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January 11 2023

The Honourable Minister Alghabra, P.C., M.P.
Minister of Transport
House of Commons
Ottawa, ON
K1A 0A6

Dear Minister:

On behalf of the Federation of Canadian Municipalities (FCM), thank you once again for your ongoing and productive partnership with local governments. As you know, FCM has been the national voice of municipal government since 1901. Our members include more than 2,000 municipalities of all sizes, from Canada's biggest cities and small rural communities, to northern communities and 20 provincial and territorial municipal associations. Together, they represent more than 90 percent of all Canadians from coast to coast to coast.

FCM's Board of Directors convenes municipal leaders from across Canada to set FCM policy on key issues. At the March and September Board meetings, FCM's Board considers resolutions submitted by its membership. Resolutions adopted by FCM's Board of Directors help inform FCM's policy and advocacy priorities with the Government of Canada. Adopted resolutions represent municipal issues of national significance that fall within federal jurisdiction and therefore require a strong federal partner to help find a solution.

The attached resolution, **Aerodrome Approvals Changes**, was adopted at the September 2022 Board of Directors.

Municipalities are concerned about the environmental impact of aerodrome approvals on the environment. Aerodromes are being approved, but not built, and developers are using these sites to dump contaminated fill harming the surrounding watershed. Based on legislation and regulations, the Transport Canada process for approving aerodromes does not need to adhere to local land use planning, and the department does not need to consult directly with the local municipality. The lack of direct consultation and adherence to local land use planning is putting the environment at risk.

Aeronautics is an area of exclusive federal jurisdiction, and provincial and municipal measures that are otherwise valid (such as a zoning bylaw) and influence aeronautics cannot impair the core of the federal jurisdiction. Sections 307.01 to 307.10 of the *Canadian Aviation Regulations* set out the consultations the proponent of a new aerodrome must undertake as part of the application process. These requirements are purely consultative in nature. There is no decision-making authority conferred upon the municipality or anyone else other than the Minister. Under section 4.32(1) of the *Aeronautics Act*, the Minister can refuse the application, but the refusal must be justified as being "in the public interest". There is therefore an onus on the Minister to establish



grounds for the refusal. By default, if the Minister does not react within 30 days of the report, the proponent is free to proceed.

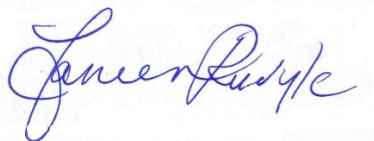
Changes to the *Canadian Aviation Regulations* could be adopted by Cabinet to explicitly incorporate an obligation for the Minister to have regard for local land-use policies when assessing whether a proposal is in the public interest, for example, or set out specific assessment criteria. Transport Canada's Advisory Circular No. 307-001 indicates, at point 6.0, that "factors including but not limited to economic, social, and environmental are taken into consideration as long as it relates to aviation." This is an administrative practice that is not explicitly reflected in the Act or the Regulation.

We urge the Minister to review and update the *Canadian Aviation Regulations* for the purpose of **ensuring municipalities are consulted directly by Transport Canada during the process of approving or expanding aerodromes**, and that departmental staff give regard to local land-use policies and environmental protections, when assessing whether a proposal is in the public interest.

We also urge the Minister to **ensure that Transport Canada's approval process for the location of commercial aerodromes include a proactive public consultation process** to weigh public and financial impact of locating new commercial and private airports, aerodromes and helicopter pads and hangars.

FCM looks forward to working with you and your government in deepening the federal-municipal partnership to improve consultation with municipalities and protect the environment. If you or your staff have any questions, please feel free to contact Margot Cragg, Manager of Government Relations, at mcragg@fcm.ca or 613-907-6246.

Yours sincerely,



Taneen Rudyk
Councillor Town of Vegreville, Alberta
FCM President

CC:

The Honourable Minister Guilbeault
Minister of Environment and Climate Change
House of Commons
Ottawa, ON
K1A 0A6

MIT-2022-01 – Aerodrome Approvals Changes

WHEREAS, Sutton Airport Development Inc. has made an application to Transport Canada for the construction of an aerodrome (Baldwin East Aerodrome) at 7818 and 7486 Old Homestead Road in the Town of Georgina; and

WHEREAS, The Baldwin East Aerodrome proposed by Sutton Airport Development Inc. includes two paved, all weather marked and lighted runways, supporting taxiways and aircraft parking aprons, aircraft hangar and supporting use development lots and access roads and utilities; and

WHEREAS, The Baldwin East Aerodrome proposed by Sutton Airport Development Inc. is located close proximity to Lake Simcoe; and

WHEREAS, 7818 and 7486 Old Homestead Road are within a rural area and contain environmentally sensitive lands; and

WHEREAS, Ontario Municipalities are required to review proposed land development within a comprehensive legislative framework governed by the Ontario Planning Act and associated legislation and policies to ensure land use compatibility and environmental protection, including the protection of significant watersheds, like the Lake Simcoe Watershed; and

WHEREAS, Ontario Municipalities are required to put in place comprehensive Official Plans and Zoning By-laws, with extensive public and stakeholder engagement, in order to guide responsible development and to implement a long term vision for the municipality; and

WHEREAS, The Town of Georgina has put in place a comprehensive Official Plan and Zoning By-law, based on extensive public and stakeholder engagement, in order to guide responsible development and to implement a long term vision for the municipality; and

WHEREAS, The current Federal legislation governing aerodrome development precludes Ontario Municipalities from reviewing proposed land development within a comprehensive legislative framework governed by the Ontario Planning Act and associated legislation and policies to ensure land use compatibility and environmental protection, including the protection of significant watersheds, like the Lake Simcoe Watershed, thus leaving Ontario Municipalities with no decision-making authority with respect to proposed land development involving new or expanded aerodromes; and

WHEREAS, The result of the current Federal legislation governing aerodrome development proposals means that such aerodrome development proposals can essentially by-pass all comprehensive Official Plans and Zoning By-laws, and the planning and development review processes involved therein, and can be approved even if such aerodrome development proposals are not in conformity with Provincial and Municipal legislation and policy, rendering as useless the efforts of Ontario Municipalities have made to protect their local environment from adverse impacts; therefore be it

Resolved, That FCM urge to federal government to review and update the *Canadian Aviation Regulations* for the purpose of ensuring municipalities are

consulted directly by Transport Canada during the process of approving or expanding aerodromes, and that departmental staff give regard to local land-use policies and environmental protections, when assessing whether a proposal is “in the public interest”.

Town of Georgina, ON