

Oral Submissions

Presentation before the Subcommittee to Review Billy Bishop Airport Consultant Reports, December 3, 2013

I'd like to thank the Subcommittee for this opportunity to address you all today. My name is Pippa Feinstein and I am the Public Interest Articling Fellow at Lake Ontario Waterkeeper.

Lake Ontario Waterkeeper is a non-political registered charity working for a swimmable, drinkable, fishable Lake Ontario watershed. We have been extensively involved in Toronto City Airport and harbour issues for over 10 years.

We submit, the City of Toronto should defer its decision to approve the airport expansion. Any final decision will be premature and lack legitimacy if it continues to ignore the following 4 things:

1. a federal environmental assessment,
2. fully informed public consultation,
3. requisite environmental permits, and
4. thorough understanding of the project's potential adverse environmental impacts.

Overlooking these 4 things would also cause significant and potentially irreversible harm to public resources. I shall briefly discuss each in turn:

1. Federal Environmental Assessment:

Governing federal law requires that the current airport expansion proposal undergo an Environmental Assessment under the *Canadian Environmental Assessment Act*. This type of Environmental Assessment will facilitate the fair, evidence-based, transparent, and accountable final decision on the airport, Torontonians deserve.

The process requires identification of possible environmental impacts of a project and their significance. It requires specific mitigation plans and follow-up plans for continued environmental management of impacts in the future. The *Act* also involves an important mechanism by which the underlying need for and possible alternatives to the project can be assessed.

The current decision-making process would be greatly improved by the benefit of these statutory provisions.

2. Fully Informed Public Consultation

A federal Environmental Assessment also has specific clauses that provide for a meaningful and respectful opportunity for public input. These clauses include legally mandated notice periods for public comments and proactive public information disclosure requirements.

It is unreasonable that final consultants reports on airport expansion impacts were only made available to the public last Thursday. Further, we still don't have access to the Toronto Port Authority's Master Plan. This undermines the fairness, transparency, and accountability of the current decision-making process.

3. Requisite Environmental Permits:

There are other environmental permits required by the proposed airport expansion. Any final decision must be postponed until the following are obtained:

- A permit for construction and operation under the *Navigable Waters Protection Act*.
- A permit to destroy fish and fish habitat under the new *Fisheries Act*.
- A permit to disturb species' habitat under the *Species at Risk Act*.
- A permit for the airport to engage in any killing or injuring of migratory birds in the area under the *Migratory Birds Regulation*.

4. Thorough Understanding of the Projects Potential Environmental Impacts

It is up to the proponent, in this case, Porter Airlines, to prove the expansion will not adversely impact the following things:

- a. the 11 Ecologically Significant Areas and Areas of Natural and Scientific Importance that are adjacent to the airport.
- b. the fragile, but recovering, local aquatic ecosystems and local Species at Risk,
- c. the billions of dollars worth of waterfront revitalization encouraging more recreational use of our lakefront, and
- d. our international legal commitments under the *Great Lakes Water Quality Agreement*, which requires strong action to remediate the Toronto Region Area of Concern.

Undergoing an Environmental Assessment and obtaining the requisite environmental permits will help Porter prove this to City satisfaction. Only then, can Council make an informed and responsible decision.

In conclusion, decisions made in the name of "convenience" alone can cost the city millions of dollars and significant lost opportunity. Therefore, a decision on the airport expansion requires legal oversight through Environmental Assessments and permit applications. And this is a good thing: following legal processes now can avoid political headaches and costly mistakes later.