

**Ministry of
the Environment**

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MAR 30 2011

Mr. Don Herweyer
Program Manager
Suburban Services Branch
Planning and Growth Management Department
City of Ottawa
110 Laurier Avenue West
Ottawa ON K1P 1J1

Dear Mr. Herweyer:

Between July 13 and 20, 2006 and between August 27 and September 1, 2010, 88 Part II Order requests were received from local environmental groups, local community groups and members of the public asking that the City of Ottawa (City) and Kanata West Owners Group (KWOG) be required to prepare an individual environmental assessment (EA) for seven of the 22 projects listed in the Kanata West Master Servicing Study (KWMSS), Kanata West Transportation Master Plan Amendment, and Carp River, Poole Creek, and Feedmill Creek Restoration Project.

I am taking this opportunity to inform you that I have decided that an individual EA is not required for the seven projects. This decision was made after giving careful consideration to the issues raised in the requests, the updated project documentation, the material submitted in response to the Minister's Order dated July 21, 2008 (Minister's Order), the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA), and other relevant matters required to be considered under subsection 16(4) of the *Environmental Assessment Act* (EAA). The reasons for my decision may be found in the attached letters to the requesters.

While I have determined that an individual EA is not warranted for any of the projects, there is further work that needs to be carried out to ensure that the environment is protected, and as such, I am placing the conditions set out below on the City and KWOG.

I hereby deny the Part II Order requests and impose the following conditions on the City and KWOG:

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1. The City and KWOG shall implement all commitments made in their letter of October 15, 2009:

Additional Stormwater Management (SWM) Runoff Volume Controls and Widening of Planned Restoration Corridor

In response to Condition 1.1 of the Minister's Order, the City and KWOG committed to ensuring the provision of a worst case runoff volume identified in the Third Party Review – Carp River Restoration Plan (TPR) through at source SWM controls of 120 cubic metre per hectare of development until the SWM models are validated or until monitoring and/or model validation indicates changes are necessary; and, including the provision for 25 percent of the TPR worst case deficit storage volume through incorporation into the design of the Carp River, Poole Creek and Feedmill Creek Restoration (Restoration Project).

Municipal Planning Controls Regarding Floodplain Management

In response to Condition 1.2 of the Minister's Order, the City and KWOG committed to the application of municipal planning designations and controls with respect to floodplain policies, as set out in the City's response letter dated October 15, 2009 and in the Implementation Plan Kanata West Development Area (Implementation Plan).

SWM Model Validation and Contingency Plan

In response to Condition 2.1 of the Minister's Order concerning Water Level and Flow Modelling Data, the City and KWOG committed to completing the validation of the SWM modelling, which includes the preparation of a Model Validation Report and the implementation of a contingency plan, as outlined in the Implementation Plan.

Water Level and Flow Rate Monitoring Plan

In response to Condition 2.2 of the Minister's Order concerning the Water Level and Flow Rate Monitoring Plan, the City and KWOG committed to implementing a long-term Water Level and Stream Flow Monitoring Program, as set out in the Implementation Plan.

Development Phasing Plan, Restoration Project Phasing and Interim Development

In response to Condition 2.3 of the Minister's Order concerning the Development Phasing Plan Relating to SWM, the City and KWOG committed to: adhering to development thresholds, as specified in Table 1 of the Implementation Plan; commencing the Restoration Project within 24 months of Class EA approval as per the Implementation Plan; ensuring that each development application submitted to the City demonstrates through an interim analysis that any incremental changes to the floodplain/SWM pond

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design will not increase water levels upstream or downstream in accordance with the Implementation Plan; and, a phasing of the Restoration Project and development in such a manner that there will be no reduction in the available flood storage capacity of the corridor as set out in the Implementation Plan and the City's response letter dated October 15, 2009.

Kanata West Overall Monitoring Plan and Report

With respect to Condition 2.3 of the Minister's Order, the City and KWOG committed to providing an Overall Monitoring Plan, as per the Implementation Plan, that serves to track and report on all aspects of the servicing of the development area, including: the various monitoring programs contained in the Implementation Plan; the status and progress of development, including conformance with the Development Phasing Plan; the application of SWM controls and performance; the results of all model validation efforts; construction phasing and progress on the Restoration Project; and any contingency and adaptive management measures. The City and KWOG also committed to preparing a report on the Overall Monitoring Plan that will be made available to the public and other review agencies upon request as of April 1 of each year. The first report was submitted on April 1, 2010 with the next report due on April 1, 2011.

In response to this commitment, and in addition to making the report available to the public and other interested agencies, the City shall prepare and submit the Overall Monitoring Report to the MOE's Ottawa District Office by April 1 of each year, with the first report having been submitted on April 1, 2010.

Climate Change Adaptation

With respect to future flooding events, the City and KWOG will consider climate change adaptation in the Kanata West Development Area. The City and KWOG have committed to developing and implementing both mitigation and adaptation strategies to address the issue of climate change adaptation. The City's approach to deal with climate change adaptation will be through the implementation of best management practices, infrastructure master planning and ongoing monitoring. The City has also committed to reviewing available adaptive measures when the City has established its city-wide change adaptation policy.

2. The City and KWOG shall not proceed with implementing SWM Ponds 1, 2 or 5 and associated storm sewers until such time as the City and KWOG have calibrated and validated the SWM models for the Upper Carp River watershed and prepared the associated Model Validation Report (as required by Condition 1 above).

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3. In the event that the Model Validation Report identifies significant differences between the observed and simulated results that cannot be rationalized, the City and KWOG will implement the Contingency Plan (as required by Condition 1 above) and re-evaluate and determine the impact these changes may have on the KWMSS and the Restoration Plan.

With this decision having been made, the City and KWOG may now proceed with the seven projects, subject to the conditions I have imposed and any other permits or approvals required. The City and KWOG must implement each of the projects in the manner that the project was developed and designed, as set out in the documentation and inclusive of all mitigation measures and environmental and other provisions therein.

Lastly, I would like to ensure that the City and KWOG understand that failure to comply with the EAA, the provisions of the Class EA, or the conditions set out in this decision, or failure to implement each of the projects in the manner described in the project documentation is a contravention of the EAA and may result in prosecution under Section 38 of the EAA. I am confident that the City and KWOG recognize the importance and value of the EAA and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,



John Wilkinson
Minister of the Environment

Attachments

- c: Requesters
Ms. Kelly Roberts, Environmental Planner, Delcan Corporation
Mr. Mike Green, Project Manager, KWOG