



**Denise Savoie, MP**

**Victoria**

December 2, 2010

The Hon. Chuck Strahl  
Minister of Transport, Infrastructure and Communities  
441S Centre Block  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Minister Strahl,

I am writing concerning Transport Canada's decision to cancel a permit under the NWPA granted to WAM, the proponents of a marina project in Victoria harbour and the requirement for WAM to submit a new application for a NWPA permit. As you know, this proposed marina is planned to be situated in the middle of the manoeuvring and movement area of the airport as defined in the Airport Operations Manual (AOM) and a detailed note on this subject is appended at the end of this letter. In addition, there were two pending applications for judicial review on that proposal. One of the groups involved has met with me outlining problems related to the last permit under the NWPA and asks that I bring these to your attention in order to avoid future judicial reviews.

The fact that the second edition of the Victoria Harbour Water Airport Operations Manual (AOM) (dated March 31 2010) **serves as a "a legal reference to the required Safety Management System that is in place for this airport and provides airport staff with comprehensive directions concerning operational procedures"** raises several issues if TC were to consider issuing a permit to WAM in the same manner as it did the last permit. Namely, it appears curious if not irregular that the Federal NWPA approval was given after the Safety Management System legislation and implementation took place and without taking account of or going through the various processes required by the SMS.

The AOM states: **"A Safety Management System (SMS) is in place and Transport Canada will from time to time carry out Program Validation Inspections (PVI) to ensure that the certification standards are being met"** and Paragraph 1.1.3 appears to require the Minister to ensure that:

since *(the Airport Operations Manual states that)* an SMS is in place, all the following related actions have been, and are, undertaken and communicated to all stakeholders, Victoria City Council and the general public, including but not limited to:

-A Gap Analysis as required by Transport Canada in its phased implementation approach to SMS is/has been undertaken and documented

-Preparation of a Project Plan (as required by Transport Canada) to ensure that all required actions arising from the Gap Analysis are documented and executed

-Full implementation of all aspects of the SMS after the Gap Analysis and Project Plan

-SMS and Human Factors training of all personnel as required by the associated Canadian Aviation Regulations

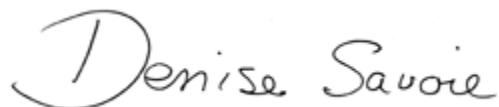
-Immediate activation of the Safety Management System Committee (SMSC) defined and described in the Airport Operations Manual and which, as per 4.3.7 of the Manual, includes airport employees, Air Carrier representatives, NAV Canada site manager and **other appropriate stake holders** - *note that my constituents who are stake holders (i.e. people who have an interest or concern) have not, as yet, been invited to participate in the said SMSC, even though the manual states that the SMSC will meet monthly.*

I would ask that no permit be granted until Transport Canada follows through with the measures that Transport Canada, in its airport operations manual, states as requirements and also confirms by evidence, that the required training and audits have been carried out. The SMS in place would require more than statements of safety of the proposed project and must be able to demonstrate, through a full safety case, the process by which TC officials have arrived at their conclusions and the facts that back up their assertions.

I therefore ask that you reply at your earliest convenience, outlining the way in which TC will demonstrate how these steps will be taken, rather than asking the proponents to simply “resubmit the same application” as per the WAM media statement.

Thank you in advance for your attention to this matter, which is of great interest to individuals and businesses in my constituency who are watching each step in the process with very diligent attention.

Sincerely,

A handwritten signature in cursive script that reads "Denise Savoie". The signature is written in dark ink on a white background.

Denise Savoie, MP (Victoria)

**Note on the definition of the airport manoeuvring and movement areas:**

The AOM clearly states that the movement area of the Victoria Harbour Airport includes the inner, middle and outer harbours and that the manoeuvring area is considered to be the middle and outer harbour. This being so and given that the airport/aerodrome is under the sole jurisdiction of the Federal Government, it is not clear how the Provincial Government and City of Victoria can claim jurisdiction and give permission for development on "water lots" on the movement/manoeuvring areas which are not under their jurisdiction and which would pose an immediate safety risk.