

Chapter 4

Airport Authority
Governance, Statutes and
Policies

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4. Airport Authority Governance, Statutes and Policies

4.1 The Federal Government and Airport Authorities

The federal government's National Airports Policy (NAP) provides a framework that clearly defines the federal government's role with respect to airports as owner, landlord, and regulator, and the Canadian Airport Authorities' role as operator and manager. The federal government's role in airports is defined through two main levels of federal involvement: nationally significant airports that form the National Airports System (NAS) and regional/local airports. The NAS comprises 26 airports including airports in all national, provincial, and territorial capitals, as well as airports with annual traffic flows of 200,000 passengers or more. Those airports are situated on land leased to airport authorities by Transport Canada (TC), which acts as steward of airport property by overseeing airports for which operations have been transferred to Canadian Airport Authorities. The facilities on the land are operated by airport authorities.

TC sets aviation and airport regulatory standards and monitors compliance, as well as enforces all airport safety and security standards in airports in Canada. Other aviation entities, such as aircraft owners, operators, airlines, flying schools, maintenance and repair facilities, air traffic control services, passenger and baggage security screening, and other service providers that fall under TC regulations, are accountable directly to TC. Other regulations that apply now or in the future to Calgary International Airport (YYC) are described in Section 4.4.

4.2 The Calgary Airport Authority

The Calgary Airport Authority (the Authority) is a not-for-profit, non-share Capital Corporation headed by a board of directors and incorporated under the Province of Alberta's *Regional Airports Authorities Act*. Since 1992, it has been responsible for the operation, management, and development of YYC under long-term lease from the Government of Canada.

The legislated mandate of the Authority under the *Regional Airports Authorities Act*, for the general benefit of the public in the region, is as follows:

- To manage and operate airports for which it is responsible in a safe, secure, and efficient manner; and
- To advance economic and community development by means that include promoting and encouraging improved airline and transportation service and an expanded aviation industry.

The Authority operates on federal land that is leased to the Authority by TC through a ground lease (see Section 4.3). The Authority is responsible for funding ongoing operations, facility restoration and improvements, and air terminal or airfield expansion projects. The Authority funds operations capital and expansion capital projects either through revenues generated by commercial operations at the airport or through the airport improvement fee. All surpluses of revenues over expenses are re-invested in airport infrastructure.

The Government of Canada and the Authority continue to take steps to improve the safety, efficiency, affordability, and commercial viability of YYC. To make certain that the airport is safe, efficient, and competitive the Authority continues to implement changes to its infrastructure and operations. Depending on their nature and scale, some of those projects have the potential for adverse environmental effects that call for an environmental assessment (EA).

Further information about the Authority's corporate governance and business plan is available in the 2009-2013 Strategic Operating Plan and on the Authority's web site (www.yyc.com).

4.3 Ground Lease

A Ground Lease sets out the conditions under which TC leases YYC land to the Authority. With respect to federal environmental legislation, the lease states that the Authority “*shall, at its own cost and expense, comply with, and shall ensure that all Occupants and Transferees comply with all applicable laws from time to time in force relating to environmental matters, the manufacture, use, storage, disposal and transportation of any substance and the protection of the environment generally...*”. Under the lease, TC may also perform an environmental audit or environmental surveys at any time to determine the cause of an adverse environmental condition.

4.4 Statutes and Policies

4.4.1 Introduction

The following summarizes legal requirements (major federal and provincial legislation, regulations, policies, guidelines and municipal bylaws) that are, or may in the future be, applicable to the PRP. This is not intended to be an exhaustive listing; instead, it is a summary of the regulatory requirements that were taken into account in this CS.

4.4.2 Federal Legislation and Regulations

Although the *Canadian Environmental Assessment Act* (CEAA) does not apply to airport authorities, other federal legislation does.

4.4.2.1 *Aeronautics Act R.S. 1985, c. A-2 and Canadian Aviation Regulations*

The *Aeronautics Act* (1985) is the legislation that governs civil aviation in Canada. One of the main effects of the Act is to enable the *Canadian Aviation Regulations*.

The *Canadian Aviation Regulations* are a compilation of regulatory requirements designed to enhance the safety and the competitiveness of the Canadian aviation industry. They correspond to the broad areas of aviation which TC - Civil Aviation is mandated to regulate.

With respect to the PRP, Subpart 1 (Aerodromes) of the Regulations and TP 312 (Aerodromes Standards and Recommended Practices) and TP 1247 (Land Use in the Vicinity of Airports) of the Standards are most relevant and were considered in the CS of the PRP. See Volume II, Chapter 7; and Volume V Item 7 for more details with respect to the PRP and those regulations and standards.

Canada is also a signatory to Annex 14 of the ICAO Convention on International Civil Aviation and therefore the convention was also considered during the CS of the PRP.

The *Calgary International Airport Zoning Regulation* (1977) controls zoning regulations on each of the runway thresholds, and thereby controls the heights of developments on and off airport property (see Volume II, Chapter 3 for further details).

4.4.2.2 *Canadian Environmental Assessment Act, S.C. 1992, c.37*

CEAA (1992) establishes a process to assess the environmental effects of projects requiring federal actions or decisions, and requires that the environmental effects of projects be considered early in their planning stages. At present, CEAA does not apply to the PRP (see Volume II, Chapter 5 for more information).

4.4.2.3 *Canadian Environmental Protection Act, 1999, c.33*

The goal of the *Canadian Environmental Protection Act* (CEPA) is to contribute to sustainable development through pollution prevention and the protection of the environment, and human life and health, from the risks associated with toxic substances. CEPA is the legislation under which the National Ambient Air Quality Objectives are issued.

With respect to the PRP, hazardous substances will likely be used, and contaminated soils may be encountered during construction (see Volume II, Chapter 7; Volume III, Chapter 3; and Volume V, Item 1). CEPA also provides guidance on managing aircraft de-icing fluids that will be used with the PRP (see Volume II, Chapter 7).

4.4.2.4 *Fisheries Act, R.S.C. 1985, c. F-14*

The *Fisheries Act* prohibits harmful alteration, disruption, or destruction of fish habitat except where authorized by Fisheries and Oceans Canada (DFO) (the department that administers the Act).

No in-stream works are planned for the PRP. As the Authority has committed to adhere to the Nose Creek Watershed Management Plan (see Volume II, Chapter 7.3), the quantity and quality of water discharged from airport lands to City storm sewers draining into Nose Creek would not significantly decline. Therefore, the PRP would not alter, disrupt, or destroy fish habitat, obstruct fish passage in a water body, or cause silt, toxins, or other harmful substances to enter a water body. For those reasons, DFO has confirmed that they have no interest in the CS of the PRP.

4.4.2.5 *Migratory Birds Convention Act, S.C. 1994, c.22*

The *Migratory Birds Convention Act* (MBCA) ensures the conservation of migratory bird populations in Canada and the United States by regulating potentially harmful human activities. The Regulations under the MBCA provide for the conservation of migratory birds and for the protection of their nests and eggs. Specifically, they prohibit depositing or permitting the deposit of a substance that is harmful to migratory birds in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area. A prohibition against the disturbance, destruction, or taking of a nest, egg, or nest shelter of a migratory bird without a permit is also set out in the Regulations. Possession of a migratory bird, nest, or egg without a permit is also prohibited.

With respect to the PRP, migratory bird nests may have to be removed during construction. The appropriate action was considered, and recommendations are detailed in Volume III, Chapter 6; and Volume V, Item 4.

4.4.2.6 *Species at Risk Act, S.C. 2002, c. S-29*

The objectives of the *Species at Risk Act* (SARA) are to prevent species in Canada from disappearing, to provide for the recovery of species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. Closely associated with SARA is the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

As Environment Canada (EC) has recommended by e-mail, the potential effects of the PRP on listed (both SARA and COSEWIC) species and their critical habitat, including any cumulative effects to species at risk, were considered in the CS. That consideration took into account commitments under the Convention on

Biological Diversity and the Accord for the Protection of Species at Risk between the Government of Canada and its provinces and territories (see Volume III, Chapter 6; and Volume V, Item 4).

4.4.2.7 *Transportation of Dangerous Goods Act, S.C. 1992, c. 34 and Transportation of Dangerous Goods Regulations SOR/2008-34*

The *Transportation of Dangerous Goods Act* provides for regulation of the movement of dangerous goods in Canada. Of most relevance to this CS are the regulations under the Act that deal with accidental spills. In the event of an accidental spill of a dangerous good on YYC land, the Authority will prepare an immediate report of the incident and notify the appropriate parties and government authorities pursuant to Section 8.1 of the Regulations.

4.4.3 Federal Policy

4.4.3.1 *Federal Policy on Wetlands Conservation (1991)*

The *Federal Policy on Wetlands Conservation (1991)* promotes the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future. The Policy is a shared federal responsibility that directs all departments to sustain wetland functions in the delivery of their programs, services, or expenditures. The goals of the Policy include:

- Maintaining the functions and values of wetlands;
- Ensuring no net loss of wetland functions on all federal lands and waters;
- Enhancing and rehabilitating wetlands in areas prone to degradation and loss;
- Recognizing wetland functions in resource planning and management with regard to federal programs, policies and activities;
- Securing significant wetlands; and
- Recognizing and utilizing sustainable management practices to conserve wetlands.

The Policy promotes the concepts of co-operative approaches to wetland conservation, the need for linkages between wetland conservation and other related initiatives (e.g., water policy and wildlife conservation), and the promotion of wetland protection through adequate consideration of wetland concerns in EAs.

As EC has recommended by e-mail, the Policy was considered in preparing the CS (see Volume 3, Chapter 4; and Volume V, Item 2).

4.4.3.2 *Canadian Biodiversity Strategy*

Under the auspices of EC, the federal government developed a biodiversity strategy for Canada. The Strategy has five goals, which are:

- To conserve biodiversity and sustainably use biological resources;
- To enhance both our understanding of ecosystems and our resource management capability;
- To promote an understanding of the need to conserve biodiversity and sustainably use biological resources;
- To provide incentives and legislation that support the conservation of biodiversity and the sustainable use of biological resources; and
- To work with other countries to conserve biodiversity, use biological resources sustainably and share equitably the benefits that arise from the utilization of genetic resources.

See Volume III, Chapter 2; Volume III, Chapter 4; and Volume III, Chapter 6 as to how the Strategy was considered in preparing the CS.

4.4.3.3 *Canadian Environmental Assessment Agency's Sustainable Development Strategy*

The Agency's 2004-6 Sustainable Development Strategy includes recommendations for incorporating sustainability principles and measures into EA. The recommended practices were used in conducting the assessment reported in the CS (See Volume II, Chapter 6; and Volume III Chapter 2.1).

4.4.3.4 *Transport Canada's Sustainable Development Strategy*

TC's 2007-9 Sustainable Development Strategy sets out sustainability principles that apply to transportation projects in Canada. The sustainability measures set out in Volume III, Chapter 2.1 are consistent with these principles.

4.4.4 Provincial Legislation

The following Alberta legislation may be relevant.

4.4.4.1 *Alberta Environmental Protection and Enhancement Act, 2000*

In an e-mail communication, Alberta Environment suggested that there may be regulatory requirements under this act with respect to the construction and operation of stormwater management systems. However, the Authority's 2003 Stormwater Management Master Plan, as discussed in Section 8.3.2.3d of their Nose Creek Watershed Water Management Plan (NCWWMP), is an "approved Staged Master Drainage Plan" that anticipates construction of the PRP. The design for the PRP Stormwater Management System has been developed in co-operation with, and approved by, the Nose Creek Watershed Partnership (see Volume III, Chapter 5).

All storm drainage from YYC lands enters the City of Calgary storm sewer system. Therefore, the City's Storm Sewer bylaw applies. The NCWWMP is a guidance document and is used by the City when reviewing YYC development proposals. Alberta Environment recognizes the Plan's principles in approving development proposals.

4.4.4.2 *Water Act, R.S.A. 2000, c. W-3*

The *Water Act* governs activities affecting water bodies in Alberta, including upstream construction, water diversions, and infilling of wetlands. Its broad purpose is to conserve and manage Alberta's surface water and groundwater resources. The PRP will not involve activities that would require an approval under the *Water Act*.

4.4.4.3 *Wildlife Act, R.S.A. 2000, c. W-10*

On private land and Alberta's public lands, the Alberta government has responsibility for species at risk, as established by the *Natural Resources Transfer Act* of 1930. Alberta's *Wildlife Act* designates endangered and threatened species, and provincial recovery plans direct management of those species. An assessment was completed to identify any provincially listed species potentially influenced by the PRP (see Volume III, Chapter 6).

4.4.4.4 *Weed Control Act, R.S.A. 2000, c. W-5*

The *Weed Control Act* prohibits a person from moving a machine that is likely to cause spread of a noxious weed. During construction, machinery may come into contact with vegetation that can be a source of noxious weed seeds. Construction vehicles and equipment will be clean before being moved onsite and offsite (see Volume III, Chapter 4; and Volume V, Item 2).

Furthermore, the City of Calgary has bylaws that are specific to noxious or restricted weeds. The CS of the PRP assessed the potential for the transfer of noxious weeds and recommend mitigation (see Volume III Chapter 4; and Volume V, Item 2).

4.4.4.5 *Soil Conservation Act, R.S.A. 2000, c. S-15*

The *Soil Conservation Act* discourages practices that cause soil degradation. As approximately 5.4 million m³ of soil will be excavated for the PRP, soil conservation will be addressed in detail (see Volume II, Chapter 7.5; Volume III, Chapter 1; and Volume V, Item 1).

4.4.4.6 *Historical Resources Act, R.S.A. 2000, c. H-9*

The *Historical Resources Act* protects historic resources in Alberta, including paleontological, prehistoric, historic, archaeological, and certain cultural or natural objects, sites, or structures. Pursuant to the Act, a Historical Resource Clearance is needed for projects where effects on known and unknown historical resources could occur.

A Historical Resource Impact Assessment (HRIA) (Fedirchuk, McCullough and Associates 2001) has been completed for YYC lands required for the PRP, and the Authority has implemented the recommended mitigation measures. No further assessment is required (see Volume III, Chapter 13; and Volume V, Item 11).

4.4.4.7 *Public Health Act, R.S.A. 2000, c. P-37*

The *Public Health Act* regulates health policy practices across Alberta. Section 2 (l) of the Act gives the Health Minister the authority to make regulations prescribing the maximum levels of contaminants permissible in air, water or soil. Alberta Health has the authority to require assessment of health risk associated with the effects of a project.

4.4.5 Provincial Regulations

The PRP was reviewed against the applicable requirements of provincial regulations to ensure that they are considered in this CS. As a result, the following regulations were determined to be applicable:

4.4.5.1 *Airport Vicinity Protection Area Regulation*

The purpose of the *Airport Vicinity Protection Area (AVPA) Regulation* is to restrict incompatible development (primarily residential or other noise-sensitive land uses) in areas in and around YYC (see Figure 4-1). The YYC AVPA was established with the assumption that the parallel runway was in place and operating. Alberta Municipal Affairs now reviews AVPA regulations every five years. The YYC AVPA regulation was reviewed and revised in 2009.

4.4.6 Municipal Requirements

As Canadian Airport Authorities are federally regulated bodies operating on federally leased lands, municipal regulatory requirements do not apply to the PRP. However, by agreement some of the City of Calgary's bylaws are observed by the Authority. Those related to storm and sanitary sewers apply when drainage from YYC lands ties into them. The City's noise bylaws apply to non-aviation noise.

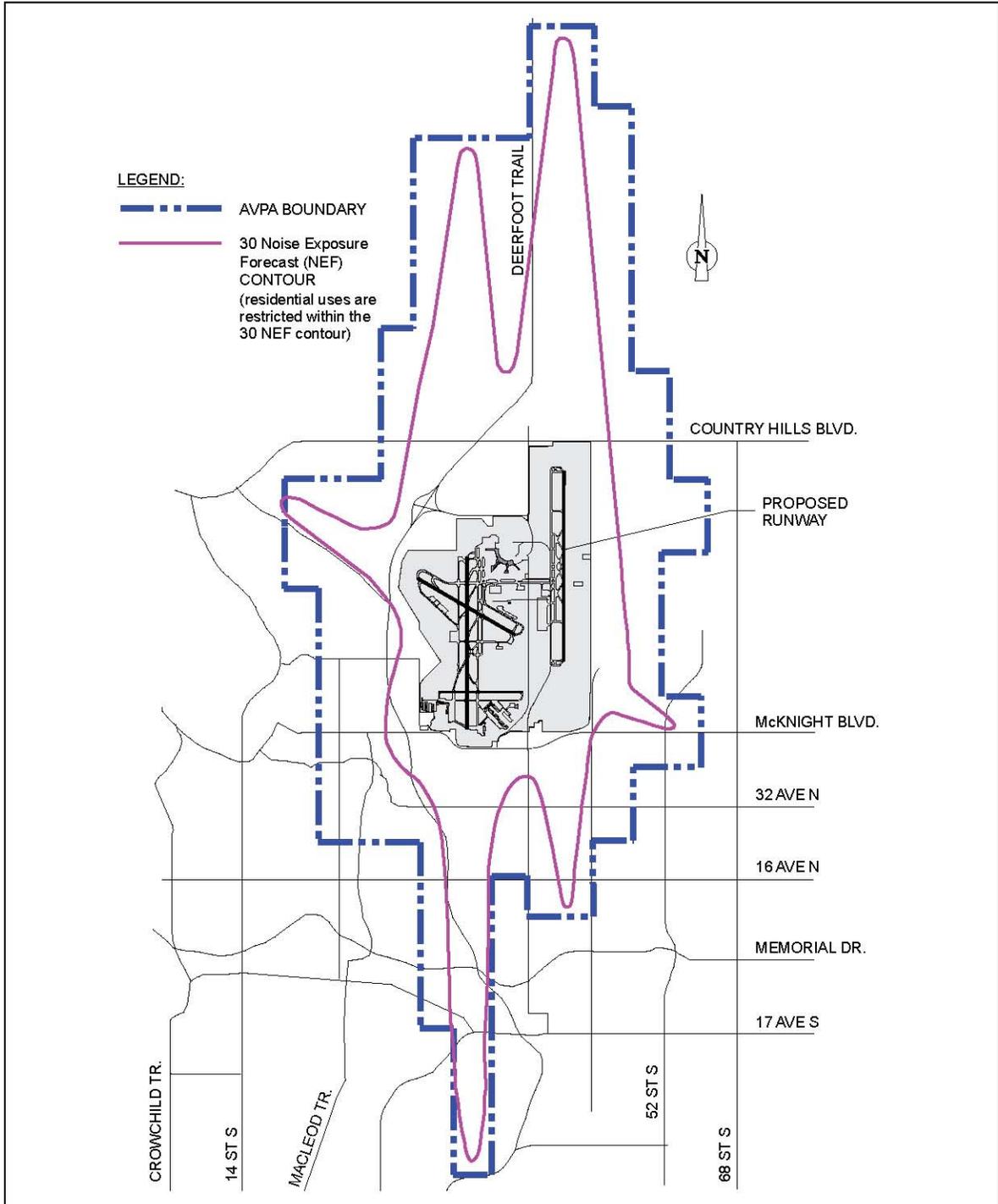
4.4.7 Concordance

Various issues from the aforementioned legislation and regulations are addressed in relevant Chapters of the CS (Table 4-1).

Table 4-1 Concordance Table

Title	Refer to Chapter(s)
Canadian Environmental Assessment Act: Factors to be Considered	
Need for and Purpose of the Project	II-2
Alternatives to the Project	III-18.1
Alternative Means and their Environmental Effects	III-18.2
Environmental Effects	III
Accidents and Malfunctions	III-19
Effects of the Environment on the Project	III-17
Cumulative Effects	III
Effects on the Capacity of Renewable Resources	III-2.2
Significance of Environmental Effects	III
Mitigation Measures	III-20
Comments from the Public	IV-1
Need for Follow-up	III-21
Other Federal Legislation	
Aeronautics Act and Aviation Regulations	II-7
Canadian Environmental Protection Act	II-7, III-3,5,7, V-15
Fisheries Act	III-5
Migratory Birds Convention Act	III-6
Species at Risk Act	III-4,6
Transportation of Dangerous Goods Act	III-19, V-15
Wetlands Conservation Policy	III-4,5
Canadian Biodiversity Strategy	III-4,6
TC Sustainable Transportation Strategy	III-2.1
Canadian Environmental Assessment Agency Sustainable Development Strategy	III-2.1
Provincial Legislation	
Environmental Protection and Enhancement Act and Regulations	III-5,7,12
Water Act	III-5
Wildlife Act	III-6
Weed Control Act	III-4, V-15
Soil Conservation Act	III-3, V-15
Historical Resources Act	III-13
Public Health Act	III-15
Airport Vicinity Protection Area Regulation	III-9,10,15
Municipal Requirements	
City of Calgary Storm Sewer Bylaws	III-5,7
Cities of Calgary, Airdrie, and Rocky View County Land-use Bylaws	III-9,14

Figure 4-1 Calgary International Airport – Airport Vicinity Protection Area



Source Alberta Municipal Affairs 1978