



Ottawa, Sept. 2<sup>nd</sup> 2019

CARAC

via email: [carac@tc.gc.ca](mailto:carac@tc.gc.ca)

Re: NPA 2019-014 Certification of Water Airports

### **Executive summary**

The NPA wants to address passenger and staff safety at water aerodromes, and rightly so. By wanting to certify them, somewhat based on land airport guidelines, COPA believes this is not the right approach, the solution being looked at from the wrong angle. The previous attempt at wanting to certify water aerodromes goes back to 1999, so there doesn't seem to be any urgency. COPA believes the right approach is through consultation with the right groups and letting industry come up with proposals that meet the specific needs. A focus group works best, and Canada has a lot of competent operators and associations that have the skills and knowledge to do so as they sit around a table.

COPA puts forth seven important recommendations. In order to avoid creating a dangerous precedent that could impact the future of water aerodromes in Canada, the two most important are that the regulator needs to come up with a **definition of a built-up area** and that the applicability criteria need to be in a built-up area **AND** have scheduled passengers. The third most important is to work openly and collaboratively with industry to address the safety needs put forth in this NPA through a focus group. Carrying over land airport certification to water airports is no feasible. One size does not fit all.

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On behalf of Canada's general aviation community and as the largest aviation association in the country, we are pleased to provide comments on the regulator's latest proposal to certify water aerodromes.

We also thank TC for providing more information of which aerodromes are directly concerned with this NPA, after we asked for the information. This came in the form of an addendum.

### **Analyzing the NPA**

One question stands out: what problem are we trying to solve - ensuring the safety of passengers and staff working at these water airports through certification? Because of the sheer variable nature of water aerodrome operations (winds, other traffic on the waterways, obstacles in the water, current, tides, etc.), unless the proposed landing channel has a fence around it of the proper shape to allow for all the variations and exclusive use of the body of water to the water airport, certifying them based on criteria similar to land aerodromes is simply not feasible, they require a different approach. There are certainly other ways to ensure the safety of passengers and staff.

Regardless, this iteration of the NPA has several other major issues that cause us concern, and would set a dangerous precedent for the future of water aerodromes in Canada.

These concerns center around four key areas:

1. the lack of definition of "built-up area";
2. the arbitrary thresholds that not only trigger certification but also for minimum requirements;
3. cost of compliance;
4. as well as new consultation requirements where water aerodromes had previously been excluded.

COPA also consulted its membership on the proposed regulations, and one safety aspect, which the NPA fails to address, is how to deal with boats and other watercraft who might commit incursions into the established boundaries of the water airport. Our members are quite insistent that Transport Canada needs to be more proactive in educating operators of watercraft on the hazards of maneuvering in an area where aircraft are taking off and landing.

### **Built-up Area**

This NPA relies heavily on the concept of a "built-up area", a term for which there is no definition in the regulation, other than Appendix B of [AC 307-001](#) which is mostly specific to land aerodromes, as water aerodromes were excluded from the Responsible Aerodrome Development (RAD) work. We and other industry partners have raised this issue in respect of numerous other NPAs, including aerodrome consultations and RPAS operations.

The lack of a clear definition for the principle concept on which these regulations are formed creates grey areas and uncertainty for operators, stakeholders, and the public. Moreover, it opens the door to challenges from neighbours who oppose water aerodromes of any sort, including existing water airports. Failure to clearly define the concept of built-up area puts at significant risk every aerodrome, water aerodrome, and aircraft operator in Canada at significant risk of exposure to challenges from those who would seek to ban aircraft from certain waterways, municipalities, or other areas.

It also establishes a slippery slope for private floatplane operators based at their private dock, especially those who might be arguably located within the still-undefined “built-up area.” What this NPA does is hand a silver bullet to any entity who has ever tried to get a floatplane banned from a body of water or their neighbour who flies in to their cottage. Also, what distinguishes a private owner of an unregistered water aerodrome (e.g. floatplane at his dock) right next to a certified one? For example, if a floatplane is on a dock 200 feet down river from pre-certified Marina Venise (QC) which is in a built-up area, would this individual need to certify his water aerodrome? If a “built-up area” is one of the triggers, then this would be the case. And complying to the proposed airport operations manual and the management of the airport per se is simply not commensurate with this situation.

### **Arbitrary Thresholds**

The NPA currently asks stakeholders to choose between two options through which the regulator would pursue certification of water aerodromes. It is COPA’s fear that imposing such a regulatory burden on all water aerodromes where there is scheduled passenger service will simply see operators cancel operations at those destinations entirely, or move to an on demand-style charter operation. Likewise, due to the predictably-high cost of compliance, setting a threshold of movement numbers, in this case 14, would likely have the spinoff effect of forcing operators to reduce service at these destinations to remain under the cut-off.

In addition to the thresholds proposed for levels of service, the NPA fails to provide any reasoning or justification for the physical characteristic minima that water aerodrome operators would have to meet in order to achieve certification. Especially given the varying surroundings and nature of water operations (winds, tides, current, obstacles, etc.). As was acknowledged during the RAD working groups, water aerodromes are effectively limited only by the boundaries of the water bodies on which they are located. Because water aerodromes, quite literally, come in all shapes and sizes, a heavy-handed one-size-fits-all approach to certification would place enormous challenges on smaller operators.

## **Cost of Compliance**

Transport Canada has not provided any estimate or analysis regarding the cost to operators – both financially and in terms of resources – that will be required to complete the certification process and maintain their operations at the new level once certification is achieved. As previously mentioned, this NPA imposes a one-size fits all approach that will do nothing other than create new bureaucracy for smaller operators who will likely choose to either eliminate scheduled service altogether or reduce service to remain under the movement threshold, whichever the case may be.

Further defying logic is the notion that existing certified water airports would have to begin the application and approval process from scratch. The government acknowledges the six existing certified airports and would rather see them lose their current certification and reapply than be grandfathered and allowed to make the necessary amendments or upgrades as required. This is nothing more than a further drain on operator resources for very little benefit to the public or to safety.

## **Consultation Requirements**

This NPA proposes to create a new requirement whereby operators would be forced to conduct a consultation process on the boundaries, and presumably the nature of operations at the water airport. As we have already pointed out, water aerodromes were specifically excluded from having to conduct such consultations under *Responsible Aerodrome Development* because the boundaries are dictated only by the boundaries of the body of water. Where does the government draw the line? Does an operator of a water airport in Kelowna, B.C. need to consult the municipalities of Penticton, Peachland, West Kelowna, Vernon, and every other municipality with a piece of Okanagan Lake? In re-obtaining their certification to the new standard, would Marina Venise be required to consult with every municipality along the St. Lawrence River? Unfortunately, the government's proposal leaves the industry with more questions than answers, and more uncertainty about the future of water airports.

## Recommendations

In light of the above and on the opportunities to improve on this proposal, COPA recommends the following:

1. Define the concept of Built-Up Area, and amend the CARs accordingly;
2. Apply the new certification requirements only to those water aerodromes that are located within a built-up area **AND** that have scheduled passenger service, not either one;
3. Start with a focus group to clarify the specific needs and how to tackle the sought outcome of ensuring the safety of passengers and staff at water aerodromes.
4. Allow existing, certified, water airports to maintain their certification and make the necessary changes or upgrades to the required areas of their operation within one year
5. Conduct a cost-benefit analysis on the requirements being imposed on operators of water airports, particularly those in small, remote, and indigenous communities so as to not impose an undue cost and regulatory burden on these operators, and work with stakeholders to create a model of certification that improves safety without impacting levels of service
6. Remove the requirement to consult as part of the certification process, or clearly define who must be consulted and at what stage
7. Work equally with the boating industry and other maritime stakeholders to reduce the hazards to aircraft and the travelling public caused by watercraft operating near seaplanes and near water aerodromes.

COPA appreciates having the opportunity to voice the concerns of Canada's General Aviation community on this topic. We are more than willing to work together and look for the best solutions for our members and the aviation community at large, safeguarding the safety of flight for all in our skies.

Regards,



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President and CEO