

34. NEF CONTOURS

(1) For the purposes of paragraph 14(1)(f) the Minister shall supply the Lessor and the Lessee, at the request of either, with actual NEF Contours based on the 95 percentile level of aircraft movements during the immediately preceding calendar year, and which shall, subject to subsections (2) and (4), be prepared using the same method as used in the NEF procedure of the Federal Department of Transport on the effective date of this Lease Agreement, together with all supporting documentation:

- (a) as soon as data is available following the end of the first calendar year during which limited commercial STOL service is taking place; and
 - (b) as soon as data is available following the end of any subsequent calendar year during which the number of general aviation aircraft movements or the number of STOL aircraft movements has increased over the immediately preceding calendar year.
- (2) IF
- (a) the average daily number of seaplane movements on the seven busiest days of total aircraft movements of each of the three busiest months of total aircraft movements in any calendar year exceeds thirty (30); or
 - (b) an actual 28 NEF Contour provided under this section is closer at any point, except in a direction westerly of the Toronto City Centre Airport between points "X" and "Y", to the official 25 NEF Contour for 1990 than to the official 28 NEF Contour for 1990, all as shown in Schedule "F" attached hereto,

the Lessor may require that the actual NEF Contours referred to in subsection (1) for the calendar year in question and, subject to subsection (3), for calendar years subsequent to the year in question, be revised to include the noise attributable to seaplanes.

(3) If the conditions specified in paragraph (2)(a) or paragraph (2)(b) do not occur in any calendar year, the Minister shall not be required to revise the actual NEF Contour for that year to include the noise attributable to seaplanes.

(4) The actual 'NEF Contours prepared in accordance with subsection (1) shall include the noise attributable to helicopters for any calendar year during which flight paths were required to be followed for at least half of that year pursuant to section 35.

(Note: The Lessee confirms that, notwithstanding the increased air traffic projected to occur as a result of construction of the Bridge and related improvements to the Toronto City Centre Airport, the approved NEF levels set out in Section 34 shall continue to apply without modification. The Lessee acknowledges that the Lessor's approval of the Bridge, as set out in the Report, is in part based on studies prepared by consultants on behalf of the Lessee and presented to the Lessor, concluding that the increased levels of air traffic would not result in noise levels exceeding the permitted NEF contours.)

(Note from June 2003 Amendment, s.3(b))