign gets full attention of harbour users.
- Lighting: Adequate lighting may be required to ensure the sign is always visible, even when there is low light.
- Surrounding environment: Make sure there are no obstructions blocking the view of your sign.

Examples of signs

The following are examples of information and warning signs:

- ✓ harbour rules and rules of conduct;
- ✓ berthage fees, other fees and payment terms;
- ✓ loading zone area;
- ✓ garbage disposal;
- ✓ fueling instructions;
- ✓ restrictions and instructions on the use of power;
- ✓ instructions on the disposal of used oil;
- ✓ restrictions on the storage and use of petroleum products;
- ✓ parking instructions and restrictions;
- ✓ the names and phone numbers of people to contact in case of an emergency (fire, spill, accident, etc.); and
- ✓ restrictions on activities such as swimming, diving, fishing and smoking.

The harbour authority should ensure that signs are in accordance with municipal signage by-laws.

The harbour authority may choose to restrict the types, sizes, and overall condition and appearance of signs posted at a harbour to advertise services to fishers and tourists. These may include the sale of boats, charter or boat rental, community events, and others.

HAZARDOUS SITUATIONS

The harbour authority may have to deal with hazardous or potentially hazardous situations.

Hazardous situations may include:

- ✓ mooring lines that cross wharves, floating docks, or walkways;
- ✓ power cords and extension cords that are in poor condition or poorly secured, hang in the water, or obstruct the walkway; and
- ✓ listing or sinking vessels, and vessels that represent a navigational hazard.

Should a vessel present a danger, it is inadvisable to board or beach the vessel without first requesting permission from the owner/operator. In cases where the owner/operator is unavailable and the situation requires immediate action, the harbour authority should use discretion and act in a manner appropriate to the circumstances.

MEDIA RELATIONS

Even though media relations is not part of day to day operations, a harbour authority could be faced with situations where they need to deal with media. There may be times when the harbour authority's board of directors will be asked to comment on an issue in the media. Depending on the nature of the issue, this could be local, national or even international media. It can be an issue directly impacting the harbour authority, for example, a recent storm resulting in substantial damage to the breakwater. It could also be something more general like a new government funding program.

Effective communication will help ensure the harbour authority maintains a good reputation. It can include both internal and external communication:

- Effective internal communication is essential to motivate, inform, and counsel employees and volunteers.
- Effective external communication can help attract and retain volunteers, raise public awareness, and increase understanding, commitment, and funding for the harbour.

Designate a spokesperson

The board of directors should designate a spokesperson to speak on behalf of the organization if contacted by media. Interviews can be taped, live, audio, print and video. Media spokesperson training is an effective way to ensure you are communicating the key messages and a way of providing information on your harbour authority. However, you could negatively impact the harbour authority image if you are not prepared properly.

The following tips can be useful:

1. Follow the media for any stories that might have an impact on your harbour authority.
2. Know the names and become familiar with media contacts in your area.
3. Familiarize yourself with an issue before speaking to the media.
4. If a reporter calls, ask what the inquiry is about, who else they are interviewing and what their deadline is. You can then call them back when you have had some time to prepare. Be ready for tough questions as well as easy ones.
5. Try not to do all the talking. Have some key messages in mind, answer the question and stop talking. Let the reporter ask the next question.
6. Ask for clarification if you are unsure of what the reporter wants or is asking. If it is a taped interview, you can ask the reporter to stop and try your answer again.
7. Avoid off-the-record comments.
8. If you don't know an answer, say so, and offer to get the information for the reporter.
9. Tell a compelling story and speak to a general audience.
10. Thank them for the interview and coverage for your organization.
11. Do not ask to read what the reporter will write prior to publication.

HEALTH AND SAFETY

A harbour authority is responsible for providing their employees, volunteers and users with a safe facility. The first part of this section focusses on ways to minimize personal injury and property loss as well as the importance of health and safety training.

The second part of this section provides information on occupational health and safety along with best practices for injury prevention in the workplace, as well as information on the steps to be taken by the harbour authority in the event of an incident or accident.

This section also contains details on the three types of insurance coverage offered to harbour authorities, which are: the third party liability insurance, the directors and officers liability insurance and the accidental death and dismemberment and bodily injury insurance. It also includes the procedure for reporting an incident/accident as well as outlines the responsibilities of the harbour authority when an incident/accident occurs. Information on holding special events at harbours can also be found in this section. The last part of this section provides information on contingency planning and emergency procedures. It outlines the steps to take and how to alert appropriate authorities when an emergency occurs. Information on fire prevention and how to respond to small fuel spills is also included.

RISK MANAGEMENT

Risk management involves assessing those operational areas of a harbour authority that carry the risk of liability or loss, and devising an effective, cost-efficient means of minimizing such risk.

The main areas of concern with regard to risk management include personal injury, property loss and damage to the environment. This section focusses on minimizing the risk of personal injury and property loss.

MINIMIZING PERSONAL INJURY AND PROPERTY LOSS

A harbour authority must maintain its facilities in a safe and secure manner. Should a harbour user, visitor, or trespasser be injured or their property damaged because of the inaction or negligence of the harbour authority, the harbour authority and its officers and directors may be held liable.

To minimize risks, a harbour authority should ensure that the following measures are taken:

- ✓ equipment inspections (ensure that all equipment is safe and in proper working condition, and that proper instructions or warnings are posted where necessary);
- ✓ inspections of leased area (including water lots, wharves, and all buildings);
- ✓ remedial action (repairing faulty or dilapidated equipment or facilities);
- ✓ preventive maintenance;
- ✓ an emergency action plan; and
- ✓ the training of personnel, as and when required.

Upon learning of any deficiencies in its operations or property, the harbour authority is advised to take adequate and appropriate steps to minimize risks to personnel, users, and visitors.

Training of personnel

Harbour personnel may require specialized training to minimize risks to other employees and harbour users. For example, the use and storage of some fuels, solvents, and chemicals are heavily regulated. The harbour authority should determine whether it uses and stores agents that are considered toxic, flammable, or harmful to the environment, and whether its personnel requires specialized training to handle such agents.

WORKPLACE HEALTH AND SAFETY

The harbour authority is responsible for providing their employees and volunteers with a safe and healthy workplace. This section addresses how to provide a safe and healthy workplace.

PREVENTION OF INJURY

Elements of prevention

The main elements of prevention for health and safety in the workplace include:

- ensuring the harbour authority is in good standing and compliant with provincial requirements;
- identifying workplace hazards;
- training new employees and volunteers on job procedures and prevention of hazards;
- ensuring that protective equipment is available and kept in good order;
- posting electrical safety procedures;
- training employees and volunteers on material handling practices and procedures;
- training employees and volunteers on rescue and emergency procedures; and
- providing fire prevention and fire intervention training.

Areas of concern for the harbour authority

The harbour authority should ensure that:

- machinery and equipment are safe to use;
- workers operate in compliance with established safe work practices and procedures; and
- workers are adequately trained in their specific work tasks to protect their health and safety.

Sources of information

The provincial workers' compensation boards provides various posters that alert employees of unhealthy work habits and practices. In particular, employees should be aware of safety precautions when lifting or dragging heavy objects, when driving or walking around forklifts, or when using hoists and winches.

PERSONAL INJURY REPORT

Paid harbour authority employees are not covered by the third party liability insurance (TPLI), the directors and officer's liability insurance policy (D&O) or the accidental death and dismemberment, and bodily injury insurance (ADD/BI). These policies do not protect harbour authority employees in the event of death or injury. If an employee becomes injured while performing their duties as an employee of the harbour authority, a provincial workers compensation may be available. Workers' compensation boards are a provincially regulated entity and will vary by province.

Should an employee suffer physical harm on the job, the harbour authority should complete an accident/incident report as shown in *Annex* C. The report should be completed as soon as possible and sent to their Small Craft Harbours contact.

Injuries sustained by a harbour authority volunteer while participating in work authorized by the harbour authority, may be covered under the ADD/BI insurance or the D&O liability insurance policy. These coverages are administered by the Harbour Authority Corporation (HAC). For more information, please contact the HAC by email at duplessis.management@gmail.com or by telephone at 1-506-625-4556.

HARBOUR AUTHORITY REQUIREMENTS

When an incident/accident occurs, the harbour authority will report the incident/accident to their Small Craft Harbours contact by filling out the accident/incident report - see *Annex C*.

INSURANCE

When the harbour authority model was put in place in 1987, in order to relieve harbour authorities of the high cost of purchasing liability insurance, the government, through the Small Craft Harbours Program, decided to fund a third party liability insurance (TPLI) coverage for harbour authorities. Additional coverages are also available for harbour authority directors, officers and volunteers, including the directors' and officers' liability insurance (D&O) as well as the accidental death and dismemberment and bodily injury (ADD/BI) insurance. This section contains information on the three types of insurance coverages.

THIRD PARTY LIABILITY INSURANCE

What is third party liability insurance (TPLI)?

Small Craft Harbours purchases TPLI for all harbour authorities and organizations in Canada that manage small craft harbours. The insurance provides protection to the harbour authority if a claim is made against it for accidental loss of life, bodily injury, and/or property damage suffered by third parties.

The policy runs from April 1 to March 31 of every year and is renewed annually by Small Craft Harbours Headquarters.

Who is covered under TPLI?

Harbour authorities and other organizations that have a signed lease or management agreement with Small Craft Harbours are added as an insured party on the policy against claims made by a third party. The Government of Canada is also insured.

What is covered under TPLI?

The policy covers third party liability (liability to others) arising out of the day to day operations of a harbour authority, more specifically for:

- bodily injury and all loss of life;
- personal and/or advertising injury - libel, slander, defamation, wrongful eviction; and
- property damage - destruction of property belonging to third parties while docking, undocking and whilst at the landing and mooring facility of the harbour authority property or whilst otherwise in its care, custody and control.

This policy provides:

- insurance coverage up to $20,000,000 per accident or occurrence;
- investigation on incidents for which the insurer receive reports;
- legal representation should the harbour authority or their employees be sued; and
- payment for claims by a third party where the investigation determines that payment is warranted.

For example, a person trips and falls over a piece of wood left on the wharf and injures themselves. The insurer will investigate the claim and, if warranted, pay for the claim and any legal defense, should it become necessary.

Another example is if there is a collision between two boats as a result of wrong directions given by harbour authority volunteers or employees. The insurer will investigate the claim. If it is determined the harbour authority volunteer or employee was at fault due to negligence, the insurer would pay for the claim and any legal defense, should it become necessary.

What are the key exclusions of the policy?

- Any damage or loss to property owned, leased or occupied by the harbour authority.
    - Harbour authorities must purchase their own property insurance policy to cover their assets.

- Injuries sustained by volunteers, employees, directors and officers.
    - The Harbour Authority Corporation (HAC), a federally incorporated body working on behalf of harbour authorities, offers an optional liability insurance for harbour authority volunteers, directors and officers as well as accidental death and dismemberment and bodily injury insurance (ADD/BI).
    - If an individual is injured in the performance of his or her duties as an employee of the harbour authority, he or she may be eligible for compensation from a provincial workers' compensation plan.

- Seepage and pollution - except for a sudden and accidental pollution incident. For more details, see FAQ document, under the "If a harbour authority owned fuel tank leaks, is the harbour authority covered?" which can be found in the insurance section of the Small Craft Harbours website. Harbour authorities can obtain a copy through their Small Craft Harbours contact.
    - This insurance excludes bodily injury or personal injury or loss of, damage to or loss of use of property, directly caused by seepage into or onto or pollution of or contamination of air, land, water or any other property, however caused and whenever happening.
    - This insurance also excludes any liability in respect of disposal or dumping of any waste materials or substances.

- Claims made against an outside organization using the harbour property for an event.
    - Before accepting to host or co-host an event on harbour property, the hosting organization must have their own insurance. The harbour authority shall request proof of third party liability insurance from the outside organization, granting the Government of Canada and the harbour authority as additional insured status and providing notice 30 days in advance of cancellation of policy.

- Harbour authority owned automobiles liability – this includes trailers and motorized snow vehicles
    - Harbour authorities must purchase their own insurance policy to cover their assets.

- For loss, damage or expense arising out of the operations of any vessel or craft owned by the harbour authority in excess of 26 feet in length.
    - Any vessel or craft owned by the harbour authority in excess of 26 feet in length should have a protection and indemnity insurance.

- Contractors hired by the harbour authority to do work for the harbour authority.
    - Contractors must have their own liability insurance. Harbour authorities should request proof of third party liability insurance granting Small Craft Harbours and the harbour authority additional insured status, and request the harbour authority be advised 30 days in advance should the policy be cancelled before the expiration date.

When does TPLI coverage begin?

Once the harbour authority has signed a lease or management agreement with Small Craft Harbours, the harbour authority will be added by as an insured party on the policy. The policy runs from April 1 to March 31 of every year and is renewed annually by Small Craft Harbours Headquarters. All harbour authorities or organizations will be provided with a certificate of insurance confirming the coverage, usually by end of April of each year.

REPORTING AND CLAIMS PROCEDURES

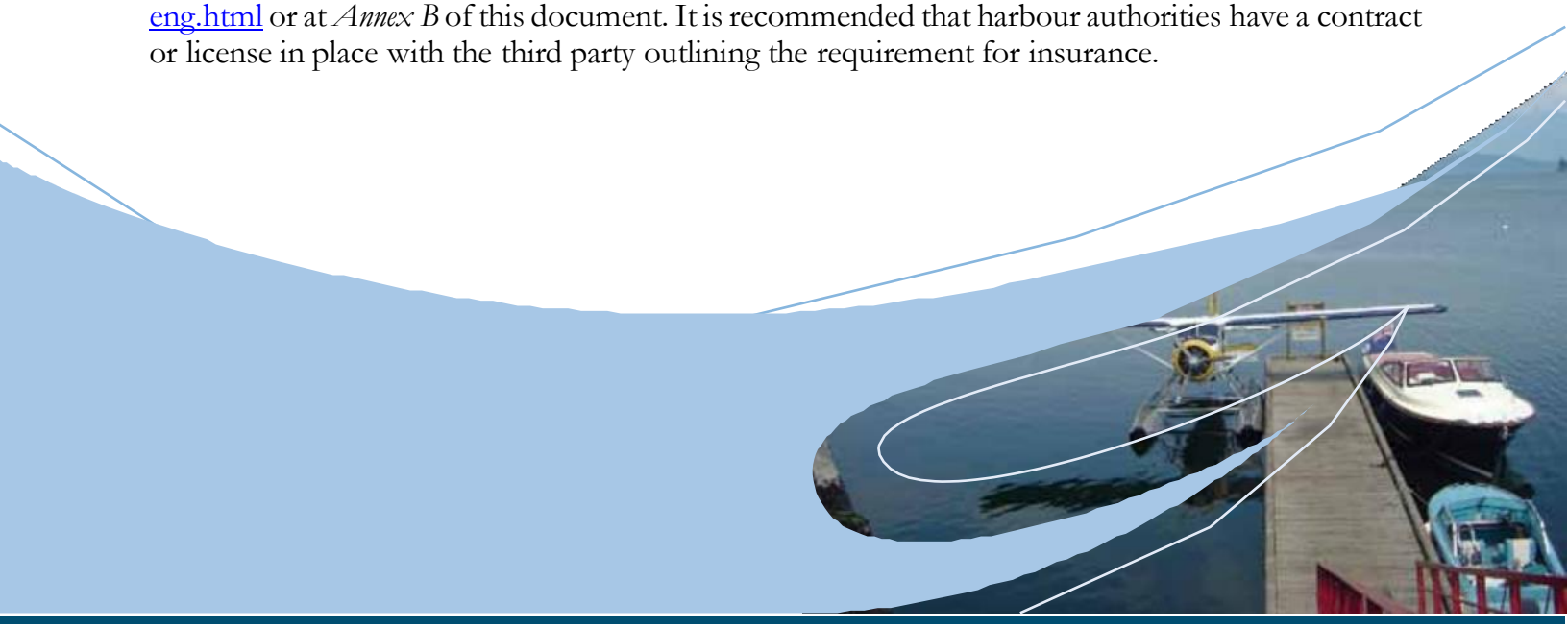
What to do in case of an accident or incident?

As soon as an incident/accident occurs, even without knowing if the third party will claim against the harbour authority and/or the Government of Canada, the harbour authority is to report the incident/accident by advising their Small Craft Harbours contact - see *annex C* . The Small Craft Harbours region is responsible for providing the information to Small Craft Harbours Headquarters who then informs the insurance broker.

- **NOTE**: Although all incidents must be reported first to their Small Craft Harbours contact, then to Small Craft Harbours Headquarters, they may not always fall within the scope of the TPLI coverage and policy. Incident reports are sent for review to the broker, who ultimately decides if the incident would be covered by the TPLI. If the broker believes the incident is covered by the TPLI, they advise the insurer C N A that a claim may be submitted by a third party.

SPECIAL EVENTS HOSTED AT HARBOUR AUTHORITY MANAGED SITES

Harbour authorities require additional insurance when hosting an event on their site. Any events outside of normal day to day operations taking place at harbour authority managed sites should be referred to the TPLI insurance broker. The harbour authority shall complete the Special Events Form and send it to their Small Craft Harbours contact, who will provide the form to Small Craft Harbours Headquarters prior to the event taking place (festivals, meetings, festivities, etc.). The form is available on the Small Craft Harbours website: https://dfo-mpo.gc.ca/sch-ppb/index-eng.html or at *Annex B* of this document. It is recommended that harbour authorities have a contract or license in place with the third party outlining the requirement for insurance.



SPECIAL EVENTS REQUIREMENTS

Here are the steps to follow when a special event takes place at a harbour :

Steps to follow for special events hosted by a harbour authority:

1. Complete the Special Events Form and forward to their Small Craft Harbours contact – *see Annex B.*

2. Insurer will receive the special events information and confirm whether additional insurance is required.

The harbour authority should confirm with its insurance company, by contacting their Small Craft Harbours contact, whether, under its policy, it is feasible to hold a particular event, particularly if a liquor permit and the consumption of alcohol are involved. For events held by the harbour authority, the harbour authority must obtain the necessary municipal permits and adequate insurance coverage.

Steps to follow for special events hosted or co-hosted by an outside organization (i.e. third party):

1- Complete the Special Events Form and forward to their Small Craft Harbours contact – *see Annex B.*

2- Issue a licence.

A licence agreement between the harbour authority (licensor) and the event organizer (licencee) is to be signed prior to the event. A copy of this licence agreement is to be forwarded to their Small Craft Harbours contact.

The harbour authority should deliver a license to individuals, groups, companies or organizations that wish to hold an event in the port to ensure that these events will proceed satisfactorily. The license agreement states the terms and conditions of the agreement.

Before authorizing organizers to hold a special event at the harbour, the harbour authority should request that organizers provide a complete description of activities that will take place. This will help identify potential implications of holding the event.

The description should include information about:

- the specific area of the harbour involved;
- the space required;
- the number of people attending;
- the duration of the event;
- the sale or provision of food and beverages;

- the presence or absence of local police or other enforcement agencies; and
- the anticipated impacts on harbour operations.

3- Obtain a third party liability insurance by the licencee.

The harbour authority should ensure that the organizers have obtained an adequate third party liability insurance. **The insurance must extend additional insured status to the licensor (harbour authority) and to the Government of Canada, and provide a notice of 30 days in advance if the policy is cancelled.**

4- Provide supporting documents for special event request to their SCH contact.

Once the Small Craft Harbours office receives a copy of all three documents (Special Event Forms, licence agreement and proof of liability insurance) they will submit the information to Small Craft Harbours Headquarter who will in turn inform the insurer. The insurer will respond to the notice by extending or denying coverage or requesting more information.

DIRECTORS AND OFFICERS LIABILITY INSURANCE

What is directors and officers liability insurance?

Directors and officer's liability insurance (D&O) serves as a risk financing mechanism to fund directors and officers liability type losses for which the directors and officers of a non-profit organization may be held liable due to wrongful or negligent acts or omissions made against them. These claims may arise from the decisions and actions taken within the scope of their regular duties. Typically, the D&O liability insurance policy also covers the legal fees and other costs the organization may incur as a result of such a suit.

The insurance is offered by Marsh Canada Ltd. The policies are offered in three different coverage amounts based on the individual harbour authority's requirement : $1,000,000.00 policy, $2,000,000.00 policy and $5,000,000.00 policy.

Who is covered with the directors and officers liability insurance?

Directors and officers liability insurance applies to anyone who serves as a director or an officer of a harbour authority.

What are the key exclusions of the directors and officers policy?

In general, directors and officers liability insurance policies do not provide coverage for the following:

➢ **Intentional wrongdoing:**	Losses incurred from illegal actions of the protected (dishonesty, fraud, willful violation of laws or statutes, theft, blatant disregard for employees' rights, libel, slander). A final adjudication establishing dishonesty or fraud is required, so there will be defense costs cover up until that time. The insurer may seek reimbursement if guilt is established.
➢ **Professional services:**	Refers to liabilities associated with the provision of professional services (outside of the role of director or officer). Separate professional indemnity insurance is needed to cover service-providers under these circumstances.
➢ **Pollution:**	The D&O liability insurance normally excludes losses from pollution. Limited coverage may be provided for defense costs in defending such claims.
➢ **Physical harm:**	Claims arising out of bodily injury, sickness, disease or death is excluded.
➢ **Internal claims:**	Claims brought by the organization itself or any insured (i.e. any other director or officer) against one of their directors or officers. This exclusion is known as the "Insured versus Insured" exclusion.
➢ **Illegal profit:**	Claims arising out of the gaining by the director or officer of a personal profit or advantage to which he or she was not legally entitled. A court ruling is usually needed.
➢ **Previous claims:**	Claims arising out of litigation which was pending before the organization first obtained D&O insurance with the particular insurer, claims addressed by an earlier D&O insurance policy, or claims covered by other D&O insurance policies.
➢ **Other coverage:**	Claims that need to be covered by other insurance policies (professional services, death, bodily/personal injury, disease, damage/destruction of property, environmental/pollution claims).
➢ **Employees**	Harbour authority employees are not covered under this policy. If an employee becomes injured while performing their duties as an employee of the harbour authority, provincial workers compensation may be available.

Who administers the directors and officers liability insurance?

The Harbour Authority Corporation (HAC), a federally incorporated body working on behalf of harbour authorities, manages and administers the directors and officers liability insurance. For more information, please contact the HAC by email at duplessis.management@gmail.com or by telephone at 1-506-625-4556.

ACCIDENTAL DEATH AND DISMEMBERMENT AND BODILY INJURY INSURANCE

Accidental death and dismemberment, and bodily injury (ADD/BI) insurance provides financial assistance and support for all volunteers, including members of the board of directors, in the event of bodily harm or loss of life as the result of an accident.

Who is covered under accidental death and dismemberment, and bodily injury insurance?

All volunteers, under age 75 and directors and officers of the harbour authority, under age 80, are covered under the ADD/BI insurance policy. The policy provided to the harbour authorities is separated in two classes. Depending on their role, volunteers, directors and officers will be covered by Class 1 or Class 2. Below is a brief summary.

	CLASS 1	**CLASS 2**
Eligibility	All volunteers, under age 75, while they are performing any task for or on behalf of the harbour authority.	Directors and officers of the harbour authority, under age 80.
Coverage	Injuries sustained by a harbour authority volunteer while participating in any volunteer work or activity authorized by the harbour authority.	Directors and officers of the harbour authority are covered 24 hrs/day for accidental death and dismemberment and bodily injury, regardless of the nature of the accident, and regardless if they were performing a task for the harbour authority at the time of incident
Policy limit	$50,000 loss of life	$150,000 loss of life
Additional information		Class 2 also includes all coverage from Class 1.

What are the key coverages under the accidental death and dismemberment, and bodily injury insurance?

- Funeral expense - $5,000
- Dread disease - $5,000
- Fracture reimbursement - $1,000
- Severe burn - $10,000
- In-hospital indemnity - $1,000 per month
- Home alteration and vehicle modification - $10,000
- Seat belt - 10%
- Family transportation - $10,000
- Rehabilitation - $10,000
- Repatriation - $10,000
- Weekly accident indemnity - Employed: 75% of earnings to a weekly maximum of $750, after a three-day waiting period, for a maximum of 52 weeks
- Weekly accident indemnity - Not employed: $150 per week, after a three-day waiting period, for a maximum of 52 weeks
- Accident medical - $10,000
- Accident dental - $2,000

The bodily injury insurance also provides lump sum payment for loss of limb or use, loss of hearing, loss of speech, loss of sight, fractures, burns, paraplegia, quadriplegia and more.

- Lump sum payment for volunteers under Class 1 – $50,000
- Lump sum payment for officers and directors under Class 2 – $150,000

Who administers the accidental death and dismemberment, and bodily injury insurance?

The Harbour Authority Corporation (HAC), a federally incorporated body working on behalf of harbour authorities, manages and administers the accidental death and dismemberment, and bodily injury insurance. For more information, please contact the HAC by email at duplessis.management@gmail.com or by telephone at 1-506-625-4556.

EMERGENCY PLANNING AND PROCEDURES

This section defines emergency planning and procedures. It also describes elements of an emergency plan and prerequisites for a successful plan.

DEFINITIONS

Emergency plan: A detailed set of actions taken to prepare for an emergency such as an accidental fuel or chemical spill, a fire, a major storm, or a serious accident. An emergency plan must include emergency procedures, a site location map, an inventory of available resources and reporting requirements. During an emergency, there is no time to plan a strategy, locate equipment, identify people to contact, or look for their phone numbers; such information must be readily available.

See *Annex F* for a sample emergency plan.

Emergency procedures: A series of steps for dealing with a situation that calls for immediate action, such as an oil spill or a fire. Emergency procedures comprise of only one element of an emergency plan.

Emergency procedures should be posted in clear view and in close proximity of areas where an emergency might occur, such as near used oil tanks.

See *Annexes D, E, F and G* for examples of emergency procedures.

A stand-alone document with all the emergency procedures should also be kept handy in the harbour authority office.

ELEMENTS OF AN EMERGENCY PLAN

An emergency plan consists of the following elements:

Emergency procedures/emergency contacts:

- what to do, and who to call and notify
- on-site contact/resources
- external contact/resources

See Annex H for a sample listing of external contacts.

Reference material:

- comprehensive and up-to-date map of the site
- list and location of firefighting equipment
- location of water hydrants
- other relevant information

Reporting requirements:

See *Annex C* for the accident/incident report.

Other activities:

- training
- exercises
- testing schedule

Emergency plans are site-specific as each site presents different risks and has access to different resources. The harbour authority must identify its own risks and resources, and develop a strategy to deal with potential emergencies, whether they be chemical spills, fires, loading accidents, or earthquakes.

PREREQUISITES FOR SUCCESS

For an emergency plan to be effective, the plan must be accurate, specific, well-maintained, tested, updated annually, and regularly rehearsed.

Harbour users must be notified of the existence of an emergency plan and be able to access it quickly in the event of an emergency.

FIRE PREVENTION

The harbour authority is responsible for ensuring the safety of its employees, volunteers, harbour users and the government assets located on its premises.

POTENTIAL FIRE HAZARDS

Fire is a great threat to a harbour since it easily spreads to wooden structures and boats gathered in close proximity.

Potential sources of fire

The greatest potential sources of fire within a harbour are:

- **Unsafe fueling operations:** The accumulation of flammable vapors near open flames or heat sources, as well as the presence of almost-empty fuel drums, represent serious fire hazards.
- **Faulty electrical systems:** Frayed electrical cords and worn wiring are the main causes of electrical fires.

Welding and paint burning

Another high-risk activity at a harbour is welding or paint burning. The harbour authority may choose to restrict these activities to licensed operators, limit the activity to a specific area of the harbour, and impose the following conditions:

- the owner/operator of a vessel must obtain permission or a permit from the harbour authority to conduct such work on the boat;
- a fire extinguisher must be on board the vessel when conducting welding or paint burning work;
- all work should be conducted in a safe and skillful manner, applying safety procedures, rules and regulations; and
- independent contractors should be covered by provincial workers' compensation boards and the appropriate liability insurance.

FIRE PREVENTION MEASURES

Rules and procedures

The harbour authority may consider establishing rules and procedures to minimize the risk of fire. For example, a harbour authority may:

- ✓ require that each vessel have a properly maintained fire extinguisher;
- ✓ encourage people to keep their work area clean and free of debris;
- ✓ restrict smoking at the harbour;
- ✓ post signage with emergency contacts numbers – see *Annex H;*
- ✓ conduct regular inspections of the fire hose and firefighting equipment;
- ✓ instruct harbour users to replace all worn or frayed electrical cords and extension cords; and
- ✓ instruct harbour users to keep rags in closed metal containers.

Reminders

- Do not place yourself at risk.
- Try to keep the fire from coming between yourself and an exit.
- If the fire is on a vessel, attempt to isolate the burning vessel by moving other vessels. Do not attempt this procedure if you are alone or if the fire is out of control.

Support

The local fire department may provide information and advice to help the harbour manager identify potential hazards, develop prevention measures and train harbour users.

Harbour users should be aware that any abuse, tampering with, or theft of firefighting equipment is considered a criminal act.

FIRE SAFETY PLAN AND FIRE ORDERS

A fire safety plan should be in place in case of a fire. The harbour authority may wish to seek the support of the local fire department in developing this plan.

Content of a fire safety plan

The fire safety plan should address the following details:

- ✓ fire protection requirements for the facilities;
- ✓ assignment of responsibilities to employees and harbour users regarding prevention and firefighting;
- ✓ firefighting equipment requirements;
- ✓ maintenance of firefighting equipment;
- ✓ scheduling of regular inspections;
- ✓ formal arrangements with the local fire department;
- ✓ employee training requirements;
- ✓ reporting requirements; and
- ✓ distribution of the plan to employees and others.

Making the plan work

Some questions to consider when developing a fire safety plan include:

- Who will respond in case of fire and how far away are they?
- Are the fire stations staffed or do they depend on volunteers?
- Is the fire truck equipped with a reservoir (this may be crucial in winter)?
- Is there an alarm in place? Is it necessary?
- Who is in charge in case of an emergency?
- Have the procedures been rehearsed and how familiar are the procedures to harbour employees, volunteers and users?
- Is there adequate signage to indicate fire orders and exits?
- Is the firefighting equipment readily available and in good working order?
- Are the emergency phone lines monitored 24 hours a day?
- Are the fire lanes properly identified?

Fire orders

Fire orders comprise one element of a fire safety plan and describe the actions to be taken by employees, volunteers or harbour users in the event of a fire. Fire orders are usually posted in clear and visible places on site.

See *Annex E* for samples of Emergency Procedures in case of a fire.

REPORTING REQUIREMENTS

Fires should be reported by harbour authorities to their Small Craft Harbours contact followed by a written damage report.

Annex I is an example of a form for reporting damage to the property.

ENVIRONMENTAL EMERGENCIES

Harbour authorities' may face different types of environmental emergencies. When faced with these types of emergencies, harbour authorities must know what steps to take and how to alert appropriate authorities.

See *Annex F* for steps to take in case of any environmental emergencies.

In case of oil spills, please see *Annex G* for specific procedures.

OTHER TYPES OF EMERGENCY SITUATIONS

Harbour authorities are responsible for the safe management and operation of harbours. Harbour authorities must comply with applicable federal, provincial, territorial and municipal legislation, regulations and guidelines including directives from their local health authorities.

In extraordinary circumstances a harbour authority might want to restrict access to the harbours to ensure the health and safety of all users. This should be discussed with their Small Craft Harbours contact.

For Example of COVID-19

In these types of situation it is important to take into consideration the directives from the local health authorities.

The Public Health Agency of Canada recommended the following best practices for COVID-19:

- ✓ Physical distancing: Ensure that people keep a distance of at least 2 arms lengths (approximately 2 meters) from each other as much as possible.
- ✓ Cleaning and disinfecting public areas: Surfaces frequently touched by hands should be cleaned and disinfected frequently.
- ✓ People should wash their hands for at least 20 seconds and avoid touching their face, mouth and eyes.
- ✓ Anyone who is visibly symptomatic should leave or be asked to leave the area to avoid the potential contamination of others.

In response to the COVID-19 pandemic, there was a lot of collaboration, flexibility and innovative approaches demonstrated by harbour authorities across the country in order to keep the harbours operational. This was an important learning experience for harbour authorities.

Examples of the best practices put in place by harbour authorities across the country:

- ✓ limiting access to harbours through barricades and other means;
- ✓ providing vehicle stickers to fisherman to easily identify them on the property;
- ✓ implementing of one way traffic;
- ✓ putting up signs on the harbour property;
- ✓ installing sanitization stations;
- ✓ requiring the use of the masks on property;
- ✓ hiring security;
- ✓ greater use of technology to facilitate communication and training;
- ✓ diversifying the way harbour authorities receive payments including debit and credit cards as well as e-transfers; and
- ✓ implementing a drive-through system at the harbour for individuals to pick-up seafood products.

HARBOUR SERVICES

The first part of this section describes the different types of agreements when it comes to the use of the harbour property. Detailed information is provided on berthage services. Pointers on user fees, such as how to establish a fee schedule and how to undertake the collection when it comes to delinquent users are also included.

Further in this section, information on regulations and requirements related to fixed fuel-dispensing systems, fuel delivery trucks and portable tanks to ensure safety at the harbour is provided.

Finally, this section includes guidelines on storage and stockpiling facilities in order to limit the risk of liabilities when proving these type of services. It also gives harbour authorities information on specific instructions when it comes to the use of launching pads, bilge pumps, battery charges and other services and equipment.

AUTHORIZING USE OF HARBOUR AUTHORITY PROPERTY

It is strongly recommended that harbour authorities enter into formal, signed agreements with all harbour users. These agreements typically establish the terms and conditions by which an authorized activity may occur, including payment terms, where applicable, and limits a harbour authority's liability. They are also very helpful to harbour authorities if a dispute occurs. This section provides an overview of the types of user agreements commonly used by harbour authorities.

BERTHAGE AGREEMENTS

Berthage agreements permit a vessel owner to berth at a harbour authority-managed wharf/dock subject to certain terms and conditions. The assignment of berthage is at the discretion of the harbour authority. The fees that are charged through berthage agreement are generally established in the harbour authority's fee schedule.

Please refer to *page 46* for more details on berthage agreements.

LICENCE AGREEMENT

A harbour authority-issued licence is a contract between the harbour authority and a harbour user. It provides the user the right to use a specified area within the harbour for a specific purpose subject to certain terms and conditions, including an appropriate fee. A licence does not convey an interest in property and typically does not provide for exclusive use. Generally, this agreement gives temporary access for a user to offer a mobile service on the harbour property by way of a short-term use of property.

Licences can cover a wide range of activities, including but not limited to fish offloading, bait services, fuel truck access, ice services, paint services, food trucks, tour boats, etc.

Harbour authorities can obtain a copy of a licence agreement sample through their Small Craft Harbours contact.

*Certain non-typical harbour uses, including special events, present complexities that may require in-depth licences containing special clauses. Harbour authorities can communicate with their Small Craft Harbours contact for additional details.

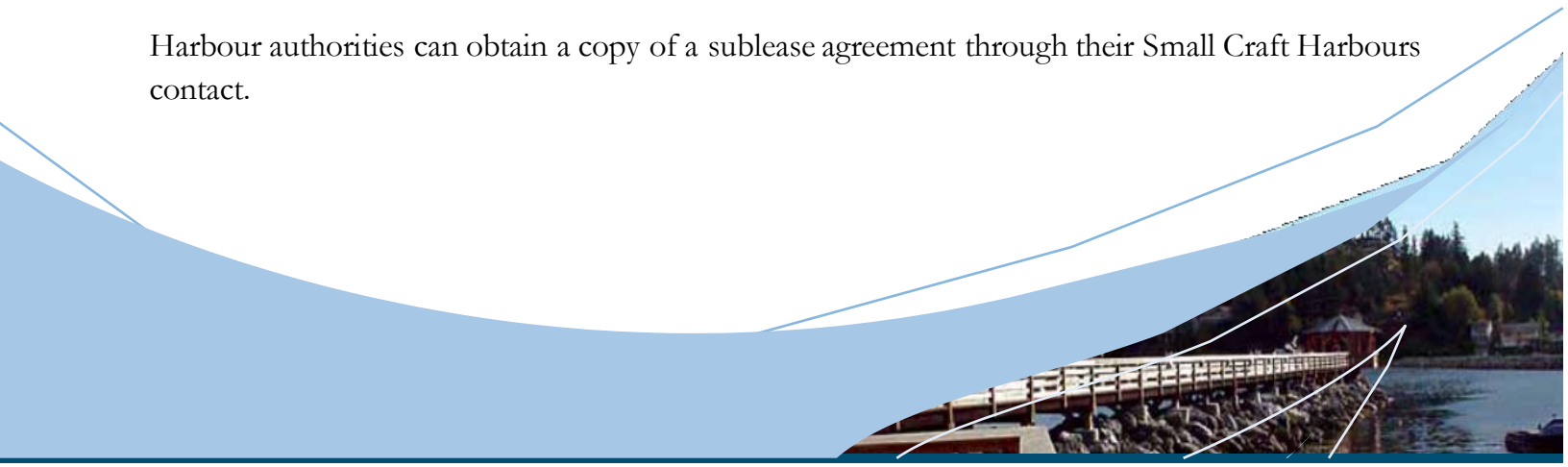
SUBLEASES

The harbour authority's ability to manage a harbour property is derived from its lease with Fisheries and Oceans Canada, commonly known as the Head Lease. A sublease (not to be confused with the Head Lease) is a legal agreement between a harbour authority and a third party that allows the party to sublease a parcel of land subject to certain terms and conditions, including an appropriate rental fee.

Similar to licences, a sublease does not convey an interest in the property (i.e. does not relinquish title to the land or its improvements). However, the use of land granted via a sublease is typically exclusive and generally covers an extended period of time. Subleases are most commonly used for private buildings and structures located on harbour authority-managed property.

THE WRITTEN CONSENT OF SMALL CRAFT HARBOURS IS REQUIRED before a sublease takes effect.

Harbour authorities can obtain a copy of a sublease agreement through their Small Craft Harbours contact.



SPECIAL EVENTS

The harbour authority may be asked to lend the use of its sites for community events. Harbour authorities should inform their Small Craft Harbours contact as far in advance as possible of any special events being held in their harbour. Please refer to *page 31* of the insurance section for the steps to follow in case of special events.

BERTHAGE SERVICES

This section describes the following aspects of berthage services:

- allocation of space
- berthage restrictions
- berthage agreements
- hazardous situations

ALLOCATION OF SPACE

The harbour authority is responsible for allotting berthage spaces to all vessels entering the harbour.

Policy

The harbour authority should maintain a policy that allots berthage spaces in an impartial manner. The process of allotting berthage spaces should be fair and flexible, and be perceived as such.

Such a policy may alleviate potential issues and:

- designates area for certain boat sizes or category of boats;
- assigns berthage priority; and
- allows berthage alongside other boats.

Fire safety

The way in which berthage spaces are allocated should ensure that fire lines are clear at all times.

BERTHAGE RESTRICTIONS

The harbour authority may choose to impose berthage restrictions to ensure the safe and efficient operation of harbour facilities.

The harbour authority can inform harbour users of existing berthage restrictions by posting them, communicating them verbally or through written material. Written material is however to be preferred.

Examples of berthage restrictions

Typical berthage restrictions state that:

- the vessel must be completely seaworthy;
- the name, registration number, and commercial fishing number of the vessel, if applicable, must be clearly displayed;
- the vessel owner/operator must report to the harbour authority office upon the vessel's arrival and departure;
- while in the harbour, the vessel must conform to all harbour rules and directives; and
- the vessel berths in the harbour at its own risk.

BERTHAGE AGREEMENTS

A berthage agreement confirms, in writing, the services to be provided by the harbour facility, the fees and the responsibilities of the vessel owner/operator.

Annex K presents a berthage agreement sample containing standard clauses. Individual harbour authorities can prepare their own agreement form and have it reviewed by a lawyer.

Content

A berthage agreement may state the following terms and conditions:

- the fees and services provided by the harbour authority;
- a request for compliance with the harbour rules;
- a list of potential causes for termination of the agreement;
- an indemnification clause that states the harbour authority will not be held liable for any damages caused to the vessel or its equipment, or for any damages caused by the boat to the harbour facility or other vessels; and
- the insurance requirements (amount of coverage and type), and a request for proof of insurance coverage.

USER FEES

User fees are normally presented in the form of a posted fee schedule. The schedule can be set as a function of the size and type of vessel and size of the harbour. Fees may be stated in dollars per meter per day, dollars per meter per month, and dollars per meter per year, or it can be a flat fee per year determined by vessel size. The fee for a given vessel is then calculated based on the fee schedule. The fee schedule determines the potential berthage revenue.

The fee schedule may differ for different categories of vessels. Category descriptions might include:

- ✓ commercial fishing vessels used to harvest or transport fish or seafood products;
- ✓ pleasure craft used for recreational purposes;
- ✓ government vessels owned or contracted by government agency;
- ✓ aquaculture operations; or
- ✓ commercial vessels used for commercial activities other than fishing, such as ferries, transports, cruise ships, tour boats and others.

The fee schedule should be visually displayed at the harbour, either on a sign or elsewhere. Information on how the fees collected go back into to the harbour can be added to the fee schedule. This may help the users understand the importance of paying their fees.

To avoid any issues with collecting fees, it is strongly recommended that harbour authorities enter in a berthage agreement with its harbour users. This will ensure that a signed legal document exists and could help harbour authorities when trying to collect fees from delinquent users. In instances where this is not possible, a harbour authority should clearly post the fee schedule in a visible area for all users to facilitate the collection of fees. A note should be included on the fee schedule informing users that when they pay these fees, they agree to the harbour authority rules.

ELECTRICAL SERVICES

Lighting systems

For safety reasons, it is beneficial for harbours to have adequate lighting. Typically, Small Craft Harbours provides lighting to harbours that are managed by harbour authorities that generate enough revenue to pay the electrical bills. The types of lighting and levels of illumination depends on facility use, compatibility with other area lighting, availability of replacement parts and ease of service. Where a facility could present a hazard to navigation at night, arrangements are made by Small Craft Harbours to have a navigation light installed.

Power outlets

Typical harbour electrical systems get power from a local utility. A main circuit breaker switch, along with applicable meters, are located where the utility's power line enters the harbour. Most harbours provide a 120/240 volt service. Larger facilities may have a three phase power supply that can provide higher voltages for special applications.

Power cables

All power cables and wiring on fixed and floating structures are to be weatherproof, waterproof and otherwise suitable for outdoor and hard usage. Cables for fixed structures are generally enclosed in rigid metal or PVC conduit. For floating structures, flexible weatherproof conduit joints are installed between all floating docks. Junction boxes installed on floating structures are to be located above the dock surface. Junction boxes on fixed structures are readily accessible for service and inspection. In a saltwater environment, these boxes are preferably of PVC type to reduce corrosion problems.

Distribution panels and meters

The main power supply boxes are generally located on shore, adjacent to the wharf approach. Circuit breakers or fuses are installed on all main power supply lines and at all intermediate power panels. Secondary service to the harbour comes from the main disconnect and travels under the deck or in rigid conduit to distribution panels which divide the power into branch circuits.

Private electrical services

All applications for the installation of a private electrical service on Small Craft Harbours facilities must be accompanied by a design sketch and a list of materials to be used, and must conform to all relevant codes and Small Craft Harbours guidelines. Private electrical services remain the responsibility of the owner of the service and must be re-inspected at the beginning of each operating season with certificate of compliance to be provided to their Small Craft Harbours contact. The harbour authority should advise the owner of this requirement.

Additional information on electrical services is available in the Inspection and Maintenance Modules for Harbour Authorities. Harbour authorities can obtain a copy of this document through their Small Craft Harbours contact.

LOADING / UNLOADING SERVICES

Many harbour users require loading and unloading facilities such as hoist or winches to transfer fish, baits, traps and other goods and equipment onto or from their boats. Fish buyers may also require these facilities to load their containers and trucks. It is important to have regular inspections done on these facilities and to follow the provincial regulations. It is essential that the users have the proper training on how to operate these type of facilities.

FUEL-DISPENSING SERVICES

This section describes the three most common methods of supplying fuel to vessels at a harbour, including:

- fixed fuel-dispensing systems (aboveground or underground storage tanks)
- fuel delivery trucks
- portable fuel tanks

Other types of fuel storage system that may be located at a harbour include:

- used oil collection
- fuel oil storage systems for heating, backup power or fire pump systems

Fuel-dispensing and storage at harbours is a source of concern because of the risk of soil and water contamination, and the potential issues resulting from fire or explosion.

Fuel-dispensing licence agreement

The harbour authority should issue an operating licence for aboveground or underground permanent petroleum storage facilities. Small Craft Harbours has developed national template for a Harbour Authority Licence Agreement and this is available through their Small Craft Harbours contact.

The licence agreement should contain the following conditions:

- ✓ all petroleum storage systems shall comply with the *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, under the *Canadian Environmental Protection Act* (CEPA);
- ✓ requirement for, and frequency of, periodic inspections to be completed by a certified firm against all applicable regulations, codes and guidelines, including the CEPA regulations;
- ✓ requirement to obtain approval from the harbour authority and Small Craft Harbours before installing and/or making modifications to the system;
- ✓ all petroleum storage systems shall comply with Canadian Council of the Ministers of Environment (CCME), Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products;
- ✓ fuel-dispensing and/or used oil storage systems shall comply with the National Fire Code of Canada (NFC);
- ✓ any buildings or structures associated with the storage system shall comply with the National Building Code of Canada;

- ✓ any fuel storage systems associated with heating systems, backup power generators or fuel pump shall comply with the Canadian Standards Association (CSA) Standard CSA B139 (latest edition), Installation code for oil-burning equipment;
- ✓ any fuel storage system providing fuel for essential/emergency power generating shall comply with applicable CSA C282 (latest edition), Emergency electrical power supply for building;
- ✓ all storage tanks shall comply with approved ULC tank standards;
- ✓ fuel storage facilities must be located in a safe area with adequate protection from vehicles;
- ✓ fuel-dispensing systems must be equipped with ULC-approved fire extinguisher in accordance with NFC requirements;
- ✓ the type of maintenance to be conducted on storage tanks and fuel-dispensing equipment, and a maintenance schedule; and
- ✓ confirmation of adequate liability insurance and coverage indemnification of the harbour authority and the Crown against all loss or damage.

Annex J is a sample of fuel handling instruction sheet. The sheet may be posted at fuel-dispensing stations or distributed to users to encourage safe fueling practices. In addition, Small Craft Harbours has created a Guideline Manual for Petroleum Storage Tanks and Fueling Practices that should be followed by the harbour authority. Habour authorities can communicate with their Small Craft Harbours contact for a copy.

FIXED FUEL STORAGE SYSTEMS

Fixed fuel-dispensing systems are permanent facilities located at harbours for the purpose of storing and dispensing fuel into vessels or other vehicles.

The *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, under the CEPA have specific requirement for existing storage tank systems (installed prior to June 12, 2008) and new storage tank systems.

Existing systems, specifically single wall systems (aboveground or underground tanks and piping) have specific leak detection and monitoring requirements. This should be reviewed by the certified firm who completes the periodic inspections required by the fuel storage system licence agreement between the harbour authority and the system owner. The harbour authority should request a copy of any inspection reports.

Under the Regulations, all new installations (after June 12, 2008) must be:

- designed by an engineer;
- installed by a contractor licensed in the province where the work is being completed or supervised by an engineer; or
- as-built record drawings must be prepared and sealed by an engineer.

Any owner who wants to install a regulated storage tank on Small Craft Harbours property should be required to submit the stamped engineering drawings to the harbour authority and Small Craft Harbours for review and file, prior to installation and after the as-built record drawings are finalized.

All new systems must have double-walled storage tanks. Any underground system component must have secondary containment and continuous leak detection monitoring.

All regulated storage tank systems require a "Product Transfer Area" designed to contain spills that may occur when the tank is being filled. The engineering design must address this requirement.

The owner of all regulated storage tanks is required to prepare a petroleum storage and handling specific emergency response plan and the users must be made aware of the emergency plan contents.

All regulated storage tanks must be registered with Environment and Climate Change Canada (ECCC) and have the ECCC identification number posted on the storage tank. The ID number is an eight-digit number preceded by EC# (i.e. EC#00001234).

The NFC has a specific section relating to the requirements for a marine fuel-dispensing system. The design drawings prepared by the engineer should reference the NFC. Minimum signage requirements are outlined in the NFC, including operating instructions, no smoking and ignition off during fuel-dispensing.

The method and frequency of leak detection varies depending on the equipment. One method approved under the CEPA regulations for leak detection of aboveground horizontal storage tanks is a monthly visual inspection. CEPA does not require monthly visual inspections for aboveground horizontal tanks with secondary containment (e.g. double-walled used oil tanks, such as those used by Small Craft Harbours). However, the NFC (4.4.1.2(1), 4.4.2.1(8)) requires routine visual inspections for such tanks.

Operating procedures

Motor vehicle engines should be turned off while refueling.

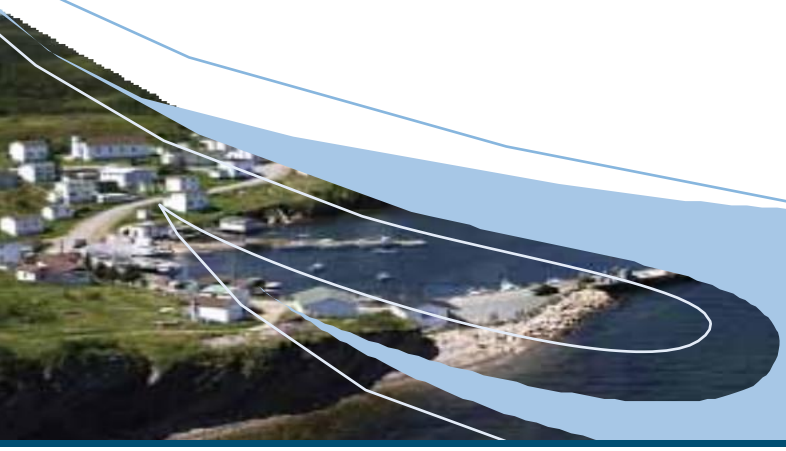
Oil water separators are not typically a requirement for marine fuel-dispensing, used oil or fuel oil systems, unless the separator has been incorporated into the "Product Transfer Area" design reference above. The oil water separator manufacturer will have specific operating requirements with respect to collected oil or sludge accumulation that will need to be monitored and removed to ensure proper operation.

The CEPA Regulations outlines requirements for the disposal of tank bottom water. Dispose bottom water from tanks in a manner that avoids immediate or long-term harmful effect on the environment, human life, or health.

Clean up of minor spills

The owner of a tank system on Small Craft Harbours property will provide a spill kit for the tank system and ensure that the kit remains stocked. Small Craft Harbours recommends the following items as a minimum:

- gloves
- safety goggles
- adsorbent materials (e.g. socks, pads, granular adsorbent, etc.)
- industrial strength disposal bags
- caution tape
- small shovel
- large pail (~ 25 L) to collect and store the cleanup material



FUEL DELIVERY TRUCKS

Fuel delivery trucks dispense fuel products directly into vessels within the harbour.

Licences

The harbour authority should not allow fuel delivery trucks to enter harbour facilities without prior written authorization. These trucks should be required to obtain a licence from the harbour authority to dispense fuel into vessels at the harbour.

Similar to licence requirements for fixed fuel-dispensing systems, a fuel delivery truck licence should include the following conditions:

- ✓ compliance with all applicable environmental and fire-safety regulations and Small Craft Harbours procedures, including:
  - *Transportation of Dangerous Goods Act and Regulations*; and
  - Professional Petroleum Driver's Manual, Tank Truck to Marine Vessel Oil Transfer by the Canadian Fuels Association (CFA);
- ✓ confirmation of adequate liability insurance coverage;
- ✓ confirmation that the operator of the fuel truck is properly trained to handle fuel spillage and other emergencies; and
- ✓ availability of a dry chemical fire extinguisher at all times which should be located beside the truck during fuel-dispensing.

Should the operator of a fuel truck act in an unsafe manner, the harbour authority should request that the operator act appropriately and suspend the operator's licence if the request is not met.

PORTABLE FUEL TANKS

At harbours where fuel delivery systems are unavailable on site, harbour users must use portable fuel tanks or barrels to transport fuel to their vessels. The harbour authority should closely monitor and control this method of fuel transport as it poses greater risks than using a fixed fuel-dispensing system or fuel delivery trucks.

Harbour authorities should include requirements for fueling from portable fuel containers within berthage agreements.

The following standards apply to small portable fuel containers:

- ✓ Transport Canada Standard TP14850 - Small Containers for Transport of Dangerous Goods, Classes 3, 4, 5, 6.1, 8, and 9. This document also defines small containers as being those with a capacity less than 450 L.
- ✓ Portable fuel containers used to transport fuel must conform to one of the following:
  - ➢ For vessels with fuel tanks in the hull: CSA-B376 – Portable Containers for Gasoline and Other Petroleum Fuels.
  - ➢ For vessels using outboard motors with associated portable fuel containers, the containers must conform to CSA-B306 – Portable fuel tanks for marine use.
- ✓ Follow best practices for fuel-dispensing from containers outlined in the Transport Canada Safe Boating Guide 2019 (https://tc.canada.ca/en/marine-transportation/marine-safety/office-boating-safety).
- ✓ Fuel handling practices must comply with applicable provincial regulations.

Unattended oil and gasoline containers

Full or empty drums left unattended in the harbour pose potential fire, explosion and environmental hazards. Although storing such containers is the responsibility of the owner, the harbour authority may remove and properly store the containers until the owners are located. Gasoline vapours in storage drums are flammable (explosive) and should be handled with care.

OTHER SERVICES

STORAGE AND STOCKPILING FACILITIES

The harbour authority may be held liable for damage to goods stored on its premises. Laws regarding liability vary from province to province. The harbour authority should obtain legal advice on ways to limit its liabilities when providing storage services.

As a rule, the harbour authority should ensure the premises are kept in good order and that no gross negligence is committed.

Storage agreement

A storage arrangement should be confirmed in writing in order to state the responsibilities of the occupant. The agreement may contain some of the following terms and conditions:

- payment arrangements;
- indemnification of the harbour authority in case of loss or damage to stored goods;
- the type of goods that may be stored (e.g., no hazardous materials);
- confirmation of insurance coverage for the full value of the gear and equipment in storage;
- requirement that the space be kept clean and orderly, and that hallways and doorways be kept free of obstructions;
- no duplication of keys allowed; and
- provision of the harbour authority's right to access the premises at any time.

Safety

The harbour authority may ask local fire departments to help identify hazards and conduct regular inspections of its storage facilities.

OTHER SERVICES AND EQUIPMENT

The harbour authority should develop specific usage instructions for the use of other services and equipment to limit environmental liabilities.

Safety

Launching pads, slips, and tidal grids should be located in a safe area, away from heavy traffic. Users should be notified that they are using these facilities at their own risk.

When providing access to forklift trucks, bilge pumps, tugboats, battery chargers, or other types of equipment, a harbour authority should ensure the operator is able to use the equipment properly and safely. A list of safety procedures may be provided to the user. A release and indemnity form should be used in all cases.

See *Annex L* for a sample of a release and indemnity form

Harbour authorities may offer other services such as ice, laundry, washrooms, etc. Harbours must ensure that these premises are well maintained.

INFRASTRUCTURE MANAGEMENT

A harbour authority is responsible for properly managing the infrastructure on the harbour property. The first part of this section focusses on visual inspections. In order to meet their occupational health and safety requirements, harbour authorities should conduct daily, weekly, monthly and annual inspections.

Some specific procedures are mentioned in regards of maintaining and repairing harbour structures, as well as the safety measures that should be taken when doing so.

This section also provides information on how to plan and manage major repairs and construction projects at a harbour. In addition, it describes situations where a harbour authority or harbour users hire independent contractors to perform work on the harbour property.

FACILITIES INSPECTION

The harbour authority is responsible for ensuring that harbour facilities are safe and operational at all times. Regular visual inspections will help identify unsafe conditions and potential problems. This section defines a visual inspection, describes when and how to conduct such an inspection, and provides examples of visual inspections.

WHAT IS A VISUAL INSPECTION

A visual inspection is a careful examination of all aspects of harbour operations and facilities that are accessible without the aid of a boat or other equipment. It provides basic information that helps harbour employees identify trouble spots and structural damages, decide how to handle a problem, or request a technical evaluation, in cases where more structural information is required. A technical or specialized inspection is more in-depth and is conducted only after a visual inspection identifies the need to conduct one.

The three main categories of visual inspections include:

➢ **Structural inspection**	Examines the state of the buildings, wharves, breakwaters, equipment and other facilities that make up the harbour.
➢ **Administrative inspection**	Examines the administrative elements of managing a harbour, such as filing, bookkeeping and accounting systems, follow-up procedures on subleases and licences, collection of fees, and payment of bills.
➢ **Operational inspection**	Examines the resources and activities that ensure the proper functioning of the harbour.

WHEN TO CONDUCT A VISUAL INSPECTION

Visual inspections are conducted as part of a routine program of daily, weekly, monthly, and yearly inspections. Ideally, the annual inspections would actually be undertaken biannually, at the beginning and end of an operating season. If only one inspection is undertaken, it should be at the beginning of the season. Such inspections should also be conducted after major incidents, such as a structural failure, a severe storm, or the collision of a vessel with the harbour structure.

HOW TO CONDUCT A VISUAL INSPECTION

Recording observations, in writing, while completing an inspection is very important. Observations identify chronic problems and will, over time, provide an indication of the deteriorating condition of the structure. A written record of observations may allow follow-ups from one inspection to the next.

When damage or deterioration is identified, the harbour authority must mitigate the danger to the public and harbour users by posting signs or putting up barricades. In case of damages, a report must be completed. See *Annex I* for a sample report.

EXAMPLES OF VISUAL INSPECTIONS

The harbour authority should conduct daily, weekly, monthly and annual inspections of its operations and facilities.

Daily visual inspection with checklist

The individual responsible for the day-to-day operations of the harbour may conduct a quick visual inspection of the facilities while conducting the daily boat count or walking around the harbour. The focus of the daily inspection is operational; its purpose is to spot problem areas.

To complete this task, the harbour authority may use a simple checklist that would indicate proof of diligence should an accident occur later on. The daily checklist should be kept on record as evidence in case of a lawsuit.

See *Annex M* for a sample of a daily safety checklist.

Weekly inspection with checklist

The harbour authority should also conduct weekly inspections of items such as firefighting equipment, lifesaving equipment, first-aid supplies, loading and unloading equipment, water and electrical systems, used oil storage facilities, and storage areas. The weekly inspection focusses mainly on the operational elements of the harbour. An inspection form should be filed and kept on file for future reference.

See *Annex N* for a sample of a weekly safety checklist.

Monthly inspection with checklist

The harbour authority should also conduct monthly inspections of items such as buildings, wharves, slipways, harbour property, floating docks, ramps, offloading equipment, electrical equipment, firefighting equipment and used oil tanks. The monthly inspection focusses mainly on the operational elements of the harbour. An inspection form should be filed and kept on file for future reference.

See *Annex O* for a sample of a monthly safety checklist.

Regular annual inspections (at least once a year)

Administrative inspections: The harbour authority should examine its administrative system on a regular basis to ensure the safety of its financial records, as well as identify potential harmful practices. The inspection should focus on filing, bookkeeping and accounting systems, as well as billing and invoicing practices.

Structural inspections: The harbour authority should conduct an in-depth structural inspection of harbour facilities at least annually and immediately following a storm or accident to determine the integrity and stability of the harbour structures. Conducting such inspections helps harbour employees anticipate and sometimes reduce repairs or maintenance requirements.

In addition to the checklist, the structural inspection should include photographs and drawings, with description of the damage, such as a chronological reference to the development of the problem area (i.e., when it was first noted, one month later, etc.). An inspection form should be filed and kept on file for future reference.

See *Annex P* for a sample of an annual safety checklist.

Harbour authorities can find more information in the Inspection and Maintenance Modules for Harbour Authorities. A copy of this document can be obtained through their Small Craft Harbours contact.

MAINTENANCE AND REPAIR

This section describes the procedures involved in maintaining and repairing harbour structures and utilities, and the safety measures that should be taken.

STRUCTURES

Detailed inspection, maintenance and repair activities are described in the Inspection and Maintenance Modules for Harbour Authorities and include the following:

- **access** to the channel and moorage basin is clear for vessel passage;
- **breakwaters** are free of logs and debris;
- **wharf and float** maintenance includes refastening, repairing, or replacing missing, rotting or otherwise damaged planking and hand railing, and wheel guards/curbs and pile rub boards; rubber tires are to be maintained in pile wells where excessive pile wear occurs;
- **water supply lines** should be bled during freezing conditions;
- **launching facilities** are in good working condition and are free of debris;
- **anchor**: chain wear, movement, and the corrosion protection of the anchor is checked periodically;
- **zinc corrosion protectors** are inspected and replaced as needed;
- **gangway** maintenance includes the inspection and lubrication of pins, and ensures that pins remain seated in sleeves;
- **deck** maintenance includes refastening, repair or replacement of any damaged or missing deck material and gangway tracks (in case of problems such as rotting or wearing of the structural components, Small Craft Harbours should be notified);
- **gangway wheel guide** maintenance includes removing dust or any other impediments from the track, and lubricating the wheels;
- **skidway/slipway and boat grid** maintenance includes removal of debris as required;
- **facility approach** maintenance includes refastening, repairing, and replacing missing, rotting, or otherwise damaged planks and hand railings; and
- **other**: fenders, mooring devices, ladders, the travel lift, and the haul out engine should also be maintained.

Harbour authorities can find more information in the Inspection and Maintenance Modules for harbour authorities. A copy of this document can be obtained through their Small Craft Harbours contact.

UTILITIES

Harbour utilities such as electrical systems, lighting equipment, and water systems must be maintained and repaired.

- **Electrical system** maintenance includes the repair and replacement of damaged receptacles.
- **Lighting equipment** maintenance includes the supply, installation, and repair of bulbs, ballasts, and glass shields.
- **Water system** maintenance includes minor repairs to faucets and water lines, and winter preparation required to keep the lines from freezing.

The steps involved in carrying out maintenance and repair work include:

- ✓ identifying maintenance and repair requirements;
- ✓ determining the scope and priority of each project;
- ✓ obtaining necessary technical assistance from Small Craft Harbours;
- ✓ estimating the cost and duration of each project;
- ✓ obtaining necessary approvals from Small Craft Harbours and any other applicable organizations; and
- ✓ arranging project financing and proceeding with the work as funds become available.

The harbour authority should respect construction standards set by Small Craft Harbours for maintenance and repairs. Small Craft Harbours can provide technical assistance at the request of the harbour authority.

SAFETY MEASURES

Once a malfunction or damage to the harbour facilities has been identified, the harbour authority is responsible for ensuring that the problem does not endanger harbour users. In the event of a malfunction or damage, the following safety measures should be taken:

- post a warning sign;
- secure the hazardous area with a barricade or another means;
- record in writing the situation and the corrective action taken; and
- if applicable, immediately advise Small Craft Harbours and provide a written report.

PLANNING AND PROJECTS

This section describes how to plan and manage major repairs and construction projects at a harbour. The approach described does not apply to work done to buildings and facilities owned by the harbour authority.

This section also describes situations in which the harbour authority hires an independent contractor to perform work (on its behalf) on the harbour property, as well as situations in which harbour users hire independent contractors to perform work (on their behalf) on harbour property, such as repairing vessels, or fixing or maintaining equipment.

PLANNING PROCESS FOR MAJOR REPAIRS AND CONSTRUCTION WORK

Each year, the harbour authority must inspect its facilities, as well as identify and plan major repairs and construction work. Planning such work involves:

- identifying all major repairs and maintenance requirements at the harbour;
- compiling and reviewing a list of construction projects that includes a complete description of each project, its estimated cost, and priority among other projects. This task is performed by the harbour authority board of directors and a designated representative from Small Craft Harbours, and
- submitting the list to Small Craft Harbours for approval and funding.

MANAGING AND FUNDING A PROJECT

There are no fixed rules governing the management or funding of a construction project; each project is judged on its own merit. Construction projects may be completed under the direction of Small Craft Harbours or the harbour authority, and funded in part, or in full by the Fisheries and Oceans Canada or the harbour authority.

Engineering standards

Before building or repairing any major structures, the harbour authority should first consult with Small Craft Harbours to determine whether the work is subject to Small Craft Harbours engineering standards and requirements.

The harbour authority may wish to seek technical assistance from Small Craft Harbours to save time and money.

Environmental concerns

The lease, signed by the harbour authority, clearly states that approval from Small Craft Harbours should be obtained before beginning maintenance or repair work on harbour facilities so that projects may be screened pursuant to the *Impact Assessment Act*, the *Fisheries Act* and the *Canadian Navigable Waters Act*, and other applicable legislations.

Unforeseen major repair and construction work

In case of sudden repairs and construction requirements resulting from a storm, an accident, sudden deterioration, or other unforeseen events, the harbour authority should first ensure the security of harbour users, barricade the affected facilities (if necessary) and then contact their Small Craft Harbours contact.

In the case of an unplanned construction project, the harbour authority should contact their Small Craft Harbours contact to evaluate the project against previously identified priorities.

See *Annex Q* that outlines considerations to take into account when dealing with major repairs or construction projects.

HIRING INDEPENDENT CONTRACTORS THROUGH THE HARBOUR AUTHORITY

When dealing with independent contractors, the harbour authority should ensure that it receives good value for its money, that the work is conducted in a safe and efficient manner, and its employees and assets are well-protected.

The following steps describe how to obtain quality products and services at a competitive price:

Step 1: Clearly define the work required and obtain an estimate of the cost of completing the project.

At the start of a project, write a clear and detailed description of the work required. The description will be useful for gathering estimates and information on the cost as well as the feasibility of completing the project. By facilitating the exchange of ideas, it will also present the possibility of finding less expensive or simpler ways of achieving the same result.

Step 2: Obtain approval and funding for the project.

Once the project has been described and cost estimates obtained, the project can be presented to the board of directors for approval. Depending on the necessity of the project and the funding required, the project may be either approved, delayed, or abandoned. The harbour authority may need to involve Small Craft Harbours in the decision process.

At this stage, it is important to confirm funding sources before proceeding with the project.

Step 3: Obtain bids, if required, and select a contractor to do the work.

Once the project and funding is approved, contractors may be invited to bid on the work. If the work is of a specialized nature, it may be wise to investigate and obtain references for potential candidates before formally inviting them to bid.

The initial written description of the work will help communicate the job requirements to potential contractors. For small purchases or a small project, obtaining verbal quotes is all that may be required.

Once all bids are received, they should be carefully reviewed. Common problem areas found in bids include:

- some of the required work has been left out of the bid;
- some material differs from the specifications;
- the delivery schedule seems unrealistic;
- the costs are not in line with your calculations; and
- the proposed method of undertaking the work is not appropriate in a harbour environment.

Once satisfied that a particular contractor will complete the project as requested and at a reasonable cost, approval for the contract from the board of directors or Small Craft Harbours may be obtained.

Step 4: Confirm, in writing, the terms and conditions of the work to be performed.

Once the contractor has been selected, a contract or other form of written document should be prepared to confirm both the work to be done and the manner in which it will be performed. The objective of the contract is to clarify expectations and ensure a safe environment for the people using the harbour facilities throughout the completion of the project.

Should there be a need to modify the original contract, the cost of making changes or additions should be recorded in writing to avoid future arguments.

The contract should confirm that the contractor possesses the necessary permits to conduct the work; for example, an electrician or a diver should have appropriate training and accreditation.

The harbour authority should confirm that the contractor and its employees are covered under the provincial workers' compensation boards (WCB) and obtain a WCB Clearance Letter /WCB compliance certificate. The compliance certificate ensures that the harbour authority will not be held liable for injuries that may occur to the contractor or its employees, or for the payment of overdue assessments related to the contract.

The harbour authority should verify that the contractor carries appropriate liability insurance. The contract should also state that the harbour authority will not be held liable for any incident or accident that occurs during the course of completing the contract.

For work that involves welding, the harbour authority should set welding restrictions in the agreement, such as restricting welding to concrete surfaces. Welding should not take place on wooden wharves and floating docks.

Step 5: Confirm the project has been completed.

The harbour authority should verify that all the work has been completed according to the terms of the contract before paying the contractor.

HIRING AN INDEPENDENT CONTRACTOR THROUGH A THIRD PARTY

Occasionally, a third party or harbour user hires an independent contractor to conduct maintenance or repair work on a vessel, unload fish, tow a vessel, or perform other work on their behalf on property managed by the harbour authority.

Although the harbour authority is not party to the contract, it should exercise control over such activities to protect its assets and harbour users.

Licence agreement

The harbour authority may exercise some control over harbour users activities by requiring that any person or company performing work or conducting business on harbour property obtain from them a licence or formal authorization. Written agreements demonstrate the exercise of due diligence by the harbour authority.

The licence specifies, in writing, the terms and conditions under which work can be conducted on harbour property. A licence may:

- require that all applicable safety standards, procedures, and regulations be followed;
- require a clearance certificate from a provincial workers' compensation board;
- require proof of adequate liability insurance coverage for the type of work performed;
- state that the contractor is responsible for the safety of the construction site, including tools and equipment; and
- remind the contractor not to dump any waste and residue in the water.

High-risk activities and potential liabilities

The harbour authority should ensure harbour users are aware of potential liabilities they may face if the activities of their contractors or service suppliers cause damage to other vessels or to harbour property. Vessel owners should carry adequate insurance and ensure that their contractors do as well.

Certain activities are considered high risk in a harbour environment, such as welding. The provision of a welding permit may be critical in the case of welding, cutting, or burning, and heating by acetylene or propane torch.

ANNEXES

ANNEX A – HARBOUR RULES SAMPLE

THIS HARBOUR IS MANAGED BY THE HARBOUR AUTHORITY OF

XXXXXXXXXX

HARBOUR RULES

All users of the harbour and facilities are subject to the following:

1. Management and control of this harbour is the responsibility of the harbour authority by way of lease with Fisheries and Oceans Canada.
2. The use of harbour facilities is on a user-pay basis. User fees apply.
3. All harbour users must enter into user licenses and/or berthage agreements available from the harbour authority.
4. Vessels left in port must be properly moored and secured.
5. The harbour, all wharves, docks and surrounding areas are considered no wake zones – only idle speed is permitted.
6. No parking in front of the slipway or anywhere that may obstruct harbour operations. Vehicles obstructing harbour operations may be towed at the owner's expense and without risk/liability.
7. Please use garbage containers provided. Littering will not be tolerated.
8. Any oil spills or any environmentally damaging chemical spills must be reported to the Department of Fisheries and Oceans and any other relevant government entities. It is the responsibility of the individual using the facilities to clean up any oils/chemical spills.
9. No recreational diving or swimming on harbour authority property.
10. Only seaworthy vessels may berth within the harbour.
11. The harbour authority and its employees are not liable for any damage/loss/theft of harbour user's property on this facility. All persons may use the facilities at their own risk.
12. Accidents, safety issues and other concerns must be reported to the harbour authority immediately.
13. The harbour authority reserves the right to remove vessels obstructing harbour operations and/or presenting safety and/or environmental issues at owner's expenses and without risk/liability to the harbour authority.
14. All posted signs and harbour rules must be strictly adhered to.
15. Failure to abide by harbour rules could result in harbour access/services being denied and/or court action.

The Harbour Authority reserves the right to establish and enforce additional rules /policies as may be required.

For questions and/or concerns please contact the Harbour Authority at (XXX) XXX-XXXX.

ANNEX B – SPECIAL EVENT FORM

SPECIAL EVENT FORM

Any events, outside of normal day to day operations, taking place at harbour authority (HA) managed sites, should be referred to the insurer through the Small Craft Harbours contact prior to the event taking place.

1) Please complete this form and forward it to the Small Craft Harbours contact as far in advance of the event as possible.
2) A licence agreement between the harbour authority (licensor) and the event coordinator (licencee) is to be signed prior to the event. A copy of this licence agreement is to be forwarded to the Small Craft Harbours contact.
3) Liability insurance has been obtained by the licencee and a copy has been given to the harbour authority. A copy of this insurance is to be forwarded to the Small Craft Harbours contact.

   *** Important note: the insurance must extend additional insured status to the licensor and to Fisheries and Oceans Canada, and provide notice 30 days in advance if policy is cancelled.***

DETAILS OF THE EVENT

Harbour authority:	
Name of the event:	
Organizers name:	
Address:	
Date(s):	
How many people will be attending:	
What type of event (ex: festival, concert, etc.):	
Event location:	
Duration: (ex: 10am – 2pm)	
What type of equipment will be used (ex: tents, stage, vehicles, etc.):	
Is power/electricity required?	
A copy of the licence agreement is included with this form? Yes/No	
A copy of the liability insurance is included with this form? Yes/No	
Other information:	

*** Regional office will forward all documentation to HQ for them to provide to the insurer. ***

ANNEX C – ACCIDENT / INCIDENT REPORT

Accident/ incident report for harbour authorities

This report is required for every accident/incident that occurs on a habour managed by a harbour authority or an organization. It must be completed for any accident/incident causing property damage, personal injury or the death of third parties (members of the public). Please also complete this report any incident/accident involving harbour authority employees or volunteers.

For the purpose of the third party liability insurance (TPLI), this report is used to convey relevant information to our insurers and their solicitors. It is a confidential and privileged report. It serves as the basic material for their purposes in defending any claim or litigation which may arise.

Name of harbour authority and harbour:	
Contact person's name:	
Telephone number:	Fax Number:
Contact person's email adress:	
Region and adress:	

Date of accident:	Date Reported:
Time of accident:	
Weather conditions:	
Description of accident/incident:	
Continue on next page if needed...	

Description of accident/incident continued...
What is believed to be the cause of the accident/incident?
Name, address, telephone number and email of owner of any property damaged:

Description of property damaged:
Amounts of any estimates of property damage received:
Names, addresses, telephone numbers and emails of injured persons:
Description of injuries:
Names, addresses and telephone numbers of any harbour personnel involved:

Names, addresses and telephone numbers of any witness:
Accident also reported to: (e.g. RCMP, Fire Department, etc.) Name _____ Date: _____ Time: _____
Name of person making this report:
Date of report:
Sketches, videos or photographs of accident/incident attached: ☐ Yes ☐ No

Please provide a copy of the report to your Small Craft Harbours contact

_____

NOTE: A copy of the accident report will be provided to Small Craft Harbours National Headquarters by your regional office. In the case of incidents/accidents eligible for the TPLI, a copy of the report is sent to the broker for evaluation.

Form updated April 7, 2021

ANNEX D – GENERAL EMERGENCY PROCEDURES

INITIAL ACTIONS FOR ANY EMERGENCY

↓

TELL SOMEONE
By 911, VHF 16, shouting, air horn, use whatever means possible, to raise the alarm

↓

TAKE YOURSELF AND OTHERS TO SAFETY
Quickly ensure that no one is injured or likely to be

↓

MITIGATE THE SITUATION – OR STAND BY
Do what you can to remedy the situation; if too much to handle, stay on scene to act as a focus point for arriving responders and agencies

ANNEX E – EMERGENCY PROCEDURES SAMPLE IN CASE OF A FIRE

A. INITIAL RESPONSE

1. Upon discovery of the emergency, take control until relieved by the Harbour Manager (HM)

2. SOUND THE ALARM BY ACTIVATING ONE OF THE FIRE ALARM PULL STATIONS.

3. **Dial 911**, regardless of whether a pull station has been activated. Call for fire, and ambulance if required.

   Report slowly and carefully:

   a) A brief description of the occurrence.
   b) The exact location of the occurrence and the address.

      Site Name Harbour Authority

   c) Your name.
   d) Contact telephone number.

4. Attempt to use fire extinguisher if the fire is small and not beyond the capabilities of the nearest fire extinguisher. When alone, the priority is to involve emergency responders.

5. Reminders:

   - **DO NOT place yourself at risk.**
   - **DO NOT allow the fire to come between yourself and an exit. If the fire is on a vessel, attempt to isolate the burning vessel by moving other vessels.**
   - **DO NOT attempt this procedure if you are alone or if the fire is out of control**.

6. Ensure that the fire lanes are clear to the site of the fire.

7. Contact the Harbour Manager (HM) if he/she is not on site and advise him/her of the situation. Upon arrival at the scene, the Harbour Manager will assume command of the response to the incident.

8. The Harbour Manager or appointed delegate will meet with any coordinating agencies assisting in the emergency. The Harbour Manager will receive instructions from the coordinator of the agencies as to how the (Site Name) Harbour Authority employees can be of assistance. At that time the Harbour Manager will delegate duties to other employees or volunteers.

9. Upon arrival of the Fire Department, responsibility for control of the fire will rest with them. They will assume the lead for the emergency and the fire Captain will issue instructions for harbour employees as required. The Incident Commander and (Site Name) Harbour Authority employees or volunteers will assist the response agencies as required. The Incident Commander will decide if the fire is of such magnitude that it is necessary to inform the following resource persons:

Small Craft Harbours	Area phone #
Coast Guard Emergency / Spill Hotline	
Alberta	1-800-889-8852
British Columbia	1-800-889-8852
Manitoba	1-800-265-0237
New Brunswick	1-800-565-1633
Newfoundland and Labrador	1-800-563-9089
Northwest Territories	1-800-265-0237
Nova Scotia	1-800-565-1633
Nunavut	1-800-265-0237
Ontario	1-800-265-0237
Prince Edward Island	1-800-565-1633
Quebec	1-800-363-4735
Saskatchewan	1-800-889-8852
Yukon	1-800-265-0237

B. FOLLOW UP

10. The incident shall be considered over when:

a) The fire fighters depart the site and declare all is secure.
b) The affected structure appears stable and, if mobile, is in a location where it will not impact the operation of the harbour.
c) If arson is suspected, or if there are injuries or death, Police will be involved and the area may be a crime scene.

11. Record all events, times and locations in a note-book or tape recorder and transfer to the daily log taking pictures and\or video whenever possible.

12. Complete harbour incident report (refer to *annex C*), including statements from witnesses, security personnel and others and forward to Small Craft Harbours, the Fire Department investigations officer and the Police if appropriate as well as your insurer (if applicable).

ANNEX F – PLAN FOR ENVIRONMENTAL EMERGENCY SAMPLE

Scenario

A fuel spill or discharge has accidentally occurred in the harbour. The harbour authority has a small office at the harbour. A Harbour Manager works on the premises between 07:00 hours and 15:00 hours during the fishing season.

Emergency procedures

1. Upon discovery of a fuel spill immediately inform:
   - the Harbour Manager at the harbour authority office; or
   - if after hours, the Harbour Manager at (**include phone number here**); or
   - the President of the harbour authority at (**include phone number here**); or
   - the Secretary of the harbour authority at (**include phone number here**).

   Note: Provide more than one telephone number in case the line is busy or unattended.

2. Take control until the Harbour Manager or person responsible for the harbour arrives. Stop the flow of fuel if possible, restrict access to the spill area, and ensure access routes are free of traffic.

3. Upon arrival, the Harbour Manager briefly determines the type and source of the spill, and immediately reports the spill to the appropriate agencies:
   - Small Craft Harbours (SCH)
   - Environment Canada
   - Canadian Coast Guard
   - Other (**list them here**)

4. The Harbour Manager takes a sample of the spill substance in a clean glass jar. The substance will be tested and serves as evidence should charges of negligence be laid against a person or a vessel.

5. The Harbour Manager takes appropriate measures to contain the spill until help reaches the harbour.

6. The Harbour Manager assists DFO, the Canadian Coast Guard, or other agencies in dealing with the spill.

The above-mentioned procedures must be operational year-round, 24 hours a day, and should be posted in the harbour in clear view.

Sources of information, training, and assistance

The Canadian Coast Guard office in your region.
The Small Craft Harbours office in your region.

Emergency contacts

List the phone numbers of all on-site and external contacts and resources in order of notification.

Reference material

Prepare a comprehensive and up-to-date map of the site to establish access routes, location of sensitive areas such as lobster cars, and identify storage of safety equipment, and provide other information.

Disposal of contaminated soil/water

Identify and list:

- the location of appropriate disposal sites;
- the method of transport;
- the means of storage prior to disposal; and
- the various approvals required.

Reporting requirements

The Harbour Manager must report the following information to government agencies:

- nature of the release;
- date and time of the release;
- weather conditions at the time of the release and during the response phase;
- cause of the release;
- products involved (fuel, oil, other pollutant);
- quantities involved;
- harbour and other areas affected by the release;
- people involved in the response or exposed to the products released;
- any health treatment or tests conducted on individuals;
- containment and method used;
- clean-up techniques employed;
- volume recovered;
- site remediation completed and planned;
- short- and long-term impacts of the release;
- a log of the actions taken and at what time; and
- measures to be implemented to prevent any reoccurrence.

Other activities

Training:

The Canadian Coast Guard offers advice and training in handling oil spills and other emergency situations.

Exercises and testing schedules:

Rehearsing the emergency plan identifies missing information and familiarizes all individuals involved with the plan's activities.

ANNEX G – RESPONDING TO SMALL FUEL SPILLS FROM VESSELS IN MARINAS

Responding to small fuel spills from vessels in marinas

(gas, diesel or lubricant)

WHAT TO DO FIRST

• Stop the release, if safe to do so.
• Remove all people and sources of flame.
• Determine the product that was spilled:
  - If gasoline, contact local fire department
• Deploy equipment if safe, appropriate and available, to prevent the release to enter potential receptors such as drains and surface water bodies:
  - DO NOT APPLY DETERGENTS
  - DO NOT contain or boom GASOLINE unless deemed safe*
• Contact authorities as soon as possible (see emergency contact numbers).

**Containing gasoline may create an explosive atmosphere.*
Air monitoring may be required to determine safety.

INFORMATION FOR THE REPORT

• Source of the pollution and owners name.
• Location of spill incident.
• What is the product, how much is spilled and what receptors were impacted (drains, surface water bodies, unfinished surface)
• Measures being taken:
  - to stop release
  - to cleanup spilled product, if possible
• Any injuries or safety concerns.

NUMBERS TO CALL FOR FUEL SPILLS

Spills from a vessel: **Canadian Coast Guard –** Area phone #

Your preferred local contractor:

_____

_____

_____

ANNEX H – EMERGENCY CONTACTS

Environmental emergencies

Oil, pesticides, chemical spills, fish kills, etc.

City or town name (**Indicate 24-hour phone number here**)

Industrial accidents

Occupational health and safety: (**Indicate 24-hour phone number here**)

Marine and air distress

Rescue co-ordination centre: (**Indicate 24-hour phone number here**)

Marine rescue centre

City or town name (**Indicate 24-hour phone number here**)

Fire department (**Indicate phone number here**)

RCMP or local police (**Indicate phone number here**)

Hospital (**Indicate phone number here**)

Ambulance (**Indicate phone number here**)

Fisheries and Oceans, Small Craft Harbours

Client service officer: (**Indicate phone number here**)

Regional office: (**Indicate phone number here**)

ANNEX I – DAMAGE REPORT FOR HARBOUR AUTHORITIES

Damage report for harbour authorities

This report is required and used to convey information regarding harbour authority property damage to Small Craft Harbours. The report is intended to inform Small Craft Harbours of damage that has occurred to the harbour infrastructure for the purpose of identifying and reporting damage. If any injury has occurred to an individual, the Small Craft Harbours accident report will still be filled out and sent separately to your Small Craft Harbours contact.

Name of harbour authority:	Harbour:
Contact name:	
Telephone number:	Fax number:
Address:	

Date and time of incident:	Date and time reported to SCH:
Weather conditions at the time of incident:	
Type of incident: E.g. fire, collision, sinking, storm, spill, earthquake or tsunami (please circle)	
Description of property\structure damaged: (attach sketch and\or photographs if possible):	

Actions taken to mitigate further damage or injury:

Please provide a copy of the damage report to your

Small Craft Harbours contact.

ANNEX J – FUEL HANDLING INSTRUCTIONS SAMPLE

Before fueling:

1. Stop all engines and auxiliaries.
2. Shut off all electricity, open flames, and heat sources.
3. Check the bilge water for fuel odours.
4. Extinguish all smoking material.
5. Close access fittings and openings that could allow fuel vapors to enter the boat's enclosed spaces.
6. Evacuate all personnel from the boat except the person handling the fuel line.

During fueling:

1. Maintain nozzle contact with fill pipe.
2. Attend to fuel filling nozzle at all times.
3. Wipe up spills immediately.
4. Avoid overspills.

After fueling and before starting engine:

1. Inspect the bilge water for leakage or fuel odours.
2. Ventilate until odours have completely dissipated.

ANNEX K – BERTHAGE AGREEMENT SAMPLE

	HARBOUR AUTHORITY OF [_____] **BERTHAGE AGREEMENT**		
Vessel Name :	**Vessel Size :**	**Registration #:**	**Licence # :**
Name of Operator (person signing below) :			
Civic or Residence Address of Operator :			
Telephone number of Operator : **(Cell phone and residence)**		**Email:**	
Name of Vessel Owner (if different than Operator above) :			
Civic or Residence Address of Owner :			
Telephone number of Owner : **(Cell phone and residence)**		**Email:**	
Emergency contact name and telephone number :			
Type of Vessel : Commercial Fishing ☐ Recreational ☐ Other ☐			
Date agreement comes into effect :		Date agreement expires :	
Amount invoiced :		Invoicing address :	

PURPOSE OF THIS AGREEMENT :

The purpose of this agreement is to allow the harbour authority to safely and efficiently manage the harbour(s) while prioritizing commercial fishing activities. This agreement provides the terms and conditions under which a vessel **operator** may secure a vessel on water, in a listed harbour. (Schedule 1 of the Fishing and Recreational Harbours Regulations).

The Harbour of _____ (the « **premises** ») is a listed harbour(s) administered by Her Majesty the Queen in right of Canada, as represented by Fisheries and Oceans Canada, and leased to the harbour authority, which manages and controls the **premises** and has all associated rights.

TERMS AND CONDITIONS :

1. This agreement is valid only for the listed harbour(s) identified above and for the indicated duration.
2. The vessel **operator** confirms they are authorized to sign this agreement on behalf of the owner and both are party to this Agreement with the [_____] Harbour Authority.
3. The vessel **operator** agrees to pay all fees covered by this agreement as and when required by the harbour authority.
4. The vessel **operator**, its employees, representatives and guests shall comply with all applicable federal, provincial and municipal statutes, regulations and bylaws, as well as all harbour authority rules and/or policies, including those that are introduced during the term of this agreement.
5. The vessel **operator** recognizes that the use of the premises will be in compliance with the harbour rules and/or policies of the harbour authority management and/or its representatives, including the allocation of berths and any restrictions that may be associated with them.
6. The vessel **operator** is responsible for all costs incurred from damage to property, personal injury, or environmental contamination resulting from their use of the **premises**, excluding wear and tear deemed normal by the harbour authority.
7. The vessel **operator** shall, at all times, keep the **premises** in a neat and tidy condition and comply with all applicable safety and environmental standards and regulations, including the disposal of used oil. No major repair work is allowed on the **premises** without prior written consent of the harbour authority.

8. The harbour authority, its employees, representatives and agents shall not be held liable for any loss, damage, expense, injury or death to the vessel **operator**, its employees, agents or guests; to the vessel's cargo or equipment, however caused, either directly or indirectly, resulting from the use of the **premises.**
9. Before or upon signing this agreement, the vessel **operator** must provide proof that they possess adequate property and third-party liability insurance to cover any and all claims. Insurance coverage must be kept current for the duration of this agreement. No agreement will be signed without proof of valid insurance coverage.
10. The vessel **operator** recognizes that in the event of a real or apparent emergency, the harbour authority may, at its discretion, exercise due diligence and undertake actions to ensure public safety and/or to protect property, including the relocation of a vessel.
11. In the event that a vessel relocation is required to enable efficient continuation of harbour operations purposes, the **operator** of the vessel will be notified by the harbour authority to move the vessel(s). If the **operator** does not act within the time specified in the notice, the harbour authority reserves the right to move the vessel even if the action goes beyond the terms of this agreement. The vessel **operator** recognizes that they will be responsible for any and all costs resulting therefrom and agrees to release, indemnify and hold harmless the harbour authority from any claim, penalty, suit, demand or action, present and future, in connection with the movement of the vessel.
12. The harbour authority reserves the right to cease the provision of services, without liability, or terminate this agreement, by providing a written notice twenty-four (24) hours in advance, should the vessel **operator** fail to comply with the conditions of this agreement, or with harbour authority rules and/or policies.
13. Either party may terminate this agreement for any reason by providing written notice to the other party. Termination is effective thirty (30) days after delivery of the notice, or as otherwise mutually agreed upon by the parties.
14. The term of this agreement shall remain in effect until such time as: a) the vessel **operator** ceases use of the Harbour and pays all fees owed to the harbour authority, b) the harbour authorities' head lease with Fisheries and Oceans Canada terminates, or c) the parties mutually agree to terminate the agreement in writing.
15. The vessel **operator** is responsible for ensuring that its employees, agents and guests abide by the terms and conditions of this agreement.
16. The vessel **operator** cannot transfer this agreement, or assign any of its rights, to another party.
17. The vessel **operator** acknowledges that it has been informed by the harbour authority of the applicable rates, rules, policies and procedures with which it agrees to comply. The vessel **operator** has a duty to keep itself informed of any changes that may be implemented by the harbour authority at any time during this agreement. The **operator** acknowledges that it shall also comply with such changes.
18. Harbour rules and/or policies apply to all users. Contact the harbour authority for more information.

I have read this agreement, understand its contents, and agree to its terms and conditions.

_____

Vessel **operator** Date

_____

For the harbour authority Date

White copy = HA **Yellow copy = vessel operator**

Important notes for harbour authorities while administering berthage agreements:

**** Expiration of the term of the berthage agreement:** It is up to harbour authorities to determine the length of the berthage agreement as long as the expiration of the agreement does not surpass the harbour authorities' head lease with *Fisheries and Oceans Canada*.

**** Third party liability insurance:** It is recommended that harbour authorities keep this phrase in the template, however in certain circumstances it can ultimately be waived. When waving this section, the harbour authority accepts the risk that comes with it. It is also very important to note that this waiver does not amount to a waiver of liability for the vessel's owner/**operator** for damages they may cause to *Fisheries and Oceans Canada* and other users.

ANNEX L – RELEASE AND INDEMNITY FORM SAMPLE

HARBOUR AUTHORITY EQUIPMENT

MANDATORY OPERATING TERMS

ASSUMPTION OF RISK, RELEASE OF LIABILITY
and HOLD HARMLESS AGREEMENT

IN EXCHANGE FOR being permitted to use the_____ (insert name of equipment), the user agrees to:

1. use the equipment in a prudent and safe manner, and only for its intended purpose;
2. report to the _____ (Harbour Authority Name) any defects in the equipment or its operation;
3. assume all risk for personal injury and/or property damage arising out of the use of the equipment;
4. be responsible for any damage to the equipment or wharf caused by the use of the equipment;
5. release and hold harmless the _____ (Harbour Authority Name), the Department of Fisheries and Oceans, Her Majesty the Queen in Right of Canada, and each of their employees, managers, directors, agents, contractors and volunteers, from any and all claims arising out of the undersigned's direct or indirect use of the equipment.

YOU ARE PROHIBITED FROM USING THIS EQUIPMENT UNLESS YOU AGREE TO THESE TERMS.

I agree to the above terms,

Signature: _____

Print name: _____

Dated: _____

ANNEX M – HARBOUR DAILY SAFETY CHECKLIST

Location and inspection date: _____

On-site inspection checklist property and facilities	**Action taken or reported to harbour authority**
Garbage area	
Washrooms and showers	
Grease, oil, or other residue left on deck	
Improper storage of nets, gear rope, wire, or other materials	
Unattended unlocked storage area	
Frayed wires (electrical and other types)	
Mismatched cords and plugs, and inappropriate gauge	
Damaged, leaking, or loose fuel lines/systems	
Frayed cable on hoist to haul out engine(s)	
Missing or damaged deck planks, wheel guards, loose deck	
Missing or damaged ladders, rungs, or fenders	
Improper storage of combustible materials (gasoline, etc.)	
Parking or speeding infraction	
Debris in water preventing safe operation of vessels/equipment	
Listing or sinking vessels, and vessels obstructing passage or fire lines	
Used oil storage area is free of leaks and spills	
Fueling facilities are in good order	
Other	

Signature: _____

ANNEX N - HABOUR WEEKLY SAFETY CHECKLIST

Location and inspection date: _____

On-site inspection checklist property and facilities	**Action taken or reported to harbour authority**
Are the signs in good order?	
Is the lifting/loading equipment functioning properly?	
Is the equipment being maintained properly?	
Are the fire extinguishers and first-aid kits in good working order?	
Are the lifesaving rings where they should be?	
Does the alarm system work?	
Is all fire protection equipment in good order?	
Are the water lines in good order (no leaks, frozen sections)?	
Are the electrical systems in good order (light fixtures, meter bases, receptacles and others as required)?	
Is the storage area in good order (no fire hazards, obstructed passages)?	
Other	

Signature: _____

ANNEX O – MONTHLY SAFETY INSPECTION CHECKLIST

This safety inspection checklist helps harbour authorities meet their legislated occupational health and safety requirements. The use of the checklist demonstrates due diligence and helps ensure the protection of employees, harbour users and visitors. The following items are checked at a minimum once per month, each month the harbour is operational. Where a concern is noted, please note below in comments section what corrective action, if any, needs to be taken. **Issues immediately dangerous to life or health should be brought to the attention of the SCH client services officer right away**.

Safety inspection checklist

Harbour of_____
Site_____

Day :_____ Month :_____ Year :_____

GENERAL OFFICE/BUILDINGS			☐ Not Applicable	
	OK	Concern	N/A	Comments
Canada Labour Code Part II posted				
Occupational Health & Safety Policy signed and posted				
First aid personnel identified				
First aid kit available, stocked & accessible				
Emergency numbers posted				
Plumbing fixtures working properly				
Washroom clean and accessible				
Floor surfaces				
Aisles and exits unobstructed				
Emergency lighting				
Smoke detectors				
Ceiling condition				
Perimeter of building				
Combustibles not stored near heat				

WHARVES/ SLIPWAYS/ HARBOUR PROPERTY			☐ Not Applicable	
	OK	Concern	N/A	Comments
Wheel guards				
Ladders				
Fenders				
Life rings/rope				
Guardrails				
Signage				
Parking lot				
Snow/ice control				
Vehicles parking safely				
Deck planks and concrete decking				
Proper storage of gear, nets, rope, wire, timber, or other materials				
Wharf, slipway and debris in water, preventing safe operation of vessel/equipment				

FLOATING DOCKS/RAMPS			☐ Not Applicable	
	OK	Concern	N/A	Comments
Missing or damaged deck planks, wheel guards, guard rails				
Slip resistant protection on ramp				
Missing or damaged ladders				
Open areas between docks covered				
Docks too low in the water				
Clear of nets, gear, rope and other materials				

OFFLOADING SYSTEMS/EQUIPMENT			☐ Not Applicable	
	OK	Concern	N/A	Comments
Cables on offloading system				
Cable rope				
Guards located on all moving parts				
Hooks and safety latches not bent or damaged				
Base of offloading system				
Slipway winch				
Safe operation and load capacity signage				
Jib crane (locked/power off)				

ELECTRICAL			☐ Not Applicable	
	OK	Concern	N/A	Comments
Uncertified electrical cords				
Electrical cord tripping hazard				
Damaged electrical cords				
Electrical panels inspected no live exposed areas				
GFCIs (ground fault circuit interrupter) working				
Outlets along wharf labeled as to capacity and load testing				
Exterior lighting working properly				

FIRE PROTECTION			☐ Not Applicable	
	OK	Concern	N/A	Comments
Fire extinguisher tagged/sealed				
Fire extinguishers inspected monthly				
No Smoking signs posted where required				
Fire extinguishers yearly certification				
Locations of extinguishers (i.e. wharf, buildings)				

USED OIL TANKS/SPILL RESPONSE			☐ Not Applicable	
	OK	Concern	N/A	Comments
Environmental Canada tank registration ID number present				
Tank protector bollards in place				
Spill response kit fully stocked				
Spill response kit readily accessible				
Signage posted with contact/spill response numbers				
Signage/tank labeling present and legible				
Area free of used oil containers				
Tank/system components in good condition				
Evidence of leaks/ spills				
Emergency response plan and as-built drawings on-site				
Hopper free of debris such as used oil filters, rags, etc.				
Vacuum gauge functioning properly				
Vacuum gauge reading is between-42kPa/-12Hg and -100kPa/-30Hg				

ONGOING PROJECTS AND ACTIVITIES			☐ Not Applicable	
	OK	Concern	N/A	Comments
Safety work plans				
Barricades/fences				
Flagman/watchman				
Hard hats, safety vests, safety boots, check safety glasses, PFDs				
Signage highlighting safety items to be worn				
Authorized personnel safety check				

OTHER ITEMS NOT NOTED IN THE ABOVE CHECKLIST			☐ Not Applicable	
	OK	Concern	N/A	Comments
Misc.				
Misc.				
Misc.				
Misc.				

Signature of inspector(s): _____
_____

Copy Distribution
White : Small Craft Harbours contact
Yellow: Harbour authority

March 2020

ANNEX P – YEARLY INSPECTION OF STRUCTURAL COMPONENTS: REMINDERS

Anchor piles:	Anchor piles should be checked for wear and decay (wood rot, marine borers, or corrosion). Steel anchor piles should be checked during the extreme lowest tides to determine the extent of wear and metal loss. Timber piles, damaged due to marine borers, must be inspected under water.
Bathymetry:	Refers to the depth or profile of the bottom surface of the harbour. It is important that harbour bathymetry be known so that boat skippers know exactly where they may safely take their vessel in the harbour and under what tidal conditions.
Boat ramps:	Common problems include spalling of surface concrete, and subsequent exposure of reinforcing steel and shear failure of planks. Boat ramps should be inspected for rot and other sources of weakening in the structure such as displacement of riprap.
Concrete floats:	Wales constitute the major structural element of a concrete float system. Damaged wales must be repaired as soon as possible to prevent further serious damage. Metal float-to-float and float-to-pile connections should be thoroughly inspected for wear, corrosion, cracks in welds, or cracks in the protective coating which may indicate high-stress deformation. Damaged or spalled concrete deck surfaces should be repaired to prevent the reinforcing steel within the concrete from being exposed.
Docks and vessel haul outs:	Timber decks should be examined for rot or signs of distress. Docks with steel framing members should be checked for corrosion. Timber framing members should be examined for rot, mechanical damage, and severe or unusual checking or splitting. Steel piles should be examined for mechanical damage and corrosion. Timber piles should be examined for mechanical damage, rot, or marine borer attack.
Floating breakwaters:	Particular attention should be paid to float-to-float connections and to float-to- anchor line connections. Any evidence of anchor shifting or moving should also be noted.

Gangways:	All members of a metal gangway should be carefully examined for mechanical damage or corrosion. Members of a timber gangway should be inspected for rot. Bolts and other connectors should be examined for corrosion, and connections for hole elongation or rot in the vicinity of bolt holes. The angle iron wheel guide should also be inspected to ensure the gangway continues to operate smoothly.
Rubble-mound breakwaters:	Thorough examination of the riprap protection for excessive gaps, movement, or sloughing is required once or twice yearly, or after extreme events such as a major storm.
Steel floats:	Steel floats require the same type of care as concrete floats. The thickness of the metal should be measured to monitor metal corrosion.
Timber floats:	Portions of timber floats are subject to wood rot where timber is untreated, drilled after treatment, or damaged. Cracked or damaged timber should be noted and replacement recommended. Connections between floats and float-to-anchor piles are high-stress areas and should be inspected thoroughly for wear, rust, cracks in welds, corrosion, or cracked coating which may indicate structural damage.
Vessel grids:	Members and connections should be examined for corrosion, rot, or distress. Pile caps should be examined for crushing.
Wharves:	Examine piles, stringers, caps, or bracing.
Wheel guards or curbs:	Regular inspection is required to ensure that they continue to carry out their intended safety function.

ANNEX Q – MAJOR REPAIRS OR CONSTRUCTION PROJECTS

Project definition:

The harbour authority (HA):

- determines project scope and urgency;
- obtains necessary technical assistance from Small Craft Harbours;
- estimates cost and duration of project;
- obtains necessary approvals (Small Craft Harbours and other applicable organizations); and
- arranges project financing.

Project funding and completion options:

DFO-funded		Jointly funded (Harbour Authority and DFO)	
Contracted to HA harbour authority:	Contracted to others PWGSC or other HA:	Contracted to HA PWGSC or other HA:	Contracted to others
• buys material • does the work • bills DFO or obtains bids • subcontracts work • inspects work • pays subcontractor • bills DFO	• obtains bids • selects contractor • does the work • inspects work • pays contractor • bills DFO	• buys material • does the work • DFO and HA inspect • Bills DFO portion or subcontracts work • DFO and HA inspect • Pays subcontractor • Bills DFO portion	• Obtains bids • Selects contractor • Inspects work • Pays contractor • Bills DFO and HA

ANNEX R – BASIC OPERATIONS DEFINITIONS

Anchor – A device (e.g. weighted block, pin or pile) used to secure the end of a mooring system rope or chain.

Basin – The total water area within the harbour limits including the navigable basin entrance area.

Berth – A designated location in a port or harbour used for mooring vessels when they are not at sea.

Berthage fee – Revenue charged for use of a designated location in a port or harbour used for mooring vessels when they are not at sea.

Breakwater– A structure, fixed or floating, built specifically to reduce wave agitation.

Channel – A navigable entrance, dredged or natural, into a harbour. A channel is commonly marked for navigation purposes. A channel does not include the navigation basin area, fairways or mooring areas within a basin.

Fenders – Wharf element, usually timber, high density plastic, rubber, in the form or tires or otherwise, which are positioned along the berthing face of a structure to provide a wearing surface for the abrasion associated with vessel berthing and also to absorb the loads associated with vessel berthing.

Fire lane – A designated area on land or water to be kept free and open to allow access for emergency services and egress.

Float – A structure designed to float on the surface of the water for mooring

Gangway – A structure connecting pedestrian\vehicular access from one piece of infrastructure to another e.g. from a wharf to a float.

Guard – A low horizontal timber or concrete element that is placed around the perimeter of a wharf deck, presenting a safety barrier between vehicles and pedestrians and the edge of the wharf deck.

Launching facility (ramp) – A structure built to launch a vessel, to remove a vessel from the water, or to pull a vessel out of the water for repairs.

Pile – A vertical structure used to support, anchor or protect other infrastructure. Can be made of wood, metal or concrete.

Shore – The narrow strip of land in immediate contact with the sea, including the zone between high and low water lines. A shore of unconsolidated material is usually called a beach.

Upland – Dry land area above and landward of the high watermark.

Wharf – A structure built to accommodate the berthing/servicing/offloading of vessels.

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