

**From:** [Brian Iler](#)

**Sent:** Thursday, November 14, 2024 12:27:17 PM

**To:** [Ministre / Minister \(ECCC\)](#)

**Cc:** [information@iaac-aeic.gc.ca](mailto:information@iaac-aeic.gc.ca)

**Subject:** Request for Designation

**Sensitivity:** Normal

**Attachments:**

[PnP request to Minister v2.pdf](#);

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Minister, please see our letter, attached.

We would be pleased to respond to any questions or comments you might have.



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November 14, 2024

Hon. Stephen Guilbeault,  
Minister of Environment and Climate Change,  
Ottawa

Delivered by email

Dear Minister:

Re: Request for Designation of Ports Toronto's  
Runway End Safety Area (RESA) Project under  
s. 9(1) of the Impact Assessment Act (IAA)

Parks not Planes (**PnP**) is a non-profit, community-based organization representing waterfront and other Toronto residents. PnP is writing to request the designation of the PortsToronto RESA Project at the Billy Bishop Toronto City Airport (the **Airport**) under subsection 9(1) of the IAA.

You may do so if “the carrying out of that physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects”<sup>1</sup>.

We make this request because the current purported environmental assessment being undertaken by PortsToronto is woefully inadequate - in its process, and its content. It examines only six options – all facilitating RESA. It does not examine the obvious seventh option – not proceeding with RESA.

To put Billy Bishop Toronto City Airport into a geographical context: the Airport’s two-lane public access and its Ferry Terminal are part of Toronto’s Bathurst Quay Neighbourhood and are located next to a school and playground with nearby tourist spots, residential buildings, a daycare and a community centre.

The Airport’s flight operations are separated from the community by a 120 meters channel. Ongoing impacts from the Airport are directly experienced by the neighbourhood and the Toronto waterfront as a whole.

This request for an Impact Assessment for Ports Toronto’s future RESA project is of great importance as outlined below.



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<sup>1</sup> Per IAA s. 9(1)

## 1. **Information Required**

Here is the information you require:

- **the requester's contact details, including full name, address, email address, and telephone number:**

Parks not Planes c/o Brian Iler, 11<sup>th</sup> floor, 30 St. Patrick Street, Toronto M5T 3A3,  
[biler@ilercampbell.com](mailto:biler@ilercampbell.com), (416)835-4384

- **a statement clearly requesting the Minister to designate a project under subsection 9(1) of the IAA:**

see above

- **a description of the project that is the subject of the request, including:**

- **project name**

Implementing RESA at Billy Bishop Toronto City Airport

- **proponent name and address (or other contact information)**

PortsToronto (legal name Toronto Port Authority), 207 Queens Quay W #500,  
Toronto, ON M5J 1A7;

- **project location**

Billy Bishop Toronto City Centre Airport, Toronto Island, Toronto

- **timeline for when the project is expected to commence construction and operations**

Transport Canada's new regulations were published in the [Canada Gazette, amending the Canadian Aviation Regulations \(Parts I, III and VI — RESA\): SOR/2021-269](#) in January 2022. These regulations apply to any Canadian airport that reaches 325,000 passengers for two consecutive years. When Statistics Canada publishes its passenger numbers for 2023 (by Summer 2024), the Airport will have reached 325,000 annual passengers for two consecutive years (2022 and 2023). This triggers the 3-year implementation period timeline to complete the RESA project, requiring RESA to be in place at the Airport by Q2 2027<sup>2</sup>.

- **descriptive information about the project, including all project components and activities, to assist the Agency in assessing:**

1. **whether it is a type of activity described on the Project List, and**

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<sup>2</sup> <https://www.safecleanquiet.ca/>

**near any threshold set therein**

It is not described on the Project list, but is analogous to these projects:

**46** The construction, operation, decommissioning and abandonment of one of the following:

(a) a new aerodrome with a runway length of 1 000 m or more;

(b) a new aerodrome that is capable of serving aircraft of Aircraft Group Number IIIA or higher;

(c) a new runway at an existing aerodrome with a length of 1 000 m or more.

**47** The operation of an existing runway

(a) that was not capable of serving aircraft of Aircraft Group Number IIIA and becomes capable of serving aircraft of Aircraft Group Number IIIA or higher; or

(b) that was capable of serving aircraft of an Aircraft Group Number IIIA or higher and becomes capable of serving aircraft of any higher Aircraft Group Number.

**2. whether the project is near or on federal lands or federally designated areas**

A portion of the Airport lands are owned by Transport Canada; a significant portion is owned by Toronto Port Authority, an agency that is established under the Canada Marine Act

**3. whether the project involves new technology or a new type of activity not included in the Project List**

As the requirement for a 150m RESA is a new requirement coming into force in 2027, it would not have been considered for inclusion in the Project List.

- **a description of any potential review of the project by a provincial or territorial government:**

None – the Ontario government has no role here

**and**

- **information as to whether the project is under regulatory review (i.e., any formal application is in process)**

Ports Toronto had applied to the City of Toronto for permission to fill in portions of Toronto Harbour and Humber Bay for the RESAs, as pursuant to an agreement (the **Tripartite Agreement**), the City's consent is required. Permission was granted subject to conditions<sup>3</sup>, which, pursuant to the City's Official Plan, requires an environmental assessment<sup>4</sup>.

- **information about when the submission for regulatory review is to occur**

Apart from the above, none known;

- **a description of any potential adverse effects that relate to areas within federal jurisdiction defined under the IAA and public concerns related to those effects. Effects that fall within federal jurisdiction include:**

- **effects on fish and fish habitat:**

landfill for RESA will have impact. The amount of landfill of Toronto Harbour and Humber Bay proposed is huge: between 35,995m<sup>2</sup> (Option 1), and 88, 250 m<sup>2</sup> (Option 3)<sup>5</sup>. Study necessary.

- **effects on aquatic species, as defined in subsection 2(1) of the *Species at Risk Act***

landfill for RESA will have impact. Study necessary.

- **effects on migratory birds** continued operation of airport (options 1-6) impact migratory birds.

Option 7 (not proceeding with RESA) would not adversely impact.

- **changes to the environment on federal lands**

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<sup>3</sup> See Item EX 17.5 [here](#).

<sup>4</sup> From City of Toronto [Official Plan](#) s.3.4 para 17:

Lakefilling projects in Lake Ontario will be supported only where:

- a) the land created will be used for natural habitat, public recreation or essential public works;
- b) the project has been the subject of an Environmental Assessment which ensures that water quality and quantity and terrestrial and aquatic habitat will be protected or enhanced and
- c) the project does not create new or aggravate existing natural

hazards. The City's Official Plan also states that revisions to the Tripartite Agreement may be undertaken, provided that the City is satisfied that improvements can be made without adverse impact on the surrounding residential and recreation environment.

<sup>5</sup><https://static1.squarespace.com/static/6674a1c310d79c5e26414bcc/t/670fbbd2f7e221618d885dca/1729084374557/SCQ+Oct+15th+MASTER+Deck.pdf>

continued operation of airport (options 1-6) generates noise and pollution that severely impact nearby residents and the public. Option 7 (not approving RESA) would not eliminate that impact. See below.

- **changes to the environment that occur in a province or territory other than the one where the project is taking place**

None

- **changes to the environment that occur outside of Canada**

None

- **changes to the environment that could affect the Indigenous peoples of Canada**

The Mississaugas of the Credit have an outstanding claim related to the waters of Lake Ontario and Toronto harbour<sup>6</sup>, which would include the waters to be filled for RESA; indigenous peoples should be consulted;

- **any change occurring to the health, social or economic conditions of the Indigenous peoples of Canada**

Indigenous peoples should be consulted

- **a description of the potential adverse effects that are directly related or incidental to a federal authority that is either:**

- **making a decision that would permit the carrying out, in whole or in part, of the project**

See comments below; or

- **providing financial assistance for the purpose of enabling the project to be carried out, in whole or in part**

Ports Toronto states that it will finance the RESA project from its own funds, or may borrow. No financial assistance is sought from any government.

However, PortsToronto has requested that the City of Toronto consent to an extension of the term of the Tripartite Agreement (in essence a lease from the City of an essential portion of the Airport lands) which expires on June 30, 2033, to enable it to obtain financing for the RESA project. That would be a form of assistance.

In our view no assistance is necessary, as PortsToronto has ample internal

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<sup>6</sup> See <https://mncfn.ca/wp-content/uploads/2017/02/MNC-Aboriginal-Title-Report.pdf>

resources<sup>7</sup>.

- **a description of how the project would cause the potential adverse effects within federal jurisdiction or adverse direct or incidental effects (e.g., pathway of effects, such as “in-water works located in fish-bearing waterbodies could lead to adverse effects on fish and fish habitat”)**

See comments below

- **a description of the potential adverse impacts on the section 35 rights of the Indigenous peoples of Canada**

Indigenous peoples should be consulted

- **a description about how the requester became aware of the project (e.g., specify the newspaper article, public advertisement, public event, time and location of observation, etc.)**

Parks not Planes has been active on Airport issues since 2020, and has been aware of the impending RESA requirement for some time. Formal notice came in the notice of the July 2024 public meeting called by PortsToronto; **and**

- **links to any relevant documentation, to the extent that this information is available.**

See below

## **2. The IAA Context**

The IAA Preamble states

Parliament is committed to having an impact assessment process that prevents or mitigates significant adverse effects within federal jurisdiction

A project , if it is within the scope of the IAA, is prohibited, unless the IAA requirements are met:

the proponent of a designated project must not do any act or thing in connection with the carrying out of the designated project, in whole or in part, if that act or thing may cause any adverse effects within federal jurisdiction.

“Adverse effects within federal jurisdiction” is defined as

a) a non-negligible adverse change to the following components of the environment

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<sup>7</sup> See Waterfront for All’s document confirming this: [241105 PortsToronto can afford RESA.pdf](#)

that are within the legislative authority of Parliament:

- (i) *fish and fish habitat*, as defined in subsection 2(1) of the *Fisheries Act*,
- (ii) *aquatic species*, as defined in subsection 2(1) of the *Species at Risk Act*,
- (iii) *migratory birds*, as defined in [subsection 2\(1\)](#) of the [Migratory Birds Convention Act, 1994](#), and
- (iv) any other component of the environment that is set out in Schedule 3;
- (b) a non-negligible adverse change to the environment that would occur on federal lands;
- (c) a non-negligible adverse change to the marine environment that is caused by pollution and that would occur outside Canada;
- (d) a non-negligible adverse change — that is caused by pollution — to *boundary waters* or *international waters*, as those terms are defined in [subsection 2\(1\)](#) of the [Canada Water Act](#), or to interprovincial waters;
- (e) with respect to the Indigenous peoples of Canada, a non-negligible adverse impact — occurring in Canada and resulting from any change to the environment — on
  - (i) physical and cultural heritage,
  - (ii) the current use of lands and resources for traditional purposes, or
  - (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;
- (f) a non-negligible adverse change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada; and
- (g) a non-negligible adverse change to a health, social or economic matter that is within the legislative authority of Parliament that is set out in Schedule 3.

In the case of a physical activity or a designated project that is carried out on federal lands or is a *federal work or undertaking*, as defined in [subsection 3\(1\)](#) of the [Canadian Environmental Protection Act, 1999](#), this definition also includes the non-negligible adverse effects of that activity or project.

The IAA states in s.22 (1)

The impact assessment of a designated project ... must take into account the following factors:

- (a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by

the carrying out of the designated project ...

(d) the purpose of and need for the designated project

(h) the extent to which the designated project contributes to sustainability;

(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;

It is far too limited in its scope to satisfy the requirements of an **Impact assessment**, defined as "the process of identifying the future consequences of a current or proposed action"<sup>8</sup>.

PortsToronto, as a port authority defined under the Canada Marine Act<sup>9</sup>, falls under the purview of the IAA<sup>10</sup>. The IAA mandates that any major project, such as the expansion of airport runways, must undergo a thorough impact assessment to evaluate potential environmental, social, and economic effects. This ensures that the proposed changes do not adversely affect the surrounding environment and community.

The RESA project has not substantially begun and, to the best of our knowledge, no federal authority has exercised a power or performed a duty or function under another Act of Parliament that could allow it to be carried out.

The Project, as described, may require the exercise of the following federal powers, duties, or functions:

authorizations under the *Fisheries Act* may be required if the construction and maintenance activities are to occur in or near fish-bearing waterbodies;

a permit issued by Fisheries and Oceans Canada, pursuant to section 73(1) of the *Species at Risk Act* to manage impacts on federally-listed aquatic species at risk;

We submit that the carrying out of the RESA project activity may cause adverse effects within federal jurisdiction and adverse direct or incidental effects, and public concerns related to those effects warrant the designation.

### **3. Scope Far Too Narrow**

Without public engagement in its design, PortsToronto selected six options for its purported environmental assessment, with the objective of selecting one of them.

Missing entirely was a seventh option: not building the required RESA s.

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<sup>8</sup> As defined by the International Association for Impact Assessment: <https://www.iaia.org/>

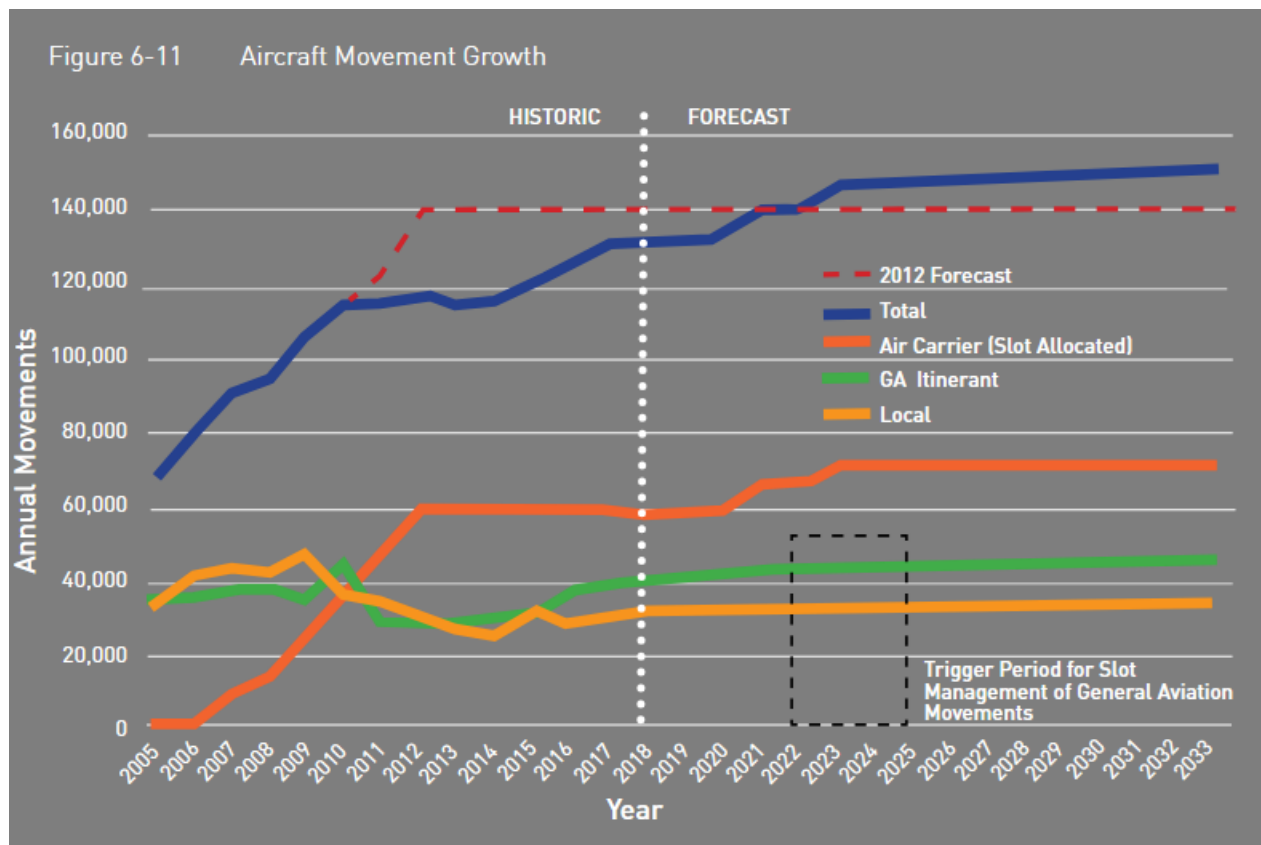
<sup>9</sup> <https://laws-lois.justice.gc.ca/eng/acts/C-6.7/page-1.html>

<sup>10</sup> See Schedule 1 to the IAA.

While the project ostensibly is the construction of a RESA to meet Transport Canada requirements, the reality is that without the RESAs, there would be no ability, according to PortsToronto's [own document](#), to sustain its current and future commercial aviation activity.

PortsToronto's purported assessment is only considering which of six RESA options it has chosen for assessment is preferable and has failed to include any consideration of whether the RESA project should proceed at all.

A narrowly-based study on moving earth around and filling in waters around the Airport (options 1-6) does not take into account the continuing environmental effects of the hundred plus daily flights currently at the Airport nor those envisioned from the expansion of the number of flights planned under the [Airport 2018 Airport Master Plan](#), both of which are only possible with completion of the RESAs.



Consider the increase in aircraft movements forecasted, as shown in Fig. 6-11 above, from the Master Plan. The Master Plan predicts growth from approximately 135,000 aircraft movements in 2018 to approximately 150,000 aircraft movements in 2023.

Such growth, enabled through RESA installation, represents an annual 2% increase in environmental impact that requires an inclusively scoped Impact Assessment.

Approving any of Options 1 to 6 means the Airport will continue to operate. Not approving the RESA will have important positive environmental, health, social and economic impacts, that

need to be weighed.

If an impact assessment is to consider all of the options, and the impact of each, then the option of not proceeding with RESA must be considered - the result would be that the Airport is no longer usable for commercial aviation at the scale it has recently operated at and would inevitably close.

The impact of that option must be weighed against the impact of the continued operation of the airport.

We do appreciate that that is not an inquiry that PortsToronto wishes to allow. But this seventh option must be seriously and thoroughly examined.

Ports Toronto's acquisition of the Airport lands was by the simple creation of a federal statute, and another statute can as easily convert the use of those lands to more benign uses than aviation.

Such an option is not far fetched.

The Globe and Mail's highly regarded architecture critic has advanced it as a very attractive option<sup>11</sup>.

Such an assessment needs to consider what the best use should be for the valuable (some would say most valuable) 85 hectares (210 acres) in our City and include extensive and robust public engagement.

We assume PortsToronto will fully or partially fund this project from proceeds of its sale of 30 Bay Street (\$96M) and the Parliament Slip (\$20M, paid by Waterfront Toronto, another government agency). Both properties were acquired by Ports Toronto for free, and were originally transferred, without charge, we understand, in 1911 to The Toronto Harbour Commission by the City of Toronto.

We submit that Ports Toronto should not be free to spend those public funds without an appropriate public process for deciding on their use.

We submit that the most appropriate use of those \$116M of public funds needs to be part of this discussion – there are many possible expenditures that have more merit than spending them on RESAs for the Airport.

#### **4. Climate Change Impact**

To reach the Federal government climate change targets of 40-45% emissions reductions below 2005 levels by 2030 and Net Zero by 2050, every order of government needs to take sustained and aggressive action. This should include serious consideration of carbon impacts

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<sup>11</sup> [The only thing holding us back from Toronto's best park? An Airport](#) on August 16. [Airport to Park: A Bold Vision for the Toronto Island](#) on October 8

of all new projects.

Aviation has not, and is not, contributing to the efforts to achieve that goal. No steps are identified in the Government's progress report<sup>12</sup> that address aviation.

Although aviation's emissions are a significant contributor to the climate crisis, the Airport's impact and alternatives that are more climate friendly are not being considered.

International Association for Impact Assessment states, in its Best Practices<sup>13</sup>:

As a first step in an Impact Assessment, it is necessary to identify whether and how:

- i) The proposal will, directly or indirectly, increase or decrease greenhouse gas (GHG) emissions.
- ii) The proposal may be beneficially or adversely affected by, and vulnerable to, climate change either directly or indirectly.
- iii) Climate change may affect elements of the environment that are potentially affected by the proposal.
- iv) The proposal could be used to identify measures to mitigate and/or adapt to climate change.

Once the climate change implications, including the uncertainties, are understood, decisions about the proposal (accept, modify, or reject) should be based on the precautionary principle of "do no harm" and the principles of sustainable development.

PortsToronto has done none of this, to date.

At a minimum, projects that continue to invest in, and expand, aviation infrastructure such as the RESA initiative, should be discouraged as inconsistent with those climate goals..

## **5. Health Impact**

Continuing aviation operations at the Airport (options 1-6) will have potentially devastating impacts on abutting residents' health.

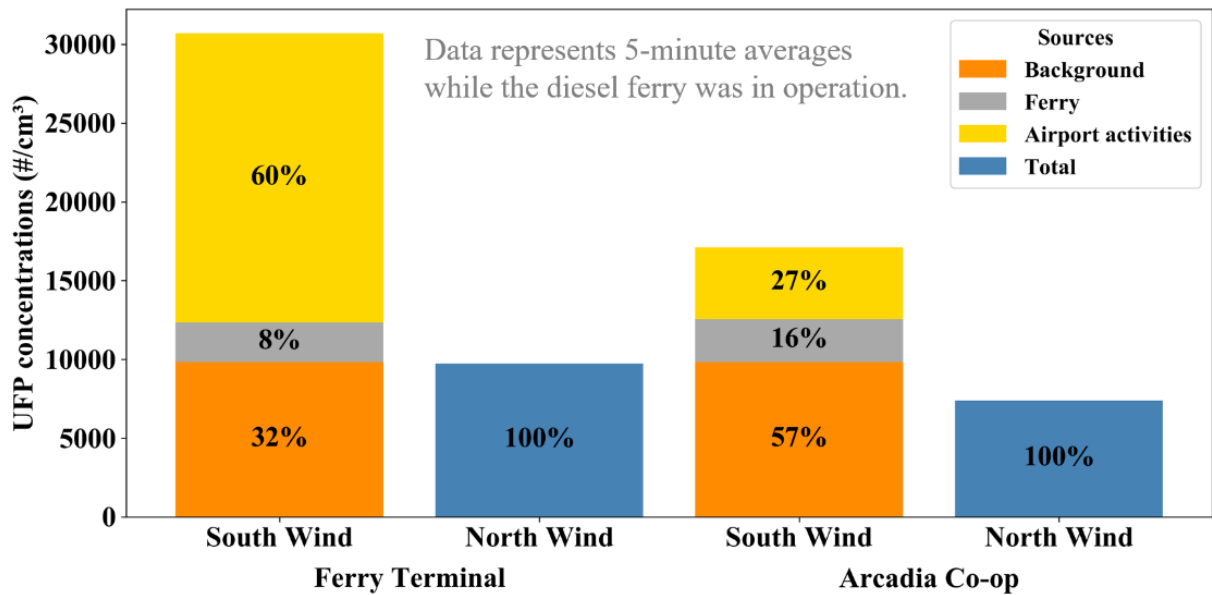
A recent study<sup>14</sup> by experts from University of Toronto found worrisome levels of ultrafine

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<sup>12</sup> See para. 2.2.6 of [that Report](#).

<sup>13</sup> <https://www.iaia.org/uploads/pdf/SP8%20Climate%20Change%202018.pdf>

<sup>14</sup> <https://www.bqna.ca/post/community-response-to-the-bathurst-quay-neighbourhood-air-quality-study>



From [Synthesis-Summary](#) of the University of Toronto research report

particles coming from the aircraft using the Airport in the residential community just north of the Airport.

The BQNA Air Quality Study was conducted by Positive Zero Transport Futures, a University of Toronto-led initiative to study and suggest ways to decarbonize the transportation industry through innovation and collaboration.

As the figure, above, from the Southern Ontario Centre for Atmospheric Aerosol Research (SOCAAR) page, indicates when winds blow on shore (southerly) from the airport, UFP increase to very dangerous levels.

To quote the study's Executive Summary,

- “When wind comes from the southward direction of the airport, UFP concentrations are, on average, two to three times higher across the neighbourhood as compared to: i) when wind comes from a northward direction, or ii) background concentrations at Hanlan’s Point.”

and

- “Despite the emissions from the airport, the overall average UFP concentration across BQN is similar to that in busy/high-traffic neighbourhoods in Toronto. This is because the wind only comes from the southward direction of the airport some of the time, balanced out by other times, when the wind comes from the parts of the lake where there are no nearby upwind sources.”

Remarkably, on August 19, a month after the first RESA public meeting that outlined the process for its EA, PortsToronto released its 2023 Environment, Social and Governance (ESG) Report that on the Air Quality page, P. 23, PortsToronto, with reference to the BNQA Air Quality Study made the following claim:

“The study found that flight activities at Billy Bishop Toronto City Airport have a much smaller impact on ultrafine particle (UFP) emissions in residential areas at Bathurst Quay, compared to regional and background UFPs. The air in the neighbourhood was found to be 30 per cent cleaner than the Toronto average, with hourly residential UFP averaging 50 per cent lower than the World Health Organization’s good practice standard.”

It appears from a Radio-Canada report of the May Meeting at which Denis Corr, an environmental consultant hired by PortsToronto, interpreted the report's data to make the 30 per cent cleaner claim.

The conflict in findings raises a number of questions. Foremost is the need to have an Impact Assessment inclusive enough to discover the degree to which UFP is a problem for the Airport's neighbours and what mitigation solutions may be recommended depending on the seriousness of the problem.

Another recent McGill University study<sup>15</sup>, reported in the Globe and Mail: “Ultrafine particles linked to 1,100 deaths per year in Montreal, Toronto, found that

a microscopic air pollutant generated from vehicles and industry plays a role in the deaths of an estimated 1,100 people in Canada’s two biggest cities each year

The Airport abuts a residential area, unlike most other airports, and the impact of its UFP emissions are therefore not diluted with distance, as they are elsewhere.

Also requiring investigation is the impact of emissions of a toxin contained in aviation gas ([avgas](#)) used in some aircraft: lead.

The lead emitted from certain aircraft engines burning avgas may be dispersed into the environment in two ways: emissions through aircraft taxiing and takeoff and landing; and through atmospheric dispersion from aircraft overhead with lead particles eventually settling and potentially contaminating soil and water leading to health issues.

This is particularly problematic for children living between 500 and 1,000metres near airports that service piston-engine aircraft. [Studies](#) have shown that they are at greatest risk due to elevated blood lead levels. According to [Google Maps](#), the distance between the neighbourhood [Waterfront School](#) and the Airport is approximately 800 metres. As Fig. 6-11 above also shows, approximately 110,000 local and general aviation aircraft movements are forecast annually and slated to grow over the next ten years.

It is important to note that local and general aviation aircraft primarily use avgas and there is currently available no public data on how much leaded fuel they consume and how much and

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<sup>15</sup> <https://www.theglobeandmail.com/canada/article-ultrafine-particles-linked-to-1100-deaths-per-year-in-montreal-toronto/>

where lead is deposited. However, the school's proximity to the airport is reason enough to ensure the Impact Assessment provides figures to assess the scale of the contamination.

## **6. Economic Impact**

For the purposes of impact assessments under the Act, economic effects can be defined as:

“The positive and adverse consequences of a designated project on components of the economy at the local, regional, and national levels.”<sup>16</sup>

Options 1-6 as identified by PortsToronto have similar economic impact. What they need to be compared to is Option 7.- rejecting the RESA project.

The Airport is insignificant decline.

Like City Express and Air Ontario, which both failed in their efforts to profitably fly out of the Island Airport, Porter admits losses at the Island Airport of \$18,910,000 in 2017, a projected \$40M in 2018, and \$30M in 2019, has focussed increasingly on its business at Pearson, and reduced its Island Airport flights from a peak of 172 per day by almost half, depending on the day.

Porter has threatened to leave the Island Airport, accepting that people prefer the better choice of flights at Pearson, and the convenience of the Union-Pearson Express train to get there

Other airlines have not demonstrated any interest in using the Airport: for a while, Nieuport, the owner of the Island Airport terminal, trumpeted a new American airline Connect. Its paltry number of destinations won't replace the business it was doing with Porter. And its application for authority to engage in schedule passenger air transportation to the US Department of Transport was denied as it failed to provide required financial information to support a positive financial fitness finding.

Pearson is more than able to absorb the Island Airport's business.

The Airport is heavily subsidized:

- The City of Toronto leases a portion of the Airport lands, a parking lot, and queuing lanes to Ports Toronto for nominal rent.
- Ports Toronto obtained ownership of the rest of the Airport lands (originally donated by the City to its Harbour Commission for port purposes) for free and generously passes that benefit on to its users.
- An analysis shows Ports Toronto pays property taxes for the Airport at a rate far below other businesses in Toronto – over 20 years, providing a subsidy from the taxpayers of Toronto of, conservatively, \$36,607,528.

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<sup>16</sup> Para 5.3 here.

These subsidies disappear if Option 7 is chosen.

### 7. **Safety Impact**

At least since the Air France overshoot at Pearson in 2005, RESAs have been advisable.

The Transportation Safety Board recommended 300 m RESAs.

Transport Canada has only recently imposed 150 m RESAs by, for the Island Airport, 2027.

PortsToronto has always known that overshoots at its Airport end up in deep water, with potential for fatalities. For commercial airports in Canada, the Island Airport is essentially alone in facing that risk.

It has ignored that risk, as it has ignored the [real safety risk](#), again unique to its Airport, of emergency access in the event of a crash. Safety experts have established basic requirements that cannot be met without a bridge:

Any option must permit 64 emergency vehicles and 201 personnel to access an aircraft crash within 20 minutes. In addition ambulances with the critically injured must be capable of returning to the mainland within a 30 minute period of time.

Travellers using the Island Airport are indeed fortunate that there have been no runway overshoots or crashes - to date.

Option 7 eliminates these safety risks.

### 8. **Environmental Impact**

Ports Toronto has admitted the Q400, the only aircraft flown out of the Airport commercially, breaches two of the three ceilings for noise:

	<u>Q402</u>	<u>Tripartite</u>
Flyover	<b>78</b>	<b>84</b>
Lateral	<b>84</b>	<b>83.5</b>
Approach	<b>93.1</b>	<b>92</b>

Comparison of Q400 to Limits in Tripartite

TCCA Noise Management Study  
Advisory Committee Meeting

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**JACOBS** Consultancy

As Tamara Bernstein, Artistic Director, Summer Music in the Toronto Music Garden, from 2001 to 2020, recently put it:

“The Toronto Music Garden is a magical venue, and a creation of genius on Toronto’s central waterfront. Its free concerts all summer long quickly became part of that magic – a glorious alchemy of place, music, and attentive, enthusiastic audiences.

“Unfortunately, that pleasure is blighted by the brutal noise of airplanes at Toronto Island Airport – noise that worsened over the years with the expansion of the airport facilities. Toronto’s magnificent waterfront should belong to everyone. It is no place for an airport.”

Options 1-6 continue this unacceptable and prohibited level of noise. Option 7 does not.

## **9. Traffic Impact**

Vehicular traffic servicing the Airport has an impact on air quality, noise, congestion and pedestrian and cyclist safety.

The most recent study readily available is PortsToronto’s 2018 Traffic Study<sup>17</sup>. Two-way traffic volumes on Eireann Quay were recorded immediately south of Queens Quay. Data were collected over two days in 2018 and compared to an equivalent period in 2015.

Eireann Quay, a two-lane road running between a school and a park, services the Airport and carries

- approximately 700 vehicles per hour between 7:00 and 8:00 AM;
- approximately 850 vehicles per hour between 4:00 and 5:00 PM;
- approximately 600 vehicles per hour between 5:00 and 6:00 PM;
- approximately 800 vehicles per hour between 6:00 and 7:00 PM.

The 2018 data were compared against the volumes observed during the Thursday and Friday surveys in fall 2015. The peak 2018 volumes have increased by approximately 50 to 100 vehicles per hour compared to the fall 2015 data.

The figures are six years old, require updating and need to include service vehicles like those tankers carrying jet fuel and avgas as well as the projected construction traffic to gauge a true effect on the neighbourhood.

## **10. Too informal**

The purported environmental assessment being conducted by Ports Toronto is informal and is not bound by any of the requirements of the IAA or any environmental assessment process.

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<sup>17</sup> [https://www.portstoronto.com/getattachment/c8da6c2b-4eb5-4332-9144-8bd892d6c032/Billy-Bishop-Toronto-City-Airport-Results-of-S-\(1\).aspx](https://www.portstoronto.com/getattachment/c8da6c2b-4eb5-4332-9144-8bd892d6c032/Billy-Bishop-Toronto-City-Airport-Results-of-S-(1).aspx)

This [July 17 RESA Slide Presentation](#) states PortsToronto's position that it is conducting the EA on a voluntary basis:

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### Environmental Assessment (EA) Process

- The EA will be carried out as a voluntary, **non-statutory process** established through consultation with federal, provincial and municipal agencies.
- Non-statutory means there are no federal, provincial, and municipal regulatory requirements to complete a mandated EA process.
- Recognizing the need to respect the environment and local community, this voluntary EA is being undertaken to evaluate RESA options in consultation with interested parties, Indigenous communities, and the public, to ensure proper decision-making.

### 11. **Potential for Conflict of Interest**

It is unseemly for a project proponent to also conduct the purported assessment. The potential for conflict of interest is obvious.

### 12. **Secrecy**

PortsToronto has conducted the purported assessment in secrecy, [refusing to share documents](#) prepared by its consultants.

A study by Avia NG was referred to in the July 17 meeting, but has never been disclosed.

Nor have the details of why that study rejected three options.

And Nieuport (the owner of the terminal at the Airport) is refusing to release its report on the economic impact of the introduction of US Customs preclearance at the Island Airport.

Its press release last May 30 included this:

“recent research by York Aviation indicates that Billy Bishop Toronto City Airport has the potential to deliver \$5.3 billion in economic output through the increased aviation activity that Preclearance will bring about,” said Neil Pakey, president and CEO, Nieuport Aviation, owner and operator of the passenger terminal at Billy Bishop Toronto City Airport.

But that research was not released to the public. PnP has asked and have not had the courtesy of a reply.

The original research was released in 2021, but the update citing that huge figure for economic benefit was not. The original report based its estimate on passenger volumes far in excess of reality: it predicts 4.5M passengers in 2023 – in reality, the Airport had only 2M passengers in 2023, and its major user, Porter Air is focussing its operations at Pearson, cutting back significantly on its Island Airport operations.

### **13. No Public Engagement in Planning**

There was no planning phase where the public and Indigenous peoples were invited to provide information and contribute to planning the assessment, contrary to the IAA process.

### **14. Shoddy Public Engagement**

The IAA in its preamble states:

Parliament recognizes the importance of implementing the impact assessment process in a manner that ... fosters meaningful public participation,

Public consultation has involved only two meetings - one in the middle of summer (July 17, 2024) and the other on October 15 (duplicated on the afternoon and evening) with inadequate time allowed for questions and comments, and, at the second, no opportunity for those online to comment or ask questions, at all.

Scheduling the first public meeting in the midst of the summer is not an ideal way to obtain community input or support.

We have these questions, based on the material presented at the October 15 meetings:

- It references prior undisclosed studies. What was in them?
- Why was Avia NG directed to not consider a reduction in declared distances?
- EMAS is well-accepted at many US airports with similar climate. Why was it dismissed? What was in the “additional technical feasibility assessments”?
- How do Options 2 and 3 improve the operational efficiency of taxiways and aviation safety by offering more accurate landing? Is current landing unsafe? What’s wrong with the current guidance system for Runway 26?
- Isn’t significant filling of our harbour waters a drawback?

Interestingly, when challenged at the October meeting the statement

“The west end landmass redirects sand towards Hanlan’s Point Beach which will help to sustain the beach”

was admitted to be incorrect – accumulated sand would have to be transported to the beach, at considerable cost.

### **15. Rushed Timelines**

Transport Canada's RESA regulation came into effect December 21, 2021 affecting airports with an annual minimum of 325,000 passengers or greater per year for two consecutive years, according to the July 17 RESA presentation slide deck.

As early as June 2012 PortsToronto acknowledged through its 2012 Airport Master Plan<sup>18</sup> its recognition of its RESA requirement.

“It is anticipated that Runway End Safety Areas (RESAs) will become a mandatory regulatory requirement over the next five (5) years. Therefore, the TPA, in cooperation with Transport Canada and the City of Toronto (i.e. signatories to the Tripartite Agreement), should assume that these regulatory requirements will require amendments to the Tripartite Agreement.”

In the meantime through consultations with the Transportation Safety Board, Transportation Canada advanced RESA regulations. :

- in 2016 Transport Canada called for public consultation on RESA regulations,
- in 2020 Transport Canada published the proposed regulations,
- on January 5, 2022 the regulations took effect.

One year later, in early 2023, PortsToronto initiated discussions with the City of Toronto and Transport Canada on RESA implementation.

To quote the City's background file<sup>19</sup>, page 16,

“With RESA implementation required by mid-2027, PortsToronto initiated discussions with City and Transport Canada staff in early 2023. At the time, PortsToronto identified the need to implement RESA and indicated a desire to review other areas of the Tripartite Agreement that it saw as outdated.”

A year and a half later, July 17, 2024, PortsToronto shared with the public its process to secure the necessary plans, approvals, construction and completion by Q2 2027 to meet RESA regulation requirements.

Why should PortsToronto take 10 years from its recognition that RESA requirements would become a reality, then drag its feet for a year before sitting down with the City, then finally take another year and a half to notify the public? PortsToronto's time management skills do not instill confidence that it will carry out its purported environmental assessment in a thorough and competent manner.

## **16. No Evidence of Indigenous Participation**

We have seen no evidence that the Crown's duty to consult and accommodate Indigenous peoples has been fulfilled.

## **17. Neither Transparent nor Trustworthy**

The process is not being undertaken by PortsToronto in a transparent and trustworthy manner.

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<sup>18</sup> [2012 Master Plan.pdf](#)

<sup>19</sup> <https://www.toronto.ca/legdocs/mmis/2024/ex/bgrd/backgroundfile-249034.pdf>

On October 9, Toronto City Council passed a motion to approve RESA Proposal 1, PortsToronto's least expensive, least disruptive, quickest to completion RESA proposal of the six options that PortsToronto put forward in its July 17 slide deck. On October 15, PortsToronto held its second public meeting and made it clear that it favoured RESA Proposal 3, the most expensive, most disruptive and longest to completion RESA proposal. It would also require the City to agree to a 40 year extension to the Tripartite Agreement.

Unanswered questions ensued.

Prior to City Council's vote, PortsToronto called for tender bids on "Request for Pre-Qualification for Design-Build For Runway End Safety Area (RESA) Project At Billy Bishop Airport". The posting date is September 12 almost a month before Council endorsed RESA 1 and more than a month after PortsToronto made its choice for RESA Proposal 3 clear.

Did PortsToronto call for a tender before City Council vote?

After the October 9 Council meeting, Toronto Star columnist Edward Keenan questioned<sup>20</sup> why councilors who supported PortsToronto's RESA 3 Proposal choice weren't happy with the win in that PortsToronto had the City's support to complete the RESA project by the deadline even if it needed more time - but not 40 years.

Mr. Keenan wondered if there wasn't a hidden agenda. Given that PortsToronto's actions indicate that it attempted to use its need for the RESA as a vehicle for a 40 year extension to the Tripartite Agreement, how could it be trusted to conduct an open, fair and inclusive Assessment.

#### **18. Need for Proper Impact Assessment for City**

The City's Official Plan requires an environmental assessment to be carried out, as a precondition of the project's approval. The current informal purported assessment does not, in our view, comply with that requirement.

#### **19. Result Prejudged**

The website for the purported assessment is called "[Safe Clean Quiet](#)". A misnomer, as the Airport is neither safe (see **Safety Impact**, above), nor clean (See **Health Impact**, above), nor quiet (see **Environmental Impact**, above). Ports Toronto's choice of this name suggests it has prejudged the result of the assessment it is carrying out, concluding that the Airport, with the RESA project completed, is safe, clean and quiet.

#### **20. Need for Public Interest**

The public interest is not a consideration that is apparent in the current purported assessment.

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<sup>20</sup> [https://www.thestar.com/opinion/star-columnists/billy-bishop-airport-advocates-won-but-insist-they-lost-who-has-the-hidden-agenda/article\\_45cf28ee-870b-11ef-9959-67ac7a069b86.html?utm\\_source=substack&utm\\_medium=email](https://www.thestar.com/opinion/star-columnists/billy-bishop-airport-advocates-won-but-insist-they-lost-who-has-the-hidden-agenda/article_45cf28ee-870b-11ef-9959-67ac7a069b86.html?utm_source=substack&utm_medium=email)

Media coverage demonstrates the high level of public interest in this issue:

In the Star, there were pieces by [Ben Spurr](#), [Matt Elliott](#), Shawn [Micallef](#), on [August 23](#) and Edward Keenan, on [October 3](#) and [October 11](#),

Airport boosters [Mark McQueen](#) and [Richard Florida](#) were countered with [PnP's op-ed](#) .

At the Globe & Mail, Alex Bozikovic wrote two pieces:

- [The only thing holding us back from Toronto's best park? An Airport](#) on August 16.
- [Airport to Park: A Bold Vision for the Toronto Island](#) on October 8

## **21. Background: Toronto's Waterfront Transition**

As late as the early 70s railway tracks ran down the middle of [Queens Quay](#), the main roadway that edged Toronto's waterfront and allowed for movement of goods from warehouses and factories and cut off the bay from the rest of the city and its residents.

Building the Gardiner Expressway in the 50s provided waterfront industries a means, through ease of transportation, to relocate to cheaper land in the suburbs leaving behind brownfield sites of former factories and underused warehouse sheds.

The Liberal victory in the 1972 federal election primed the central waterfront for redevelopment from industrial uses to urbanization and thus forged a connection from the City to its once forgotten waterfront.

Well before the current commercial aviation activities began at the Airport, in a collaborative approach, the federal government and the City developed plans for significant residential development along the City's central waterfront, including homes for over 2,700 citizens<sup>21</sup> immediately abutting the Airport on Bathurst Quay.

At that point, the Airport was a quiet airport serving private aircraft, and providing flight training.

The Airport represents one of the few remaining industrial uses of the Central Waterfront.

## **TO CONCLUDE**

There is therefore potential for the Project to cause adverse effects within federal jurisdiction, adverse direct or incidental effects, and public concern related to these effects.

Parks not Planes submits that its request for the designation of the PortsToronto RESA Project under subsection 9(1) of the Impact Assessment Act has merit and deserves serious consideration and to ensure that the study of the impact of all of the RESA options is inclusive of all airport activity and that the process is undertaken in a transparent and trustworthy manner.

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<sup>21</sup> Per Bathurst Quay Neighbourhood Plan <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-104876.pdf>

Yours truly,  
<Original signed by>

Brian Iler, Spokesperson for Parks not Planes