

SUMMARY OF MEETING WITH CFO

FEBRUARY 27, 2019

FREDERICTON, NB

On Wednesday, February 27th, 2019 I met with CFO Christopher Hand to discuss issues relating to shooting ranges in New Brunswick.

I was appearing on behalf of the Fundy Royal Firearms Committee (FRFC). The following is a summary of this meeting and is not verbatim. It has been copied to the CFO, as I promised, and will only be provided to the membership of the FRFC after the CFO has had the opportunity to comment on the contents.

The FRFC had previously forwarded correspondence to the Minister of Public Safety (NB) on December 12, 2018. The Minister replied to this correspondence on January 23, 2019 via email. The correspondence to Minister Urquhart related to the ***Standards for Design and Construction of Shooting Ranges in NB.***

In Minister Urquhart's reply he failed to respond to four (4) questions of importance that we raised and in addition he erroneously stated that his ability to change or modify provisions of the ***Firearms Act*** within New Brunswick was limited.

CFO. Technically It is not an erroneous statement. A Provincial Minister has no ability to change Federal law.

It is important to note that absolutely no questions regarding changing or amending the ***Firearms Act*** were posed in our original correspondence.

CFO. True. However in the letter sent to the Minister the FRFC stated it was formed to "address federal legislation". The Minister was attempting to address this, stating that he really had no power to do so.

After receiving the Minister's email I immediately informed him that the FRFC would reply to his response as soon as we had an opportunity to obtain concurrence from the FRFC members.

During this process the CFO got wind of our intentions and contacted me on my cell phone while we were shooting trap at the Petitcodiac Sportsman's Club. This was the afternoon of February 5th, 2019. As a result of this conversation we agreed to meet in person to discuss these issues. After a few weather delays we did meet on February 27th as noted above.

ISSUES DISCUSSED AND RESULTS:

Although there was a planned agenda we both rambled on and off a lot and discussed various topics as they were identified. This summary does not identify everything that we discussed and only the most important points have been identified.

CFO. A free-flowing discussion covering a lot of ground.

The following 4 items are from our initial letter to the Minister that were unanswered:

1. That the ***Standards for Design and Construction of Shooting Ranges in New Brunswick*** be immediately made available electronically through the government website since they are not easily obtained.

REPLY:

Considerable discussion followed but the bottom line is that the CFO is working towards producing an electronic version of the Standards. As a result of the format of the 2003 document this has not been an easy task. In addition it must be translated and available in both official languages. However, it will be available as soon as possible.

2. That no amendments are made to these standards until full consultation has taken place with shooting clubs throughout the province.

REPLY:

There was also considerable discussion concerning this issue as well. As identified in the email from Minister Urquhart as well as by the CFO the consultation process that the CFO has in place is the PFAC. The PFAC is the Provincial Firearms Advisory Committee.

CFO. The PFAC is one of the methods by which consultation with stakeholders can take place. It exists and it will be used as it was the original drafting body of the Standards. Other methods we discussed include individual meetings, group meetings, using the AFO visits and contacts, and a regional set of meetings. All of which I am open to and intend to use.

My primary aim is to become better engaged and available to discuss matter with the firearms community.

In regards to the FRFC the following was stated;

Only one of the shooting clubs in the FRFC knew a member of the FRFC. Most had assumed that the PFAC had been disbanded in the days of Brian Doyle (previous CFO). Even the Club that was aware of a member of the PFAC admitted that they had never been briefed on any issues by the PFAC.

It is a fact that no one knows how an appointment to the PFAC is made. There is no mandate or terms of reference/guidelines, etc. for this committee.

CFO. A renewed outreach will include a better explanation of the PFAC and how to become a member. There is a clear process used by government and it will be clarified.

A number of years previous a local shooting club had members of the PFAC attend a general meeting. The PFAC was led by Ovilla Daigle (resigned); he was accompanied by Herb Sobeck (deceased) and Richard DeBow (resigned). At this meeting we were told that the PFAC was not required to speak with shooting clubs, had no budget for travel to these clubs and basically had no plans to do so. They worked entirely on their personal knowledge of recreational and competitive shooting.

So, in the opinion of the FRFC the PFAC is redundant. CFO. I disagree. it has purpose to function across the entire province, in a similar manner to what your organization does for Fundy.

The CFO did not deny any of the above statements as they apply to the PFAC. He stated that the PFAC meets twice per year. Both the Minister and the CFO encouraged us to contact these people. This has not been done.

The FRFC stated that no government at any level could enact or apply legislation and standards with consultation with the clients (this is us).

At the end of the meeting the CFO stated that in accordance with his correspondence to shooting clubs of 2018 he would be making updates to the standards. He stated that he would forward a draft of these amendments to all NB shooting clubs prior to putting them in place. This is exactly what we asked for and is certainly appreciated.

CFO. Absolutely. It is interesting to note, however that in the 16 years these standards have existed, no club or shooting range has ever made any suggestions on record for corrections, additions, deletions or improvements to this document. And equally curious, no CFO has ever proposed any. Until now.

3. That the Department of Public Safety consider resurrecting workshops aimed at informing and consulting operators of shooting clubs on standards and other requirements. NOTE: In the past the CFO covered the finances required to run these workshops and if government finances are limited our Clubs will provide the required funds to run these much needed workshops. These workshops have proven to build rapport and respect for one another leading to improved relations which is desirous.

REPLY:

We next discussed the importance of representatives of shooting clubs being involved in information sessions and briefings (workshops) with the office of the CFO. In order to enhance and improve compliance with standards, the Act and the regulations they must be understood totally by the clients (us). It was noted

that while the PFAC has taken credit for the creation of the standards that these workshops organized by the office of the CFO were also involved in creating these standards. I personally attended three workshops at this time and the CFO of the day requested input from shooting clubs to finalize this document. If at all possible these workshops should become an annual event.

The CFO said that he had not completely ruled out a workshop or session. Right now he was unsure of whether he would do one workshop or have a workshop in each area of the province. The CFO noted that he had four (4) Area Firearms Officers located in various portions of the province and he may utilize these people in this regard.

CFO. As mentioned. These are a method of stakeholder outreach. All methods will be explored.

4. That access to knowledgeable staff in the CFO's office be established so that shooting clubs can ask and obtain advice and direction regarding requirements as well as to inspection procedures from knowledgeable staff.

REPLY:

This was the easiest of all questions posed. The CFO stated that he is available to discuss the standards as well as range inspections as you request. If you email or call his office you may not obtain immediate response but he will eventually get back to you.

Contact with the CFO's Office is as follows:

Christopher Hand, Chief Firearms Officer NB

Email: nbcfopnb@cfp-pcaf.ca or call 1-800-731-4000 extension 6000.

Additional issues of discussion with the CFO.

1. What avenue is available to address discrepancies noted by the Inspector during his/her inspection? i.e. in at least one case the Range Operator(s) disagree with the finding that the angle of a berm (protective barrier between handgun range and rifle range) is at 20 degrees. In this specific case a Certified Surveyor took measurements and stated that the berm angle is 30 to 35 degrees.

REPLY:

The CFO stated that if there is a disagreement related to an inspection send him the specifics of the issue and why you disagree and he will make a decision.

This will also apply to the use of steel targets. If your shooting range has been refused approval due to the position of steel targets (not positioned to deflect ricochets, etc.) send him the information as to how you have rectified this

situation and again he will make a decision. If you still are not satisfied talk to him.

2. In at least two cases reasons for refusals stated that (in relation to trap and skeet ranges) that a copy of a site plan was not posted as per section 7.2 of the Standards. Clearly this section does not apply to trap and skeet ranges and applies only to sporting clay ranges. **Please explain what this site plan consists of and how it applies.**

REPLY:

The CFO agreed that this section applied only to sporting clay set ups and did not apply to trap and skeet ranges.

3. During inspections the Inspector(s) do not normally inform the Range Operators of noted deficiencies. Why?

REPLY:

In some cases this has been our fault since the Range Operator did not stay with the Inspector during the complete inspection. But normally the Inspector simply forwards the results of the inspection to the CFO for the final word. The Inspector normally does not identify deficiencies to the Range Operators at the time of the inspection.

The CFO stated that he is planning on changing this process in the future and the Inspector may produce a document to the Range Operator at the end of the inspection identifying deficiencies noted. It may even be the case that the Range Operator will be requested to sign the document indicating that he/she was notified.

If this occurs this is certainly a major improvement to the process.

4. If a Notice of Refusal for Approval of a Shooting Range states that the handgun range must be closed when the adjoining long gun (rifle range) is in use (and vice versa) can this notice explain the specific reasoning behind it?

REPLY:

In instances where this occurs simply contact the CFO for an explanation. See the previous methods of contact for the CFO. This will be changed in future inspections and refusals will explain fully the rationale.

5. In a recent notice to shooting clubs it was stated that a survey plan must be provided. Can this be explained in more detail? Must it be a survey plan as created by a land surveyor or can it be a hand-drawn site plan of the shooting facility?

REPLY:

If you have currently received a Shooting Range Approval from the CFO and you do not have an adequate detailed survey document you will most certainly require one for the next inspection.

You may already have a certified survey document but does it show all of the buildings, berms, backstops, trap and skeet houses that you have on this property? Does it show adjacent landowners?

If shot from trap, skeet and sporting clay set ups falls on property other than your own you have two possibilities:

- (1) Written permission from the private landowner (adjoining) that your shot can fall on his property; or,*
- (2) If you are on a government lease increase your lease size to ensure that you have the required 200m fall area.*

This is not new and is a requirement of the Act and regulations.

CFO. I think this is really important

Section 3 (2) (a). and section 9 of the *Shooting Clubs and Shooting Ranges Regulations*, states that range operators must submit a “survey report location certificate or other similar document to show geographical location and layout of the shooting range and the portion of the land surrounding that could be affected by shooting...”

Experience and recent Court events have indicated that the ONLY accepted legal document that identifies geographic locations is a certified survey. Consequently as we move forward this will be required by all approved section 29 shooting ranges.

A proper survey eliminates an doubt over boundaries and distances.

OTHER COMMENTS:

The CFO stated that in his recent correspondence he requested that all shooting clubs forward to his office a list of requirements.

This list includes a list of the executive and contact persons. This then is shared with DNR/DERD.

This year many Clubs have not responded. I am assuming that this is due to the fact that many clubs do not hold their annual general meeting and election of officers until February and maybe even March. If this is the case I suggest that an email to the CFO office explaining that you will soon forward the required info is a good idea.

In a number of cases ranges were refused due to rocks of a certain size visible on the floor of the range or backstop. This is regular maintenance and as Range Operators we must ensure that we regularly pick rocks or cover them as required by the standards.

We cannot fault the inspector for this. This is our responsibility. In addition we must repair backstops that are eroding or deteriorating and do this on a regular basis.

The CFO noted that this year in NB we had a large number of range refusals, 14 or more in total.

He doesn't want to repeat this in future years and he wants us to get our ranges up to scratch. I suggest that you get yourself up to date on the requirements and if you require interpretation of assistance contact the office of the CFO.

In closing the CFO advised me that should I submit a name of a qualified person in SE NB that he would consider him/her for appointment on the PFAC. This will be discussed with you all in the near future.

Ron Whitehead

Chairman

FRFC