

ENV1283MC-2006-355

February 15, 2006

Mr. Ted Cooper
500 Lake Clear Road
Eganville ON K0J 1T0

Dear Mr. Cooper:

Thank you for your January 22, 2006 letter to the Minister of the Environment. In your letter, you requested that the City of Ottawa (City) be required to prepare an individual environmental assessment (EA) under the *Environmental Assessment Act* for the proposed Carp River Restoration Plan (Project). I am pleased to reply to you on behalf of the Minister.

The *Environmental Assessment Act* (EAA) applies, in large part, to public sector projects carried out by the Province, municipalities, or a public body. Approval is obtained under the EAA by preparing and submitting an environmental assessment (EA) to the government. In this case, approval to proceed must be granted by the Minister of the Environment and Cabinet. The requirements for the preparation of an EA are set out in Part II of the EAA.

Alternatively, municipalities may be able to obtain approval for road, water, and sewage infrastructure projects through planning and developing projects under the *Municipal Engineers Association Municipal Class Environmental Assessment* (Class EA). The Class EA is an approved environmental planning process based on principles of environmental assessment, including public and agency consultation, considering alternatives and environmental effects (natural, cultural, economic), and ensuring a clear and traceable decision-making process. Class EA projects have predictable and mitigable environmental effects. Class EA projects are characteristically recurring, similar in nature, limited in scale, have a predictable range of environmental effects, and responsive to mitigation.

It is the understanding of this ministry that this Project is identified in the City's Carp River Watershed/Subwatershed Master Plan as a Schedule B project to which the Class EA applies. This Master Plan was prepared under the Master Planning of the Class EA, using Approach 1 as set out in Appendix 4. Under this approach, the City has prepared the Master Plan to a broad level of detail, such that the Class EA requirements set out in section A.2 for Schedule B projects must be fulfilled for the Project subsequent to the Master Plan having been completed. Schedule B projects are those that have the potential for some adverse environmental effects. For these, proponents are required to evaluate alternative solutions in consultation with the public and government agencies. The Class EA requires that a Project File be prepared, documenting the planning and development of the project and the public and agency consultation that was conducted. The Project File also provides a description of the proposed project.

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At the end of the Class EA process, the City is required to issue a Notice of Completion for each of the Project, advising the public that the documentation for the Project has been prepared and will be available for public comment for a specified period, usually 30 days. A final opportunity to provide comments is given during this comment period. Further efforts to resolve concerns must be made by the City at that point.

As with all projects planned under the Class EA, a person or party with a concern should bring the concern to the attention of the proponent as early in the planning process as possible. In accordance with the Class EA, any proponent is required to consider all comments received from the public and review agencies. As the proponent, the City should consult with you and attempt to resolve your concerns. Ms. Susan Murphy of the City has been provided a copy of your letter for appropriate action. Ms. Murphy can be reached at (613) 580-2424, extension 22518.

Where concerns are not resolved through discussions with the City, any person or party raising the concerns may then make a written submission to the Minister asking that the City be required to prepare an individual environmental assessment for the proposed Project. This is referred to by the Class EA as a Part II Order request. A copy of the request should also be sent to the City. This is required by the Class EA to be done during the final 30-day comment period following the issuance of the Notice of Completion.

It is my understanding that the City is currently working to resolve technical issues that have arisen about the Project prior to issuing the Notice of Completion. As indicated in the November 25, 2005, letter to you from the ministry, the Ministries of Transportation, Natural Resources and Environment are currently in discussions with the City with respect to these technical concerns. The City is aware that these outstanding technical concerns must be addressed prior to proceeding with this Project.

If the City is unable to resolve your concerns, staff at this ministry will, following the end of the public comment period, review the issues and concerns you have cited as reasons for which an individual EA should be prepared. Your request will be forwarded to the City. The City will be directed to review your request and to provide any Project documentation and other information necessary to assist the ministry in its review of your request. This information will be considered by the Minister when making a decision about the request. Where required, ministry technical staff and staff at other agencies may also further review the matter. Any additional requests received during the final comment period will also be reviewed by the ministry.

In the event that any discussions with the City are successful at resolving some or all of the issues and concerns you have raised, you are asked to advise the Minister, by letter, that you are revising or withdrawing your request. If you withdraw your request and if there are no other outstanding requests, the Project can proceed under the Class EA to completion. On the basis of this review and other matters required to be considered by the Minister under the EAA, the Minister will make a final decision whether or not to require that an individual EA be prepared by the City. You will be notified in writing of the Minister's decision once it has been made.

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If the Minister requires that an individual EA be prepared, the City must proceed in accordance with the requirements of the EAA governing the preparation of individual EAs. If the Minister declines to order that an individual EA be prepared, the City may, upon completion of the Class EA process, proceed with the Project subject to any other permits and approvals required.

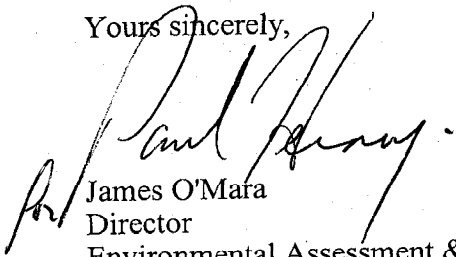
The Minister has the option, if she decides not to require an individual EA be prepared, to impose conditions on the Project. This allows the City to proceed with the Project, but subject to the fulfillment of conditions she imposes. Conditions may be imposed, for example, to require additional public consultation at later stages of the Project or requiring the City to conduct additional work to address environmental issues that do not warrant an individual EA be prepared but which need to be addressed in order to ensure the environment is protected.

Please note that personal and other information in your letter such as your name, address, and telephone number and your concerns with this Project will form part of the public record on this matter. If you wish this information to be excluded from the public file, this Branch must be advised. Despite this, this information may still be obtained by members of the public if the ministry is required to disclose it under the *Freedom of Information and Protection of Privacy Act*.

Thank you for bringing your concerns to the attention of this ministry.

If you have any questions about the information in this letter, please call Ms. Jamila Dhanji of this branch at (416) 314-7754.

Yours sincerely,



James O'Mara
Director
Environmental Assessment & Approvals Branch

c: Ms. Susan Murphy, Planning and Growth Management Department, City of Ottawa
EA File No. Correspondence Binder