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the Environment**

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MAR 30 2011

Erwin Dreessen
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Dear Mr. Dreessen:

Thank you for your letters dated July 20, 2006 and August 27, 2010 on behalf of Ms. Janet Mason (Friends of the Carp River), Mr. David Spence (Ottawa Riverkeeper), Ms. Carol Gudz (Sierra Club Canada), Mr. Mikelis Svilana, and Mr. John Almstedt regarding the City of Ottawa (City) and Kanata West Owners Group's (KWOG) (together the Proponents) proposed seven projects in the Kanata West Development Area (KWDA). Members of the public, including yourself, have requested that the Proponents be required to prepare an individual environmental assessment (EA) for the proposed Carp River, Poole Creek and Feedmill Creek Restoration Plan (Restoration Plan), and for six projects under the Kanata West Master Servicing Study (KWMSS), and Kanata West Transportation Master Plan (KWTMP) (together the Kanata West Projects), located in the City of Ottawa. I welcome your comments on the Kanata West Projects.

You have requested that the Proponents be required to prepare an EA for the Kanata West Projects. I am taking this opportunity to inform you that I have decided that an individual EA is not required. As part of this decision and to ensure that the interests and concerns of the community are protected, I am imposing conditions on the Proponents that the commitments made in response to the Minister of the Environment's (Minister) July 21, 2008 Order for the Kanata West Projects be fulfilled to ensure that the environment is being protected as the Proponents move through the detailed design stage and implementation of the Kanata West Projects. Furthermore, I am imposing conditions that the calibration and validation exercise for the stormwater management (SWM) models for the Upper Carp River watershed and the associated Model Validation Report must be completed before SWM Ponds 1, 2 and 5 are implemented.

In making this decision, I have given careful consideration to the Kanata West Projects' documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA), the issues raised in your requests, and relevant matters to be considered under Section 16 of the *Environmental Assessment Act* (EAA). The reasons for my decision are briefly discussed below.

Mr. Erwin Dreessen

Page 2.

The Class EA is a process by which proponents plan and develop projects of this type, including evaluating alternatives, assessing environmental effects, developing mitigation measures, and consulting with the public, without having to obtain approval from me and the Lieutenant Governor in Council for each individual project.

The Class EA has itself been subject to review and approval under the EAA, which determined, in part, that the application of the Class EA process would enable proponents to meet the intent and purpose of the EAA. The Proponents have demonstrated that they have planned and developed the Kanata West Projects in accordance with the provisions of the Class EA. I am satisfied therefore that the purpose of the EAA, "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment", has been met for the Kanata West Projects.

Your concerns together with the reasons for my decision are set out below. The issues and concerns raised by you and other requesters were extensively reviewed. I am satisfied that the issues and concerns have been addressed by the Proponents' work done to date, or will be addressed in future work that is required to be carried out.

You contend that the worst case volumetric approach that is purported to provide a sufficient level of assurance that the projects and subsequent development in the KWDA and the Fernbank Development lands will not cause additional flooding is inadequate and a flawed approach.

The worst case volume analysis was one of several components of analysis that was completed and considered by the Proponents for other developments outside the KWDA, such as the Fernbank Development. The various components of analysis were undertaken to determine the impact on water and volume flow in and outside the KWDA as a result of development. The volume analysis was reviewed by the City's Model Keeper and documented in the Third Party Review – Carp River Restoration Plan (TPR). The May 27, 2009 City Council report approving the TPR directed City staff to retain Greenland International Consulting Ltd. as the Model Keeper for the Kanata West Projects. The Model Keeper is responsible for documenting any changes to the model due to the calibration and validation exercise and circulates them to consultants working on various projects. The Model Keeper was contracted to provide an objective third-party review on the work that has been completed to date on the Restoration Plan and related undertakings for the Kanata West Projects.

The worst case volumetric approach used by the Proponents, in advance of completing the calibration and validation exercise, is designed to avoid additional flooding both in the KWDA and to other developments outside the KWDA. The worst case volumetric approach is only part of the approach used by the Model Keeper to identify the potential changes that could occur with the model of record through the calibration and validation exercise. The

Mr. Erwin Dreessen

Page 3.

findings of the TPR confirm that there is currently insufficient data to fully calibrate and validate the models. Stream gauges have been installed in the KWDA to measure and collect rainfall data. The data collected will enable further calibration of the models so that appropriate adjustments to the Restoration Plan and other projects in the KWDA can be made as some development occurs.

The worst case volumetric approach used by the Proponents to prevent flooding meets the Ministry of Natural Resources (MNR) Technical Guide River and Stream Systems: Flood Hazard Limits.

One of the recommendations and several safeguards included as part of the TPR is that, should development in the KWDA proceed in advance of the final validation of the model, all applications be reviewed by the City's Model Keeper to ensure that any changes in development that impact the models of record are identified and tested prior to approval of the application. This includes an independent check of hydraulic gradelines (HGLs) to ensure basements are protected. Any changes to the model parameters would be included in the model of record.

The City has confirmed to Ministry of the Environment (MOE) staff that documentation relating to future changes in the models and design adjustments that may be required when final SWM facility locations are being designed will be kept on file and available to agencies and the public upon request.

The Proponents have consulted with staff from the MOE and other agencies, including the Ministry of Transportation (MTO) and the Mississippi Valley Conservation (MVC) authority during the preparation of the Implementation Plan Kanata West Development Area (Implementation Plan). The Implementation Plan incorporates the TPR recommendations.

I am satisfied that, through the TPR review and other work that was required to satisfy Conditions 1 and 2 of the Minister's Order, concerns relating to the use of worst case volumetric approach used in the modelling and concerns with flooding have been adequately addressed in the Proponents' Kanata West Projects' documentation and through the commitments made by the Proponents that they will be required to adhere to. In addition, a condition is being placed on the Proponents that involve restrictions on development of SWM Ponds 1, 2 and 5 until the SWM model for the Upper Carp River watershed is calibrated and validated.

You contend that the Proponents' conclusion that the 15 projects not subject to the 2006 Part II Order requests can proceed to implementation depends on the acceptance of the validity of the outcome of the TPR. You state further that there is significant uncertainty about the impact of the proposed development for the Kanata West Projects and, therefore, none of the 22 projects should be allowed to proceed.

The TPR has been accepted by City Council and the MVC. The process leading up to the completion of the TPR included extensive agency and public input through the Project Advisory Committee (PAC) on the Terms of Reference and results of the TPR. The PAC was established during the third-party review process to provide input and comment on drafts of the TPR report.

Following the direction of the Minister's Order, the Proponents submitted the results of the TPR to the MOE indicating whether or not each of the 15 projects has changed and require addenda. The TPR results were that the 15 approved EA projects were still valid. Following the completion of the TPR, the Proponents responded to Conditions 1 and 2 of the Minister's Order and the response was accepted by the MOE and other agencies. The MOE confirmed to City staff that since the 15 projects received no Part II Order requests in 2006 and it was determined through the TPR that no addendum was required for the 15 projects, the approved status of these 15 projects does not change.

As for the concern regarding uncertainty about the impact of the Kanata West Projects, several safeguards were recommended as part of the TPR, should development proceed in advance of the completion of the calibration and validation exercise. These safeguards were accepted by MOE staff and they include: having a qualified individual act as the "Model Keeper" to ensure the models are updated and used appropriately throughout the development process; all interim facilities are to control post-development flows to pre-development conditions; a deficit volume was identified that accounted for the uncertainty in runoff volume and timing of flows in the models that were reviewed; and, a limit placed on development that can proceed before the Restoration Plan is complete. Furthermore, the Proponents have worked closely with MOE staff to prepare an Implementation Plan which incorporates the TPR recommendations.

A condition is also proposed that would require that the Proponents calibrate and validate the SWM models for the Upper Carp River watershed prior to implementing SWM Ponds 1, 2 and 5.

I am satisfied that, through the TPR, the 15 projects that received no Part II Order requests can proceed to implementation. I am satisfied that the proposed safeguards, together with the condition that the calibration and validation exercise be completed for the stated SWM Ponds, address concerns regarding uncertainty.

You contend that the scope of the Restoration Plan was too narrow as it does not extend to the River's "sufficient outlet" below the Village of Carp for the safe discharge of water and prevent downstream flooding.

Mr. Erwin Dreessen

Page 5.

The *Drainage Act* defines “sufficient outlet” as a point at which water can be discharged safely so that it will do no damage to lands or roads. The modelling undertaken for the Kanata West Projects indicates that, following the implementation of the Restoration Plan, the water can be discharged safely to the Carp River so that it will do no damage to lands or roads. From downstream of Huntmar Road Bridge (downstream of the KWDA) to the Village of Carp (downstream of the KWDA), a corridor comprising 6.4 kilometres, there is virtually no change in the model results for both existing or future conditions (once the Restoration Plan is implemented). The Carp River corridor has sufficient outlet due to the nature of the watercourse (slow moving wide floodplain) and the characteristics exhibited by the lack of change in water levels.

The City has committed to various monitoring programs in its Kanata West Projects’ documentation and in the commitments made to satisfy the Minister’s Order that future flows can be accommodated by the Carp River and that a safe discharge will be provided to prevent flooding. These commitments have been made to protect downstream landowners from flow discharge, protect water quality, and sediment transport as described in the Implementation Plan. These commitments are being reinforced through Condition 1 of my decision on the Part II Order requests.

I am satisfied that the scope of the Restoration Plan is not too narrow, based on the definition of the sufficient outlet as per the *Drainage Act*.

You contend that there is an absence of key model input (Manning’s ‘n’) and performance (peak flow) data in the Kanata West Projects’ documentation.

There is not an absence of model input or performance data in the Kanata West Projects’ documentation. The model input and performance data for the Kanata West Projects will continue to be refined by the Proponents during detailed design and through the calibration and validation exercise. The TPR re-evaluated the Manning’s ‘n’ values that were used in 2005 and 2006 for the 22 Kanata West Projects. Extended tabulation of hydrologic model parameters are provided in the TPR and specific hydraulic issues are tabulated in the TPR as well. The model inputs and performance data for the Kanata West Projects will continue to be refined by the Proponents during detailed design and through the calibration and validation exercise.

The MVC confirmed that, while the Manning’s ‘n’ values may be further refined as part of the calibration and validation exercise, the MVC anticipates that any changes to the model of record will be minor. Therefore, there should be little impact on peak flow and flood level increases as a result of the Kanata West Projects during the detailed design stage.

As per the standard Certificate of Approval (CofA) review process under Section 53 of the *Ontario Water Resources Act* (OWRA), the Manning’s ‘n’ values, along with other

modelling inputs, are reviewed and verified to follow engineering design standards. When submitting a CofA application, the applicant (the City) and the designer (engineer) will need to identify the basis for the design and defend and provide sufficient technical rationale on the selection of Manning's 'n' and other design parameters and criteria.

You contend that the two-zone flood plain policy may apply only in areas of historical development, not in greenfield development as per the Provincial Policy Statement (PPS). Furthermore, you contend that the City's recently revised Official Plan (OP) makes this explicit that under this policy no new lots can be created.

The two-zone floodplain approach for the KWDA, as proposed by the Proponents, includes the restoration of a low flow channel and encroachment of development into the flood fringe. According to the Proponents, the recommendation for this approach came from the Carp River Watershed/Subwatershed (CRWSS) study, which was planned by the City and the MVC, based on the analysis of the Carp River form and function, and considering cumulative impacts of both development and proposed watercourse changes on lands within the watershed. The MVC confirms that the reduction in the floodplain and associated storage as proposed in this reach will not have significant negative impacts.

The PPS and the City's OP include policies associated with a two-zone concept for floodplains. In the KWDA, the flood fringe lands of the Carp River will be raised above the 1:100 year flood elevation, therefore redefining the location of the 1:100 year flood line, and infrastructure will be designed considering the 1:100 year elevation in the river, representing appropriate flood proofing measures.

It is the City's responsibility to approve the OP amendments and ensure that any decisions made regarding the OP are consistent with the PPS. In addition, Conservation Authorities have specific delegated responsibility, from the Province, for Section 3.1 (Natural Hazards) of the PPS.

The MVC has indicated to MOE staff that it supports the two-zone approach and that it is satisfied that the flood fringed lands can be safely filled and removed from the regulatory floodplain of the Carp River without increasing the risk to public safety. The MVC confirmed that the City's approach would be consistent with Section 3.1.6 of the PPS, contingent on the Restoration Plan being implemented. Furthermore, the MNR staff confirms that the 2005 PPS does not limit the use of the two-zone concept to 'greenfield' development. The MNR further states that its 2002 Technical Guide to River and Stream Systems: Flooding Hazard Limit sets out standards for implementation of the PPS. The MNR interpretation of this technical guide is that the use of the two-zone concept is discouraged in rural/agricultural areas. The MNR indicates that the KWDA is an urban area and the use of a two-zone approach by the City is appropriate.

Mr. Erwin Dreessen

Page 7.

The City's response to the two-zone policy approach is articulated in the Implementation Plan which, in summary, states that the City will proceed with a site-specific OP amendment and implement a zoning by-law to not allow encroachment of development into the flood fringe until the Restoration Plan is complete. The proposed OP amendment will not permit lot creation.

The City has provided an outline for an intended course of action with respect to applying floodplain policy and planning controls along the entire reach of the Carp River corridor within the KWDA in accordance with Condition 1.2 of the Minister's Order.

I am satisfied that the two-zone floodplain approach has been reviewed and accepted by the appropriate regulatory agencies, namely the MVC and the MNR, and that the City will implement this approach in conformance with the OP and PPS.

You contend that the Carp River is a municipal drain; and therefore, any modification of the Carp River under a framework other than the Drainage Act is unlawful.

If the Carp River is treated as a municipal drain, the EAA does not apply as drainage works regulated under the *Drainage Act* are exempt from the EAA. The Proponents have had discussions directly with the MNR, the MTO and the Ministry of Agricultural, Food and Rural Affairs (OMAFRA) on the status of the Carp River as a municipal drain.

The Proponents have found no documentation that show that the Carp River is a municipal drain under the *Drainage Act* or the *Ditches and Watercourses Act*. In order for the Carp River to have legal status as a municipal drain under the *Drainage Act*, there would have to be a valid Engineer's Report, including a plan and profile, as well as a valid by-law. The Proponents indicate that they have conducted a thorough search of municipal files (including files of the former municipalities of Goulbourn, Nepean, Kanata, and West Carleton). In addition, the OMAFRA and the Association of Ontario Land Surveyors have conducted research on this matter.

The MTO also reviewed its files with respect to the status of the Carp River as a Municipal Drain. The MTO did not find a copy of a by-law or drainage agreement, Engineer's Report, or other information (e.g. records pertaining to payment of costs over the years) that would indicate that the Carp River is a municipal drain.

Based on the extensive review conducted by the Proponents, the MTO and the OMAFRA, I am satisfied that the Carp River is not a municipal drain and the EAA does apply to the proposed Restoration Plan.

You express concern that the Fernbank Development was not included in the analysis for the Kanata West Projects.

Mr. Erwin Dreessen
Page 8.

The purpose of the Kanata West Projects is the development of new infrastructure to service new developments in the KWDA and the restoration of the Carp River corridor to accommodate future growth, while ensuring that there is no significant environmental impact and no flood risk to people and infrastructure in and outside the KWDA. The Part II Order review process deals only with those projects in the KWDA that are subject to Part II Order requests and not other developments outside of the KWDA.

The MVC was a committing agency during the Class EA process for the Kanata West Projects. The MOE relies on the MVC, including through its regulatory permitting process, to address matters of flood risk. The MVC will review permit applications when submitted by the Proponents and other developers in the area where it could impact on the Carp River corridor and its tributaries. The MVC has confirmed that it will only support and issue permits for any proposed work that would not increase flood risk in its mandated area.

The safeguards relating to SWM volumes and downstream flood risk from the KWDA are described in the Implementation Plan which describes limiting development (i.e. limiting some development until completion of the Restoration Plan) and introducing SWM criteria for interim development to ensure that there are no downstream flood risks from the KWDA.

Stormwater volumes and potential downstream flood risks on the KWDA from other developments, such as Fernbank Development, was reviewed as part of the Proponents' TPR which identified target volumes for post-development and release rates (existing conditions) for the Fernbank Development. The post-development stormwater runoff volume is similar to other proposed development in the KWDA.

SWM and flooding impacts on the Fernbank Development were considered and assessed in the Fernbank Community Design Plan which included the Carp River models.

I am satisfied that your concern regarding downstream impacts from the Fernbank Development were considered by the Proponents' in the Kanata West Projects' documentation. Furthermore, I am satisfied that concerns regarding stormwater volumes and flooding have been addressed by phasing development and introducing SWM criteria for interim development. As the regulatory agency, the MVC has confirmed that no permits will be issued if there is a potential for flood risk in and downstream of the KDWA as a result of the Kanata West Projects.

You contend that there are apparent inconsistencies in the design data of some of the proposed transportation projects, specifically for differences in water levels at different bridge crossings. Furthermore, you state that future multitude of crossings puts into question the advisability of the transportation plan north of Highway 417 and east and west of Huntmar Drive.

There are no inconsistencies in the design data of the proposed transportation projects. As noted in the 2006 KWTMP, the elevations are not the same as they are on different watercourses and are at different locations. The elevations are expected to vary as they represent the hydraulic grade of flowing water.

There are currently no additional roads identified in the Proponents' KWTMP for this area; as a result, there are no new crossings planned north of Highway 417 and east and west of Huntmar Drive. Any future roadways will be subject to the applicable approval requirements under the *Planning Act* and the EAA.

I am satisfied with the Proponents' response with respect to differences in elevations for the watercourses.

You contend that some of the comments made by the MTO in its letter dated September 2009 to the MOE have not been addressed, specifically relating to worst case scenario, parameter uncertainties and climate change.

In September 2009, the MTO provided comments on the Proponents' Implementation Plan to the MOE staff. The MTO focused its review on the potential for implementation phasing of development and interim conditions of development to affect the Highway 417 bridges spanning the Carp River. The MTO's interest is to ensure that interim conditions proposed in the Restoration Plan and projects in the KWDA do not adversely affect Highway 417.

The MTO confirmed to the MOE staff that the Proponents have adequately addressed any concerns the MTO may have had during the Class EA planning process, including the concerns the MTO raised in its September 2009 letter to the MOE staff.

The Proponents have committed to the MOE that, when data is available to confirm the model of record, before the deficit volume required for the worst case scenario is modified or abandoned, a review of both provincial and City's policy will be conducted to determine whether the deficit volume needs to be maintained as a climate change adaptation measure.

The Proponents' adaptive management strategy is to address any significant differences between observed and simulated conditions in the models (i.e. climate change) and reflects principles to be applied.

The MTO confirms that the full range of adaptive management measures proposed by the Proponents are reasonable and recommended to be considered if required, including modifying the size of the proposed SWM ponds, SWM controls or downstream modifications if needed. The City will ensure, by means of the development approvals and permits process, that flexibility is maintained to accommodate adaptive measures. The

Mr. Erwin Dreessen
Page 10.

flexibility measures are documented in the TPR and they include: increase downstream efficiency, increase flood corridor width and slope changes and additional at source measures including roof top or park storage.

In addition, the Proponents will coordinate the modelling analysis completed for the Kanata West Projects with any other users outside the KWDA currently applying the model. This co-ordination will help ensure that the cumulative and additive effects of ongoing development will be captured and accounted for.

I am satisfied with the City's willingness to make climate change adaptation decisions in the absence of perfect climate change science is appropriate. I am satisfied that the Proponents have adequately addressed concerns regarding worst case scenario parameters and climate change. In addition, I am satisfied that, through the commitments made to satisfy the Minister's Order and enforced through the conditions, appropriate safeguards will be in place for worst case scenario and climate change.

You are concerned that the Kanata West Projects' documentation lacks sign-off from a licensed Professional Engineer. You state that this is a violation of the Professional Engineers Act that governs all civil engineering projects in Ontario.

Neither the EAA nor the Class EA requires that certain documents be signed off by a licensed Professional Engineer. The definition of what constitutes the practice of professional engineering is, however, very broad and could potentially cover the type of work conducted as part of the evaluation under the Class EA. It is, however, up to the proponent of a project and its consultants to ensure that the correct people are completing the work, including any work that requires a licensed professional. If an individual who is not a professional engineer does perform work that is considered the practice of professional engineering then that individual could be subject to prosecution under the *Professional Engineers Act*. That determination is up to the appropriate authorities.

When the Proponents apply for their Certificates of Approval (CsofA), they will be required to have a licensed Professional Engineer prepare and sign-off on certain elements of the applications.

The Proponents' Model Keeper is in fact a professional engineer and has signed off on the Carp River Widening Report and the TPR.

I am satisfied that the relevant reports forming part of the Class EA process are not required to be signed by a professional engineer.

Mr. Erwin Dreessen
Page 11.

You contend that as the Glen Cairn community has flooding issues that have not yet been resolved, any development downstream, such as the implementation of the Restoration Plan, may adversely impact flood levels in the Glen Cairn community. You state further that the Proponents have not acknowledged a change in the environmental setting outside the KWDA (July 24, 2009 flooding event) in the Kanata West Projects' documentation, to avoid the piece-mealing of projects.

The City confirms that the Glen Cairn community affected by basement flooding was built using previous standards that do not include engineered provisions to deal with large/infrequent rainstorm events. Much of the Glen Cairn community was built in the 1960s and 1970s before implementation of dual drainage standards (minor system and a major system). The storm drainage systems of the day were not designed to handle large infrequent rainfall events.

The Glen Cairn Community flooding issues (West End Flooding Investigation) and the Kanata West Projects are separate undertakings. The Glen Cairn community flooding issues are presently being assessed under an ongoing separate Class EA process. The City is determining what infrastructure is required for the existing houses in the Glen Cairn community to prevent future flooding in basements. Whereas the purpose of the Kanata West Projects is the development of new infrastructure to service new developments and the restoration of the Carp River corridor to accommodate future growth, while ensuring that there is no significant environmental impact and no flood risk to people and infrastructure in and outside the KWDA.

The July 2009 flooding event occurred during the Class EA planning process for the Kanata West Projects. The July 2009 storm information was considered for the Kanata West Projects and this information formed a significant part of the development of the Carp River Restoration Plan – Widening Alternatives Final Report May 18, 2010 (Carp River Widening Report). Section 3 of the Carp River Widening Report summarizes the data reviewed and model update methodology using the July 2009 storm event in the Carp River models originally prepared for the Restoration Plan.

Based on my staff's review of the Kanata West Projects, the Proponents did consider the July 2009 rainfall event information in the Carp River models. The flooding issues in the Glen Cairn community are being addressed by the City and the flooding issues should not be impacted by the Kanata West Projects. I am satisfied that the City is not breaking up or piece-mealing a larger project into smaller component parts because the purpose of the investigation of the Glen Cairn community flooding event and the Kanata West Projects are independent of each other.

You contend that the Class EA process is not appropriate for the Restoration Plan because it does not provide a solution for flooding or erosion; in addition, its nature, scale and purpose

Mr. Erwin Dreessen
Page 12.

dictate that it should be assessed as an Individual EA, with the MVC, the City and the KWOG as co-proponents.

I am satisfied that the Restoration Plan is an undertaking to which the Class EA applies, specifically, “works located in open watercourses and may include flood control, erosion control, water quality control and works related to aquatic, wildlife and terrestrial management within a floodplain” as per Section C.2.3 Stormwater Management Projects in the Class EA. Furthermore, the Restoration Plan was identified as a Schedule B project in consultation with the MOE during the CRWSS.

The MVC and the City completed an extensive review of the Carp River corridor and its tributaries in its CRWSS, as co-proponents. While MVC was a co-proponent for the CRWSS, it is not a co-proponent for the Kanata West Projects.

The Proponents have demonstrated to the MOE that the Class EA is applicable to the Restoration Plan. As per the recommendation above, the MOE is satisfied that, based on the work completed thus far and as per definition of the works in the Class EA, an individual EA is not warranted. An individual EA will not provide any further level of detail and assessment than what the Proponents have already completed or committed to doing during detail design and through future monitoring programs for the Restoration Plan and will be required to obtain the necessary permits and approvals of the MVC and the MOE.

You contend that it is not at all clear whether the Implementation Plan provided to the public is the final version of the report. Moreover, you state further that comments by MOE officials, dated 20 November 2009, identify the existence of earlier versions of the Implementation Plan.

The final version of the Implementation Plan is dated July 2010. Several versions of the Implementation Plan were prepared previous to the July 2010 date and were reviewed with the MOE. Responses were provided to comments on the earlier drafts circulated.

I am satisfied that the final version of the Implementation Plan was made available to the public during the public review period. The Implementation Plan was made available on the City’s website and at various public locations in the City.

You contend that the Kanata West 2010 Public Consultation Update 2010 (Public Consultation Update) does not include meeting notes with City staff, the City’s consultant and the 2006 requesters. You are of the opinion that the public consultation has failed to address any of the concerns raised by the requesters.

Comments from the public delegations on the TPR were incorporated in the Public Consultation Update. The manner in which the concerns raised by the requester were

Mr. Erwin Dreessen
Page 13.

addressed is identified in Document 8 of the Report to Planning and Environment Committee and Council May 4, 2009 which is included in the Public Consultation Update. Extensive opportunities for public involvement were available during the TPR process.

I am satisfied that the Public Consultation Update included specific comments made by the requesters and the Proponent's responses. The Proponents' public consultation process for the Kanata West Projects meets the consultation requirements as per the Class EA.

You contend that the requesters were denied the opportunity to ask questions and receive adequate explanation for any outstanding concerns that are not addressed by the revised reports for the seven Kanata West Projects. In addition, you state further that the 2006 requesters were not consulted prior to the issuance of the 2010 Notice of Completion (NoC).

The 2006 requesters and the public were given opportunities to be involved during the TPR process and were also involved in ongoing discussions with provincial agencies as outlined in the Kanata West 2010 Public Consultation Report. Moreover, the TPR was placed on the City's website and advertised in The Citizen and Le Droit newspapers and a separate notice by e-mail was sent to all requesters and individuals who provided comments on the Terms of Reference for the third-party review. As documented in the Kanata West 2010 Public Consultation Report, dialogue between requesters and the Proponents continued after the TPR process through to the posting of the NoC.

The public review period following the publishing of the NoC provided the public with a final opportunity to submit comments on the revised reports for the seven Kanata West Projects.

I am satisfied that the public, including the 2006 requesters, had sufficient opportunities during the TPR process and during the public review period to comment on the Kanata West Projects.

You contend that there was no delegated authority given to City staff to post a NoC without approval from City Council.

On May 27, 2009, City Council authorized staff to proceed in responding to the Minister's July 21, 2008 Order following the completion of the third-party review which included the re-posting of the NoC for the seven Kanata West Projects.

With this decision having been made, the Proponents can now proceed with the seven Kanata West Projects, subject to the conditions I have imposed and any other permits or approvals required. The Proponents must implement the Kanata West Projects in the manner in which it was developed and designed, as set out in the documentation, and inclusive of all

Mr. Erwin Dreessen
Page 14.

commitments made during the review of the Part II Order requests, mitigating measures, and environmental and other provisions therein.

Again, I would like to thank you for participating in the Class EA process and for bringing your concerns to my attention.

Sincerely,



John Wilkinson
Minister of the Environment

- c: Mr. Don Herweyer, Program Manager, City of Ottawa
Ms. Kelly Roberts, Environmental Planner, Delcan Corporation
Mr. Mike Green, Project Manager, KWOG