

Ministry
of the
Environment

Ministère
de
l'Environnement



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JUL 21 2008

Mr. Rob Mackay
Director
Economic and Environmental Sustainability Branch
Planning, Transit and the Environment
City Of Ottawa
110 Laurier Avenue West
Ottawa ON K1P 1J1

Dear Mr. Mackay:

Between July 13 and 20, 2006, the former Minister of the Environment received four requests from members of the public that the City of Ottawa (City) and Kanata West Owners Group (KWOG) be required to prepare an individual Environmental Assessment (EA) for the proposed Carp River, Poole Creek and Feedmill Creek Restoration Class EA Project (Carp River Restoration Project); several projects under the Kanata West Master Servicing Study, specifically, Stormwater Management Ponds # 1, 2, and 5, and Signature Ridge Pump Station Upgrade and associated gravity sanitary sewers; and, selected projects under the Kanata West Road Network Transportation Master Plan, specifically, Maple Grove Road Widening from west of Huntmar Road to Terry Fox Drive and North-South Arterial from Hazeldean Road to Campeau Drive Extension, located in the City (Projects). I understand that the seven projects are part of a larger development plan, the Kanata West development area, the lands defined by the Kanata West Concept Plan, which is comprised of a total of 22 projects.

It is the understanding of this ministry that these Projects are being planned as Schedule B projects under the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA), except for the Maple Grove Road Widening from west of Huntmar Road to Terry Fox Drive and the North-South Arterial from Hazeldean Road to Campeau Drive Extension, which are being planned as Schedule C projects. The Class EA is an approved planning process that proponents must follow for projects of this type in order to obtain authorization to proceed with the project under the *Environmental*

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Assessment Act (EAA). Despite this process, the Class EA includes a provision whereby any member of the public who has unresolved concerns with a proposed project can request that I require the proponent of the project to prepare an individual EA. This requirement to prepare an individual EA is referred to by the Class EA as a Part II Order.

Since the time of the submission of the Part II Order requests, ministry staff have been thoroughly reviewing the issues raised in the requests. On January 25, 2008, the Environmental Assessment and Approvals Branch (EAAB) received a letter from the City asking that the ministry put on hold its review of the four Part II Order requests, due to errors recently found with stormwater management modeling for the Carp River Restoration Project. Following the receipt of the letter, the ministry was advised that the City is actively seeking a third-party engineering review of the stormwater management modeling. The timeframe for determining the implications of these modeling errors to the seven projects subject to the Part II Order requests, and the remaining of the 22 projects within the Kanata West development area, and the impact to floodplain levels, is unknown. Staff at EAAB are also in receipt of your April 22, 2008 letter in which you provide a draft Terms of Reference for the third-party review of the technical analysis for the Carp River Restoration Project and related issues. Ministry staff provided comments to the draft Terms of Reference on May 14, 2008, requesting several additional terms as part of the third-party review.

This ministry is also in receipt of the February 8, 2008 memo submitted to the City's Mayor and Council, signed by the City's Director of the Planning Branch, in which the City assessed which subdivision applications within the Kanata West development area, are not impacted by the Carp River Restoration Project. This ministry finds this assessment to be of insufficient detail for determining the potential impact to the Carp River Restoration Project, as well as all other projects occurring within the Kanata West development area. Other projects, including those not subject to the Part II Order requests, such as the stormwater management ponds, may be impacted by the errors in hydraulic and hydrologic analysis, and also need to be considered.

Lastly, the ministry is in receipt of the City's Auditor General Report of the Carp River Watershed Study and Related Projects. This report identifies incomplete or erroneous aspects of the study and indicates that the Carp River Restoration Project should have been planned as a Schedule C undertaking under the Class EA.

I am taking this opportunity to inform you that, due to the uncertainties about the stormwater management and floodplain impacts to the Kanata West development area, I am imposing several conditions on the City and KWOG under section 16(3) of the EAA, requiring the City and KWOG to complete additional work before continuing to proceed through the Class EA process. This decision was made after giving careful consideration to the issues raised in the Part II Order requests, the recent turn of events with respect to the errors found, the Auditor General Report, and the City's insufficient rationale for determining the impact of these errors on the Kanata West projects, and to ensure that the environment will be protected, as required under the EAA.

Therefore, to address the errors found in the stormwater management modeling and to ensure that the environment is protected, I am making an Order imposing a number of conditions in respect of the Projects.

I. Third-Party Review Regarding Stormwater Management Modeling

1.1. Following the completion of a third-party review, to which the City has committed to conducting, the City and KWOG shall provide a report to the District Manager, Ottawa District Office and Director, Environmental Assessment and Approvals Branch, containing a detailed qualitative and quantitative assessment and rationale as to:

1.1.1. How the 22 projects within the Kanata West development area are impacted by the modeling errors.

1.1.2. Whether or not each of the 15 projects that have already proceeded through the Class EA have resulted in a change to the undertakings, such that the projects can no longer be implemented in the manner outlined in the Class EA reports or the changes have resulted in new environmental implications, thereby warranting an addendum.

1.1.3. Whether or not the Class EA study reports for the seven projects subject to the Part II Order requests require revision.

1.2. The City and KWOG shall report back on impacts, if any, of the inconsistencies in the application of one and two-zone floodplain policies and identify what actions the City intends to take to address these impacts, where needed. It is my understanding that such actions could include the City

enacting a by-law to apply a two-zone floodplain policy along the reach of the Carp River in the Kanata West development area.

2. *Carp River, Poole Creek and Feedmill Creek Restoration Class EA, Master Servicing Study and Transportation Master Plan*

Water Level and Flow Modeling Data

2.1. The City and KWOG shall consider, based on the results of the third-party review, the level of additional information required to calibrate all models and validate the water level and flow modeling results, detailed in the post-development flow characterisation and flood level analysis for Carp River, Feedmill Creek and Poole Creek. The City and KWOG shall also determine, based on the third-party review, whether these details warrant a revision to the Carp River Restoration Project, Master Servicing Study, and Transportation Master Plan.

Water Level and Flow Rate Monitoring Plan

2.2. The City and KWOG shall consider, based on the results of the third-party review, the details of a water level and flow rate monitoring plan for the Carp River, Feedmill Creek and Poole Creek. The City and KWOG shall also determine, based on the results of the third-party review, whether these details warrant a revision of the Carp River Restoration Project, Master Servicing Study and Transportation Master Plan.

Development Phasing Plan Relating to Stormwater Management

2.3. The City and KWOG shall design a detailed development phasing plan for development occurring within the Kanata West development area to identify opportunities to mitigate increased surface water runoff impacts from the anticipated urbanization, based on input from the water level and flow rate monitoring plan. This plan shall at a minimum include details on:

- the timing of all phases of the Kanata West development;
- the filling in the Carp River floodplain and /or riparian lands;
- restoration works;

- how to enhance mitigation opportunities, to address any increased surface water runoff impacts from the resulting urbanization, related to development phasing;
- issues related to riparian storage; and,
- the manner and frequency in which the monitoring reports will be made available to the public and agencies.

2.3.1. The City and KWOG shall include this development phasing plan in the revised Carp River Restoration Project, Master Servicing Study and Transportation Master Plan.

Records in Public File

2.4. The City and KWOG shall include all agency and public correspondence related to the Projects in the revised Class EA Studies.

3. *Updated Project Documentation and Notice*

3.1. The City and KWOG shall revise and update the Carp River Restoration Project, Master Servicing Study, and Transportation Master Plan to include the results of the third-party review, the details of conditions 1 and 2, and re-issue a Notice of Completion, complete with a 30-day public comment period, and all the provisions of the comment period, including provisions for Part II Order requests.

I would also like the City and KWOG to consider climate change adaptation in the Kanata West development area, particularly with respect to future flooding events. Studies project increases in the frequency and intensity of extreme rainfall events resulting in increased flooding risks due to climate change. Aspects to consider should include the impact of changes in the frequency and magnitude of extreme climate events, changes in basin characteristics, such as the proportion of impervious areas, and adaptation strategies that address infrastructure, land-use vulnerability and associated risks.

I would also request that the City and KWOG continue to work with staff at this ministry's Eastern Regional Office and Environmental Assessment and Approvals Branch, to continue discussions about how climate change adaptation can be implemented as part of the Kanata West development, if feasible.

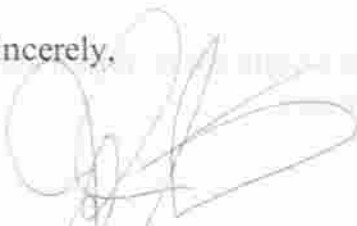
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Lastly, I would like to ensure that the City and KWOG understands that failure to comply with the EAA and the conditions of my decision are contraventions of the EAA and may result in prosecution under section 38 of the EAA. I would also like to ensure that the City meet the requirements of the Director's letter that preceded this letter, outlining the additional information that the ministry is requesting for submissions for approval under the *Ontario Water Resources Act*. The City and KWOG should not interpret this Order as approval to proceed with the Projects. I am confident that the City and KWOG recognizes the importance and value of the EAA and will ensure that its requirements are satisfied.

If you have further questions, please feel free to contact Ms. Sarah Paul, Manager, Client Services Section, at 416-314-7135.

Sincerely,



John Gerretsen
Minister of the Environment

c: Mr. Mike Green, Senior Project Manager, Kanata West Owners Group
Ms. Kelly Roberts, Planner, Delcan
His Worship Larry O'Brien, Mayor, City of Ottawa
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