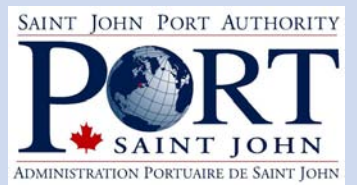




Saint John Port Authority 2011 Land Use Plan



June 2011

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This report has been prepared by **exp**, Saint John, New Brunswick
June 2011



Executive Summary

The Port of Saint John is New Brunswick's largest and most diverse port and its only container port. It primarily handles bulk and break-bulk cargo, is well-suited for niche container markets and is a major port-of-call in Canada-New England for cruise ships.

The Port's major commodities are petroleum products and LNG, potash and salt, recyclable metal, containers, other bulk cargo, forest products and project cargo. In addition, the Port has been very successful in building its cruise sector and has become the fourth largest cruise port in Canada.

The SJPA is one of seventeen Canada Port Authorities established under the 1998 *Canada Marine Act*. Its mission is to facilitate maritime trade and maximize the use of Port assets by providing facilities, services and business development expertise for customers and stakeholders.

The purpose of the Port Authority's Land Use Plan is to serve as a guiding document for the ongoing development and utilization of Port lands. The SJPA deals with strategic land management issues in a manner specific to local circumstances. The very existence of a port requires adequate facilities for the handling, storage and transfer of cargo and the safe and efficient transfer of passengers; private commercial and industrial sites also exist along the waterfront, as does the provision for public access.

In carrying out the revision of its land use plan, the Port Authority engaged ADI Consulting (now **exp**) to assist in its development and provided for significant stakeholder and public input. In doing so, the Port Authority followed a more in-depth consultation process than required by legislation. This process included consultations with port stakeholders, the Municipality and appropriate Committees and the business sector. In addition, the process allowed for public input through a sixty day period, during which time two public forums were held. This allowed the Authority to explain the proposed land use plan and gain an understanding of the various perspectives from port and community stakeholders.

The geography of the Port of Saint John provides only a limited land base. Therefore, the SJPA must endeavour to effectively protect and manage its land and water resources to accommodate the long term needs of port operations and the industry. It is essential the SJPA optimize land utilization in order to capture economic benefits, manage its land resources and strengthen Saint John as a gateway for trade.

The SJPA has developed land use policy directions for the Port of Saint John to enable its customers, stakeholders, municipal neighbours, government agencies and the public to identify and understand the principles by which it intends to manage its federal land assets.

The primary use of port lands is for the assembly, storage and handling of marine cargo and passengers and to be the transfer point between ship and shore. Paramount for the Port Authority is the preservation of its land holdings for these purposes.

Following stakeholder and public input, the Land Use Plan was finalized and approved by the Board of Directors. A summary of the highlights are listed below:

- The West Side port, Lower Cove and Barrack Point Potash Terminal will continue to be used as the port's major active cargo areas;
- The Lower West Side will be reserved for redevelopment use as a marine terminal, port industrial activity and with the cooperation of the Department of Fisheries, the provision of a small craft facility as proposed by Saint John Harbour Fishermens Association will be provided at Pier 14;

- Cruise Operations will be concentrated on the East side of the Main Harbour at the Marco Polo Cruise Terminal, Pugsley C and Long Wharf;
- Long Wharf is considered as a strategic development parcel and the Port Authority will undertake development of a Master Plan for its future use, which will consider port-related activities interfacing with innovative approaches consistent with the SJPA Business strategies and alignment with Plan SJ outcomes to the degree possible. Until then, Long Wharf will continue to be used for cruise-related activities, clean cargoes and the interim use for fishing operations;
- The Port Authority has also identified the area known as Pugsley Park as an area for non-traditional development which will complement cruise-related activity, tourism activity and public access to the waterfront;
- Courtenay Bay will continue to be used for dry and liquid bulk cargoes. The storage and movement of potash is an important contributor to the longevity and financial sustainability of the Port. Expansion of the terminal may be required in the long-term and must be taken into consideration in this land use plan;
- The SJPA will implement an Asset Life Cycle Plan to address the major maintenance and renewal requirements of its assets over the coming months and years. In the long term and within its own strategic objectives, the SJPA will encourage development of new replacement facilities on identified sites and consider alternate port and marine-related use of those sites which will energize the public waterfront;
- The Port Authority will consider how best to create buffers or transitional zones between port activity and the neighbouring communities along Market Place on the West Side and in the area along Broad Street at Lower Cove terminal. These may take the form of natural buffers, walkways or development of light industrial or commercial businesses;
- Taking into consideration established activities in adjacent areas and to ensure quality, the SJPA will seek adherence to certain design principles that promote quality and sustainable development, thereby contributing to overall quality of development and stimulating private investment that meets public objectives;
- The “experience” of the commercial waterfront character and industrial heritage of the Inner Harbour is enhanced by the presence of the working port. The SJPA will continue to work with the local community to enhance the port/public waterfront in a manner that is safe and compatible with port operations while considering current and future Port and community needs;
- The City of Saint John is currently reviewing and preparing a new Municipal Plan. The SJPA is committed to working with the City of Saint John and other land use stakeholders on matters of mutual interest, including land use issues, promotion of Port business, retention of industrial lands, the safe and efficient movement of passengers and cargo through the Port of Saint John and enhancement of the environment;
- The Port Authority recognizes that industrial manufacturing and distribution projects that have large acreage requirements can be better accommodated within the existing industrial land supply provided by Municipal and Provincial land supply agencies. Together with Municipal and Provincial partners, the Port Authority will continue to support and respond to the needs of the business community and seek ways to develop synergies between the port and the Industrial Parks, while advancing its mandate to provide the marine transportation infrastructure for our Region;

- In this Land Use Plan, Saint John Port Authority identifies a number of land parcels contiguous to port property which, if they became available, would be of interest to the Port Authority for the long-term development. These include Federal Lands at the Ferry Terminal and in the South End under Department of National Defense, the Sugar Refinery Site and the former site of Imperial Oil Tank Farm adjacent to potash terminal.

This Land Use Plan charts the future direction of the SJPA over the next 10 to 15 years. It establishes the basis for decision making for the future development and use of lands and provides the necessary direction needed to manage the Port of Saint John in support of Canada's international trade and strategic development for the future, as well as short term uses for non-marine trade. It also allows for the complementary development of the waterfront for public access and municipal development.

This Port Land Use Plan reflects SJPA's commitment to direct and manage the long term planning and development of its land and water resources.

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Foreword

In keeping with the legislative requirements of the *Canada Marine Act*, the Saint John Port Authority (herein after referred to as the SJPA) developed and released its first Land Use Plan in 2000, which outlined its land holdings and their uses and identified future requirements necessary to allow the Port Authority to meet its mandate as a national port in supporting Canada's domestic and international waterborne trade. Since then, there have been a number of significant changes in the Port of Saint John's (the Port) land use, cargo mix and volumes and the emergence of cruise as a major marine business sector for the Port. Given these factors, the Port Authority has determined this to be an opportune time to re-assess its land use requirements and revise its Land Use Plan. As it did previously, the Port Authority consulted with its stakeholders, business leaders and the community and held public meetings to gain their views and input into the Plan. The initiative was also considered timely as the City of Saint John was preparing a new Municipal Plan to be released in 2012. As a result, this revised Land Use Plan will outline the present and future needs of the Port and the projected land use requirements.



The Port of Saint John

1.0 The Port of Saint John

1.1 The Port

Description and Characteristics

Located on the Bay of Fundy at the mouth of the St. John River, the Port of Saint John is a recognized port of national significance and one of Canada’s marine gateways for domestic and international trade and tourism.

It has a wide range of facilities to handle all types of cargo and is essential to some of the Province’s major industries. Its diversified operations cross six business sectors: liquid bulk, dry bulk, break bulk, containers, cruise and indirect marine-related activities.

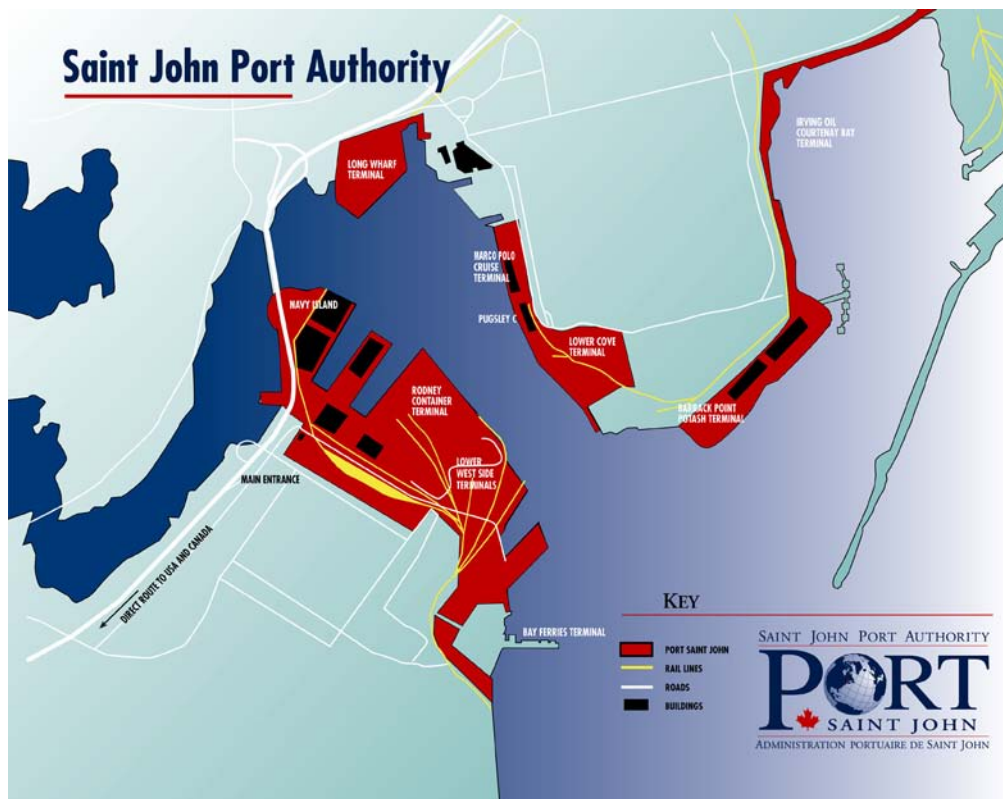
The SJPA has jurisdiction over the navigable water contained within the Harbour Limits (See Map 1). However its land holdings are contained within the Inner Harbour (See Fig. 1).

Harbour Limits

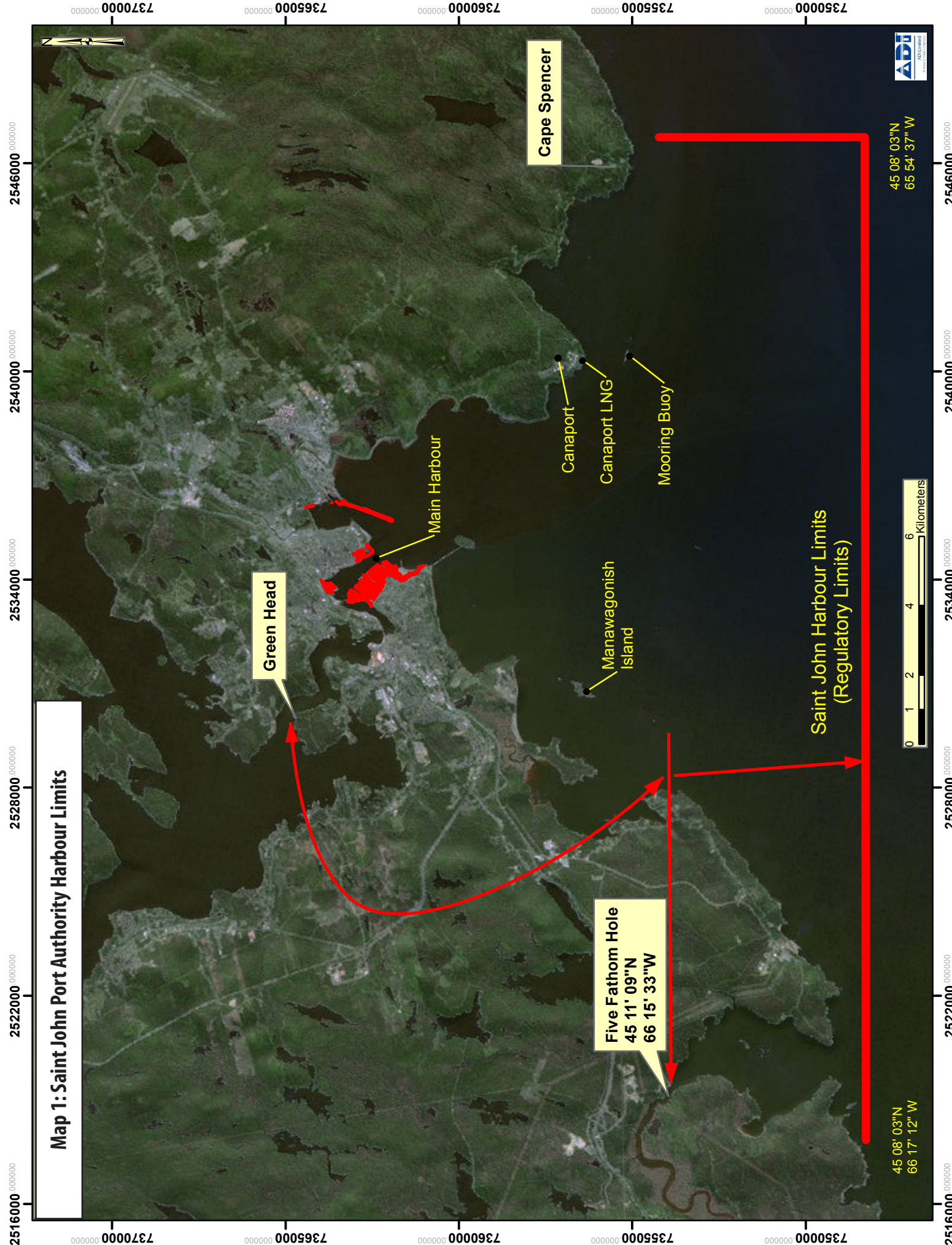
The legally defined portion of the Saint John Harbour under the jurisdiction of the SJPA was established by PC 1977 - 2115, 21 July 1977. The southerly limit runs due east from Musquash Harbour to south of Cape Spencer. The northerly limit is at Randolph, near Dominion Park.

The Port experiences some of the highest tides in the world with tidal ranges fluctuating between 6.0 to 8.5 metres. The combination of these tides and the outflow of the St. John River result in strong currents flowing through the harbour which complicates the movement of shipping in and out of the harbor for the marine pilots. Pilotage in the Port is compulsory and managed by the Atlantic Pilotage Authority.

Figure 1: Property Under the Management & Control of the SJPA



Source: Saint John Port Authority Website (www.sjport.com)



Map 1: Saint John Port Authority Harbour Limits

Green Head

Main Harbour

Manawagonish Island

Canaport

Canaport LNG

Mooring Buoy

Cape Spencer

Five Fathom Hole
45 11' 09"N
66 15' 33"W

45 08' 03"N
66 17' 12"W

45 08' 03"N
65 54' 37"W

**Saint John Harbour Limits
(Regulatory Limits)**



7370000 7365000 7360000 7355000 7350000

7370000 7365000 7360000 7355000 7350000

2546000 2544000 2542000 2540000 2538000 2536000 2534000 2532000 2530000 2528000 2526000 2524000 2522000 2520000

2516000 2518000 2520000 2522000 2524000 2526000 2528000 2530000 2532000 2534000 2536000 2538000 2540000 2542000 2544000 2546000

The Harbour consists of three key areas:

A. The Outer Harbour

The portion of the Bay of Fundy between Partridge Island and a line running east from Musquash Harbour to due south of Cape Spencer. It contains the crude oil reception facility at Canaport, Mispec Point LNG Terminal and the Port’s designated anchorages and pilot boarding station.

B. The Main Harbour

Located between the Central Peninsula and the West Side, it contains the majority of SJPA’s facilities. The location of these facilities is listed below. The Canadian Coast Guard Base and a public waterfront area at Market Slip with hotel residential complexes, restaurants and public boat landing are located in the north-east corner of the Main Harbour. The former Lantic Sugar site lies immediately south of Lower Cove on the East side and is owned by the City of Saint John, with the wharf area being owned by the SJPA.

Access is through the main navigation channel running north-west/south-east to the east of Partridge Island. The St. John River enters the Bay of Fundy through this main harbour.

C. Courtenay Bay

Lies east of the Central Peninsula and is accessed via Courtenay Bay navigation channel. The Irving Oil terminal, the Atlantic Wallboard manufacturing plant (previously Saint John Shipbuilding & Drydock) and Barrack Point Potash Terminal are located in Courtenay Bay.

Saint John Port Authority Facilities

SJPA facilities and property consist of:

West Side:	Navy Island Forest Terminal Rodney Container Terminal Terminal 12 Lower West Side
East Side:	Long Wharf Marco Polo Cruise Terminal Pugsley C Lower Cove Wharf at the former Lantic Sugar Refinery Site
Courtenay Bay:	Barrack Point Potash Terminal
Private Facilities:	Canaport crude oil facility (Outer Harbour) Mispec Point LNG Terminal (Outer Harbour) Irving Oil Terminals (Courtenay Bay) Atlantic Wallboard Plant - previously Saint John Ship Building & Drydock (Courtenay Bay) Bay Ferries Terminal (Lower West Side)

Saint John Port Authority Water Lots

The harbour bottom within Partridge Island and Courtenay Bay breakwaters up to the Reversing Falls Bridge is owned by the Federal Crown and managed by the SJPA and as such the Port Authority leases out individual water lots within this area.

1.2 Saint John Port Authority

The SJPA is one of seventeen Canada Port Authorities established under the 1998 *Canada Marine Act* (Appendix A). Its mission is to facilitate maritime trade and maximize the use of Port assets by providing facilities, services and business development expertise for customers and stakeholders. In so doing, it will ensure a thriving long-term port.

Paramount for the Port Authority is to ensure it has sufficient facilities and flexibility in its land holdings to accommodate the efficient and timely transfer of cargo and passengers between ship and shore, providing a global portal for Canada's imports and exports.

Governing Legislation and Mandate

The governing legislation for all port authorities is the *Canada Marine Act* that implemented the federal government's National Marine Policy and called for the modernization of the marine management and regulatory regime by introducing business disciplines to achieve greater efficiency in the marine transportation sector. It constituted and allowed for the establishment of Canada Port Authorities (CPA). In recognition of the significance of marine transportation to Canada and its contribution to the Canadian economy, the purpose of the Act is to:

- Implement marine policies that provide Canada with needed marine infrastructure, offers effective support for the achievement of national, regional and local social and economic objectives and promotes and safeguards Canada's competitiveness and trade objectives;
- Promote the success of ports for the purpose of contributing to the competitiveness, growth and prosperity of the Canadian economy;
- Base the marine infrastructure and services on international practices and approaches that are consistent with those of Canada's trading partners in order to foster harmonization of standards among jurisdictions;
- Ensure that marine transportation services are organized to satisfy the needs of users and are available at a reasonable cost;

- Provide for a high level of safety and environmental protection;
- Provide a high degree of autonomy for local or regional management of components of the system of services and facilities and be responsive to local needs and priorities;
- Manage the marine infrastructure and services in a commercial manner that encourages and takes into account input from users and the community in which a port or harbour is located;
- Provide for the disposition, by transfer or otherwise, of certain ports and port facilities; and
- Promote coordination and integration of marine activities with surface and air transportation systems.

Each Canada Port Authority is established by individual letters patent. Letters Patent issued on May 1, 1999, established the SJPA as a Canada Port Authority, a continuation from the Saint John Port Corporation.

As part of its responsibility, the SJPA is charged with managing federal real property as described in its Letters Patent (Appendix B). The Port Authority operates as a financially self-sufficient agent of the Federal Crown. In general, port authorities or any subsidiaries cannot access federal government funds except in certain circumstances. Section 25 of the Act states that no payment can be made to a port authority or any subsidiary under an appropriation by Parliament to enable it to discharge an obligation or liability unless the payment:

- Is made under the *Emergencies Act* or any other Act in respect of emergencies;
- Is a contribution in respect of the capital costs of an infrastructure project;
- Is a contribution in respect of environmental sustainability; or
- Is a contribution in respect of security.

Port authorities are required to pay an annual stipend based on their gross revenues to the Federal Minister of Transport for the use of Crown lands. They also make payments in lieu of taxes (PILTS) and their tenants pay property taxes.

A Canada Port Authority manages the lands upon which it operates however it cannot pledge them for collateral. Furthermore, should a Port Authority

wish to sell any of these lands, it would be required to declare the lands surplus to its needs and would not be permitted to retain the proceeds. Thus, the SJPA operates entirely from its own resources, deriving its revenues solely from port fees, leases and investment income all of which pay for operational expenses and contribute towards capital expansion projects undertaken. Profits are reinvested in the Port of Saint John to ensure an efficient and competitive environment for Canada's domestic and international waterborne trade.

The SJPA is also subject to other Federal legislation, the most relevant to land use being the *Canadian Environmental Assessment Act* and Regulations and the *Marine Transportation Security Act* and Regulations.

Environmental Considerations

All Canada Port Authorities are subject to the *Canadian Environmental Assessment Act* (CEAA) and its regulations and in particular the Canada Port Authority Environmental Assessment Regulations. Where a proponent other than the Port Authority wishes to carry out a project on port lands, the SJPA is the responsible authority for ensuring the appropriate environmental assessment is carried out for the project and for approving the assessment of the project. Where the SJPA is the proponent for a project, it would be required to meet the appropriate environmental assessment and require the approval of the Canadian Environmental Agency and other federal departments.

In general, the Act applies when a federal department or agency exercises one or more of the following powers, duties or functions in relation to a project. An EA under the Act is triggered when a Federal Authority is:

- The proponent of a project;
- Proposing to sell, lease or otherwise transfer control or administration of land to enable a project to be carried out;
- Contributing money or another form of financial assistance to the project; and
- Exercising a regulatory duty in relation to the project by issuing a permit, license, authorization or approval that is included in the Law List Regulations.

Under CEAA, a project is defined as:

- In relation to any physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to the physical work; or
- Any proposed physical activity not relating to a physical work that is prescribed or within a class of physical activities that is prescribed pursuant to the regulations.

The Canada Port Authority Environmental Assessment Regulations place the responsibility of overseeing the assessment on the SJPA, which when applicable would require the proponent to carry out any necessary studies or surveys (including seeking public comment where it is deemed warranted) that may be required to complete the assessment.

In fulfilling its environmental responsibility, the SJPA works collaboratively in a multi-agency development review process to carefully control and evaluate the environmental impacts of the port's activities. This includes but is not limited to Environment Canada, Transport Canada, the Department of Fisheries and Oceans and the Canadian Environmental Assessment Agency. Applicable environmental legislation and best management practices are considered during SJPA's development review of new projects and as part of its overall stewardship responsibilities.

Respecting that the environment is one of the SJPA's core values, it recognizes that quality of life and the environment are interrelated. The Port Authority's Land Use Plan supports planning and development activities in cooperation with its tenants, operators, the municipality and other government agencies and regulators to improving the standards of environmental protection of the harbour.

In the interest of responsibly managing the resources under its jurisdiction, the SJPA endeavours to balance customer demands with those for sustainable development and competing demands for waterfront land use. Accordingly, the SJPA is committed to processes that enable it to meet this challenge proactively; a challenge made more difficult and the responsible management of which is made more essential, given that the Port of Saint John is bordered by some of the most desirable real estate in the City.

Marine Security

Marine security has become a high priority for all ports and the marine industry, not only in Canada but internationally. In considering its land use and the operation of its marine facilities, the Port Authority is required to follow the requirements of the *Marine Transportation Act* and Regulations, both of which are linked to the International Ships and Port Facility Security Code established by the International Maritime Organization (IMO) following the events of 9/11. This requires strict access controls at port facilities and restricts access to those employed at facilities and those conducting business at the port. It includes registration of personnel, issuance of identification cards and in certain cases the provision of a Transport Canada Clearance. It is anticipated that security controls will continue to evolve given the ongoing perimeter security discussions between Canada and the United States.

Legislative Framework for the Land Use Plan

The *Canada Marine Act*, Section 48, requires that each Canadian Port Authority adopt a comprehensive Port Land Use Plan (Appendix A-4). The *Saint John Port Authority Land Use Plan* must include the Port's land use objectives and policy directions under which it will make its development decisions. This Land Use Plan, therefore, fulfils these requirements for the SJPA.

Purpose of the Land Use Plan

The purpose of the Port Authority's Land Use Plan is to serve as a guiding document for the ongoing development and utilization of Port lands. The objectives of the Plan are to:

- Communicate SJPA's long term land use policy directions and initiatives;
- Illustrate the Port's ability to accommodate future growth in an economic, environmental and socially responsible manner;
- Use policy directions to link optimal land utilization with future growth opportunities;
- Identify the significance of the regional and national transportation networks to the ongoing and future success of the Port of Saint John; and

- Help strengthen land use coordination between SJPA and neighbouring communities, other port stakeholders and governments.

1.3 The Port Planning Context

The viability of Saint John's Port and its capability to generate economic activity depends on its ability to respond to local, national and global market opportunities and conditions. The SJPA Land Use Plan has been developed within this context and recognizes the challenging and competitive environment in which the Port of Saint John operates.

The SJPA Land Use Plan acknowledges that:

- The port is a major economic asset to the economy of the Province of New Brunswick and the Saint John Region;
- SJPA is a self-financing port authority that operates in a highly competitive environment with other ports in North America;
- The port has a limited land base that must be managed to accommodate the long-term needs of the port industry;
- Many of the port's businesses are heavy industrial operations and therefore have specific land and infrastructure needs;
- The viability of the port depends on an effective and efficient road and rail network for the movement of goods and cargo between the port and its markets;
- International requirements for safety and security in and around the port will continue to be reinforced to ensure that port operations meet trade import and export requirements;
- Public benefits must be balanced with the operational realities of a working port; and
- Working with community and business stakeholders is critical to long term sustainability of the Port given the physical constraints of operating in a small harbour surrounded by a wide variety of land uses.

1.4 SJPA Land Use Policy

Land Management

Canadian ports, while serving a common function, are unique in their land issues and require an individual response and approach. The SJPA therefore deals with strategic land management issues in a manner specific to local circumstances. The very existence of a port requires adequate facilities for the handling, storage and transfer of cargo and the safe and efficient transfer of passengers; private commercial and industrial sites also exist along the waterfront, as does the provision for public access.

The SJPA follows a business development approach in determining the most appropriate uses of Port lands. Key to this approach is the understanding that the Port is contained within the surrounding urban area and that there is a limited quantity of waterfront property suitable for development of marine terminals.

The SJPA continually faces the challenge stemming from competing interests for a finite amount of available urban waterfront land. Pressures for waterfront development and access have intensified in Saint John, as elsewhere, and the SJPA must consider how to best respond and mitigate land use conflicts through the updating of its Land Use Plan. The *Canada Marine Act* identifies the need for port authorities to take into consideration surrounding land uses in their land use planning and provide opportunity for the public to participate.

The nature of a Land Use Plan is dynamic and what may be applicable today may not be to future circumstances. Thus, responding to business, environmental, economic, and social and community issues requires a regular monitor-and-respond approach to keep the SJPA Land Use Plan relevant.

Land Use Plan Process

In carrying out the revision of its Land Use Plan, the Port Authority engaged ADI consultants to assist in the process. This commenced with the development of a first draft following stakeholder consultations. This first draft was reviewed by the SJPA Board of Directors who provided comment. It was then made available to the public and posted to the Port

Authority website for a public review period. Notices to this effect appeared in the local newspaper advising of the availability of the draft plan and the date and time for public meetings.

Stakeholder Consultation

The *Canada Marine Act* allows for a Port Authority to engage in a consultation process, the purpose of which is to create a successful land use plan that addresses land use needs of a port in the conduct of its business both for the short and long term and, where possible, integrates a port's objectives with those of the community in such a way that ensures a port's continued growth and sustainability.

Sharing an urban environment with a wide variety of land users, each with their own intent may cause conflict. The SJPA realizes the opportunity and the responsibility to engage the community in this land use planning process and resolved to carry out consultations on a broad level. Through consultation, the SJPA, its stakeholders and the public can better appreciate both parallel and opposing opinions, new ideas and progressive suggestions. Stakeholder consultations occurred either on a one-on-one or focus group basis with others providing written feedback via a questionnaire.

The SJPA identified 45 stakeholders within 5 groups representing various Port, business and municipal aspects including the key Port users, the cruise industry, business organizations and the City of Saint John Planning and Development Department. These were categorized in five groups:

- Group A - Port Users and Leaseholders
- Group B - Cruise Operators
- Group C - Other Port Stakeholders – agents, marine consultants etc.
- Group D - City of Saint John Planning & Development Department
- Group E - Business Community

Final participation and feedback included:

- Group A 6 of 15 Invitees
- Group B 4 of 4 Invitees
- Group C 4 of 19 Invitees
- Group D Commissioner and Deputy Commissioner, Planning & Development, City of Saint John
- Group E 5 of 5 Invitees

An additional 15 stakeholders completed and returned the questionnaire in lieu of an interview or focus group participation. The summary of stakeholder feedback is found in Appendix E.

Public Review Period

The Saint John Port Authority expressed its commitment to a thorough public consultation process in updating its Land Use Plan and directed a process that included a strategy of focus groups, stakeholder and public consultations and port-user interviews. A consultation process was initiated to seek firsthand knowledge and gain an understanding of the various perspectives from port and community stakeholders. The Saint John Port Authority provided a list of stakeholders representing a total of 45 businesses and organizations as well as five community sectors and a series of interviews and focus groups were held in January 2011:

- Port Users;
- Cruise Industry;
- Other Port Interests;
- City of Saint John, Planning & Development;
- Saint John Business Community: Enterprise Saint John, Saint John Airport, SJ Board of Trade, SJ Development Corporation, and Uptown Saint John.

The issues that arose during the consultation process were summarized and presented to the Saint John Port Authority in the January 28th report titled *Summary of Land Use Issues*, which was reviewed by the Port Authority and given consideration for inclusion in the draft Land Use Plan:

- Role of the Port;
- Land Use Efficiency;
- Future Land Use;
- State of Infrastructure; and
- Urban Interface.

The draft Land Use Plan was made available to the public and posted to the Port Authority website to initiate the regulated 60-Day Public Review Period on March 21st, 2011. During this time, the Saint John Port Authority held two public meetings: March 29th at the Marco Polo Cruise Terminal, representing the east side community, and April 19th, 2011 at the Carleton Kirk Church, representing the west side community. The feedback and input received was considered by the Saint John Port Authority and adjustments incorporated into the final Land Use Plan.



Metal Shredding on the West Side

2.0 Business Environment

Today's commerce operates within a competitive global environment. Canada's economy depends on international trade and on the efficient movement of goods within the international and domestic marketplace facilitated by multimodal transportation networks. Marine transportation plays a critical role and is therefore a major contributor to the national economy. Ports are essential to the transportation chain connecting marine to road and rail transportation systems. The Port of Saint John is one of these international gateways.

The degree to which the Port of Saint John can better support the transportation requirements of businesses embedded in the local and regional economy represents an excellent opportunity for growth. The Port Authority recognizes that industrial manufacturing and distribution projects that have large acreage requirements can be better accommodated within the existing industrial land supply provided by Municipal and Provincial land supply agencies. There are a number of industrial parks located around the City which could benefit from the port. Together with Municipal and Provincial partners, the Port will continue to support and respond to the needs of the business community while advancing its mandate to provide the marine transportation infrastructure for our Region.

The Port of Saint John is New Brunswick's largest and most diverse port and its only container port. It primarily handles bulk and break-bulk cargo, is well-suited for niche container markets and is a major port-of-call for cruise ships. It is a key player in moving goods and resources worldwide. A significant volume of cargo originates from or is imported to New Brunswick and is associated with local industry. In

2010, the Port of Saint John handled over 30 million tonnes of cargo. Through changes in trading patterns, the development of containerization and economic downturns, the Port has faced a number of challenges in attempting to transition from traditional business and growing its container and break bulk sectors. Therefore, it has focused on diversifying its activities and operations and pursuing new opportunities to promote growth and increasing port traffic.

The Port has a wide range of facilities to handle all types of cargo and is essential to some of the Province's major industries. The SJPA operates primarily as a landlord Port, leasing out key facilities to operators for the purposes of attracting and handling goods and passengers in support of Canada's water-borne trade and national economy. The Port's major commodities are petroleum products and LNG, potash and salt, recyclable metal, containers, other bulk cargo, forest products and project cargo. In addition, the Port has been very successful in establishing itself as a major port-of-call in Canada-New England for cruise ships and has become the fourth largest cruise port in Canada.

Petroleum Products & LNG

The largest volume of cargo at the Port is petroleum and LNG which are handled at private facilities and which only generate revenue for the Port Authority from the vessels through the harbour dues tariff. Volumes are in the region of 27 million tonnes per year and are expected to be maintained or increased in the future. This includes the potential of developing additional marine facilities in the Outer Harbour.

Figure 2: Cargo Traffic - Total Port Freight Volumes (million metric tonnes)

Freight Type	2004	2005	2006	2007	2008	2009	2010
Liquid Bulk	24.3	26.1	23.1	25.2	24.2	26.0	28.9
Dry Bulk	1.181	0.893	1.081	1.165	0.872	0.402	1,083
Containerized	0.279	0.287	0.259	0.277	0.304	0.265	0.278
General	0.627	0.26	0.43	0.391	0.169	0.187	0.140
TOTAL	26.3	27.54	24.87	27.03	25.58	26.90	30.45
TEUs	48,744	49,950	44,556	46,574	49,240	44,382	46,303

Source: Saint John Port Authority

Notes: Liquid bulk includes petroleum, LNG, chemicals, molasses, fish oil. Dry bulk includes potash, salt, recyclable metals, sugar, limestone, fish meal. General includes forest products, project cargo, steel, vehicles. TEU – 20 foot container equivalent unit

Potash & Salt

Potash and salt represent the highest volume of cargo handled at Port Authority facilities and is the greatest generator of revenue. Normal volumes are around 1 million tonnes per year. The Sussex potash mine expansion under way is projected to increase volumes to 2 million tonnes per year or more within the next five years.

Other Bulk

Recyclable metal is becoming a significant component of Port business, diversifying operations and resulting in an expansion of the facility at Terminal 12. This operation includes a metal-shredding facility and the exporting of material and heavy scrap which constitutes the cargo. The proponent is investing significant monies into the infrastructure and will bring a much-needed activity at the Port, increased man-hours for labour, increased shipping and cargo volumes and new long term jobs in the community.

Fish oil and molasses (liquid bulk) are also imported at Terminal 12 and pumped to the tank farm in the Lower West Side Port area. This business is steady with modest annual tonnages, generating approximately six (6) vessels per year.

Petroleum coke is imported through facilities at the Navy Island Terminal.

The Port Authority is also exploring other opportunities in dry bulk which may lead to further investment in Port facilities.

Containers

Much of today's consumer and manufactured goods move in containers. The Port is not strategically located in the trade patterns of most global carriers nor has it the necessary water depth or infrastructure

to support the increased size and capacity of container ships engaged in main line services. Its strength lies in servicing niche market and small to medium sized ships. The Port must address the challenges of securing long term operators, equipment replacement and having a competitive rail service model to move containers to and from inland destinations. The Port presently handles 45,000 -50,000 TEUs (twenty foot equivalent units) per year. Capacity of the terminal is in the area of 150,000 TEUs and a second container line at this terminal would bring it close to capacity.

Break Bulk Cargo & Forest Products

Break bulk cargo is becoming more limited as a consequence of increased containerised cargo and a downturn in the North American forest products industry. Project cargo has increased in recent years and has the potential of providing further opportunities in the future.

While the 2009 recession caused a downturn in a number of sectors at the Port, a decline of forest products shipments is by far the most significant for the Port Authority. Cargo tonnage in this sector has dropped from one million tonnes in 1996 to an average of 500,000 tonnes per year from 2000-2004 to under 100,000 tonnes in 2010. The primary cause of this has been the closure of paper mills in New Brunswick, Canada and the U.S. and the migration of available forest products exports to the main line container services that fill otherwise empty containers being repositioned offshore for reloading of imports to Canada.

Passenger and Cruise Ship Traffic

Cruise ship business has grown significantly in recent years. The port has the capacity to handle the largest cruise ships, such as the Queen Mary 2, on the

Figure 3: Port of Saint John Cruise Ship Traffic

Year	2007	2008	2009	2010	2011*
Number of Cruise Ships	53	79	73	76	71
Passengers	133,000	183,000	186,000	205,883	200,000

Source: Saint John Port Authority website www.sjport.com February 22, 2011*forecast

eastern side of the Main Harbour at the Marco Polo Cruise Terminal. Available also are Long Wharf and Pugsley C, allowing for docking of three cruise ships at the same time. The Port Authority is in the process of expanding its cruise berthing capacity and infrastructure at Pugsley C and at Long Wharf to accommodate multiple same-day calls of the larger and longer ships now entering service. In 2009, 84% of cruise vessels calling at the port were in excess of 290m in length and in 2010, 89% of cruise vessels were in excess of 290m in length, demonstrating the trend to larger vessels. The cruise sector has grown exponentially from an average of 50,000 passengers per season to over 200,000 passengers per season with further growth projected. The objective of the Port Authority is to attain 300,000 passengers by 2015.

Other Activities

Global economic factors, increased competition and efficiency improvements along with a declining forest products sector have impacted activity levels at the Port of Saint John. Acknowledging the shift in business and its necessity to respond to a new business environment, the SJPA has encouraged continued diversification of its activities linked with its business sectors. Examples of this are the Floating Pipeline Company fabrication plant in Shed D and the auto distribution centre at Navy Island Terminal and retail outlets in the form of the Dockside Market associated with the cruise sector.

Business Environment Summary

- The SJPA foresees new opportunities that require significant capital investment to upgrade infrastructure so that it can aggressively compete within an ever changing global trade network;
- SJPA must be cost-effective and competitive. Therefore, it must seek to maximize the use of its lands and facilities to ensure operations and land availability meet the demands of the trade. Maintaining the current infrastructure and advancing technology and operations to respond to the marine transportation industry and capture future opportunities is critical. Land holdings, their efficient use and availability will allow expansion in accordance with the Port's

business plans and strategies. This requires careful analysis of land requirements and planning of land uses to which the strategic business objectives set by the SJPA can be linked;

- As a Canada Port Authority, the SJPA is required by legislation to provide and manage its facilities to support trade and the activities in which it may engage, which are specified in its Letters Patent. (See Appendix B); and
- The SJPA is working to attract new business to the Port. It has projected growth in bulk, break bulk cargo, cruise and containers and is examining industry forecasts and the impact of global economics through its strategic planning process. Through plans for diversification, business development and infrastructure investments, the SJPA will be able to allocate and organize lands and uses in a way that signifies the need for its current holdings and support future expansion plans.

Port Economic Impact

Canada's 17 different Port Authorities collectively handle 460 million tonnes of cargo per year, valued at over \$162 billion generating 250,000 direct and indirect jobs and \$10.2 billion in salaries nation-wide. Canadian ports contribute \$30 billion to Canada's GDP with \$2.2 billion paid in federal and provincial income taxes and \$2 billion paid in consumption tax (Source: Association of Canada Port Authorities). Forty per cent (40%) of Canada's GDP is dependent on trade with over 160 countries worldwide. Bulk cargo volumes make up the vast majority of Canada's throughput and are considered as the foundation to maintaining traditional tonnage and traffic.

By facilitating trade, the SJPA contributes to the national, regional and local economies. As a "gateway" to international markets, the Port supports economic and employment growth among producers, shippers, wholesalers, unions, retailers and many other marine-related industries and services. In addition, the economic impact is multiplied through indirect and induced economic activity. As such, the Port plays a significant role in the various communities of which it is a part.

A Gardner Pinfold Economic Impact study, completed in 2007, estimated that based on an annual tonnage of 26 million tonnes, contribution to the economy by the Port of Saint John totals over \$375 million in GDP to the local economy and over \$425 million to the Province of New Brunswick. Spin-off GDP added a further \$230 million to the Saint John economy. This has increased exponentially with annual tonnage in 2010 exceeding 30 million.

3.0 Port Facilities

The following table provides summary details of Port facilities:

Figure 4: Port of Saint John Facilities

Facility	Berth	Length (meters)	Depth Lowest Tide (meters)	Transit shed (sq/meters)	Open Area (hectares)
Navy Island	1	356	10.4	Shed 1A and B 30,645	6.5 (total)
.	2	313	10.4		.
.	3	313	10.4	Petcoke Shed 5,796	.
.	.	.	.	Shed C 11,018	.
Fabrication Plant (Shed D)	.	.	.	Shed D 11,121	
Rodney Container Terminal	A	295	12.2	.	.
.	Marginal	445	12.2		18.2
Pier	10	168	12.2	.	
Pier	12	265	9.1	To be demolished	2
Long Wharf	Marginal	288	10.7		6.1
Marco Polo Cruise Terminal	Pugsley A/B	388	10.4	Cruise Terminal.	0.3
Pugsley	C	234	10.4	Cruise facility Under construction	.
Lower Cove	.	245	10.7	nil	7.4
Barrack Point Potash Terminal	.	290	13.0	23,277	.
Private Facilities					
Bay Ferries	.	183	7	.	4
Canaport (mooring buoy with pipeline)	.	.	37	.	.
Irving Oil (Courtenay Bay #1-2)	.	566	12.2	.	.

Source: Saint John Port Authority Website (www.sjport.com)

Port facilities are generally in good condition. The exceptions to this are Piers 10 to 14, some of which are approaching 100 years old and are of timber construction augmented by concrete facing and wharf caps. Pier 10 is an active pier, Pier 11 is too small and unsafe for marine use and the corner is in a state of collapse, while Pier 12 is usable but deteriorating. Pier 13/14 was abandoned in the early 1990s and is currently derelict serving only as a protective break-water for Pier 12. Redevelopment of this area would provide a significant opportunity for a future marine facility. All other facilities require on-going upkeep and maintenance, however provide excellent infrastructure for Port use. The West Side Port lands and facilities are organized into the Upper West Side and Lower West Side. The combined West Side Port lands represent approximately 75% of the SJPA's cargo facilities.

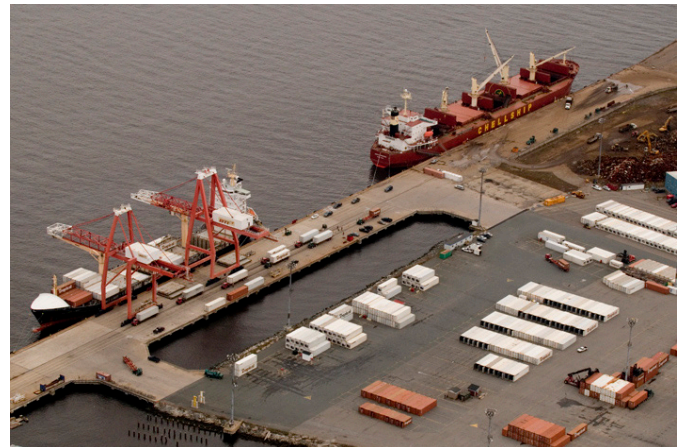
The following provides descriptions of each of the planning areas and facilities under the management of SJPA. Plans of each area/facility can be found in Appendix C.

Upper West Side

Navy Island Terminal

Navy Island is a general cargo terminal with three berths, four transit sheds (one converted to a fabrication plant), one bulk storage shed and 6.5 hectares of open storage area. This is the only facility remaining in the port with general cargo transit sheds.

- Berth 1: 356m length x 10.4m depth; 18m working apron, ro-ro ramps;
- Berth 2: 313m length x 10.4m depth; partially used for small craft facility; narrow working apron due to petcoke storage shed;
- Berth 3: 313m length x 10.4m depth; ro-ro ramp; 23m working apron alongside petcoke shed;
- Highway & rail access;
- Current Land Use: cargo operations, warehousing, bulk storage, auto distribution and fabrication.;
- Future Land Use: no other planned change in use of this area.



Container Loading & Scrap Metal

Rodney Terminal

Rodney Terminal is a 20-acre container facility with a capacity of 100,000 to 150,000 TEUs. Besides containers, the terminal is adaptable for handling forest products, general cargo, project cargo and bulk cargo.

- Rodney Slip Berth: 290m length x 12.2m depth;
- Marginal Berth: 445m length x 12.2m depth;
- Additional berth length is available on Pier 10;
- Rail & highway access;
- On-dock rail;
- Ro-Ro facilities;
- Current Land Use: cargo handling, container handling, storage and maintenance;
- Future Land Use: No change in use of this area.

West Side Rail Marshalling Yard

A rail marshalling yard is located along the length of the Upper West Side Port between the access road (Protection Street) and the Port perimeter fencing to service rail traffic to and from the marine terminals. NB Southern Rail is the rail service provider. Subject to rail siding requirements, this area offers a potential for new development for light industrial, commercial and related transload businesses.

Lower West Side

The total area of the Lower West Side is approximately 29 hectares and represents almost 50% of the Port's total West Side property area. It comprises of all the area south of Rodney Terminal to the Digby Ferries Terminal and contains Piers 10, 11 and 12. This area also includes Piers 13 and 14, which are now derelict and condemned. The topography of the Lower West Side slopes upward from the Port lands to the Blue Rock residential area.

For purposes of this plan, this area will be sub-divided into Terminal 12 and the 'Balance of the Area'.

Terminal 12

The area consists of Piers 10, 11 and 12, Sheds 8 and 12 and associated uplands. The berth structures are rapidly aging and are of early 1900s construction. Pier 10 is the most active pier in this area although no significant amount of cargo can be assembled on the dock due to current weight restrictions. Pier 11 is no longer suitable for marine traffic and is in a state of



Container Loading Upper West Side

collapse. Pier 12 is used as the tug depot in the port and is used by tanker traffic when discharging molasses or fish oil. There are also weight restrictions in effect on this pier, thus limiting its use.

Shed 12 has reached the end of its useful life and is to be demolished in 2011. Shed 8, located inland from the water's edge is also to be demolished in 2011 to make way for an expanded recycled metal operation and terminal.

- Berth 10: 168m length x 12.2m depth (continuation of Rodney marginal berth);
- Berth 11: unusable;
- Berth 12: 265m length x 9.1m depth;
- Road and rail access;
- Current Land Use: cargo assembly, storage and handling, liquid bulk cargo discharge by portable pipeline, tug depot;
- Future Land Use: recyclable metal processing, cargo assembly, storage and handling; liquid bulk cargo discharge by portable pipeline and tug depot.

Balance of Lower West Side

The area consists of those lands lying south of Pier 12 to the perimeter of the ferry terminal. It consists of almost 15 hectares of open unused property, including the slip berth and Piers 13/14. There are no active docks in this zone. Pier 13/14 is derelict and is fenced off and serves only as a breakwater for Pier 12. The uplands contain a tank farm adjacent to the Crosby Molasses storage tanks which is used for fish oil storage.

- Road access to tank farm;
- Main rail access into port crosses north-west end of this property;
- Current Land Use: Tank farm (connected to Pier 12 by pipeline); SJPA Maintenance Shop, Atlantic Towing Field Office, miscellaneous small private operations and storage area;
- Future Land Use: area suitable for re-development for additional port facilities; a small craft fisher's facility being considered for the south side of Pier 14.



AIM Metal Operations on the Lower West Side

East Side Main Harbour

Long Wharf

Long Wharf is located at the head of the Main Harbour with 18 open acres and a 288m berth. The terminal essentially divides the east and west portions of the harbour and marks the entrance to the St. John River. The local environment around the terminal is highly developed being bounded by residential condominiums to the east, the main rail line, Highway 1, a natural gas supply line and the Harbour Passage public walking trail to the north and Fort LaTour, a federally and provincially-designated heritage site, to the west. The property is located within a short walking distance of the Uptown shopping district.

Over the past fifteen years, Long Wharf Terminal has been predominantly used for bulk cargo, specifically salt and limestone, however more recently, it has been dedicated to cruise business, serving as a second berth and facility for visiting cruise ships. In 2003, the Port Authority demolished the transit shed due to its condition and the need to improve the area for cruise. Due to its location there is no ability to expand this terminal due to the above physical constraints. The Port Authority will closely examine the highest and best future use for this facility as indicated in this Land Use Plan.



Cruise Ships at Inner Harbour

- Marginal berth: 288m length x 10.7m depth;
- No rail access;
- Current Land Use: cruise, mixed cargo, non-marine activity;
- Future Land Use: cruise, mixed cargo, interim fishery operations, non-marine activity until completion of a master plan for the facility.

Marco Polo Cruise Terminal, Pugsley C & Pugsley Parking Lot

The Marco Polo Cruise Terminal and Pugsley C are located on the east side of the Main Harbour bounded by Water Street to the east, the Coast Guard facility to the north and Lower Cove Terminal to the south. The Pugsley parking lot is located to the north of the terminal building and has long term cruise and commercial related development potential.

Pugsley C lies to the south of the Marco Polo terminal and adjoins Lower Cove. It is currently being redeveloped as an additional multi-use cruise facility including extended berthing capacity, gangway system and a passenger reception area.

- The terminal lies adjacent to the commercial and residential area of the South End Central Peninsula. Investments, both to municipal and Port lands have improved community integration of this planning area;
- Marco Polo Cruise Terminal berth: 388m length x 10.4m depth;
- Pugsley C berth: 234m length x 10.4m depth (being extended);
- Current Land Use:
 - o Marco Polo Terminal: cruise, public events (off-season), SJPA offices
 - o Pugsley C Terminal: cruise, cargo handling, warehousing
 - o Pugsley Park: public parking
- Future Land Use:
 - o Marco Polo Cruise Terminal: no change
 - o Pugsley C: primarily cruise and related activities, secondarily ship/shore cargo transfer
 - o Pugsley Park: public parking, potential development
 - o There is no rail access to these facilities

Lower Cove

Lower Cove Terminal is an open area of approximately 18 acres and is bounded by Broad Street along the northern edge of the property and Charlotte Street to the east. The berth face extends from Pugsley C Terminal to the former Sugar Refinery site. The Terminal area abuts the City's South End residential mixed use community and a small cluster of commercial, warehousing, and office related businesses east of Charlotte Street.

Lower Cove Terminal has no structures or buildings but offers a large open assembly and storage area suitable for a variety of cargoes. The facility is used for cargo, special projects and cruise operations for smaller cruise vessels. Some recent cargoes handled at the facility have been project cargoes, heavy lifts and lumber shipments. It is constructed to container handling standards.

- Berth: 245m length x 10.7m depth;
- No current rail access to this facility;
- Current Land Use: cargo assembly, storage and handling, back-up cruise dock;
- Future Land Use: no change.



Potash Loading

Courtenay Bay

Barrack Point Potash Terminal

Barrack Point Potash Terminal is located on the western shore of Courtenay Bay and was custom-built for the storage and loading of potash and other compatible bulk commodities. It lies at the furthest point of the Central Peninsula adjacent to a mixed-use area of commercial and institutional uses. Residential uses back onto the Barrack Point site and the sheds are in clear view of both the surrounding neighbourhoods and Broad Street, at its northern edge. Truck traffic is currently routed from the throughway along Crown Street to the terminal.

Two storage sheds can accommodate the storage of over 200,000 metric tonnes of bulk product and the loading facility can deliver up to 3,000 tonnes per hour loading rate. It is accessed through Courtenay Bay navigation channel, which lies to the west of the port's breakwater and has a dredged depth of 5.3m along the range line.

- Berth: 290m length x 13m depth;
- Road and rail access;
- Current Land use: assembly, storage and loading of potash and salt;
- Future Land Use: no change.

Road and Rail Access

Maintaining efficient road and rail connections to the various Port facilities is critical to the future of the Port of Saint John. The Port provides for the transfer of goods between land and water transportation. The strategic location advantages of the Port can be quickly eroded by poor rail and road connections. For the most part, the Port's rail and road connections are good (see Map 2). The challenge will be to maintain these efficient connections as the City develops and the transportation system evolves. The intra-port rail system, however, ranges from fully to limited operational to unusable or non-existent. The SJPA in cooperation with the Rail service providers and Port users will seek to rectify this issue.

Map 2: Saint John Port Authority Transportation Access



Highway Access

Route 1 is the primary highway across southern New Brunswick and part of the National Highway System trade corridor with efficient connections to the United States and Atlantic Canada. East of the Saint John region, Route 1 carries daily traffic volumes of 8,700 vehicles, including 1,740 trucks (20%). Over the past 10 years, truck traffic on Route 1 increased an average of 3.5% per year reflective of a strong trade economy in southern New Brunswick and, in particular, the Saint John region.

The Port of Saint John has the strategic advantage of being located adjacent to Route 1, which enables minimal travel times from Port lands to a high speed highway. The City has designated a number of truck routes that connect the Port to the Route 1 interchanges. Truck access from the West Side Port lands to Route 1 is provided by a direct connection from the port entrance to the Market Place interchange. Access to the Ferry Terminal from Route 1 is also provided via the Market Place interchange, but truck traffic must travel a greater distance along residential streets including Market Place, St. John Street and Lancaster Street.

A 2002 traffic study reviewed the possibility of a truck route from Route 1 to the Ferry Terminal through Port lands, the intent being to remove through truck traffic from the Lower West Side streets. At that time, the Port raised concerns with the proposed use of its service road as a truck route, including: disruption to

internal operations; rail crossings; increased liability; and security. It may be possible to revisit this initiative in conjunction with the redevelopment of the Lower West side. There are benefits to the Port by having a through route connecting Route 1 interchange to the Ferry Terminal, including improved access and visibility to developable Port properties and increased direct access for goods movement between the Port and the Ferry Terminal. A Transportation Master Plan could review such details and identify solutions.

Truck access from Route 1 to East Side Port lands is less direct than on the West Side. Depending on their origin or destination on Route 1, trucks may use the Garden Street or Crown Street interchanges and then City Road, Crown Street and Broad Street to access the East side facilities. Truck traffic to the potash terminal uses Crown Street. When the One Mile House interchange opens in 2013, truck access to Route 1 will be significantly improved and will reduce congestion on some City streets. Trucks will be able to use Courtenay Bay Causeway and Bayside Drive as an access between Route 1 and the potash terminal. There has also been some interest in the possibility of a new port access road parallel to Crown Street along the shoreline of Courtenay Bay. Such a route would provide the advantage of removing trucks from the residential areas along Crown Street; however, the feasibility of such a road would have to be studied with respect to environmental impacts, cost, and the opportunity for a connection to the Causeway.

Figure 5: Road Access & Highway Connections



Source: Saint John Port Authority

Rail Access

The City of Saint John is served by two railways. Canadian National (CN), which is the sole Class 1 Railroad in Atlantic Canada, operates a rail line from Saint John to Moncton, where it connects to its main line that operates east to Halifax and west to Quebec, Ontario and the United States (U.S.). New Brunswick Southern Railway (NBSR), a short line railway, provides Saint John and Southwest New Brunswick with service that extends into the State of Maine. In Maine, NBSR connects to the Montreal Maine & Atlantic Railway (MMA) at Brownville Junction, which in turn connects to the Canadian Pacific Railway System. NBSR also connects to the Pan-Am Railway in Mattawamkeag, Maine, which provides service to the U.S. Northeast and the U.S. Rail system.

The Port is primarily served by New Brunswick Southern Railway with Canadian National Railway servicing the Barrack Point Potash Terminal. While the West Side is well served, the East Side, with the exception of the potash terminal, lacks rail access to the marine terminals.

A key issue with respect to rail is the condition of existing rail tracks within Port land and rail policy in respect to track maintenance. The SJPA and NBSR are carrying out a condition survey of existing tracks in

the port and an assessment on the port's future needs and will confer with port stakeholders to determine a solution.

The West Saint John rail network is owned and operated by NBSR. The rail network includes the West Saint John spur serving the West Side Port and Bayshore as well as the main rail yard and NBSR headquarters at Dever Road. NBSR lines extend northwest following the St. John River as far as Westfield and then through Welsford, Fredericton Junction and McAdam to St. Croix, where the line crosses the U.S. Border.

Within the West Side Port, NBSR uses a rail marshalling yard for port purposes. This yard is underutilized and primarily used for storage of empty cars. The SJPA is evaluating the rail requirements within the Port with NBSR and Port stakeholders with the potential of re-allocating part of this yard to provide additional developable lands.

The East Saint John rail network includes the Island Yard, the CN/NBSR railcar marshalling yard located at One Mile House, and the rail line spurs that serve the Port facilities on the east side of the Port of Saint John and the Grandview and McAllister Industrial Parks. The Island Yard and the East Saint John rail network

Figure 6: Regional Railway Network



Source: Saint John Port Authority

are operated by NBSR. Although the rail network is owned by CN Railway, NBSR has a long term operating agreement with CN to operate the East Saint John rail services. The one exception is the potash haul from Sussex to the Port of Saint John. CN Railway has retained operating rights through the Island Yard and on to the potash terminal located on the west side of Courtenay Bay.

East Saint John Port lands are served by two railway spur lines:

- Drydock Spur: The Drydock Spur extends south from the Island Yard to the former Saint John Shipbuilding dry dock site, now operated by Atlantic Wallboard Limited;
- Courtenay Bay Spur: The Courtenay Bay Spur serves the potash terminal and the east side of the Port of Saint John.

Rail traffic destined for the potash terminal is handled directly by CN, while all other operations are carried out by NBSR. Rail traffic to the potash terminal passes through the Island Yard to the Dry Dock Spur, where it switches to the Courtenay Bay Spur and on to the potash terminal on the west side of Courtenay Bay. Potash rail traffic normally entails one return trip from Sussex to Saint John each day.

4.0 Community Interface

Municipal Plan & Zoning

In New Brunswick, the primary responsibility for managing community planning, development issues, land use and municipal services rests with local municipalities. To manage these interests, the City of Saint John is authorized through the *Community Planning Act* to carry out planning, establish zoning controls, require development permits and servicing agreements, development levies and other such authorities to manage land use and development issues.

For the purpose of port land use planning, Federal Crown Port lands are not subject to the jurisdiction of local zoning regulations of the City of Saint John. Nevertheless, the Port Authority is cognizant of the land use objectives of its neighbours and the land use intent of the City of Saint John. This intention is articulated in the City's Municipal Plan which highlights the importance of having sufficient Port lands and related transportation access. It states:

"The nature of industrial establishments in Saint John gives rise to the need for industrial areas with differing characteristics. These must be so situated to take advantage of necessary road, rail or water transportation facilities while presenting the minimum adverse impact on existing or anticipated non-industrial development or industrial development of a different nature. The supply of lands suitable for varying industrial types is limited by the severe topography in Saint John.

The designation of industrial areas is to ensure that appropriate lands for industrial uses are available in sufficient quantities and so situated that impacts on other uses will be minimized."

The City's Municipal Plan also states, *"Opportunities for the economic extension of port functions or port-relating or water-relating industrial establishments are severely limited. Safeguarding the limited natural facilities available is of prime importance."*

The City of Saint John is currently reviewing and preparing a new Municipal Plan and with regard to the vast majority of the SJPA's lands, the intended land uses continue to be Port related industrial. The SJPA is committed to working with the City of Saint John and other land use stakeholders on matters of mutual

interest, including land use issues, promotion of Port business, retention of industrial lands, the safe and efficient movement of passengers and cargo through the Port of Saint John and enhancement of the environment.

Saint John Inner Harbour Land Use Plan

The Inner Harbour Land Use Plan and Implementation Strategy is a detailed conceptual plan for the eastside of Saint John's inner harbour. The Plan was prepared during the spring and fall of 2003 for the Saint John Waterfront Development Partnership that included: the Saint John Development Corporation, the City of Saint John, and the SJPA. The primary objectives were to develop a detailed plan and long-term vision that would:

- Provide increased public access to the Inner Harbour and Uptown Waterfront, a top priority;
- Position the Inner Harbour and Uptown Waterfront, identified as the City's and Region's most important economic development priority, as a catalyst for new economic development and employment creation opportunities;
- Achieve better utilization of the community's existing waterfront developments, assets and heritage sites, including Market Square, New Brunswick Museum, Trinity Royal, the Fort LaTour site and Partridge Island;
- Increase the frequency and duration of tourist visitations to the Region;
- Encourage new residential development and population growth in Uptown Saint John and in the South End Peninsula; and
- Sustain and enhance the SJPA's cruise, commercial port and financial capacity by creating new integrated development opportunities and long-term revenue generating opportunities for Port Authority properties on the east side of the Inner Harbour.

The Port Authority has been a major contributor and participant in helping to achieve many aspects of this Plan as outlined in the next section under Port/Public Waterfront Interface. Market Slip/Square, the Coast Guard Base, Harbour Passage and Princess Park are all factors in promoting and providing an enhanced interface with the harbour.

Port/Public Interface

The Port of Saint John is surrounded by the developed commercial area of the Central Business District (CBD) and the residential areas of the historic South Central Peninsula and the Lower West Side, with populations of approximately 2,900 and 4,100, respectively.

The Lower West Side community runs parallel to port property throughout the west side and historically consisted of port workers. However this is no longer the case and demographics in the area have changed over the years. This has necessitated the need to consider a transition zone or buffer zone between the port and the community to mitigate the potential effect of port operations on the surrounding residential community.

The CBD has direct interface with the Port with a number of areas of contact. Market Square, once a waterfront industrial area serving port and marine business, is now a commercial and recreational area distinct with repurposed historical brick industrial buildings reminiscent of the City's past; the adjacent Coast Guard site recently acquired by the City of Saint John for mixed use commercial and retail development; Pugsley Park providing public access to the water; and Harbour Passage, a popular walking and biking trail linking the waterfront and the CBD with neighbourhoods along Chesley Drive.



The Central Business District & the Port

5.0 Land Use Policy Directions

General Land Use

The SJPA has developed land use policy directions for the Port of Saint John to enable its customers, stakeholders, municipal neighbours, government agencies and the public to identify and understand the principles by which it intends to manage its federal land assets. The geography of the Port of Saint John provides only a limited land base. Therefore, the SJPA must endeavour to effectively protect and manage its land and water resources to accommodate the long term needs of port industry. It is essential the SJPA optimise land utilization in order to capture economic benefits, manage its land resources and strengthen Saint John as a gateway for trade.

The SJPA's general land use policy directions are aimed at enhancing the Port as a full service port with the resources and businesses to handle passengers, a diverse range of cargo, services and marine based industries. The policy's stated factors and guidelines (Appendix D) apply to all land uses in the Port.

Cargo Sectors

Given the importance of the marine terminals and cargo facilities in the Port of Saint John, it is essential that the deep-water areas be protected, that the terminals continue to operate efficiently and competitively and that they are able to adapt and expand to changing market conditions. It is the responsibility of the Port Authority to ensure the port's ability to handle cargo is not eroded.

Cargo Policy Direction

1. The West side port, Lower Cove and the potash terminal will continue to be used as the port's major active cargo areas;
2. Cruise operations will be concentrated on the East side of the Main Harbour at the cruise terminal, Pugsley C and Long Wharf;
3. The SJPA will continue to protect, maintain and provide opportunities for the growth of existing terminal operations in the Port of Saint John;
4. The Port Authority will continue to strive to attract both direct and indirect marine-related business to the port;
5. The Port Authority will pursue acquisition or

use of those contiguous properties that will further enhance its cargo handling capacity.

Cruise Sector

Saint John is a major cruise destination and port of call in the Canada/New England cruise itinerary and is the fourth largest cruise port in Canada. New York is the primary home port which serves this market. Cruise business enjoys steady growth with annual passenger counts in a range exceeding 200,000 passengers per year.

A continued customer-focused entrepreneurial approach will build on past successes of the Port Authority in this sector. Strengthening operations, upgrading facilities and developing strategies for new cruise product opportunities in Atlantic Canada is expected to result in the Port's continued growth in the cruise marketplace. The policy direction of the Port Land Use Plan supports land and water uses that will lead to growth of the cruise sector.

Cruise Policy Direction

1. Enhance cruise terminal operations in the port to continue to provide world-class cruise facilities and services;
2. Provide land opportunities to capture forecasted growth and changes in the cruise industry that support new cruise; infrastructure, product and service needs
3. Utilize cruise facilities in a manner that optimises capacity and operations.

Marine Service and Marine Uses

Numerous Port service industries require water access or access to marine terminals and include such uses as customs, pilotage, tugboats, ship fuelling and provisioning, ships' garbage/waste removal and disposal, environmental protection/clean-up services, ship repair, marine surveyors and ship chandlery. These industries support the Port's ability to function as a full service port.

In addition, several commercial and industrial activities that provide services to port users but do not need water access can also benefit from being located on port lands. Some of these uses and related activities include container storage and repair, food/agricultural/aquaculture products trans-shipment facilities and trucking and rail operations.

Marine Service Policy Direction

1. Keep land and water available to accommodate service industries as the Port continues to grow;
2. Support the retention of waterfront land and water lots in support of Port service industries that are dependent upon waterfront access or require proximity to the Port.

Port Land Buffers

The Port is located in the centre of the City and surrounded by the adjacent residential and commercial communities. It is therefore advantageous to develop buffers to soften the transition between Port activity and the adjacent areas. This can be accomplished by appropriate green belts, landscaping and walkways or by encouraging light industrial or commercial port-oriented development. In its future land use, the SJPA will explore means to provide appropriate and effective buffers with the community.

The waterfront area is a limited and visible resource for both the Port and the Saint John community and therefore, ensuring high quality waterfront development is critical and can be achieved through development of design guidelines. Design guidelines specific to Port land can support sustainability and direct quality and can address issues relating to infrastructure development, building design and operations and extend to identifying and attracting similar operations that share and maximize infrastructure.

Port Land Buffers Policy Direction

1. Strategic infrastructure investments are preferred in the waterfront areas that are compatible with adjacent land uses. The SJPA will take into consideration established activities in adjacent areas, and to ensure quality, the SJPA will seek adherence to certain design principles that promote quality and sustainable development, thereby contributing to overall quality of development and stimulating private investment that meets public objective.

Port/Public Waterfront Interface

In recent years, where appropriate and viable, parts of the waterfront have changed in response to evolving global trade patterns and Port business. Although a majority of Saint John's harbour is still dedicated to port and marine uses, a variety of port/public interfaces are available to the public on port lands and former industrial Port lands. In most cases these are boardwalks and parks, many of which provide valuable connections to local and regional greenway systems and include (see Map 3):

- Protection of Fort Latour (1980s);
- Development of Market Square (1983);
- Development of Pugsley Park (1986) ;
- Harbour Passage (2004);
- Harbour Passage Extension along Water Street (2008).

Further enhancements are under way or pending such as:

- Redevelopment of the Coast Guard Base;
- Creation of park area at the foot of Princess Street;
- Extension of Harbour Passage to West Side;
- Development of Partridge Island.

As noted in the 2003 Inner Harbour Land Use Plan, "One of the most interesting and intriguing features of the Inner Harbour is the proximity of the commercial port operations to the office, residential and recreational activities of Uptown Saint John. The opportunity to observe the loading or unloading of cargo from a vessel that recently arrived in the Port from an origin half-way around the world, or the arrival of an 18-storey cruise ship carrying thousands of passengers visiting Saint John for the first time – all during a casual lunch hour walk – is a truly unique and truly Saint John experience."

Port/ Public Waterfront Interface Policy Direction

1. The "experience" of the commercial waterfront character and industrial heritage of the Inner Harbour is enhanced by the presence of the working port. The SJPA will continue to work with the local community to enhance the port/public waterfront in a manner that is safe and compatible with port operations while considering current and future Port and community needs.

Map 2

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Map 3: Public Park Lands & Waterfront Access

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Legend

- Trails
- Parks and Recreational Fields

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6.0 Planning Areas and Future Land Use Designations

The future land use designations for each of the Port Planning Areas will be identified on a short, medium and long term basis and either a low or high priority:

Short Term Uses:	0-5 Years
Medium Term Uses:	5 -10 Years
Long Term Uses:	10+ Years

Short term uses of Port lands must be considered during the phases leading up to the eventual long term land use designation.

Due to long lead times involved in planning for anticipated future needs for major port infrastructure, it is possible that some Port lands may lie temporarily vacant prior to ultimate development. It is important that these lands, or those surrounding Port lands, not be sterilized by long term vacancy or short-term uses that are divergent from the land's intended strategic purpose. Assessment for short-term uses should consider establishing 'sunset periods', requirements relating to removal of goods, establishing appropriate buffers from surrounding uses and restoration of the land.

Port Planning Areas

Upper West Side (Navy Island – Rodney Terminal)

Context

The Upper Westside Port land uses (Map 4 Port Land Use Plan) focus on heavy industrial use permitting a wide variety of industrial and non-industrial uses including commercial, institutional, manufacturing and light and heavy industrial uses. Both Rodney Terminal and Navy Island currently have surplus capacity but limited space for expansion as they are bounded to the west by a well established residential area.

The West Side Port lands, including the rail marshalling yard, would benefit from a transitional land use buffer along Market Place West abutting the Lower West Side neighbourhood. This buffer could include enhancements to the existing open space



West Side Port Lands

buffer and recreational area along Market Place West or the development of port-oriented commercial properties that would provide residents with relief from the operational aspects of port activity.

Recognizing the reduced volumes of rail traffic, the Port in conjunction with the railway and its stakeholders, will assess rail track needs to support its present and future business and subject to rail infrastructure needs, consider alternate uses of this area.

Intent

The use of the marine terminals in the Upper West Side is critical to the Port's viability and integrity. The long term intent for this planning area is to maintain existing terminals and facilities that contribute to the Port's function as a major transportation asset having:

- Large scale industrial port uses, port logistics, project and break bulk cargo;
- Cargo assembly, storage and marshalling
- Intermodal operations; and
- Warehousing, fabrication and manufacturing operations.

The area also provides opportunities for further port development that considers transitions between the heavy industrial uses and the surrounding residential community by way of:

- Medium scale light industrial and commercial businesses to provide transition between the established heavier port industrial uses and non-port residential areas; and
- Procedure to mitigate noise and visual impacts from heavy port industrial uses.

Upper West Side Policy Direction

1. It is critical that key Port industrial parcels and infrastructure be retained as a key component of the economic and business development strategy for the Port and Saint John Region;
2. Land use and market development strategies will include a focus on opportunities for growth in niche containerized cargo markets.

The SJPA will:

1. Implement the following framework for the selection of potential marine terminal projects based on the objective of maximizing utilization of existing terminals before building new Port facilities:
 - a. increase utilization of existing terminals; and
 - b. where feasible, convert existing under-utilized terminals and associated sheds for other cargoes.
2. Develop new leasing opportunities for alternative business approaches;
3. Work with transportation stakeholders and terminal users to plan for road and rail infrastructure improvements;
4. Encourage all levels of government to take advantage of the strategic importance of public lands well located to benefit from port activity;
5. Work with all levels of government to examine the feasibility and conceptual planning for increased Port-and-public waterfront interface.

Initiatives

- A. Evaluate the Port's rail marshalling yard to determine long-term rail needs in the port area;
- B. Explore development opportunities to maximize use of the rail yard area, including commercial opportunities to enable the SJPA to attract new businesses and promote the expansion of existing local marine and transportation related businesses that could contribute to enhanced transitional activities between the Port and the adjacent areas.

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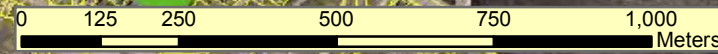
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Map 4: Saint John Port Land Use Plan



Legend

- Tennis Courts
 - Trails
 - Harbour Passage Trail Extension to Navy Island
 - Parks and Recreational Fields
 - Properties
- Port of Saint John - Zoning**
ID, Class, Area (ha)
- 1, Port Industrial, 57.72
 - 2, Light Industrial Commercial and Office, 7.9
 - 3, Potential Public Park/Look Off, 0.16
 - 4, Strategic Development Parcel, 8.06
 - 5, Port Expansion A, 1.92
 - 6, Port Expansion B, 4.43
 - 7, Port Industrial Project and Clean Cargo, 8.47
 - 8, Multipurpose Marine Terminal, 1.86
 - 9, Port Expansion C, 2.66
 - 10, Strategic Development Parcel, 1.96
 - 11, Port Industrial, 11.84
 - 12, New Public Park, 0.18
 - 13, Strategic Development Parcel, 0.96
 - 14, Cruise and Tourism Related, 1.01
 - 15, Other Federal Lands, 10.3
 - 16, Other Federal Lands, 4.34
 - 17, Port Expansion D, 2.66



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Lower West Side (Piers 10, 11, 12)

Context

This planning area is a continuation of the Upper West Side (Map 4 Port Land Use Plan). Activities include recycled metals, cargo assembly and storage, imports of fish oil and molasses by portable pipeline to an on-site tank farm, port logistics and a number of short term leases.

Having many of the attributes as the Upper West Side including good road and rail access, the Lower West Side facilities require significant redesign and investment including Piers 10, 11 and 12, located within this planning area. The wharves are the oldest in the port dating back nearly a century and present the greatest infrastructure issues:

- Pier 10 – limited weight capacity but a viable pier;
- Pier 11 - deteriorated and unusable;
- Pier 12 – limited use with imposed weight restrictions; deteriorating condition;
- Piers 13 and 14, abandoned, serve as breakwaters for Pier 12;
- Shed 12 is deteriorating to be demolished in 2011/12;
- Shed 8 to be demolished in 2011/12.

Pier 12 can only provide nine metres draught, as opposed to ten to twelve metre draughts available at the Upper West Side Terminals.

The largest operation in the Lower West Side is the American Iron and Metal (AIM). It is expanding its operation to include shredding and processing work incidental to the handling or shipping of metal goods through the port to the extent compatible with the land-use plan.

The Lower West Side planning area usage rate sits at only 50%, however it is the prime site for intensification of heavy industrial port uses and any future expansion or development. Redevelopment of the entire area will allow for the future use as a marine facility and expansion of port business.

The Saint John commercial fishery interests have developed a detailed plan for the establishment of a small craft harbor facility at Pier 14. While DFO is the lead federal authority for such matters, the SJPA fully supports the small craft harbor proposal.

Intent

The Lower West Side Port area has a significant amount of vacant land for future development as an industrial node to accommodate a variety of liquid bulk, dry bulk and break bulk cargoes and supports a concentration of marine and water-oriented businesses and industries. The short term intent of this planning area is its continued use as an ocean terminal and port industrial uses including:

- Continued operation and expansion of the American Iron & Metal facilities;
- Continued handling of liquid bulk products;
- Large scale industrial port uses, port logistics, bulk cargoes, project and break bulk cargo, storage and movement of goods, distribution and intermodal loading and unloading;
- Marine-related services; and
- Towing services.

The long term intent included continued bulk cargo operations and further redevelopment and restoration of the remaining area as the major heavy industrial component of the Port's land holdings. Land use and development strategies will concentrate on light and heavy industrial uses including shipping, navigation, handling and storage of goods, marine services and the processing of goods to the extent compatible with port operations.

Future development will be guided by more detailed planning that focuses on addressing port sustainability while taking into consideration land use mitigation measures and techniques that will address environmental concerns such as noise and visual impacts from the heavy port industrial uses. In addition, the long-term small craft harbor proposal by the commercial fishery interests will be included in future planning.

Lower West Side Policy Direction

1. It is critical that key Port industrial parcels and infrastructure be retained as a key component of the economic and business development strategy for the Port and Saint John Region.

Initiatives

- A. Future infrastructure investment in this area to create a heavy industrial node to accommodate heavy types of port land uses;
- B. Continue working to attract new port and marine uses to increase land use efficiency and maximize land use potential;
- C. Work with transportation stakeholders and terminal users to develop a plan for the potential re-alignment of both road and rail.
- D. Support and include commercial fishing proposals in the redevelopment plan.

The Port Authority will:

- Develop a business attraction strategy to increase marine oriented operations, water oriented business and industries such as shipping, navigation, transportation of goods, handling and storage of goods;
- Work with transportation stakeholders and terminal users to plan for road and rail infrastructure improvements required for existing terminal users and new light industrial and commercial users; and
- Encourage all levels of government to take advantage of public lands strategically located near the Port to achieve long term economic objectives.

Main Harbour - Long Wharf

Context

Long Wharf (Map 4 Port Land Use Plan) plays an important role in the development of cruise markets and provides an essential second berth for cruise vessels calling at the port. The Port Authority upgraded the facility to better serve cruise vessels and further enhancements will be taking place in 2011 to improve mooring arrangements for ships and provide a closer connection to the Uptown area for visiting passengers. Its proximity to the uptown makes Long Wharf a desirable site for a variety of other uses.

In addition, Long Wharf slip has been an important temporary solution which enables the commercial fishery to have a focal point for staging its operations which take place in Saint John Harbour and various nearby areas of the Bay of Fundy.

Stakeholder feedback identified a wide variety of uses beyond traditional cargo for the Long Wharf planning site and will be considered by the SJPA in its seeking development options for this valuable asset. The general consensus of the potential intended use of Long Wharf by the both the SJPA and the various stakeholder distinguishes it for long term strategic development detailed through a Master Plan process.

Intent

Long Wharf is a strategic development parcel. The short term emphasis shall be on short-term uses that do not impinge upon the long term development opportunities of this site.

This includes ongoing use of Long Wharf slip as a temporary site for the commercial fishery until a more permanent site can be established. This will require the leadership of DFO. Continued temporary use of Long Wharf slip for the commercial fishery will require cooperation between fishers, SJPA, DFO and Transport Canada to ensure operational procedures and rules agreed to by the involved parties are strictly followed.

The medium to long term intent for Long Wharf remains cruise oriented with the undertaking of a Master Plan that looks at port-related activities interfacing with innovative approaches consistent with the SJPA business strategies and alignment with PlanSJ outcomes to the degree possible. Examples might be: cruise terminal; marine transportation; tourism infra-

structure; retail and restaurants; commercial or office; or educational institution.

The overall intent of the SJPA is to transform this facility into a significant revenue generator.

Long Wharf Policy Direction

1. Commercial passenger vessel uses, clean cargo storage and temporarily accommodating staging for commercial fishing operations will continue as the primary use of Long Wharf terminal until presented with an opportunity to implement a detailed Master Plan for the long term redevelopment of the site for mixed use projects, providing that such a project is related to the support of passengers through the Port of Saint John.

Initiatives

- A. Commitment to a Master Plan process to identify the highest and best use of the planning area;
- B. Consider short term light industrial uses to generate revenue;
- C. Explore opportunities to accommodate additional cruise requirements in the planning area.
- D. Work together with commercial fishing interests, DFO and Transport Canada to develop a long-term solution to accommodate the commercial fishery.

Marco Polo Cruise Terminal, Pugsley C Terminal & Pugsley Parking Lot

Context

The multimillion dollar Marco Polo Cruise Terminal project (Map 4 Port Land Use Plan), announced in June 2003 by the Port Authority, heightened the quality of cruise facilities on the Atlantic East Coast and enhanced the Port's position as a major port of call in the Canada-New England cruise arena. It also provided a boost to the community's waterfront development efforts and provided a new waterfront venue for community events.

Pugsley C is being redeveloped (2011) to complement the primary cruise terminal, the Marco Polo, and will allow the Port Authority to accommodate multiple same day calls of larger vessels. The integration of

cruise operations in proximity to the Uptown area supports the overall refurbishment of the Water Street area and will complement a high-end residential development on Water Street expected to be completed mid-2011. While the priority will be on cruise operations, the terminal area must remain sufficiently flexible to allow for utilization of the berth and dock apron by cargo vessels for handling cargo over Lower Cove. Other plans include exploring opportunities for complementary development on Pugsley Park such as boutique hotel, retail opportunities and potential restaurant/entertainment/special event components that will generate revenue opportunities for the SJPA.

Intent

SJPA's business strategy of expanding its cruise business requires the continued current use of the Marco Polo Terminal as well as the expanded Pugsley C terminal and Long Wharf. A continued customer-oriented entrepreneurial approach will build on recent success. The SJPA will continue strengthening and upgrading operations and facilities and develop strategies to attract new cruise product opportunities.

Marco Polo, Pugsley C & Pugsley Park Policy Direction

1. Continue development plans of Pugsley C for cruise and mixed use;
2. Develop land use and development strategies that provide opportunities to expand commercial uses that support cruise and tourism industries;
3. Utilize cruise facilities in a manner that optimises capacity and operations;
4. Encourage efficient transportation linkages between the Port's cruise industry and cruise support services located in the region.

Initiatives

- A. Continue conversion and investment in Pugsley C Terminal;
- B. In cooperation with public and private sector, explore development opportunities that add support to the intended land uses such as:
 - a. hotel, entertainment centre, retail, restaurants, and commercial uses;
 - b. cruise and tourism services and activities; and
 - c. Public access to waterfront areas where appropriate.

Lower Cove Terminal

Context

Lower Cove Terminal (Map 4 Port Land Use Plan), is a large and secured open asphalt area interspersed with high-tower commercial lighting. Lower Cove is ideally situated as a marine cargo facility and most recently has been used for lumber and project cargo. Road access to this terminal utilizes the municipal designated truck route. There is currently no rail access due to the removal of trackage around the south end peninsula by the railway, however, if this was re-established, the area would benefit from direct rail access to the CN Rail system. With the increased use of Long Wharf for cruise and the subsequent displacement of cargo space, increased pressure will be brought onto Lower Cove as a marine cargo facility.

Intent

The Lower Cove terminal represents one of few under-developed areas remaining on the waterfront that can accommodate Port growth. The long term environmental and socio-economic benefits of inner city berths and waterborne trade and traffic are significant and therefore dockside infrastructure should be retained as such. Therefore, it is the Port Authority's intent to continue to use this facility for marine cargo operations. The Saint John Port Authority understands that consideration must be given to the co-existence of Port uses and the surrounding residential neighbourhoods. The ultimate intent is the long term sustainability of both and the SJPA will therefore endeavour to develop mitigation techniques and policies that minimize negative impacts on the liveability of the adjacent South End community.

Lower Cove Policy Direction

1. Continue marine and port industrial uses;
2. Develop land use and development strategies that provide opportunities to expand port commercial uses.

Initiatives

- A. Continued marine and port industrial uses;
- B. Install appropriate buffers where possible to provide a transition between the port and the community;

- C. Work with transportation stakeholders and port users to re-establish rail service to the terminal and to explore the potential development of a port access road;
- D. Pursue the acquisition through exchange or lease arrangement of the sugar refinery site to complement and expand the available cargo area at the terminal. (see "Areas for possible Expansion" & "Lands of Interest").



Possible Port Expansion Areas on the Central Peninsula

Barrack Point Potash Terminal

Context

Potash and salt are handled through Barrack Point Potash Terminal (Map 4 Port Land Use Plan), under a long term lease agreement with the Potash Corporation of Saskatchewan. Already the world's largest potash producer, the Potash Corporation is positioning itself to capture a significant share of future demand growth. Capital expansions in New Brunswick will result in the doubling of exports through the Port of Saint John with annual capacity reaching 2 million tonnes.

Intent

Courtenay Bay will continue to be used for dry and liquid bulk cargoes. The storage and movement of potash is an important contributor to the longevity and financial sustainability of the Port. Expansion of the terminal may be required in the long-term and must be taken into consideration in this land use plan. Should this occur, consideration will be given to the impacts on the surrounding residential area.

Barrack Point Policy Direction

1. Monitor forecasted growth in potash and the capacity of the Potash Terminal and when appropriate, plan for expansion via conversion, redevelopment, acquisition or infilling.

Initiatives

- A. Working with PotashCorp, the SJPA will identify future facility upgrades and additional land requirement and when appropriate, engage in detailed site design to meet the client needs in a way that support the business of the Port and mitigates impact on surrounding area.

Port and City Property Anomalies

There are a number of property anomalies between port and city property which occurred throughout the development stages of City and Port. The SJPA wishes to work with the Municipality to reach an agreement on the necessary adjustments and future ownership of these properties.

Lands of Interest

There are a number of land parcels contiguous to port property which, if they became available, would be of interest to the Port Authority (Map 4 Port Land Use Plan), for the long-term development and include:

1. Federal Lands at Ferry Terminal West Side;
2. Federal Lands South End under Department of National Defence;
3. Sugar Refinery Site; and
4. Former site of Imperial Oil Tank Farm adjacent to potash terminal.

Areas for Possible Expansion

Planning Area A – Piers 12, 13, 14

Future redevelopment in this area (Map 4 Port Land Use Plan), should be examined in terms of the necessary infrastructure required to accommodate the heavy industrial use envisioned for the dockside area. The original Port plan proposed the demolition of Pier 13 and 14, extension of Rodney Terminal South towards the Ferry Terminal, and in-filling the previous slip area. This approach would provide an extra 600 metres of berths, and twenty hectares of land. This is a site surrounded by existing Port infrastructure and is not located near any non-compatible land uses and involves no land acquisition.

Planning Area B – Former Sugar Refinery Lands

The site is located at the southern extremity of the City's central peninsula and currently owned by the City of Saint John (Map 4 Port Land Use Plan). The land has remained unused and undeveloped since the refinery's 2002 closure and subsequent demolition. The dock apron and the berth continue to be owned by the Federal Government and under the control of the SJPA.

This site is strategically located between Lower Cove Terminal and Barrack Point Potash Terminal. The capacity and functional operation of the Lower Cove Terminal could easily be doubled through the leased acquisition of the Sugar Refinery site.

The property is of interest for the purposes of enhancing the Port's ability to expand the existing Lower Cove terminal and linking it to the potash terminal in the future. Thus, the Sugar Refinery is strategically important to the long term operational development of Port lands in this area.

Planning Area C - Round Reef

Round Reef is a Crown water lot located at the southern tip of the Central Peninsula south of the Sugar Refinery site (Map 4 Port Land Use Plan). It is contiguous with Lower Cove by way of a pier on the Sugar Refinery site and contiguous with Barrack Point Potash Terminal. It is a prime site for future port development. This is a good site for construction with bedrock relatively near the surface and the potential to be served by rail and road connections and utilities. It is reasonably distant from existing residential and other uses and is suitable for expansion of current facilities or development of new facilities. It will accommodate berth arrangements in the main harbour, providing a berth the access to which would not be influenced by the tides or incur any significant dredging costs. Depending on future Port business and land use requirements either infilling or construction of a dolphin system would be required.

Other Port Property

The Port Authority owns land inside the Partridge Island breakwater and immediately south of the Ferry Terminal lands (Map 1.0 Port Land Use Plan). It is located in the vicinity of Fort Dufferin, a site of historical significance in the Lower West Side and lies between the main rail access into the port and the foreshore in that area. The Port Authority considers this as marketable land and would be prepared to enter into negotiations with interested parties for its future use.

The Outer Harbour

SJPA has jurisdictional authority for waters in the outer harbour and needs to be cognizant of potential future opportunities to develop port activities along both the eastern and western shorelines contained within the harbour limits.

General Land Use Directions

SJPA wishes to maximize use of its existing facilities consistent with its Business Plan goals and objectives. Although not subject to the City of Saint John Zoning By-Law, the SJPA is aware of the various classifications of port lands as expressed through the City's Land Use By-Law.

Being aware of the dominance of the commercial marine function of the waterfront, the Port Authority will remain cognizant and responsive of the potential for functional change or alternate use in certain sectors of the waterfront.

7.0 Implementation

The Port Land Use Plan reflects SJPA's commitment to direct and manage the long term planning and development of its land and water resources. The SJPA has the responsibility of implementing the policy directions and initiatives outlined in this document. In doing so, the SJPA may need to undertake more detailed land use studies from time to time and participate in land use studies in cooperation with the City of Saint John and other participating municipalities.

Project Review Process

The SJPA has land use authority on the lands that it manages and has adopted a review process to ensure that development meets applicable standards, minimizes environmental impacts and supports its land use and related policies and objectives. The SJPA evaluates proposals utilizing Project and Environmental Review procedures.

These review processes are designed to be comprehensive, yet flexible enough to respond to the unique circumstances of individual projects and proposals. Applications are reviewed to determine that proposed developments will meet or exceed federal legislative requirements, including, but not limited to, the Canadian Environment Protection Act (CEPA), the Fisheries Act and National Building Code.

Monitoring the Plan

In order to keep the Saint John Land Use Plan relevant, amendments or variances to it may be required. An amendment to the Port Land Use Plan may be warranted when the SJPA initiates a master plan that provides more detailed direction than the current policy directions and initiatives included in the Port Land Use Plan. A master plan area may be a specific site or area of the Port, such as Long Wharf, or may constitute an entire new future planning area or development and expansion strategy.

Given the current limited land base, the SJPA may also need to acquire additional land holdings from time to time. As such, land acquisition by the SJPA or land added to its management may require this Port Land Use Plan to be amended to include these additional lands into the scope of the Plan.

Implementation Strategy

- Undertake a comprehensive review of Port assets and develop a life cycle management plan;
- Undertake more detailed land use plans for master planning areas within the Port's planning areas, as and when identified;
- Work with the City of Saint John and municipal neighbours to ensure meaningful input and to address areas of concern;
- Undertake a review of the Port Land Use Plan when and where deemed necessary.

8.0 Summary

The SJPA Land Use Plan charts the future direction of the SJPA over the next 10 to 15 years. It establishes the basis for decision making for the future development and use of lands and provides the necessary direction needed to manage the Port of Saint John in support of Canada's international trade and strategic development for the future, as well as short term uses for non-marine trade. It also allows for the complementary development of the harbour waterfront for public access and municipal development.

The provisions of this Land Use Plan allow the SJPA to use and develop facilities and support the community in accordance with its mandate established by the Canada Marine Act.

The SJPA within the framework of this multi-year planning exercise, and based on the established criteria, must strive to retain or re-purpose all of its existing facilities and infrastructure:

The SJPA will continue to use its major terminals and cargo areas for their designated use:

- Cargo operations will be focused throughout the West Side Port and at Lower Cove and the Potash terminal on the East Side;
- Cruise operations will be concentrated on the area from Long Wharf to Pugsley C;
- In the Lower West side, the recyclable metals facility will be established in terminal 12 and the liquid bulk operations will be sustained. In the long-term, the balance of the area will be restored and upgraded into a modern and functional port facility including realignment and modernization of the pier structure. This will include working with DFO, Transport Canada and commercial fishing interests to integrate plans with those proposed by commercial fishers for the establishment of a small craft harbor at Pier 14;
- In respect to lands of interest to the port, the Port Authority will continue to work with the City of Saint John to encourage the utilization

of the sugar refinery site for marine-related business activities;

- Significant public waterfront access in the Uptown area can be provided with existing plans and accommodations including the future development of the Coast Guard Base;
- The western shore of Courtenay Bay will be used for transportation access;
- While not part of its mandate, the Port Authority is cognizant of the desire for a small craft facility in the harbour;
- The SJPA will implement an Asset Life Cycle Plan to address investments and the longevity of its facilities and assist in the planning of future investments;
- In the long term and within its own strategic objectives, the SJPA will encourage development of new replacement facilities on identified sites and consider alternate use of those sites which will energize the public waterfront.

Glossary

Anchorage: Designated area where a vessel may safely anchor.

Berthing: A place where marine vessels can dock.

Bulk cargo: Unpackaged goods shipped in bulk carriers.

Break bulk cargo: Generalized cargo that is not containerized but may be bundled into specific units. Typical break bulk cargoes include goods such as lumber, steel, pulp and machinery.

Canada Marine Act (CMA) 1998: The Federal Act introduced to make the system of Canadian ports competitive, efficient and commercially oriented by providing for the establishment of port authorities and the divestiture of certain harbours and ports.

Canadian Environmental Assessment Act (CEAA) 1992: Establishes the federal environmental assessment process. Canadian Environmental Protection Act (CEPA) 1999: Outlines legislation that seeks to prevent pollution and protect the environment and human health in order to contribute to sustainable development.

Central Business District (CBD): The main commercial and business district of the City.

Channel: A primary shipping fairway that is marked with buoys and dredged to maintain depth within the harbour.

Coastal shipping: Shipping within coastal waters of Canada and the U.S.

Commodity: A product having an economic value.

Containers: A single shipping unit used to contain bulk and break-bulk cargoes (see TEU).

Dry bulk cargo: Dry cargo that is poured or placed into ships in bulk, such as potash, recyclable metal, wood by-products and minerals.

Fill: Material used to raise the level of land for flood control or construction purposes.

Foreshore area: Those lands located between the ordinary or mean high water mark and the ordinary or mean low water mark.

Green Buffer: Designed planting scheme that separate non-compatible uses and mitigate unsightly and obnoxious noise, views and odours.

High-water mark: The highest tidal influence on the bank.

Intermodal: The trans-shipment of cargo by means of multiple interconnected methods including rail, water, air and road.

Jurisdiction: A defined area which a government or its agent is empowered to administer and regulate.

Liquid Bulk Cargo: Liquid cargo that is poured or pumped into ships such as crude petroleum, refined petroleum, edible oils and petrochemicals.

Low-water mark: The lowest tidal influence on the bank.

Master Planning Process: Examination of a parcel of land that has significance within the planning context and requires special consideration and in-depth analysis to determine its best and highest use.

Marine Terminal: A wharf where vessels dock to receive and off-load cargo and include both deep sea terminals and non-deep sea terminals.

NB Southern Rail (NBSR): The primary rail service provider around the Port of Saint John. A short-line operator owned and managed by J.D. Irving Limited.

Navigation: In the context of this plan, responsibility for navigation refers to the Port Authority's responsibility to ensure the effective, efficient and safe movement of vessels within its jurisdiction.

Ro-Ro (Roll-on/Roll-off): Cargo that is driven or transported on and off a ship by vehicle.

TEU: The standard measurement of 20' x 8' x 8' for containers which stands for twenty foot equivalent units. Containers or 'boxes' can come in different lengths - 20 feet, 40 feet and 45 feet units. A forty foot container would equate to two TEUs.

Throughput: the movement of cargo and passengers through a marine terminal over a given period of time.

Upland: Land above the high-water mark.

Value-added: Carrying out procedures or services that add to the original value of a product.

Water Lot: A property that is wholly or partially covered by water.

Zoning Areas: Light Industrial, Heavy Industrial, Transportation, and other.

Appendix A: Canada Marine Act

A-1	Section 4	National Marine Policy
A-2	Section 25	Appropriations
A-3	Section 28	Capacity & Powers (Activities)
A-4	Section 48	Land Use Plan Requirements
A-5	Section 62	Regulations

		<p>« voie maritime » La voie en eau profonde entre le port de Montréal et les Grands Lacs construite et entretenue en conformité avec l'accord du 19 mars 1941 entre le Canada et les États-Unis pour le développement de la navigation et l'aménagement de l'énergie dans le bassin des Grands Lacs et du Saint-Laurent; la présente définition vise également les écluses, canaux et installations entre le port de Montréal et le lac Érié dont l'ensemble est connu sous l'appellation de voie maritime du Saint-Laurent.</p>	<p>« voie maritime » "Seaway"</p>
<p>Same meaning</p>	<p>(2) Unless a contrary intention appears, words and expressions used in this Act have the same meaning as in the <i>Canada Business Corporations Act</i>. 1998, c. 10, s. 2; 2001, c. 4, s. 133; 2008, c. 21, s. 1.</p>	<p>(2) Sauf indication contraire, les autres termes de la présente loi s'entendent au sens de la <i>Loi canadienne sur les sociétés par actions</i>. 1998, ch. 10, art. 2; 2001, ch. 4, art. 133; 2008, ch. 21, art. 1.</p>	<p>Terminologie</p>
<p>Aboriginal rights</p>	<p style="text-align: center;">ABORIGINAL RIGHTS</p> <p>3. For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the application of section 35 of the <i>Constitution Act, 1982</i> to existing aboriginal or treaty rights of the aboriginal peoples of Canada.</p>	<p style="text-align: center;">DROITS DES AUTOCHTONES</p> <p>3. Il est entendu que la présente loi ne porte pas atteinte à l'application de l'article 35 de la <i>Loi constitutionnelle de 1982</i> aux droits existants — ancestraux ou issus de traités — des peuples autochtones.</p>	<p>Droits des autochtones</p>
<p>Purpose of the Act</p>	<p style="text-align: center;">PURPOSE</p> <p>4. In recognition of the significance of marine transportation to Canada and its contribution to the Canadian economy, the purpose of this Act is to</p> <p>(a) implement marine policies that provide Canada with the marine infrastructure that it needs and that offer effective support for the achievement of national, regional and local social and economic objectives and will promote and safeguard Canada's competitiveness and trade objectives;</p> <p>(a.1) promote the success of ports for the purpose of contributing to the competitiveness, growth and prosperity of the Canadian economy;</p> <p>(b) base the marine infrastructure and services on international practices and approaches that are consistent with those of Canada's major trading partners in order to foster harmonization of standards among jurisdictions;</p> <p>(c) ensure that marine transportation services are organized to satisfy the needs of</p>	<p style="text-align: center;">OBJET DE LA LOI</p> <p>4. Compte tenu de l'importance du transport maritime au Canada et de sa contribution à l'économie canadienne, la présente loi a pour objet de :</p> <p>a) mettre en œuvre une politique maritime qui permette au Canada de se doter de l'infrastructure maritime dont il a besoin, qui le soutienne efficacement dans la réalisation de ses objectifs socioéconomiques nationaux, régionaux et locaux aussi bien que commerciaux, et l'aide à promouvoir et préserver sa compétitivité;</p> <p>a.1) promouvoir la vitalité des ports dans le but de contribuer à la compétitivité, la croissance et la prospérité économique du Canada;</p> <p>b) fonder l'infrastructure maritime et les services sur des pratiques internationales et des approches compatibles avec celles de ses principaux partenaires commerciaux dans le but de promouvoir l'harmonisation des normes qu'appliquent les différentes autorités;</p>	<p>Objectifs</p>

users and are available at a reasonable cost to the users;

(d) provide for a high level of safety and environmental protection;

(e) provide a high degree of autonomy for local or regional management of components of the system of services and facilities and be responsive to local needs and priorities;

(f) manage the marine infrastructure and services in a commercial manner that encourages, and takes into account, input from users and the community in which a port or harbour is located;

(g) provide for the disposition, by transfer or otherwise, of certain ports and port facilities; and

(h) promote coordination and integration of marine activities with surface and air transportation systems.

1998, c. 10, s. 4; 2008, c. 21, s. 3.

c) veiller à ce que les services de transport maritime soient organisés de façon à satisfaire les besoins des utilisateurs et leur soient offerts à un coût raisonnable;

d) fournir un niveau élevé de sécurité et de protection de l'environnement;

e) offrir un niveau élevé d'autonomie aux administrations locales ou régionales des composantes du réseau des services et installations portuaires et prendre en compte les priorités et les besoins locaux;

f) gérer l'infrastructure maritime et les services d'une façon commerciale qui favorise et prend en compte l'apport des utilisateurs et de la collectivité où un port ou havre est situé;

g) prévoir la cession, notamment par voie de transfert, de certains ports et installations portuaires;

h) favoriser la coordination et l'intégration des activités maritimes avec les réseaux de transport aérien et terrestre.

1998, ch. 10, art. 4; 2008, ch. 21, art. 3.

PART 1

CANADA PORT AUTHORITIES

INTERPRETATION

Definitions **5.** The definitions in this section apply in this Part.

“airport”
« *aéroport* » “airport” means an airport situated in a port.

“letters patent”
« *lettres patentes* » “letters patent” means letters patent as amended by supplementary letters patent, if any.

“port”
« *port* » “port” means the navigable waters under the jurisdiction of a port authority and the real property and immovables that the port authority manages, holds or occupies as set out in the letters patent.

“user”
« *utilisateur* » “user”, in respect of a port, means a person that makes commercial use of, or provides services at, the port.

1998, c. 10, s. 5; 2001, c. 4, s. 134.

PARTIE 1

ADMINISTRATIONS PORTUAIRES CANADIENNES

DÉFINITIONS

Définitions **5.** Les définitions qui suivent s'appliquent à la présente partie.

« aéroport » Aéroport situé dans un port.

« lettres patentes » Les lettres patentes telles que modifiées par lettres patentes supplémentaires, le cas échéant.

« port » L'ensemble des eaux navigables qui relèvent de la compétence d'une administration portuaire ainsi que les immeubles et les biens réels dont la gestion lui est confiée, qu'elle détient ou qu'elle occupe en conformité avec les lettres patentes.

« utilisateur » À l'égard d'un port, personne qui utilise le port à des fins commerciales ou y fournit des services.

1998, ch. 10, art. 5; 2001, ch. 4, art. 134.

Définitions

« aéroport »
“*airport*”

« lettres patentes »
“*letters patent*”

« port »
“*port*”

« utilisateur »
“*user*”

unsatisfied by the port authority or subsidiary at least thirty days after the judgment or decision becomes final.

tisfaire à toute partie de la décision ou du jugement à laquelle il n'a pas été satisfait.

Liability arising when not acting as agent of Crown

(2) If a port authority or a wholly-owned subsidiary of a port authority is not acting as agent of Her Majesty in right of Canada, an obligation or liability in respect of the port authority or subsidiary, as the case may be, arising from its exercise of, or its failure to exercise, a power or right or arising by operation of law is an obligation or liability of the port authority or subsidiary, as the case may be, and not an obligation or liability of Her Majesty.

(2) Dans les cas où elle n'agit pas à titre de mandataire de Sa Majesté du chef du Canada, une administration portuaire ou une filiale à cent pour cent d'une administration portuaire est tenue d'exécuter les obligations dont elle est responsable en vertu de la loi ou qui découlent de l'exercice de ses attributions ou du défaut de les exercer, à l'exclusion de Sa Majesté.

Responsabilité à titre de non-mandataire

Insurance required

(3) A port authority and a wholly-owned subsidiary of a port authority shall fully maintain in good standing at all times the insurance coverage required by any regulations made under paragraph 27(1)(e).

(3) L'administration portuaire et toute filiale à cent pour cent de l'administration portuaire doivent maintenir l'assurance exigée par les règlements d'application de l'alinéa 27(1) e).

Assurance

Financial Administration Act

24. The *Financial Administration Act*, other than subsection 9(3) and sections 155, 155.1 and 156, does not apply to a port authority or a wholly-owned subsidiary of a port authority.

24. La *Loi sur la gestion des finances publiques*, à l'exception du paragraphe 9(3) et des articles 155, 155.1 et 156, ne s'applique ni aux administrations portuaires ni aux filiales à cent pour cent des administrations portuaires.

Loi sur la gestion des finances publiques

No appropriation

25. Even if the port authority or subsidiary is an agent of Her Majesty in right of Canada as provided under section 7, no payment to a port authority or a wholly-owned subsidiary of a port authority may be made under an appropriation by Parliament to enable the port authority or subsidiary to discharge an obligation or liability unless

25. Sauf dans les cas ci-après, il ne peut être accordé à une administration portuaire ou à une filiale à cent pour cent d'une administration portuaire aucune somme par voie de crédit affecté par le Parlement pour lui permettre d'exécuter ses obligations, et ce même si l'administration portuaire ou la filiale est mandataire de Sa Majesté du chef du Canada au titre de l'article 7 :

Interdiction de crédits

(a) the payment

- (i) is made under the *Emergencies Act* or any other Act in respect of emergencies,
- (ii) is a contribution in respect of the capital costs of an infrastructure project,
- (iii) is a contribution in respect of environmental sustainability, or
- (iv) is a contribution in respect of security, or

a) la somme :

- (i) est versée au titre de la *Loi sur les mesures d'urgence* ou de toute autre loi en matière de situation d'urgence,
- (ii) est une contribution au coût en capital d'un projet d'infrastructure,
- (iii) est une contribution versée pour la durabilité environnementale,
- (iv) est une contribution versée pour répondre à des exigences liées à la sûreté;

(b) the authority for the funding of Her Majesty's obligations is an agreement that was in existence before March 1, 1999.

b) l'autorisation de financement visant à permettre à Sa Majesté d'exécuter les obligations découle d'un accord conclu avant le 1^{er} mars 1999.

1998, c. 10, s. 25; 2008, c. 21, s. 14.

1998, ch. 10, art. 25; 2008, ch. 21, art. 14.

Contribution	<p>25.1 The Minister may, with the approval of the Governor in Council given on the recommendation of the Treasury Board and on any terms and conditions specified by the Governor in Council on the recommendation of the Treasury Board, make a contribution under subparagraph 25(a)(iv).</p> <p>2008, c. 21, s. 15.</p>	<p>25.1 Le ministre peut, avec l'approbation du gouverneur en conseil donnée sur recommandation du Conseil du Trésor et selon les modalités précisées par le gouverneur en conseil sur recommandation du Conseil du Trésor, verser toute contribution visée au sous-alinéa 25a)(iv).</p> <p>2008, ch. 21, art. 15.</p>	Contribution
No guarantee	<p>26. No guarantee may be given under the authority of Parliament by or on behalf of Her Majesty for the discharge of an obligation or liability of a port authority or a wholly-owned subsidiary of a port authority. This section applies even if the port authority or subsidiary is an agent of Her Majesty in right of Canada as provided under section 7.</p>	<p>26. Il ne peut être accordé de garantie fournie avec l'approbation du Parlement, par Sa Majesté ou en son nom pour l'exécution d'une obligation d'une administration portuaire ou d'une filiale à cent pour cent d'une administration portuaire même si l'administration portuaire ou la filiale est mandataire de Sa Majesté du chef du Canada au titre de l'article 7.</p>	Interdiction de garanties
Regulations	<p>27. (1) For the purposes of this Part, the Governor in Council may make regulations for the corporate management and control of port authorities or wholly-owned subsidiaries of port authorities, including regulations</p> <p>(a) adapting any provision of the <i>Canada Business Corporations Act</i> and any regulations made under that Act, including provisions imposing punishment, for the purpose of applying those provisions as adapted to port authorities;</p> <p>(b) prescribing, for the purposes of section 32, categories of investments in which a port authority may invest;</p> <p>(c) respecting the preparation, form and content of the documents referred to in paragraphs 37(2)(a) to (d) and the information referred to in subsection 37(3);</p> <p>(d) prescribing the remuneration threshold for the purposes of paragraph 37(3)(c) and the method of determining that threshold;</p> <p>(e) respecting the insurance coverage that a port authority and a wholly-owned subsidiary of a port authority must maintain;</p> <p>(f) respecting the imposition of obligations on a port authority or a wholly-owned subsidiary of a port authority, as an agent of Her Majesty in right of Canada, including any requirements for a port authority or a wholly-owned subsidiary of a port authority to indemnify Her Majesty;</p>	<p>27. (1) Pour l'application de la présente partie, le gouverneur en conseil peut prendre des règlements en vue de la gestion et du contrôle des administrations portuaires ou de leurs filiales à cent pour cent, notamment :</p> <p>a) pour adapter la <i>Loi canadienne sur les sociétés par actions</i> et ses règlements, y compris leurs dispositions répressives, en vue de leur application aux administrations portuaires;</p> <p>b) pour préciser, pour l'application de l'article 32, les catégories de valeurs mobilières dans lesquelles une administration portuaire peut investir;</p> <p>c) en ce qui touche le contenu et la forme des documents à établir conformément au paragraphe 37(2) et les renseignements visés au paragraphe 37(3);</p> <p>d) pour fixer le plancher de rémunération visé à l'alinéa 37(3) c) et la méthode pour l'établir;</p> <p>e) en ce qui touche l'assurance que l'administration portuaire ou ses filiales à cent pour cent doivent maintenir;</p> <p>f) pour régir l'imposition d'obligations à une administration portuaire ou à ses filiales à cent pour cent à titre de mandataire de Sa Majesté du chef du Canada, notamment l'indemnisation par elles de Sa Majesté;</p> <p>g) pour prévoir les renseignements et documents qu'une administration portuaire doit fournir au ministre à sa demande;</p>	Règlements

	(g) respecting the information and documents to be provided by a port authority to the Minister at the Minister's request; and	(h) en ce qui touche les fusions d'administrations portuaires.	
Application	(2) A regulation made under subsection (1) may apply to only one port authority or wholly-owned subsidiary of a port authority.	(2) Les règlements pris en vertu du paragraphe (1) peuvent ne s'appliquer qu'à une seule administration portuaire ou une seule de ses filiales à cent pour cent.	Application
Binding on Her Majesty	(3) A regulation made under subsection (1) may be made binding on Her Majesty in right of Canada or a province. 1998, c. 10, s. 27; 2008, c. 21, s. 16.	(3) Les règlements pris en vertu du paragraphe (1) peuvent être rendus obligatoires pour Sa Majesté du chef du Canada ou d'une province. 1998, ch. 10, art. 27; 2008, ch. 21, art. 16.	Obligation de Sa Majesté
CAPACITY AND POWERS		CAPACITÉ ET POUVOIRS	
Capacity and powers	28. (1) A port authority is incorporated for the purpose of operating the port in respect of which its letters patent are issued and, for that purpose and for the purposes of this Act, has the powers of a natural person.	28. (1) Une administration portuaire est constituée pour l'exploitation du port visé par ses lettres patentes et a, à cette fin et pour l'application de la présente loi, la capacité d'une personne physique.	Capacité et pouvoirs
Activities	(2) The power of a port authority to operate a port is limited to the power to engage in (a) port activities related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, to the extent that those activities are specified in the letters patent; and (b) other activities that are deemed in the letters patent to be necessary to support port operations.	(2) L'autorisation donnée à une administration portuaire d'exploiter un port est restreinte aux activités suivantes : a) les activités portuaires liées à la navigation, au transport des passagers et des marchandises, et à la manutention et l'entreposage des marchandises, dans la mesure prévue par les lettres patentes; b) les autres activités qui sont désignées dans les lettres patentes comme étant nécessaires aux opérations portuaires.	Activités portuaires
Carrying on activities	(3) The activities that a port authority may engage in under paragraph (2)(b) may be carried on by the port authority directly or through a wholly-owned subsidiary of the port authority. The port authority and the subsidiary are not agents of Her Majesty in right of Canada for the purpose of engaging in those activities.	(3) L'administration portuaire peut exercer directement ou par l'intermédiaire d'une de ses filiales à cent pour cent les activités visées à l'alinéa (2) b); ni l'administration portuaire ni la filiale ne sont mandataires de Sa Majesté du chef du Canada dans le cadre de ces activités.	Exercice des activités
Restrictions	(4) A port authority shall not carry on any activity or exercise any power that it is restricted by its letters patent from carrying on or exercising, nor shall it carry on any activity or exercise any power in a manner contrary to its letters patent or this Act.	(4) L'administration portuaire n'exerce que les pouvoirs et activités prévus par ses lettres patentes; elle ne peut les exercer d'une façon incompatible avec ces dernières ou avec la présente loi.	Réserves
Contracts	(5) A port authority or wholly-owned subsidiary of a port authority that enters into a contract other than as agent of Her Majesty in right	(5) L'administration portuaire ou la filiale à cent pour cent d'une administration portuaire qui conclut un contrat autrement qu'à titre de	Capacité contractuelle

of Canada shall do so in its own name. It shall expressly state in the contract that it is entering into the contract on its own behalf and not as agent of Her Majesty in right of Canada. For greater certainty, the contracts to which this subsection applies include a contract for the borrowing of money.

mandataire de Sa Majesté du chef du Canada, y compris un contrat visant à emprunter des fonds, doit le faire sous son propre nom et indiquer expressément dans le contrat qu'elle le conclut pour son propre compte et non à titre de mandataire de Sa Majesté.

Compliance with code

(5.1) If a port authority that is subject to a code governing its power to borrow enters into a contract, or executes any other document, for the borrowing of money, the document shall include an express statement that the borrowing complies with the code.

(5.1) L'administration portuaire assujettie à un code régissant le pouvoir d'emprunt qui, par contrat ou autre écrit, emprunte des fonds doit y indiquer expressément que l'emprunt est fait en conformité avec ce code.

Code régissant le pouvoir d'emprunt

Duty of directors

(6) The directors of a port authority shall take all necessary measures to ensure

(6) Les administrateurs d'une administration portuaire doivent prendre toutes les mesures nécessaires pour veiller à ce que celle-ci et ses filiales à cent pour cent se conforment aux paragraphes (5) et, s'il y a lieu, (5.1), et à ce que tout contrat de sous-traitance résultant directement ou indirectement d'un contrat visé au paragraphe (5) mentionne expressément que l'administration portuaire ou la filiale, selon le cas, conclut le contrat pour son propre compte et non à titre de mandataire de Sa Majesté du chef du Canada.

Responsabilité des administrateurs

(a) that the port authority and any wholly-owned subsidiary of the port authority comply with subsections (5) and, if applicable, (5.1); and

(b) that any subcontract arising directly or indirectly from a contract to which subsection (5) applies expressly states that the port authority or subsidiary, as the case may be, enters into the contract on its own behalf and not as agent of Her Majesty in right of Canada.

Borrowing limitations may be imposed

(7) If a port authority or a wholly-owned subsidiary of a port authority fails to comply with subsection (5) or (5.1), or the directors of a port authority fail to comply with subsection (6) or section 30.1, the Minister of Finance, on the recommendation of the Minister of Transport, may impose any limitations that the Minister of Finance considers to be in the public interest on the power of the port authority or subsidiary to borrow money, including limitations on the time and terms and conditions of any borrowing.

(7) En cas de violation des paragraphes (5), (5.1) ou (6) ou de l'article 30.1, le ministre des Finances peut, sur recommandation du ministre des Transports, imposer au pouvoir d'emprunt de l'administration portuaire ou de la filiale concernée les limites qu'il estime dans l'intérêt public, notamment quant aux modalités de temps et aux conditions de l'opération d'emprunt.

Limites au pouvoir d'emprunt

No effect on status

(8) For greater certainty, the imposition under subsection (7) of limitations on the power of a port authority or subsidiary to borrow money or the imposition of other limitations or controls by the Minister, any other member of the Queen's Privy Council for Canada or the Governor in Council, through the issuance of letters patent, the granting of any approval or any other means, does not expand the extent, if any, to which the port authority or subsidiary is an agent of Her Majesty in right of Canada beyond that described in section 7.

(8) Il demeure entendu que l'imposition de limites au pouvoir d'emprunt de l'administration portuaire ou de la filiale en vertu du paragraphe (7) ou l'imposition de toute autre forme de limite ou de contrôle par le ministre, un autre membre du Conseil privé de la Reine pour le Canada ou le gouverneur en conseil, notamment par voie de lettres patentes ou d'une autre forme d'autorisation, n'a pas pour effet d'étendre la portée de leur désignation éventuelle de mandataires de Sa Majesté du chef du Canada au delà de ce que prévoit l'article 7.

Statut de non-mandataire de Sa Majesté

Obligation when contracting as agent of the Crown	(9) A port authority, or a wholly-owned subsidiary of a port authority, that enters into a contract as an agent of Her Majesty in right of Canada is bound by the contract and is responsible to Her Majesty for the performance of obligations to other parties under the contract.	(9) L'administration portuaire ou la filiale à cent pour cent d'une administration portuaire qui conclut un contrat à titre de mandataire de Sa Majesté du chef du Canada est liée par le contrat et responsable envers Sa Majesté de l'exécution des obligations à l'égard des autres parties au contrat.	Capacité contractuelle
Existing uses	(10) Except for a use authorized under this Act, a port authority may continue to use any real property or immovable that it manages, holds or occupies for any purpose for which the real property or immovable was used on June 1, 1996 in the case of a port authority referred to in section 12, or the date of issuance of its letters patent in any other case, but, if the port authority ceases to use it for that purpose at any time, the port authority may not reinstitute the use.	(10) Exception faite des utilisations autorisées sous le régime de la présente loi, l'administration portuaire peut continuer à utiliser les immeubles et les biens réels qu'elle gère, détient ou occupe aux fins auxquelles ils étaient utilisés le 1 ^{er} juin 1996 dans le cas des administrations portuaires visées à l'article 12 ou le jour de la délivrance de ses lettres patentes, dans les autres cas; la cessation de l'utilisation rend impossible sa reprise.	Utilisation antérieure des immeubles et des biens réels
Restrictions — subsidiaries	(11) The directors of a port authority shall take all necessary measures to ensure that its wholly-owned subsidiaries (a) have and exercise only the powers authorized in the letters patent of the port authority; (b) carry on only the activities authorized in the letters patent; and (c) do not exercise any power or carry on any activity in a manner contrary to the letters patent or this Act.	(11) Les administrateurs d'une administration portuaire sont tenus de prendre toutes les mesures nécessaires pour veiller à ce que les filiales à cent pour cent de l'administration n'aient et n'exercent que les pouvoirs et activités autorisés dans les lettres patentes de celle-ci et de plus à ce qu'elles n'exercent aucun de ces pouvoirs ou activités d'une façon incompatible avec les lettres patentes ou la présente loi.	Responsabilité des administrateurs
Provisions applicable to subsidiary	(12) The Governor in Council may declare that any provision of this Part that applies only to port authorities applies to a wholly-owned subsidiary of a port authority. In that case, the provision applies to the subsidiary as if it were a port authority, with such modifications as the circumstances require.	(12) Le gouverneur en conseil peut rendre applicable aux filiales à cent pour cent des administrations portuaires, comme s'il s'agissait d'administrations portuaires, avec les adaptations nécessaires, toute disposition de la présente partie qui s'applique uniquement aux administrations portuaires.	Application de certaines dispositions
Existing activities	(13) A wholly-owned subsidiary of a port authority may continue to carry on any activity or exercise any power that it carried on or exercised on December 1, 1995 but, if the subsidiary ceases to carry on the activity or exercise the power at any time, it may not recommence it unless the activity or power is authorized in the letters patent.	(13) La filiale à cent pour cent d'une administration portuaire peut continuer à exercer les pouvoirs et les activités qu'elle exerçait le 1 ^{er} décembre 1995; les pouvoirs et les activités qu'elle cesse d'exercer après cette date ne peuvent être exercés de nouveau que si les lettres patentes le lui permettent.	Activités antérieures
Restriction on corporate activities	(14) Unless the letters patent of a port authority provide otherwise, the port authority or a wholly-owned subsidiary of the port authority shall not	(14) Sous réserve de ses lettres patentes, il est interdit à une administration portuaire ou à toute filiale à cent pour cent de celle-ci: a) de demander la constitution d'une société dont les actions, au moment de sa constitu-	Restrictions

(a) cause the incorporation of a corporation whose shares on incorporation would be held by, on behalf of or in trust for the port authority or subsidiary;

(b) acquire shares of a corporation to be held on behalf of or in trust for the port authority or subsidiary;

(c) acquire all or substantially all of the assets of another corporation;

(d) sell or otherwise dispose of shares of a wholly-owned subsidiary of the port authority; or

(e) cause the dissolution or amalgamation of a wholly-owned subsidiary of the port authority.

1998, c. 10, s. 28; 2001, c. 4, s. 138; 2008, c. 21, s. 17.

Powers of port authority re railways

29. (1) Subject to its letters patent, to any other Act and to any regulations made under any other Act, a port authority may

(a) construct, purchase, lease, operate and maintain railways on lands it manages, holds or occupies;

(b) enter into agreements with any person for the maintenance of the railways referred to in paragraph (a) and for their operation, in a manner that will provide all railway companies whose lines reach the port with the same facilities for traffic as those enjoyed by that person; and

(c) enter into arrangements with any person for facilitating traffic to, from or within the limits of the port.

Application of other Acts

(2) A railway referred to in paragraph (1)(a) is not subject to Part III of the *Canada Transportation Act* but the Governor in Council may make regulations applying any provision of the *Railway Safety Act* and any regulations made under that Act to such a railway.

Airport operation

(3) Subject to its letters patent, to any other Act, to any regulations made under any other Act and to any agreement with the Government of Canada that provides otherwise, a port authority that operates an airport shall do so at its own expense.

tion, seraient détenues par elle, en son nom ou en fiducie pour elle;

b) d'acquérir des actions d'une société qui, au moment de l'acquisition, seraient détenues par elle, en son nom ou en fiducie pour elle;

c) d'acquérir la totalité ou la quasi-totalité des éléments d'actif d'une autre société;

d) de vendre ou, de façon générale, céder les actions d'une filiale à cent pour cent d'une administration portuaire;

e) de demander la dissolution ou la fusion d'une filiale à cent pour cent d'une administration portuaire.

1998, ch. 10, art. 28; 2001, ch. 4, art. 138; 2008, ch. 21, art. 17.

Construction de chemins de fer

29. (1) Sous réserve de ses lettres patentes, des autres lois fédérales et de leurs règlements d'application, une administration portuaire peut :

a) construire, acheter, louer, exploiter et entretenir un chemin de fer sur des terrains dont la gestion lui est confiée ou qu'elle détient ou occupe;

b) conclure des contrats relatifs à l'entretien et à l'exploitation de ce chemin de fer, veillant à ce que toutes les compagnies de chemin de fer dont les lignes aboutissent au port jouissent des mêmes avantages en matière de mouvement que ceux dont jouit le cocontractant;

c) conclure des arrangements destinés à faciliter la circulation dans le périmètre portuaire ou dans ses voies d'accès.

Application d'autres lois

(2) Le gouverneur en conseil peut, par règlement, rendre applicable toute disposition de la *Loi sur la sécurité ferroviaire* et de ses règlements d'application à un chemin de fer visé à l'alinéa (1) a); toutefois, la partie III de la *Loi sur les transports au Canada* ne lui est pas applicable.

Exploitation d'un aéroport

(3) Sous réserve de ses lettres patentes, des autres lois fédérales et de leurs règlements d'application ou d'une entente contraire avec le gouvernement du Canada, l'administration portuaire qui exploite un aéroport doit le faire à ses frais.

Acquisition, lease or license of real property and immovables	(2.1) The port authority may acquire, lease as lessee or license as licensee real property or immovables other than federal real property or federal immovables, if supplementary letters patent have been issued.	(2.1) Toute administration portuaire peut acquérir ou louer à titre de locataire un immeuble ou un bien réel, autre qu'un immeuble fédéral ou un bien réel fédéral, ou acquérir un permis à leur égard, si elle y est autorisée au préalable par lettres patentes supplémentaires.	Acquisition d'immeuble ou de bien réel
Temporary use	(2.2) A port authority may lease or license any real property or immovable it holds, other than federal real property or federal immovables, for temporary use under paragraph 28(2)(b).	(2.2) L'administration portuaire peut au titre de l'alinéa 28(2)b louer tout immeuble ou bien réel, autre qu'un immeuble fédéral ou bien réel fédéral, qu'elle détient ou accorder des permis à leur égard pour une utilisation temporaire.	Utilisation temporaire
Application of provincial law	(3) A grant may be effected by any instrument by which an interest in real property or a right in an immovable may be granted by a private person under the laws in force in the province in which the federal real property or federal immovable is situated. 1998, c. 10, s. 46; 2001, c. 4, s. 141; 2008, c. 21, s. 25.	(3) Les concessions peuvent être faites par un acte qui, en vertu des lois de la province de situation de l'immeuble fédéral ou du bien réel fédéral, peut servir à faire des concessions entre sujets de droit privé. 1998, ch. 10, art. 46; 2001, ch. 4, art. 141; 2008, ch. 21, art. 25.	Application du droit provincial
<i>Navigable Waters Protection Act</i>	47. The <i>Navigable Waters Protection Act</i> does not apply to a work, within the meaning of that Act, that has been exempted by a regulation made under section 62. 1998, c. 10, s. 47; 2008, c. 21, s. 26.	47. La <i>Loi sur la protection des eaux navigables</i> ne s'applique pas aux ouvrages, au sens de cette loi, exemptés par règlement pris en vertu de l'article 62. 1998, ch. 10, art. 47; 2008, ch. 21, art. 26.	<i>Loi sur la protection des eaux navigables</i>
Land-use plan	48. (1) A port authority shall, within twelve months after the issuance of its letters patent, develop a detailed land-use plan that contains objectives and policies for the physical development of the real property and immovables that it manages, holds or occupies and that takes into account relevant social, economic and environmental matters and zoning by-laws that apply to neighbouring lands.	48. (1) Dans les douze mois suivant la délivrance de leurs lettres patentes, les administrations portuaires sont tenues d'avoir un plan détaillé d'utilisation des sols faisant état des objectifs et politiques établis pour l'aménagement physique des immeubles et des biens réels dont la gestion leur est confiée ou qu'elles occupent ou détiennent, compte tenu des facteurs d'ordre social, économique et environnemental applicables et des règlements de zonage qui s'appliquent aux sols avoisinants.	Plan d'utilisation des sols
Contents of plan	(2) The land-use plan may (a) prohibit the use of some or all of the real property and immovables for, or except for, certain purposes; (b) prohibit the erecting of structures or works or certain types of structures or works; and (c) subject to any regulations made under section 62, regulate the type of structures or works that may be erected.	(2) Les plans d'utilisation des sols peuvent : a) interdire l'utilisation de la totalité ou d'une partie des immeubles et des biens réels à certaines fins ou la limiter à certaines fins déterminées; b) interdire la construction de bâtiments ou d'ouvrages ou d'un certain type de bâtiments ou d'ouvrages; c) sous réserve des règlements d'application de l'article 62, réglementer les caractéristiques des bâtiments ou ouvrages qui peuvent être construits.	Contenu des plans
Existing structures	(3) A land-use plan shall not have the effect of preventing	(3) Un plan d'utilisation des sols ne peut avoir pour effet d'empêcher :	Bâtiments existants

	<p>(a) the use of any real property or immovable existing on the day on which the land-use plan comes into force for the purpose for which it was used on that day, so long as it continues to be used for that purpose; or</p> <p>(b) the erecting or alteration of a structure or work that was authorized before the day on which the land-use plan comes into force if the erecting or alteration is carried out in accordance with the authorization.</p>	<p>a) l'utilisation d'un immeuble ou d'un bien réel existant, dans la mesure où l'utilisation demeure celle qui en était faite le jour de l'entrée en vigueur du plan;</p> <p>b) la construction ou la modification d'un bâtiment ou d'un ouvrage qui a été autorisée avant cette entrée en vigueur dans la mesure où la construction ou la modification est conforme à l'autorisation.</p>	
Publication of notice	<p>(4) A port authority shall, at least sixty days before the coming into force of a land-use plan, have notice of the plan published in a major newspaper published or distributed in the place where the port is situated.</p>	<p>(4) Au moins soixante jours avant la date d'entrée en vigueur du plan d'utilisation des sols, l'administration portuaire est tenue d'en faire publier un avis dans un journal à grand tirage du lieu où est situé le port.</p>	Publication d'un avis
Content of notice	<p>(5) The notice shall include information as to where a copy of the plan, including any related documents necessary to understand it, may be obtained and an invitation to any interested person to make representations to the port authority with respect to the proposed plan within those sixty days and to attend a public meeting at a specified time and place.</p>	<p>(5) L'avis donne le lieu où il est possible de se procurer un exemplaire du projet de plan et des documents connexes nécessaires à sa compréhension complète, et invite les intéressés à faire parvenir leurs observations sur le projet à l'administration avant l'expiration de ce délai de soixante jours et à assister à la réunion publique dont les date, heure et lieu sont également mentionnés dans l'avis.</p>	Contenu de l'avis
Adoption of plan	<p>(6) After the port authority considers any representations made by interested persons with respect to a proposed plan, it may adopt the plan.</p>	<p>(6) L'administration portuaire peut adopter le projet de plan d'utilisation des sols après avoir pris connaissance des observations qui ont pu lui être présentées.</p>	Adoption du plan
Notice of adopted plan	<p>(7) The port authority shall have notice of each land-use plan that it adopts, together with notice of the place at which a copy of the plan may be obtained, published in a major newspaper published or distributed in the place where the port is situated.</p>	<p>(7) L'administration portuaire est tenue de faire publier dans un journal à grand tirage du lieu où est situé le port un avis de l'adoption de son plan d'utilisation des sols; l'avis donne le lieu où il est possible de se procurer un exemplaire du plan.</p>	Avis d'adoption
Exception	<p>(8) A port authority need not comply with subsections (4) to (7) in respect of a proposed land-use plan that</p> <p>(a) has previously been published pursuant to subsection (4), whether or not it has been changed as a result of representations made pursuant to subsection (5); or</p> <p>(b) makes no substantive change to an existing plan.</p>	<p>(8) L'administration portuaire n'a pas à se conformer aux paragraphes (4) à (7) à l'égard du projet de plan d'utilisation des sols qui, selon le cas :</p> <p>a) a déjà fait l'objet d'un avis publié en conformité avec le paragraphe (4), même si le plan a été modifié à la suite d'observations présentées conformément au paragraphe (5);</p> <p>b) n'apporte pas de modification de fond au plan en vigueur.</p>	Exception
<i>Statutory Instruments Act</i>	<p>(9) Land-use plans are not regulations within the meaning of the <i>Statutory Instruments Act</i>.</p> <p>1998, c. 10, s. 48; 2001, c. 4, s. 142.</p>	<p>(9) Les plans d'utilisation des sols ne sont pas des règlements au sens de la <i>Loi sur les textes réglementaires</i>.</p> <p>1998, ch. 10, art. 48; 2001, ch. 4, art. 142.</p>	<i>Loi sur les textes réglementaires</i>

Defence available in certain cases

(2) It is a defence to a charge under subsection (1) that the master, the person in charge of the deck watch or other person in charge of the ship or the pilot

(a) had reasonable grounds to believe that compliance would have imperilled life, the ship or any other ship or any property; and

(b) in the case of a charge under paragraph (1)(b), had notified the person designated under subsection 58(1) of the non-compliance and of the reasons for it as soon as possible after it took place.

(2) Constitue un moyen de défense à une accusation pour une infraction visée au paragraphe (1) le fait, pour le capitaine, l'officier de quart à la passerelle ou toute autre personne responsable du navire ou pour le pilote :

a) d'avoir eu des motifs raisonnables de croire qu'obéir aurait mis en danger des vies, le navire, un autre navire ou tout autre bien;

b) dans le cas d'une accusation pour une infraction visée à l'alinéa (1) b), d'avoir avisé la personne nommée en vertu du paragraphe 58(1) aussitôt que possible de la contravention et de ses motifs d'agir ainsi.

Moyen de défense

Proof of offence by ship

(3) Where a ship is prosecuted for an offence under this section, it is sufficient proof that the ship has committed the offence to establish that the act or omission that constitutes the offence was committed by the master of the ship or any person on board the ship, whether or not the person on board has been identified.

1998, c. 10, s. 59; 2008, c. 21, s. 32.

(3) Lorsqu'un navire est poursuivi pour infraction au présent article, il suffit pour établir l'infraction de prouver que l'acte ou l'omission qui la constitue est le fait du capitaine ou d'une autre personne à bord du navire, que celle-ci soit identifiée ou non.

1998, ch. 10, art. 59; 2008, ch. 21, art. 32.

Preuve d'une infraction par un navire

Application to military and police ships

60. For greater certainty, Canadian warships, naval auxiliary ships and other ships under the command of the Canadian Forces, ships of a visiting force within the meaning of the *Visiting Forces Act* and any other ships while they are under the command of the Royal Canadian Mounted Police have access to Canadian ports.

60. Il est déclaré pour plus de certitude que les navires de guerre canadiens, les navires auxiliaires de la marine, les navires placés sous le commandement des Forces canadiennes, les navires de forces étrangères présentes au Canada au sens de la *Loi sur les forces étrangères présentes au Canada* et les navires placés sous le commandement de la Gendarmerie royale du Canada ont accès aux ports canadiens.

Navires militaires

ORDER AND SAFETY

MAINTIEN DE L'ORDRE ET DE LA SÉCURITÉ DES PERSONNES ET DES BIENS

Order and safety

61. (1) Subject to any regulations made under section 62, a port authority shall take appropriate measures for the maintenance of order and the safety of persons and property in the port.

61. (1) Sous réserve des règlements d'application de l'article 62, les administrations portuaires sont tenues de prendre les mesures nécessaires en vue du maintien de l'ordre et de la sécurité des personnes et des biens dans le port.

Maintien de l'ordre et de la sécurité des personnes et des biens

Marine transportation security

(2) Subject to any regulations made under the *Marine Transportation Security Act*, a port authority shall take appropriate measures for the maintenance of marine transportation security.

1998, c. 10, s. 61; 2008, c. 21, s. 33.

(2) Sous réserve des règlements pris en vertu de la *Loi sur la sûreté du transport maritime*, les administrations portuaires sont tenues de prendre les mesures nécessaires en vue du maintien de la sûreté du transport maritime.

1998, ch. 10, art. 61; 2008, ch. 21, art. 33.

Sûreté du transport maritime

REGULATIONS

RÈGLEMENTS

Regulations

62. (1) For the purposes of this Part, the Governor in Council may make regulations respecting

62. (1) Pour l'application de la présente partie, le gouverneur en conseil peut prendre des règlements concernant :

Règlements

(a) the navigation and use by ships of the navigable waters in a port, including the mooring, berthing and loading and unloading of ships and equipment for the loading and unloading of ships;

(b) the use and environmental protection of a port, including the regulation or prohibition of equipment, structures, works and operations;

(c) the removal, destruction or disposal of any ship, part of a ship, structure, work or other thing that interferes with navigation in a port and provision for the recovery of the costs incurred;

(d) the maintenance of order and the safety of persons and property in a port;

(d.1) the information or documents that must be provided by the owner or the person in charge of a ship to the port authority;

(e) the regulation of persons, vehicles or aircraft in a port;

(f) the regulation or prohibition of the excavation, removal or deposit of material or of any other action that is likely to affect in any way the navigability of a port or to affect any of the lands adjacent to a port;

(g) the regulation or prohibition of the transportation, handling or storing, in a port, of explosives or other substances that, in the opinion of the Governor in Council, constitute or are likely to constitute a danger or hazard to life or property; and

(h) the obligations of a port authority in respect of federal real property and federal immovables under the management of the port authority.

a) la navigation et l'usage des eaux navigables par les navires dans le port, y compris le mouillage, l'amarrage, le chargement et le déchargement de ceux-ci, ainsi que l'équipement de chargement et de déchargement;

b) l'usage du port, la protection de son environnement, y compris la réglementation ou l'interdiction de l'équipement, de bâtiments, d'ouvrages ou d'activités;

c) l'enlèvement ou la disposition, notamment par destruction, de navires ou de toutes parties s'en étant détachées, de bâtiments, d'ouvrages ou d'autres choses qui gênent la navigation dans le port, et le recouvrement des coûts afférents;

d) le maintien de l'ordre et la sécurité des personnes et des biens dans le port;

d.1) les renseignements et documents que doit fournir le propriétaire ou la personne responsable du navire à l'administration portuaire;

e) la réglementation des personnes, véhicules et aéronefs dans le port;

f) la réglementation — y compris l'interdiction — de l'excavation, de l'enlèvement ou du dépôt de matériaux ou de toute autre activité de nature à avoir un effet quelconque sur la navigabilité d'un port ou sur les terrains voisins;

g) la réglementation — y compris l'interdiction — du transport, de la manipulation et du stockage dans le port d'explosifs ou d'autres substances qui, à son avis, constituent un danger — réel ou potentiel — pour les personnes ou les biens;

h) les obligations d'une administration portuaire à l'égard des immeubles fédéraux et des biens réels fédéraux placés sous sa gestion.

Application

(2) A regulation made under subsection (1) may apply to only one port.

(2) Les règlements pris en vertu du paragraphe (1) peuvent ne s'appliquer qu'à un seul port.

Application

Application to Crown

(3) A regulation made under subsection (1) may be made binding on Her Majesty in right of Canada or a province.

(3) Les règlements pris en vertu du paragraphe (1) peuvent être rendus obligatoires pour Sa Majesté du chef du Canada ou d'une province.

Obligation de Sa Majesté

Transitional

(4) Subject to subsection 49(6), any regulations made before the coming into force of this

(4) Sous réserve du paragraphe 49(6), les règlements pris avant l'entrée en vigueur du pré-

Mesure transitoire

section with respect to a port in respect of which letters patent are issued to a port authority shall, to the extent that they are compatible with this Act, continue in force for a period ending on the earlier of the expiration of twelve months after the letters patent are issued and the date on which regulations to replace them are made under subsection (1) with respect to that port.

1998, c. 10, s. 62; 2001, c. 4, s. 143; 2008, c. 21, s. 34.

sent article relativement à un port visé par les lettres patentes délivrées à une administration portuaire sont, dans la mesure de leur compatibilité avec la présente loi, maintenus en vigueur pour une période prenant fin à la date du premier anniversaire de la prise d'effet des lettres patentes ou, si elle est antérieure, à la date à laquelle de nouveaux règlements sont pris en vertu du paragraphe (1) relativement à ce port en remplacement des premiers.

1998, ch. 10, art. 62; 2001, ch. 4, art. 143; 2008, ch. 21, art. 34.

Powers re airport regulations

63. (1) A port authority has, in respect of the operation of an airport, the power to enforce regulations made by the Minister for the purpose of providing unobstructed airspace for the landing and taking off of aircraft at the airport.

63. (1) L'administration portuaire a le droit, en ce qui a trait à l'exploitation d'un aéroport, de mettre en application les règlements pris par le ministre afin d'assurer un espace aérien sans obstacles pour le décollage et l'atterrissage des aéronefs à l'aéroport.

Pouvoir d'application des règlements

Regulating airports

(2) Subject to its letters patent, a port authority

(a) shall make regulations in accordance with any agreement entered into by it with respect to an airport before the coming into force of this subsection; and

(b) may make regulations with the approval of the Governor in Council if there is no such agreement.

(2) Sous réserve de ses lettres patentes, l'administration portuaire prend les règlements prévus par toute entente qu'elle a conclue avant l'entrée en vigueur du présent paragraphe; elle peut aussi, avec l'agrément du gouverneur en conseil, prendre des règlements lorsqu'il n'y a pas d'entente.

Réglementation des aéroports

Regulations

(3) The regulations referred to in subsection (2) are for the regulation and control of the airport and all persons engaged in the operation of aircraft at the airport, including regulations prohibiting the landing or taking off of aircraft of a certain type or aircraft exhibiting a certain characteristic.

(3) Les règlements prévus au paragraphe (2) sont ceux pris pour réglementer et contrôler l'aéroport et les personnes qui utilisent un aéronef à l'aéroport, y compris pour interdire l'atterrissage et le décollage d'aéronefs d'un certain type ou d'aéronefs présentant certaines caractéristiques.

Règlements

Application to Crown

(4) A regulation made under subsection (2) may be made binding on Her Majesty in right of Canada or a province.

(4) Les règlements pris en vertu du paragraphe (2) peuvent être rendus obligatoires pour Sa Majesté du chef du Canada ou d'une province.

Obligation de Sa Majesté

Transitional

(5) Subject to subsection 49(6), any regulations made with respect to an airport before the coming into force of subsection (2) by a body that becomes a port authority under section 12 shall, to the extent that they are compatible with this Act, continue in force for a period ending on the earlier of

(a) the expiration of 12 months after letters patent are issued in respect of the port authority, and

(5) Sous réserve du paragraphe 49(6), tout règlement concernant un aéroport, pris avant l'entrée en vigueur du paragraphe (2) par un organisme qui devient une administration portuaire sous le régime de l'article 12, reste en vigueur pendant les douze mois qui suivent la délivrance des lettres patentes de l'administration portuaire ou, si elle est antérieure à l'expiration de cette période, jusqu'à la date à laquelle un règlement le remplaçant est pris en vertu du paragraphe (2) relativement à cet aéroport.

Mesures transitoires

Appendix B: Saint John Port Authority Letters Patent

investigation or review by the Minister contemplated by section 6.7 discloses amounts owed by the Minister to the Authority, the Authority shall be entitled to set-off such amount against any payment owed to the Minister by the Authority.

6.9 Interest on Outstanding Amounts. Interest shall accrue annually on any outstanding balance owing to the Minister in respect of a Gross Revenue Charge payment or any payment to be made by the Authority or the Minister in connection with a readjustment of a Gross Revenue Charge payment, at the interest rate equal to the prime rate of interest established by the Bank of Canada from time to time plus 2%.

6.10 Certificate of Good Standing. Forthwith, upon receipt from the Authority of the full amount of the Gross Revenue Charge for a particular Fiscal Year, the Minister shall issue to the Authority a certificate of good standing in a form to be determined by the Minister confirming that the Letters Patent are in good standing as of the date of the certificate. Provided there are no amounts owing to the Minister by the Authority under this Article 6, including any amounts owed pursuant to an adjustment of the Gross Revenue Charge under section 6.7, the Minister shall, upon request by the Authority at any time during a Fiscal Year, issue a certificate of good standing to the Authority confirming the Letters Patent are in good standing as of the date of the certificate.

ARTICLE 7

ACTIVITIES AND POWERS OF THE AUTHORITY AND SUBSIDIARIES

7.1 Activities of the Authority Related to Certain Port Operations. To operate the port, the Authority may undertake the port activities referred to in paragraph 28(2)(a) of the Act to the extent specified below:

- (a) development, application, enforcement and amendment of rules, orders, bylaws, practices or procedures and issuance and administration of authorizations respecting use, occupancy or operation of the port and enforcement of Regulations or making of Regulations pursuant to section 63(2) of the Act;
- (b) creation, imposition, collection, remission or reimbursement or other fixing or acceptance of fees or charges authorized by the Act including the fixing of the interest rate that the Authority charges on overdue fees;
- (c) management, leasing or licensing the federal real property described in Schedule B or described as federal real property in any supplementary letters patent, subject to the restrictions contemplated in sections 8.1 and 8.3 and provided such management, leasing or licensing is for, or in connection with, the following:
 - (i) those activities described in sections 7.1 and 7.2;
 - (ii) those activities described in section 7.3 provided such activities are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;
 - (iii) the following uses to the extent such uses are not described as activities in sections 7.1, 7.2 or 7.3:
 - (A) uses related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, including the following uses to or for users of the port in connection with their use of the port and its

une vérification, une enquête ou un examen du ministre prévu au paragraphe 6.7 révèle des montants que doit le ministre à l'Administration, l'Administration est habilitée à opérer compensation entre ce montant et tout paiement qu'elle doit au ministre.

6.9 Intérêt sur les montants en souffrance. Des intérêts s'accroissent annuellement sur les soldes impayés au ministre relativement aux frais sur les revenus bruts ou tout autre paiement que doit faire l'Administration ou le ministre à titre de rajustement au paiement des frais sur les revenus bruts au taux d'intérêt correspondant au taux d'intérêt préférentiel établi par la Banque du Canada de temps à autre plus 2 %.

6.10 Certificat de conformité. Dès réception du montant total des frais sur les revenus bruts de l'Administration pour un exercice donné, le ministre doit délivrer à l'Administration un certificat de conformité, en la forme qu'il détermine, confirmant que les lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat. À condition qu'il n'y ait aucun montant dû au ministre par l'Administration en vertu du présent article 6, notamment tout montant dû par suite d'un rajustement des frais sur les revenus bruts prévu au paragraphe 6.7, le ministre doit, sur demande de l'Administration et en tout temps au cours de l'exercice, délivrer un certificat de conformité à l'Administration confirmant que les lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat.

ARTICLE 7

ACTIVITÉS ET POUVOIRS DE L'ADMINISTRATION ET DES FILIALES

7.1 Activités de l'Administration liées à certaines opérations portuaires. Pour exploiter le port, l'Administration peut se livrer aux activités portuaires mentionnées à l'alinéa 28(2)a de la Loi dans la mesure précisée ci-dessous :

- a) élaboration, application, contrôle d'application et modification de règles, d'ordonnances, de règlements administratifs, de pratiques et de procédures; délivrance et administration de permis concernant l'utilisation, l'occupation ou l'exploitation du port; contrôle d'application des règlements ou prise de règlements conformément au paragraphe 63(2) de la Loi;
- b) création, imposition, perception, remise ou remboursement, ou autre établissement ou acceptation de droits ou de frais autorisés par la Loi, notamment l'établissement du taux d'intérêt imposé par l'Administration sur les droits impayés;
- c) sous réserve des restrictions prévues aux paragraphes 8.1 et 8.3, gestion, location ou octroi de permis relativement aux immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, à condition que la gestion, la location ou l'octroi de permis vise ce qui suit :
 - (i) les activités décrites aux paragraphes 7.1 et 7.2;
 - (ii) les activités décrites au paragraphe 7.3 pourvu qu'elles soient menées par des filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;
 - (iii) les utilisations suivantes dans la mesure où elles ne figurent pas dans les activités décrites aux paragraphes 7.1, 7.2 ou 7.3 :
 - (A) utilisations liées à la navigation, au transport des passagers et des marchandises et à la

- facilities: marine and marina services; ferry operations; towing services; research services or facilities; processing work incidental to the handling or shipping of goods through the port to the extent compatible with the land-use plan for the port; restaurants, retail operations, tourist services and similar tourism-related activities located in passenger terminal facilities provided such uses are related to the transportation of passengers through the port and are compatible with the land-use plan for the port; and movement of utilities;
- (B) provision of municipal services or facilities in connection with such federal real property; the Saint John Harbour Bridge; public parks, recreation and social services; and marine related activities carried on by government departments or agencies;
- (C) processing of goods to the extent compatible with port operations and the land-use plan for the port and without compromising the ability of the port to operate port facilities over the long term; food, beverage and retail services in support of the local tourism industry; media productions; residual office premises; and
- (D) government sponsored economic development initiatives approved by Treasury Board; provided such uses are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;
- (d) exchanging federal real property described in Schedule B or described as federal real property in any supplementary letters patent for other real property of comparable market value subject to the issuance of supplementary letters patent that describe the other real property as federal real property;
- (e) granting over federal real property described in Schedule B or described as federal real property in any supplementary letters patent, road allowances or easements, rights of way or licences for utilities, service or access;
- (f) mortgaging, pledging or otherwise creating a security interest in any fixture on federal real property described in Schedule B or as federal real property in any supplementary letters patent provided that:
- (i) such mortgage, pledge or other security interest charges only the fixture or fixtures which is acquired, built, restored, enhanced or replaced with proceeds received by the Authority and secured by such mortgage, pledge or other security interest; and
- (ii) the party receiving such mortgage, pledge or other security interest agrees that upon the exercise of the right to remove such fixture from the federal real property such exercise shall be conducted in a manner that causes no greater damage or injury to such federal real property and to the other property situated on it or that puts the occupier of the federal real property or the Authority to no greater inconvenience than is necessarily incidental to the removal of the fixture;
- (g) disposition of any fixtures on federal real property described in Schedule B or as federal real property in any
- manutention et à l'entreposage des marchandises, notamment les utilisations suivantes à l'intention des utilisateurs du port, relativement à l'utilisation qu'ils font du port et de ses installations : services maritimes et de marina; services de traversier; services de remorquage; services ou installations de recherche; travaux de traitement accessoires à la manutention ou à l'expédition de marchandises transitant par le port dans la mesure où ces utilisations sont compatibles avec le plan d'utilisation des sols pour le port; restaurants, commerces au détail, services de tourisme et activités liées au tourisme semblables situées dans des installations terminales pour passagers pourvu que ces utilisations soient liées au transport des passagers dans le port et qu'elles soient compatibles avec le plan d'utilisation des sols pour le port; et déplacement de services publics;
- (B) prestation de services ou d'installations municipaux relativement à ces immeubles fédéraux; du pont du port de Saint John; de parcs et de services récréatifs; de services sociaux; et d'activités maritimes exercées par des ministères ou organismes gouvernementaux;
- (C) traitement de marchandises dans la mesure où ces utilisations sont compatibles avec les activités du port et le plan d'utilisations de sols pour le port et où elles n'empêchent pas l'Administration d'exploiter les installations portuaires à long terme; services alimentaires et de commerce au détail à l'appui de l'industrie touristique locale; production des médias; et location d'espace à bureaux résiduel;
- (D) projets de développement économique émanant du gouvernement et approuvés par le Conseil du Trésor;
- pourvu qu'elles soient menées par des filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;
- d) échange d'immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux pour d'autres immeubles, dont la valeur marchande est comparable, sous réserve de la délivrance de lettres patentes supplémentaires qui décrivent les autres immeubles comme étant des immeubles fédéraux;
- e) octroi d'emprises routières, de servitudes ou de permis pour des droits de passage ou d'accès ou des services publics visant des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
- f) fait d'hypothéquer, de donner en gage ou autrement de créer une sûreté relativement à tout accessoire fixé à demeure sur les immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux à condition que
- (i) l'hypothèque, le gage ou la sûreté ne vise que l'acquisition, la construction, la restauration, l'amélioration ou le remplacement d'un tel

- supplementary letters patent whether by way of removal, demolition, sale, lease, license or exchange;
- (h) construction, establishment, repair, maintenance, operation, dredging, removal or demolition of:
- (i) disposal sites for carrying out the activities contemplated by section 7.1(j)(ii);
 - (ii) berths, wharves, piers, anchorages, breakwaters, waterways, or fill sites;
 - (iii) facilities or equipment for finish or assembly work incidental to the handling or shipping of goods;
 - (iv) transportation, terminal, warehousing and port facilities or equipment; or
 - (v) office premises to be utilized by the Authority in the conduct of their activities;
- within the port or for users of the port in connection with their use of the port and its facilities;
- (i) operation or maintenance of a seaport, marina, or railway:
- (i) within the port; or
 - (ii) within the municipality named in section 4.6(b) of these Letters Patent if for users of the port in connection with their use of the port and its facilities;
- (j) the provision of services or carrying out of activities within the port or to or for users of the port in connection with their use of the port and its facilities as follows:
- (i) environmental assessment, audit, remediation, rehabilitation of port habitat or other services;
 - (ii) waste and dredgeate disposal (except that contaminated waste and dredgeate disposal services can be provided only for users of the port in connection with their use of the port and its facilities);
 - (iii) navigational services and aids;
 - (iv) stevedoring services;
 - (v) building, design, maintenance, engineering, repair and operation of vessels owned by the Authority or leased by the Authority from third parties;
 - (vi) emergency planning and response including the training of personnel in respect thereto;
 - (vii) vehicle parking, control or marshalling facilities;
 - (viii) manufacture or redistribution of utilities, including communication facilities, and telecommunication services;
 - (ix) multi-modal facilities and services;
 - (x) transport services within the port or, within the municipality named in section 4.6(b) of these Letters Patent, to provide access to or from the port and its facilities;
 - (xi) providing information and information technology to users of the port;
 - (xii) salvage and seizure;
 - (xiii) warehousing and distribution of goods and services;
 - (xiv) security services and dispatching services;
 - (xv) harbour patrol services for the navigable waters of the port; and
 - (xvi) providing expertise in connection with software or know-how developed in the course of conducting the activities described in the provisions of this section 7.1;
- accessoire fixé à demeure au moyen des produits financiers que reçoit l'Administration et qui sont garantis par l'hypothèque, le gage ou la sûreté;
- (ii) la partie qui reçoit cette hypothèque, ce gage ou cette sûreté convient que, lorsqu'elle exercera son droit d'enlever l'accessoire fixé à demeure sur les immeubles fédéraux, elle procédera de façon à ne causer aux immeubles fédéraux et aux autres biens s'y trouvant ou à l'occupant des immeubles fédéraux ou à l'Administration que le dommage ou les inconvénients nécessairement accessoires à l'enlèvement de l'accessoire fixé à demeure;
- g) aliénation de tout accessoire fixé à demeure sur des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, soit par enlèvement, démolition, vente, location, octroi de permis ou échange;
- h) construction, établissement, réparation, entretien, exploitation, dragage, enlèvement ou démolition de :
- (i) décharges pour effectuer les activités décrites au sous-alinéa 7.1(j)(ii);
 - (ii) mouillages, quais, jetées, postes d'amarrage, brise-lames, voies navigables, ou sites d'enfouissement;
 - (iii) installations ou équipements pour travaux de finition ou d'assemblage accessoires à la manutention ou à l'expédition de marchandises;
 - (iv) installations ou équipements de transport, de gare, d'entrepôt ou de port;
 - (v) locaux devant être utilisés par l'Administration ou ses utilisateurs dans l'exercice de leurs activités;
- dans le périmètre du port ou pour les utilisateurs du port relativement à leur utilisation du port et de ses installations;
- i) exploitation ou entretien d'un port de mer, d'une marina ou d'un chemin de fer :
- (i) dans le périmètre du port, ou
 - (ii) dans les limites de la municipalité mentionnée à l'alinéa 4.6(b) des lettres patentes, si ces installations visent les utilisateurs du port relativement à leur utilisation du port et de ses installations;
- j) fourniture des services suivants, ou exécution des activités suivantes, dans le périmètre du port ou aux utilisateurs du port ou pour ceux-ci, relativement à leur utilisation du port et de ses installations :
- (i) services d'évaluation, de vérification et d'assainissement environnementaux, de réhabilitation du milieu marin ou autres services;
 - (ii) enlèvement des déchets et des déblais de dragage (sauf que les services d'élimination des déchets contaminés et des déblais de dragage peuvent être offerts uniquement aux utilisateurs du port dans le cadre de l'utilisation qu'ils font du port et de ses installations);
 - (iii) services et aides à la navigation;
 - (iv) services d'arrimage;
 - (v) construction, conception, entretien, mécanique, réparation et exploitation de navires que possède ou que loue l'Administration auprès de tiers;
 - (vi) planification et intervention d'urgence, notamment la formation du personnel qui en est chargé;
 - (vii) stationnements, installations de contrôle ou de triage;

- (k) undertaking research and development related to the activities described in this section 7.1;
- (l) promoting, marketing, and undertaking public or governmental relations to promote use of the port;
- (m) producing, co-ordinating, sponsoring and hosting of public or civic events;
- (n) in pursuing or exercising the remedies available to it as lessor or licensor of premises on federal real property described in Schedule B or described as federal real property in any supplementary letters patent, the conduct of any business or activity from such premises for a period limited to one year unless supplementary letters patent are issued; and
- (o) carrying on activities described in section 7.1 on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent,

provided that in conducting such activities the Authority shall not enter into or participate in any commitment, agreement or other arrangement whereby the Authority is liable jointly or jointly and severally with any other person for any debt, obligation, claim or liability.

- (viii) production ou redistribution des services publics, y compris les installations de communication et de télécommunication;
- (ix) installations et services multimodaux;
- (x) services de transport dans le périmètre du port ou dans les limites de la municipalité mentionnée à l'alinéa 4.6b) des présentes lettres patentes, à destination ou en provenance du port et de ses installations;
- (xi) fourniture de services d'information et d'informatique aux utilisateurs du port;
- (xii) sauvetage et saisie;
- (xiii) entreposage et distribution de biens et services;
- (xiv) services de sûreté et de répartition;
- (xv) service de patrouille portuaire pour les eaux navigables du port;
- (xvi) fourniture d'expertise relativement à des logiciels ou du savoir-faire mis au point dans le cadre des activités décrites dans les dispositions du présent paragraphe 7.1;

- k) recherche et développement liés aux activités décrites dans les dispositions du présent paragraphe 7.1;
- l) promotion, marketing, relations publiques ou gouvernementales pour promouvoir l'utilisation du port;
- m) production, coordination, parrainage et accueil d'événements publics et civils;
- n) dans l'exercice des recours qu'elle a en sa qualité de locataire ou de concédant des lieux sur des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux pour une période d'un an, sauf si des lettres patentes supplémentaires sont délivrées;
- o) exécution des activités décrites au paragraphe 7.1 sur des immeubles, autres que des immeubles fédéraux, décrits à l'annexe « C » ou décrits dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;

pourvu que l'Administration ne s'engage pas de façon conjointe ou solidaire avec toute autre personne à une dette, obligation, réclamation ou exigibilité lorsqu'elle prend un engagement, conclut une entente ou participe à un arrangement dans l'exercice de ses activités.

7.2 Activities of the Authority Necessary to Support Port Operations. To operate the port, the Authority may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) subject to the provisions of Article 9 below:
 - (i) borrowing money upon the credit of the Authority;
 - (ii) limiting or increasing the amount to be borrowed;
 - (iii) issuing bonds, debentures or other securities of the Authority;
 - (iv) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
 - (v) securing any such bonds, debentures or other securities, or any other present or future borrowing or liability of the Authority, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, movable and immovable, property and leasehold interests and reversionary interests

7.2 Activités nécessaires aux opérations portuaires. Pour exploiter le port, l'Administration peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) sous réserve des dispositions de l'article 9 ci-après :
 - (i) emprunt de fonds sur le crédit de l'Administration;
 - (ii) limitation ou augmentation du montant à emprunter;
 - (iii) émission d'obligations, de bons ou d'autres titres de créance de l'Administration;
 - (iv) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
 - (v) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de l'Administration au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs qu'elle possède actuellement ou dont elle fait

of the Authority, and the undertaking and rights of the Authority; provided, however, that the Authority may not mortgage, hypothecate, pledge or otherwise create a security interest in federal real property described in Schedule B or as federal real property in any supplementary letters patent other than to:

- (A) pledge the revenues of the federal real property described in Schedule B or as federal real property in any supplementary letters patent; or
 - (B) create, pursuant to the exercise of the powers of the Authority contemplated by section 7.1(f), a mortgage, pledge or other security interest in fixtures on federal real property described in Schedule B or as federal real property in any supplementary letters patent; and
- (vi) issue a Permitted Indemnity or Guarantee, provided that the cumulative amount of all such Permitted Indemnities or Guarantees shall at no time exceed one-tenth of the aggregate Borrowing maximum amount specified in section 9.2;
- provided that any contract, bond, debenture or financial assistance related to such borrowing, issuance, pledging or securing shall contain a covenant, proviso or acknowledgement from the lender or counterparty that the lender or counterparty shall have no recourse against Her Majesty or any assets of Her Majesty;
- (b) acquisition or disposition of real property other than federal real property subject to the issuance of supplementary letters patent;
 - (c) acquisition of real property from Her Majesty subject to the issuance of supplementary letters patent describing such property as real property other than federal real property;
 - (d) occupying or holding real property other than federal real property;
 - (e) granting over real property other than federal real property road allowances or easements, rights of way or licences for utilities, service or access;
 - (f) renting equipment;
 - (g) developing, leasing or licensing real property other than federal real property, for, or in connection with the activities described in this Article 7;
 - (h) carrying on activities described in section 7.2 on federal real property described in Schedule B or described as federal real property in any supplementary letters patent or on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent;
 - (i) acquisition, disposition, holding, leasing or licensing of personal property;
 - (j) investing moneys in the Authority's reserves or that it does not immediately require subject to the provisions of the Act, the Regulations and these Letters Patent;
 - (k) incorporate a corporation all of whose shares on incorporation would be held by, on behalf of or in trust for the Authority provided that the Authority does not, at any time, make a Capital Investment in a Subsidiary such that the Authority's cumulative Capital Investment in all Subsidiaries exceeds an amount equal to:

l'acquisition ultérieurement, et l'engagement et les droits de l'Administration, sous réserve toutefois que l'Administration ne peut grever les immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux d'une sûreté, notamment d'une hypothèque, sauf pour :

- (A) donner en gage une somme égale au revenu qu'elle retire des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
 - (B) conformément à l'exercice des pouvoirs de l'Administration mentionnés à l'alinéa 7.1f), grever d'une hypothèque, d'un gage ou d'une sûreté les accessoires fixés à demeure sur des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
- (vi) fait de donner une indemnité ou garantie autorisée, à condition que le montant cumulatif de toutes les indemnités ou garanties autorisées ne dépasse en aucun temps un dixième du montant maximal d'emprunt prévu au paragraphe 9.2;
- sous réserve que tout contrat, obligation, bon ou aide financière lié à tout emprunt, émission ou mise en gage doit comporter une clause, une disposition ou une reconnaissance du prêteur ou du cocontractant attestant que le prêteur ou le cocontractant n'aura aucun recours contre Sa Majesté ou ses éléments d'actif;
- b) acquisition ou aliénation d'immeubles autres que des immeubles fédéraux sous réserve de la délivrance de lettres patentes supplémentaires;
 - c) acquisition d'immeubles de Sa Majesté sous réserve de la délivrance de lettres patentes supplémentaires décrivant ces immeubles comme étant des immeubles autres que des immeubles fédéraux;
 - d) occupation ou détention d'immeubles autres que des immeubles fédéraux;
 - e) octroi d'emprises routières, de servitudes ou de permis pour des droits de passage ou d'accès ou des services publics visant des immeubles autres que des immeubles fédéraux;
 - f) location d'équipement;
 - g) développement, location ou octroi ou obtention de permis visant des immeubles autres que des immeubles fédéraux en vue des activités décrites au présent article 7;
 - h) exécution d'activités décrites au paragraphe 7.2 sur des immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux ou sur des immeubles décrits à l'annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;
 - i) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;
 - j) investissement de fonds que l'Administration a en réserve ou de fonds dont elle n'a pas un besoin immédiat sous réserve des dispositions de la Loi, des règlements et des présentes lettres patentes;
 - k) constitution d'une société dont toutes les actions, au moment de la constitution, seraient détenues par

- (i) 50% of the net income of the Authority as shown in the last annual audited financial statements of the Authority submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items; or
 - (ii) if such statements have not yet been submitted, then 50% of the net income of the predecessor of the Authority as shown in the financial statements included in the last annual report of such predecessor submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items; and
- (l) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the conduct of any business or activity from such premises.

7.3 Activities of Subsidiaries Necessary to Support Port Operations. A Subsidiary may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) borrowing money on the credit of a Subsidiary;
- (b) limiting or increasing the amount to be so borrowed;
- (c) issuing bonds, debentures or other securities of the Subsidiary;
- (d) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
- (e) securing any bonds, debentures or other securities, or any other present or future borrowing or liability of the Subsidiary, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, moveable and immovable property and leasehold interests and reversionary interests of the Subsidiary and the undertaking and rights of the Subsidiary;
- (f) participating as a partner, shareholder or co-venturer in a partnership, corporation, joint venture or similar arrangement in connection with the activities outlined in this section 7.3 and pledging, selling or securing such participation, interest or investment by mortgage, charge, pledge or other security interest;
- (g) providing expertise to third parties for use outside the boundaries of the port in connection with software or know-how developed in carrying out the activities specified in section 7.1(j)(xvi);
- (h) acquisition, disposition, occupying, holding, developing, (leasing or licensing, real property other than federal real property, for, or in connection with, the activities described in this Article 7;
- (i) carrying on activities described in section 7.3 on real property other than federal real property;

l'Administration, en son nom ou en fiducie, à condition que l'Administration ne mette à aucun moment du capital engagé dans une filiale, dont l'effet serait que le capital engagé cumulatif dans les filiales serait supérieur à un montant égal à :

- (i) 50 % du revenu net de l'Administration selon les derniers états financiers vérifiés de l'Administration présentés au ministre avant cet apport de capital engagé, avant déduction de la dépréciation ou de l'amortissement, en excluant les postes extraordinaires, ou
 - (ii) si ces états financiers n'ont pas encore été présentés, 50 % du revenu net du prédécesseur de l'Administration selon les états financiers compris dans le dernier rapport annuel de ce prédécesseur présenté au ministre avant cet apport de capital engagé, avant déduction sur le revenu net des montants figurant dans les états financiers pour la dépréciation ou l'amortissement, en excluant les postes extraordinaires;
- d) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux.

7.3 Activités des filiales nécessaires aux opérations portuaires. Une filiale peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) emprunt de fonds sur son crédit;
- b) limitation ou augmentation du montant à emprunter;
- c) émission d'obligations, de bons ou d'autres titres de créance de la filiale;
- d) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
- e) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de la filiale au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs, qu'elle possède actuellement ou dont elle fait l'acquisition ultérieurement, et l'engagement et les droits de la filiale;
- f) participation à titre d'associé, d'actionnaire ou de partenaire dans une société de personnes, une société, une co-entreprise ou autre arrangement lié aux activités mentionnées dans le présent paragraphe 7.3 et fait de donner en gage, de vendre ou de garantir cette participation, cet intérêt ou investissement au moyen d'hypothèque, de charge, nantissement ou autre sûreté;
- g) fourniture d'expertise à des tiers pour utilisation à l'extérieur du périmètre du port, relativement à des logiciels ou du savoir-faire mis au point conformément à l'exercice des activités prévues au sous-alinéa 7.1j)(xvi);
- h) acquisition, aliénation, occupation, conservation, développement, location, octroi ou obtention de permis à l'égard d'immeubles autres que des immeubles fédéraux dans le cadre des activités décrites au présent article 7;
- i) exécution d'activités décrites au paragraphe 7.3 sur des immeubles autres que des immeubles fédéraux;

- (j) leasing or licensing real property from the Authority for, or in connection with, the activities described in section 7.3;
- (k) operation of freight forwarding, consolidating, trading or brokerage facilities or services and warehousing, load facilities, storage and handling of cargo, freight and goods outside the port or in connection with persons who are not users of the port;
- (l) operation of dry dock facilities;
- (m) operation of an industrial park for activities compatible with port operations and the land-use plan for the port.
- (n) acquisition, disposition, holding, leasing or licensing of personal property;
- (o) carrying out of the activities including the provision of services as follows:
- (i) environmental assessment, audit, remediation or other services;
 - (ii) navigational services and aids;
 - (iii) dispatching services;
 - (iv) building, design, maintenance, engineering, repair and operation of vessels;
 - (v) emergency planning and response;
 - (vi) vehicle parking, control or marshalling facilities; and
 - (vii) multi-modal facilities and services, outside the port or in connection with persons who are not users of the port;
- (p) providing towing services; and
- (q) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the conduct of any business or activity from such premises.
- j) location ou obtention de permis visant des immeubles de l'Administration pour les activités décrites au paragraphe 7.3;
- k) exploitation d'installations ou de services de transit, de groupage, d'échange ou de courtage, et entreposage, installations de chargement, stockage et manutention de cargaisons et de marchandises, à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;
- l) exploitation d'installations de cale sèche;
- m) exploitation d'un parc industriel dans le cadre d'activités compatibles avec les activités du port et le plan d'utilisation des sols pour le port;
- n) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;
- o) exécution d'activités, notamment prestation des services suivants :
- (i) services d'évaluation, de vérification et d'assainissement environnementaux ou autres;
 - (ii) services et aides à la navigation;
 - (iii) services de répartition;
 - (iv) construction, conception, entretien, mécanique, réparation et exploitation de navires;
 - (v) planification et intervention d'urgence;
 - (vi) stationnements, installations de contrôle ou de groupage;
 - (vii) installations et services multimodaux; à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;
- p) fourniture de services de remorquage;
- q) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux.

7.4 Powers of the Authority and Subsidiaries. The Authority has the power to carry out the activities specified in sections 7.1 and 7.2. The Subsidiaries have the power to carry out the activities specified in section 7.3.

7.4 Pouvoirs de l'Administration et des filiales. L'Administration a tous les pouvoirs de se livrer aux activités prévues aux paragraphes 7.1 et 7.2. Les filiales ont tous les pouvoirs de se livrer aux activités prévues au paragraphe 7.3.

ARTICLE 8

ARTICLE 8

LEASING AND CONTRACTING

BAUX ET CONTRATS

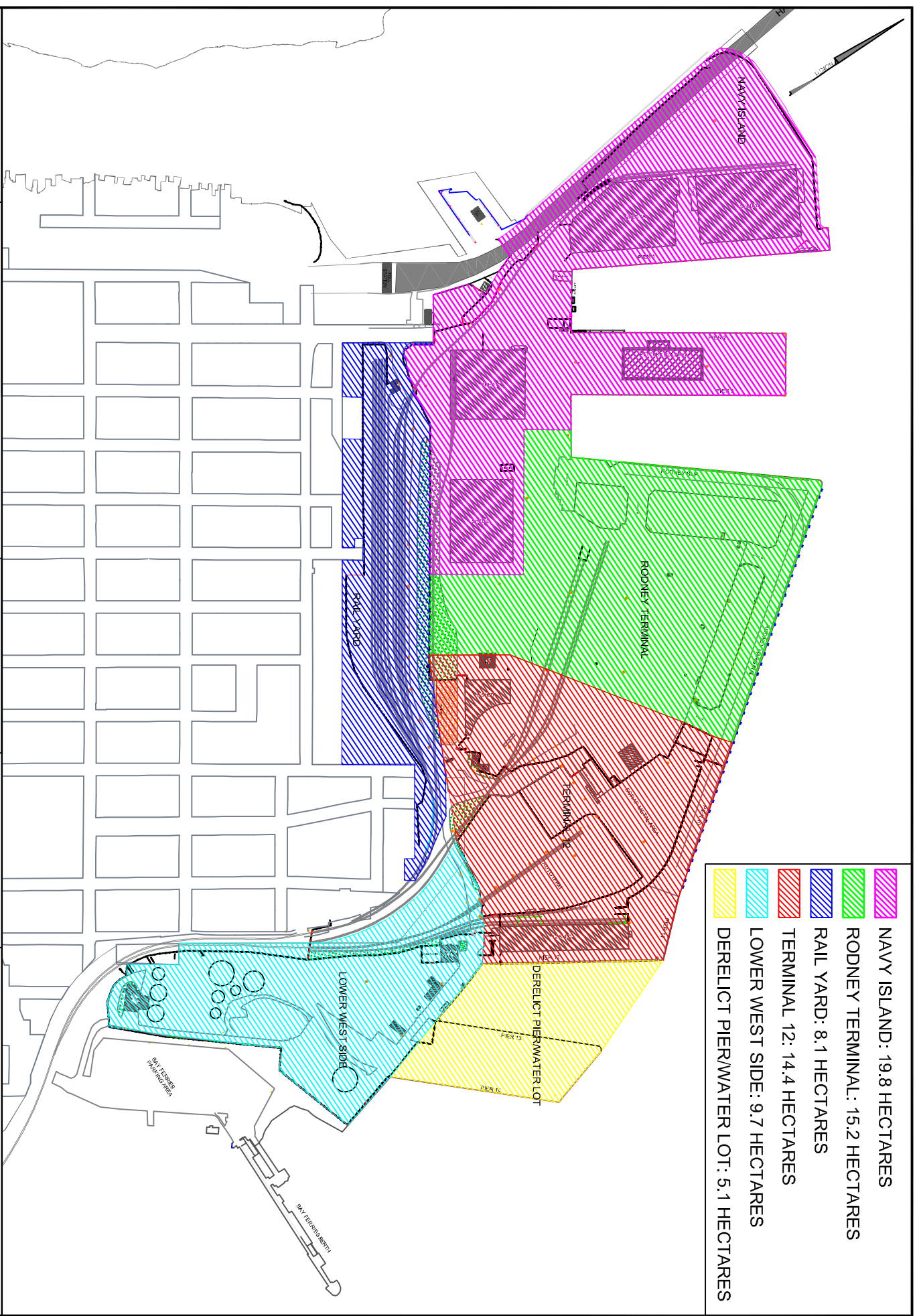
8.1 Restriction on Leasing and Licensing. The Authority shall not grant a lease or licence of federal real property described in Schedule B or as federal real property in any supplementary letters patent for a term in excess of 60 years where such lease or licence is granted pursuant to sections 7.1(c)(i), 7.1(c)(iii)(A) or 7.1(c)(iii)(B) or for a term in excess of 40 years where such lease or licence is granted pursuant to sections 7.1(c)(ii), 7.1(c)(iii)(C) or 7.1(c)(iii)(D) provided however that:







8.1 Restrictions sur les baux et les permis. L'Administration ne doit pas louer les immeubles fédéraux décrits à l'annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux ou octroyer des permis à leur égard pour une durée supérieure à 60 ans, lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1c(i) ou des divisions 7.1c(iii)(A) ou 7.1c(iii)(B), ou pour une durée supérieure à 40 ans lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1c(ii) ou des divisions 7.1c(iii)(C) ou 7.1c(iii)(D), sous réserve que

- (a) with the written consent of the Minister the Authority may lease or license such federal real property for a maximum term of 99 years; and
- (b) nothing contained in this section shall restrict the ability of the Authority or a Subsidiary to grant a road allowance, easement, right of way or licence for utilities, services or access for any term.

- a) avec l'autorisation écrite du ministre, l'Administration peut consentir un bail ou un permis à l'égard de ces immeubles fédéraux pour une durée maximale de 99 ans;
- b) rien dans le présent article ne limite la capacité de l'Administration ou de la filiale de consentir à leur égard des emprises routières, des servitudes ou permis pour des droits de passage ou d'accès ou des services publics pour quelque durée que ce soit.

Appendix C: SJPA Facilities Plan



	NAVY ISLAND: 19.8 HECTARES
	RODNEY TERMINAL: 15.2 HECTARES
	RAIL YARD: 8.1 HECTARES
	TERMINAL 12: 14.4 HECTARES
	LOWER WEST SIDE: 9.7 HECTARES
	DERELICT PIER/WATER LOT: 5.1 HECTARES

TITLE:

SJPA - EAST SIDE

SCALE:

N.T.S.

CHECKED BY:

DATE:

MARCH 2011

REVISED:

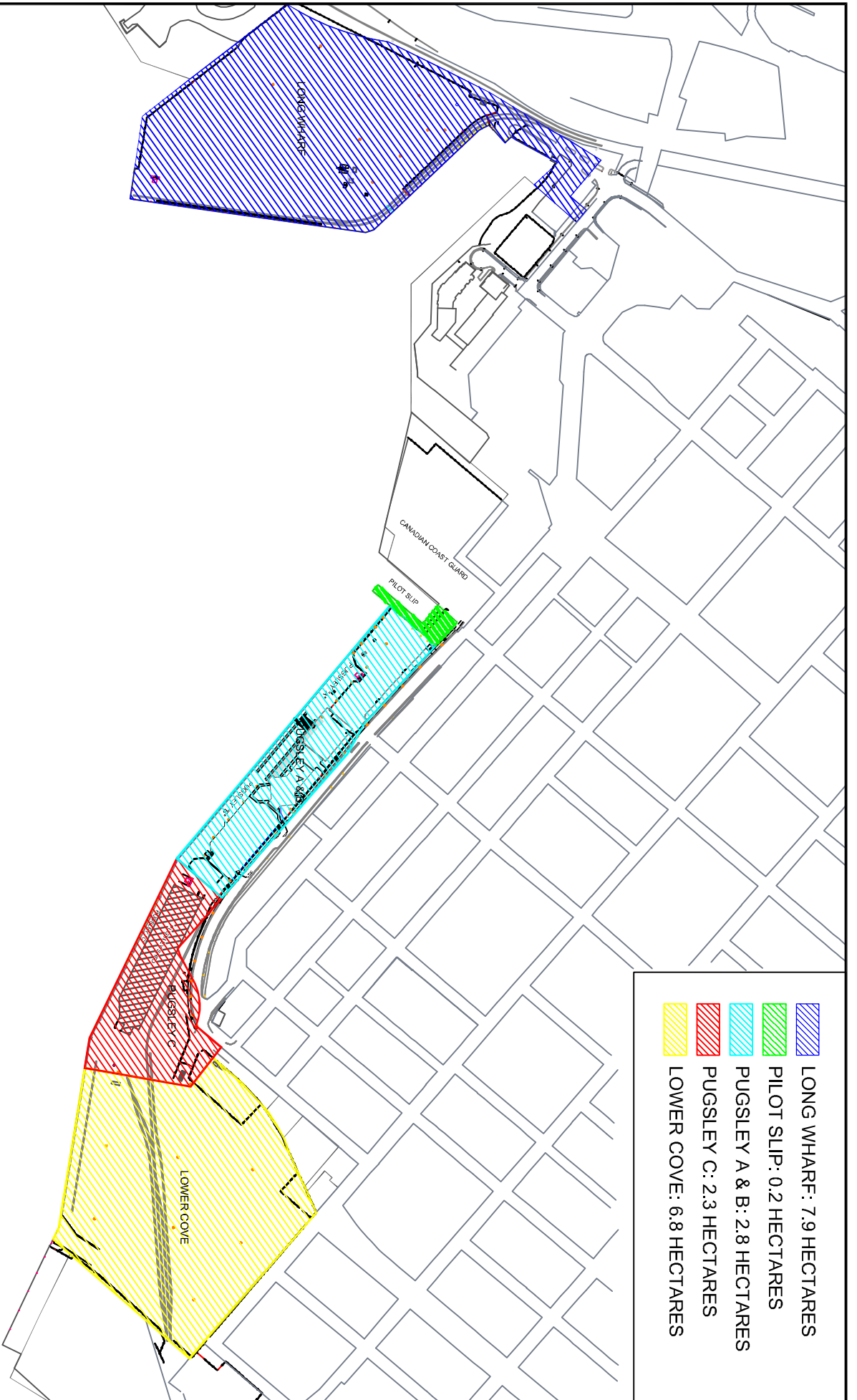
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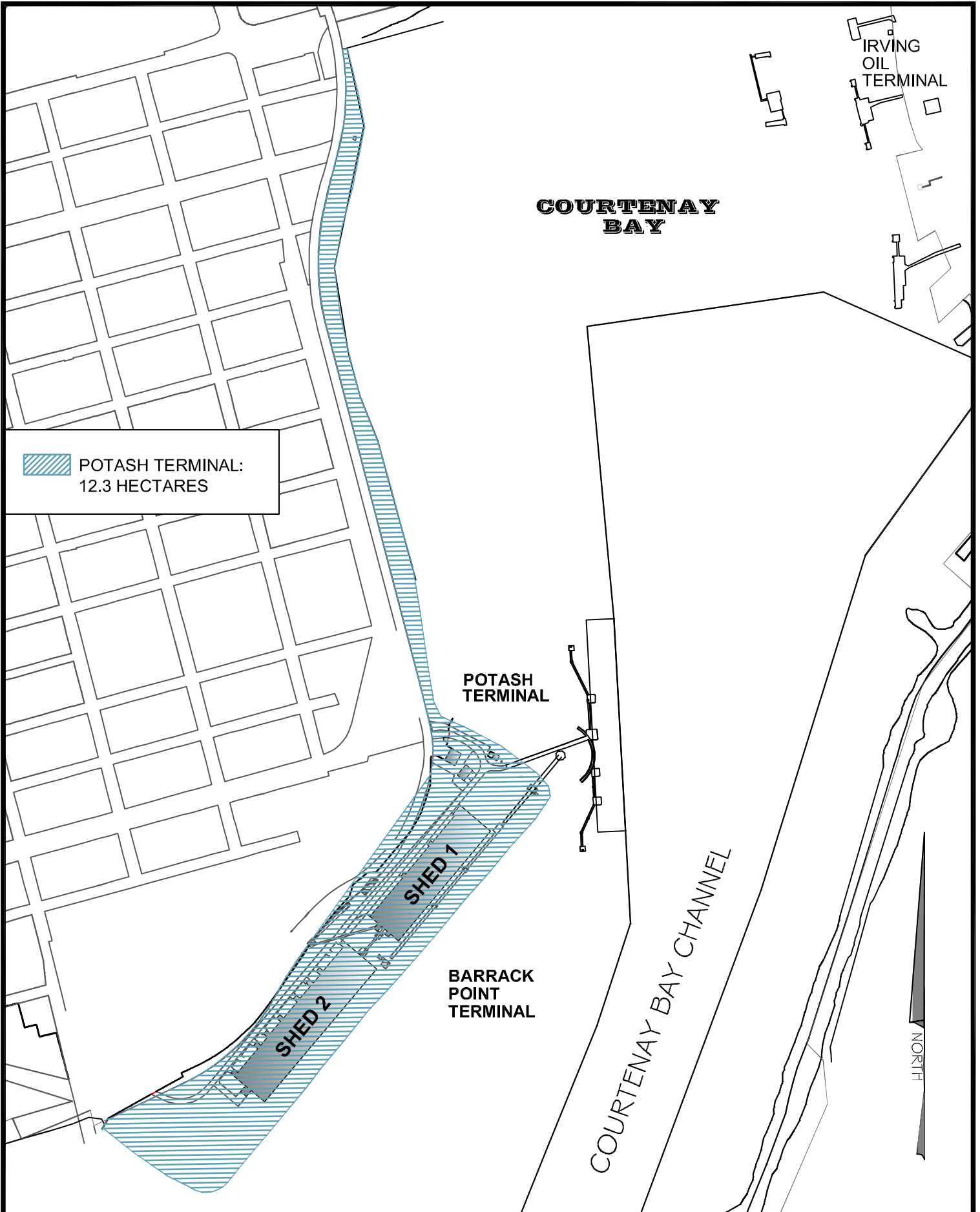
M.M.

DWG No.:

B-04-024

NOTE:





Appendix D: SJPA Land Use Factors & Guidelines

The following factors and guidelines have been established by the Saint John Port Authority in determining the most appropriate uses of its lands. These will be considered and applied by the Authority when dealing with transactions involving property and use of port facilities.

Factors

- A. Port land is finite. There is only a limited quantity of waterfront property suitable for the development of marine terminals. Port land, as is the case with many other resources, is in fact a non-renewable resource.
- B. Land is viewed as a long-term asset and not a vehicle for short-term cash or profits from which the Authority expects to achieve a financial return.
- C. Once the land use function changes in an urban environment, it is generally unlikely that the original use will reoccur, particularly over the short to medium-term, because a change in land use generally means property development and significant expenditures by a variety of interests. Thus, changes in land use are generally considered irreversible in nature.
- D. An extension of the irreversible land use position is that once a piece of property is sold, then it cannot be recovered. There will be no recovery of that property by the vendor in most cases. Because of the redevelopment or alternate use potential of urban waterfront property, this hypothesis applies primarily to downtown waterfront property, but the concept applies to all port property.
- E. The Authority understands and accepts the need for multiple uses of the waterfront, however, it must be understood that these uses must be independent of each other. The very existence of the Port requires adequate facilities for the handling, storage and transfer of cargo; private commercial and industrial sites also exist along the waterfront and there is the need for public access to a portion of the waterfront. A site cannot be designated for both industrial and for recreational use at the same time due to operational requirements and safety factors. The use of each section of the waterfront must therefore be clearly defined.

Guidelines

1. Although the Saint John Port Authority is not subject to the City of Saint John Zoning By-Law, the Saint John Port Authority is fully aware of the intent and implication of the By-Law and will bear this in mind where it may apply to the surrounding areas in the vicinity of the port terminals.
2. The mandate and objectives of the Saint John Port Authority will be met, maintained and protected in any land management decisions.
3. The Saint John Port Authority will use its land management plan to achieve its corporate objectives and enhance the port's corporate profile on the waterfront.
4. Land management decisions such as leases and operating agreements will ensure that the Saint John Port Authority receives a commensurate economic return.
5. All land management decisions will be made with emphasis on the long-term benefit of the decision for the Saint John Port Authority as opposed to the short-term, profit-only, orientation.
6. The Saint John Port Authority will consider the strategic value of all land when considering the future well-being of the port, regardless of the current state or use of the land.
7. Proper management of property assets requires that measures be in place to determine the effectiveness of their uses in reaching the overall objectives of the Authority. Appropriate financial targets, including rate of return and similar parameters, must be in place and reviewed on a regular basis.

8. The Authority will monitor and review, on a regular basis, all property holdings to ensure that corporate responsibilities and objectives are closely interrelated with land use management decisions.
9. Saint John Port Authority depends heavily on its property to generate revenue and therefore will, in authorizing use of its land, retain overall control of its property through continued "interest/ownership". If port property is targeted for alternate use, all options for continued involvement in the property through lease or management agreement would be explored. Development proposals for waterfront property that are not marine-oriented will only be considered provided that port facilities or activities are not compromised.
10. In circumstances when sufficient benefits to justify the costs of ownership of a given property are not achievable, a review will be made of the need for continued use of the property in its existing status. If no change or status is foreseen as improving this situation, a review shall be made as to the need for continuing ownership.
11. The Saint John Port Authority will consider the role of the port in the local and regional economy, and its association with the marine community, as part of the decision making process related to land management issues.
12. The Saint John Port Authority, being aware of the dominance of the commercial marine function of the waterfront, will remain cognizant of the potential for functional change or alternate use in certain sectors of the waterfront.
13. Before any property is declared surplus the Saint John Port Authority will review all other options and possibilities for use of that property.
14. The Saint John Port Authority will consider acquisition and disposal of port real estate in a manner which is consistent with fulfilling its corporate mandate. This will include careful consideration of its responsibilities related to maintaining the integrity of the port system, coordinating port development with other marine activities and other modes of transportation and responding to national, regional and local economic and social objectives.
15. Proposals received by the Saint John Port Authority for property transactions, such as acquisition and disposal, will be given full consideration and evaluation from the strategic, long-term perspective of the port.
16. In circumstances where a proponent has suggested the possible sale of port property as part of a development proposal, the possibility of land exchanges between the proponent and the Saint John Port Authority should be explored as an alternative to property sale (Divestiture).
17. Any disposal of property will be in the long-term interest of the Saint John Port Authority and will be consistent with the port's planning guidelines. In analysing a proposal which may involve the potential divestiture of port property, the Authority will fully analyse the potential impact of the proposed sale. Within this analysis, all other property management options will be considered before deciding that divestiture is the only logical course of action.
18. Should the Authority be approached to consider a project that might involve the disposal of port property, the Authority will examine the possibility and advisability of becoming involved in the project through continued ownership of the land.
19. If Saint John Port Authority properties are proposed for alternate (non-marine) use, the Authority will be fully compensated, not only financially at fair market value, but also in terms of terminal capacity and capability. That is to say, the port should not suffer a net loss in terminal capacity potential through the divestiture or transfer of property.

Appendix E: Stakeholder Input

Summary of Stakeholder Feedback

Consultation highlighted issues which were presented to the SJPA, January 31st, 2011, in the report, Summary of Land Use Planning Issues. Stakeholder feedback was summarized into common themes including:

Role of the Port

The diminishing natural resource and manufacturing base reduced cargo volumes moved through the Port of Saint John, and consequently, port-related employment. Cargo business is primarily petroleum and potash driven with occasional project cargo. Traditional container traffic is unlikely to return to previous business levels but cruise business is growing and profitable.

State of Infrastructure

Current infrastructure is in need of considerable investment. Rebuilding piers and upgrading facilities, rails, fendering, and equipment is critical in order to compete in today's competitive marine transportation industry.

Land Use Efficiency

Port lands are underutilized due to low levels of cargo. Current land holdings can accommodate greater throughput.

Urban Interface

The Port has a high concentration of land within the urban core. The City of Saint John is currently updating its Municipal Plan and there are potential areas of land use conflict.

Future Land Use

The Port of Saint John has the opportunity to redefine itself as a modern marine facility serving both traditional and new clients. By focusing its land holdings against business strategies and projections, the SJPA can undertake strategic investments to upgrade infrastructure and acquire whatever necessary lands for future growth.

Stakeholders also held a common perspective that Port (lands and infrastructure) need both STRATEGIC INVESTMENT and a greater BALANCE in the mix of land uses.

Strategic Planning Themes

The five port land use themes were distilled into four strategic planning themes that will contribute to land use policy direction and include:

- Economic Development;
- Infrastructure and Facilities;
- Community Interface; and
- Environmental Stewardship (Although not highlighted during the Stakeholder Consultations this was added by the SJPA as an important Strategic Planning Theme)

Stakeholder Theme #1 Economic Development

The Port of Saint John is an important industry contributing economic benefits by way of employment and GDP, locally, provincially and nationally. Critical to maintaining the role of the Port as a key economic driver, development at the Port must result in increased trade and revenue by:

- Analyzing and responding to global opportunities and trends, user demands and other relevant economic influences;
- Strengthening the existing Port core activities that are associated with locally produced products;

- Organizing current Port land holding into zones where development occurs logically and optimizes infrastructure investment. Areas of ecological value are identified and protected;
- Maximizing the efficient use of land including temporary and short term lease agreements where and when appropriate;
- Improving established transportation networks (road and rail) with areas of the Port possibly requiring access to Class 1 road and rail;
- Preparing a redevelopment plan for the entire Lower West Side area including determining the highest and best use of the property in the long-term (2010-2014 Business Plan);
- Investing strategically to target, serve and grow defined 'niche' markets;
- Examining the potential of utilizing lands at the Saint John Industrial Park for certain industrial uses with possible rail connection to the West Side Port (any new rail network cannot create a division within existing communities and must take into consideration future residential development); and
- Critically assessing the benefit of land exchanges or divesting of lands to serve a Port business strategy.

Stakeholder Theme # 2 Infrastructure and Facilities

The Port needs to respond to the needs of various tenant and uses. It requires infrastructure and facilities that are sound, in good working order, purpose built and in some case, industry-specific. Infrastructure and facilities must also be as flexible to respond quickly to shift in the economy and the shipping industry. The SJPA must strategically rebuild its infrastructure and facilities by:

- Organizing infrastructure components to zones and land configurations and their limitations;
- Concentrating development in well serviced zones;
- Co-locating common users in appropriate zones and when appropriate, relocating users to create clusters of common uses;
- Encouraging complementary land uses and development within the Port's core area;
- Ensuring efficient movement of goods with functional road and rail transportation networks to service specific Port zones with the objective of reducing traffic on existing local road networks; and
- Ensuring operational integrity of infrastructure and facilities through reinvestment.

Stakeholder Theme #3 Community Interface

Ports interface with communities. Emerging from an era where the mix of heavy industrial with residential and commercial was necessary to compensate for simplistic road systems and lack of personal automobiles, ports are now being required to consider the impact of their operations on the community around them. The SJPA will strengthen its role within the Saint John community by:

- Developing, maintaining and enhancing a cooperative interface between the Port Land Use Planning and City of Saint John Land Use Plan to consider options for adequate buffering, compatible adjoining land uses, protection of the safety and operation of core Port infrastructure and related intermodal transport infrastructure;
- Ensuring safe and secure Port operations;
- Operating as a 'good neighbour';
- Providing and maintaining appropriate green buffers and other necessary buffers between port development and adjoining sensitive environments;
- Enclosing certain uses that should be segregated from neighbouring uses; and
- Contributing to the community and its 'sense of place' by facilitating a port/public waterfront interface where appropriate and as defined by SJPA policy.

Stakeholder Theme #4 Environmental Stewardship

The environmental aspects and natural resources at the Port and abutting the Port are managed in a sustainable manner to maintain biodiversity and ecological processes by ensuring that Port land use and development:

- Protects identified significant natural ecosystems within and adjoining the Saint John Port lands including:
 - Beaches, reefs, wetlands, marshes, water courses, marine habitats and estuaries;
 - Valuable environmental features located on Port lands, existing or future.
- Manages operations to prevent unlawful environmental harm to water and soils quality;
- Effectively manages dredged material disposal, wastes, emissions and pollution sources to minimize environmental impacts;
- Complies with water quality, air quality and noise standard regulations of the Environmental Protection Act;
- Implements environmental management measures with planning, development and operations on all projects and Port activities;
- Protects ecological sensitive areas by provision of appropriate buffer zones between it and the Port activity; and
- Planting and landscaping will be predominately of native species.

Appendix F: Historical Background of the Port of Saint John

The St. John River was first associated with First Nations portage and trade routes.

On June 24, 1604, French explorer Samuel de Champlain sailed up the Bay of Fundy into the mouth of what was shortly thereafter named the St. John River. Champlain's visit is the earliest written record of the port's history. In 1631, Charles de Sainte-Etienne de La Tour, Governor of Acadia, established a trading post strategically located at the mouth of the River and controlled the largest and the richest river in what was then known as Acadia, establishing one of the earliest centres of French fur trade with the Aboriginal peoples of the region. Its location at the mouth of the St. John River virtually guaranteed control of access and traffic to the interior of what had become New France.

In the mid eighteenth century, a Boston fur trading company, Simonds, Hazen and White, established itself in the harbour. The area populated when displaced American colonists loyal to the British crown, known as Loyalists, began settling the region in May of 1783. Two years later, in May of 1785, the City of Saint John was established by Royal Charter.

The Loyalists recognized the value of New Brunswick's forests and developed a shipbuilding and lumber trade based at the Port of Saint John. The Port thrived through the 1800s and by the mid nineteenth century, Saint John was the largest shipbuilding city in Canada and the four largest in the British Empire. Simultaneous to the economic growth of the early and mid nineteenth century was an immigration boom, especially from the British Isles.

By the end of the nineteenth century steel-hulled ships were replacing wooden vessels and the wooden shipbuilding boom ended. Westward migration facilitated the building of railways linking Saint John with the rest of Canada which brought new cargoes such as grain, and precipitated the transformation from a regional Port that handled local goods to an international Port shipping product from across Canada to the world. Many supplies, including ammunition, food and clothing, were shipped through the Port of Saint John to Canadian troops during World War I (1914-1918).

In 1927, the federal government took control of port operations. Nationalization came at a time when the Port of Saint John needed financial aid, especially after a devastating fire destroyed the west side of the harbour in 1931. The federal government rebuilt the wharves in concrete and steel that allowed for increased Port traffic. In 1934, Navy Island Terminal was created through a 17-acre expansion project. Also in 1934, a new channel was completed to replace the original Z-Shaped channel, increasing the navigability of the harbour.

Pugsley Terminal berths were constructed between 1948 and 1952. Ten years later, the Long Wharf Terminal was extensively renovated. The essential road network that strengthened the Port's trading position was completed in 1968 with the Saint John Harbour Bridge which spanned the River from Navy Island to Portland.

Over the years, port business has evolved in response to changes in the marine industry and in 1970, it entered into the emerging containerized shipping sector, starting with a one-crane terminal at pier 1. As this sector grew, the government invested in port's ability to handle containers with the redevelopment of the area from pier 4-9 and constructed Rodney Container Terminal. In a partnership between CP Rail and McLean Kennedy, Brunterm was formed and the new terminal complete with two gantry cranes and on-dock rail opened for business in 1975. Crane capacity was increased shortly thereafter and at its height, 14 container lines were calling at the port of Saint John. In the mid-eighties, due to changes in world trading patterns, introduction of larger ships, rationalization of ports-of-call, this business was all but lost and CP Rail gradually divested its assets in Atlantic Canada. With the continued changes in the container business, the Port of Saint John recognized the fact that its strength and its future in this sector was in niche markets.

At the same time, the Port Administration continued to invest in infrastructure to support other growth areas. In 1979, Navy Island Forest Products terminal custom-built for the growing forest products business and comprising of two large transit sheds on Pier 1 opened for business. This facility was considered as state-of-the art and became the major forest products load centre on the Atlantic coast, attracting products from the mid-west, Ontario

& Quebec, the U.S. and of course the Maritime region. The terminal was expanded twice in 1993 and 1997 with the addition of two transit sheds and an expanded lease area.

Barrack Point Potash Terminal was constructed in the late 70s and opened in 1983 to handle exports of potash from the newly-developed mines in the Sussex area. The Port is ideally situated only 40 miles from the mines, providing a very cost-effective gateway to world markets and an efficient and competitive transportation model. A second transit shed was opened in 1985 as a second mine came on line and potash exports increased. While one mine had to close in 1996 due to flooding, the business, though reduced, continued to be strong and ultimately increased once again. A new mine is now under construction and will double potash exports through the port within the next five years. With half of the world's potash found in New Brunswick, it has become a significant commodity for the Port which it ships to Brazil, Central America and other global markets

The most recent investment has been in the Marco Polo Cruise Terminal and related cruise infrastructure. This terminal was constructed in support of the growing cruise business at the port and opened in 2009. It has proven extremely beneficial in increasing efficiency in transferring cruise passengers between ship and shore, in meeting international marine security requirements, in providing an attractive gateway for tourists into our region and in providing a new waterfront event venue for the community in the off-season. Port Authority investment in cruise has exceeded \$20 million in the past five years, including \$18 million in the cruise terminal. Further investment of \$18 million is planned to further expand the port's cruise ship capacity in view of the continued projected growth in this sector.

Modernization of the industry and the decline of New Brunswick's traditional resource and manufacturing economies have reduced volumes handled at the Port of Saint John. Port employment has responded in kind. The Port has weathered good days and bad over its history. It now faces new challenges and opportunities to evolve thus ensuring a strong future for both itself and the community.