

April 8, 2015

Canadian Aviation Regulation Advisory Council
Transport Canada
By e-mail to carrac@tc.gc.ca

Re: Notice of Proposed Amendment (NPA):
Responsible Aerodrome Development
Carac Activity Reporting Notice #2013-014

Green Durham Association was unaware of the proposed amendments until days ago. Since Transport Canada states there is a comment deadline of April 8th, and comments received after this given no consideration, our comments below are rushed, and not as extensive or informed as we would have liked. We feel that there was inadequate public notification of this process, and we urge this deadline be extended.

Transport Canada's Objectives regarding the amendment

Transport Canada's objective with respect its proposed changes to aerodrome development and operation is to "engage the community and other affected stakeholders in advance of aerodrome development", primarily by improving transparency, and stakeholder consultation. The changes Transport Canada indicates were initiated "in light of an increasing number of complaints from the public and land use planning authorities".

Transport Canada states further that aerodromes are important economic drivers but that there needs to be a balanced approach to consultation that will alleviate public concerns about airport development and related land use, and environmental, noise, and other considerations.

The Amendment does not deal with some of the greatest community concerns

1. The import of commercial fill is a very large concern in our communities in southern Ontario. There is very widespread belief that Aerodrome development like the failed fill/heliport Earthworx operation on Durham 23, or the Greenbank airport expansion has been used as a cover and excuse to import huge volumes of commercial fill. Fill importation is very profitable in its own right – far far more profitable many of us believe than developing or expanding and operating a General Aviation airport – most of which lose money.

Transport Canada objectives in fostering aerodrome development – that they are a vital part of the economy – as well as their requirement that any such development be in the public interest, will not be met if it turns out that after the profitable fill operation is concluded, either no airport is built; or that that the airport is out of

operation during the many years of fill importation; and/or that what is finally built is much more modest, and bears little or no relationship to the plan put forward on which the fill importation was based.

Won't Transport Canada end up with egg on its face if it becomes more and more obvious at many locations, that Transport Canada's jurisdiction over aeronautics is being used not to build the airport the proponent has proposed, but as a cover and pretext for something else like a commercial fill operation. Surely if Transport Canada wants to improve transparency, and to promote stakeholder consultation with respect to the proposed development, Transport Canada has some responsibility for ensuring there is reasonable likelihood that the aerodrome proposal being put forward for public consultation under the proposed amendments, is well thought out and likely to see the light of day.

2. Under its National Airports Policy, apart from safety considerations, Transport Canada's main priority is with some 26 major airports across the country. However since they retain jurisdiction over all aerodrome development, such development is not subject to existing provincial and municipal laws.

Given the Federal Government retains jurisdiction, surely it should have some responsibilities for both evaluation and consultation. Under the proposed regulations, shouldn't Transport Canada themselves undertake the necessary due diligence to assess whether say a development like the Greenbank airport proposal is viable and commit itself to making such an assessment public? And if Transport Canada isn't committed to making a public assessment, doesn't that make the whole development process much less transparent, and more difficult for community stakeholders to evaluate the proposal? In a nutshell given Federal jurisdiction trumps other levels, Transport Canada needs to stand up and not abdicate its role.

It should be emphasized that Transport Canada has knowledge the community could benefit from with regard to many of the elements called for in the public consultation required by the proposed amendment. For example the amendment calls for a description of the proposed aerodrome's purpose and asks why existing aerodromes cannot be used. In this regard the GTAA completed a study in 2010 that was commissioned by Transport Canada that assessed the need for additional GA facilities in the region if existing facilities like Buttonville and other airports were closed. The GTAA study, which extended to airports as far away as Peterborough, concluded there was existing capacity for the foreseeable future even with Buttonville closure. The consultation called for in the amendment would benefit greatly from Transport Canada's ongoing knowledge of such issues.

We believe that the amendment and the associated dispute resolution mechanism, (section 24), puts forward a far too passive role for Transport Canada. It implies that Transport Canada's role would, if they were asked by one of the stakeholders, be only one of judge. We believe the amendment should make it clear that their role is to form their own evaluation of whether any aerodrome development or expansion proposal appropriately balances economic, land use environmental and other considerations and that they will only approve it if in their judgment it is in the public interest.

3. In addition, and as part of making its own public assessment, we believe it would also be reasonable in a situation like the Greenbank aerodrome expansion for Transport Canada to take action to guard against the risk that the outcome in the medium to longer term, is that the community after enduring years of additional truck traffic will be left without any planned aerodrome, rather just a huge amount of problematic commercial fill, that poses real public concern and serves no public or other purpose other than being highly profitable to the proponent.

Would it not make sense in situations like this for Transport Canada to require the development proponent to post a bond that was forfeitable if the promised development did not take place? Such a requirement would need to be selective so as not to impact those who delivered on their promise but would act to dissuade those whose main focus was on reaping the benefits of commercial fill. We recognize that for a legitimate aerodrome developer that was not relying on millions of dollars of revenue from commercial fill, the use of a bond could be onerous and would not likely be necessary in that situation. On the other hand if the proponent was receiving large amounts of revenue from commercial fill, the bond would have to be very large to get the proper attention, and dissuade those who were only interested in fill revenue from using the aerodrome loophole.

Thank you for your consideration.

Sincerely,

Brian Buckles, for the Green Durham Association