April 15, 2019

Maxime Fortin, Clerk of the Committee
Senate Committee on Energy, the Environment and Natural Resources
The Senate of Canada
Ottawa ON K1A OA4
Email: enev@sen.parl.gc.ca

Subject: Study of Bill C-69, Impact Assessment Act

To support the study of Bill C-69, the Impact Assessment Act (the “Act”), by the Senate Committee on Energy, the Environment and Natural Resources, Halifax International Airport Authority (HIAA) requests the opportunity to appear before the Committee in Halifax to present our view on the legislation.

HIAA understands the impetus for the Act, and the consultation process described in it, prior to approving major projects. However, HIAA is of the view that the Act is overly broad as it applies to airports and imposes restrictions and delays on airports that are not suited to the airport operating environment.

The Act requires public notice for all “projects”, which are broadly defined in Section 81 of the Act. Airports constantly undertake minor and moderate projects in response to, among other things, operational requirements, changing air carrier and passenger demands, security and safety regulatory requirements and normal wear and tear and deterioration to infrastructure. While Section 88 provides the ability for the Minister to designate a class of projects that are excluded from Section 82 notice requirements, it is unlikely that the class can be sufficiently defined to capture all types of infrastructure projects that airports routinely undertake.

On an annual basis, HIAA completes hundreds of projects as defined in Section 81 of the Act. Under current legislation, it can be quickly determined by the airport authority that these projects have little to no potential for environmental effect, and the projects can be quickly implemented. This is critical in an environment where safety, security and operational realities require a timely and effective response to new and emerging issues. The requirements in Sections 81 to 91, however, would add unnecessary delay to the project approval process for airport authorities and hamper their ability to respond promptly and effectively to their operating environment.

Section 86(1)(2) requires a project notice be posted on an internet site for a minimum of 30 days before making a determination. This 30-day period will add significant time to hundreds of projects that have little or no potential for environmental effect. Public notification of these types of projects is unnecessary and will delay project implementation with no resulting environmental benefit. While the Act does provide for exclusions of certain projects from the notice requirements, these exclusions will be put in place by regulation at a later date and it is impossible to know to what extent the concerns of airports will be addressed in those regulations. In addition, it is difficult to
conceive that any exclusion could be broad enough to adequately address the huge variety of "projects" that are carried out daily at Canadian airports.

HIAA is of the view that, given the operating and regulatory environment in which airports carry on their business, current environmental assessment legislation adequately addresses the environmental concerns inherent in the types of projects typically carried out at airports. For that reason, HIAA proposes that the requirements for airport authorities currently existing in the Canadian Environmental Assessment Act be retained. Alternatively, HIAA proposes that the Act, as it applies to airports, be limited to major projects that are specifically identified – for example, a new aerodrome, a new runway or extension of a runway beyond some pre-determined size.

We welcome the opportunity to participate in the Senate Committee hearing when the Committee meets in Halifax. I can be contacted at [REDACTED] or [REDACTED].

Sincerely,

Michael Rantala
Director, Safety, Security and Environment