

**Ministry of the Environment  
and Climate Change**

Environmental Approvals  
Branch

135 St. Clair Avenue West  
1<sup>st</sup> Floor  
Toronto ON M4V 1P5  
Tel.: 416 314-8001  
Fax: 416 314-8452

**Ministère de l'Environnement et de  
l'Action en matière de changement  
climatique**

Direction des autorisations  
environnementales

135, avenue St. Clair Ouest  
Rez-de-chaussée  
Toronto ON M4V 1P5  
Tél : 416 314-8001  
Télec. : 416 314-8452



ENV1283MC-2015-1163

**MAY 13 2015**

Mr. David Kalviainen, P. Eng.  
Roads Engineer  
City of Greater Sudbury  
200 Brady Street  
P.O. Box 5000, Station 'A'  
Sudbury, ON, P3A 5P3

Dear Mr. Kalviainen:

**RE: Part II Order Request – Second Avenue Infrastructure Improvements**

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Between May 13, 2014 and May 15, 2014 the Minister of the Environment and Climate Change (Minister) received two Part II Order requests asking that the City of Greater Sudbury (City) be required to prepare an individual environmental assessment for the proposed Second Avenue Infrastructure Improvements (Project).

In a letter dated February 4, 2015, I informed you that ministry staff determined that the Project was not planned in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment, as a Project File was not made available for public and agency review. Therefore, the Minister was unable to consider the Part II Order requests made for the Project at that time.

On April 1, 2015, the City issued its second Notice of Completion for the Project and submitted a Project File for public and agency review. From April 23, 2015 to April 30, 2015 the Minister received six Part II Order requests and one letter of concern for the Project.

Under Section 13 of the Environmental Assessment Act, a proponent of an undertaking subject to a Class Environmental Assessment (Class EA) shall not proceed with the

undertaking unless the proponent does so in accordance with the Class EA. Alternatively, the proponent may carry out an individual environmental assessment.

Ministry staff have reviewed the Project File and have determined that the Project was not planned in accordance with the requirements of the Municipal Class EA (as the Class EA process is a streamlined, self-assessment process, the ministry expects proponents to complete all required consultation, impact assessment and documentation prior to issuing a Notice of Completion). Therefore the Minister is unable to consider the Part II Order requests at this time.

Based on the ministry's review of the Project File, the City has failed to meet the Municipal Class EA requirements as outlined in the table below:

Class EA Requirements	Documentation Summary and Additional Requirements
<p><b>Problem Statement and Rationale</b> The Class EA requires that the proponent identify and describe the problem or opportunity which the project proposes to address.</p>	<p>The Project File identifies the problem as traffic congestion from significant development and an opportunity to provide active transportation infrastructure. The Project File states that the problem/opportunity was determined through the City's Transportation Master Plan (TMP) update. The ministry was made aware that the draft TMP was posted to the City's website on May 11, 2015. However, the TMP document is not yet complete.</p> <p>The Project File states on Page 3 that traffic modelling was analyzed in the TMP to identify road improvements required during the next twenty years. The traffic modeling data and analysis was not available in the Project File. Therefore the need for the Project is not clear to the ministry.</p> <p>Page 5 states that the problem statement for the Project was identified in the TMP which was unavailable to the public for review during the 30-day review period.</p> <p>Any relevant studies related to this Project, such as problem identification, traffic modelling, and active transportation plans/studies should be summarized or</p>

	<p>provided as part of the Project File. Alternatively, once the TMP is completed it could be referenced as a supporting document in the Project File.</p>
<p><b>Alternative Solutions Step 1</b> All reasonable and feasible solutions shall be identified and described.</p>	<p>Section 6 proposes alternative solutions for addressing the problem/opportunity.</p> <p>The Project File identifies 3 solutions:</p> <ul style="list-style-type: none"> <li>- Do nothing</li> <li>- Widen third avenue</li> <li>- Widen second avenue to 5 lanes</li> </ul> <p>The alternative solutions are described briefly and then identified in Table 7-2. The Project study area map should include the alternatives referred to in this section and Table 7-2.</p> <p>Two possible solutions were stated but not included in analysis: 1) widening to 3 lanes; 2) widening Silver Hills Drive. The Project File states these alternatives were not included as they would not meet the problem statement. The assessment of these alternatives should be included in the Project File, specifically the widening Second Avenue to three lanes, to better illustrate to concerned persons as to why this alternative was not selected as preferred.</p> <p>The alternatives only considered improvements through widening roads versus the do nothing alternative. The inclusion of other reasonable and feasible alternatives such as Transportation Demand Management and modal shift would be valuable to the analysis. If these analyses were part of the TMP referenced in Section 2, a summary of the analysis or a completed TMP should have been included in the Project File.</p> <p>Additionally, no rationale for choosing the</p>

	<p>preferred alternative of wide curb lanes for accommodating active transportation was provided in the Project File.</p> <p>In Table 10-1 the City's response to requesters' concern with air quality impacts states that by 2031, the 'Do Nothing' alternative will result in a critical capacity point for traffic congestion. The next sentence states that traffic volumes are not expected to increase dramatically. These statements should be quantified for clarity of understanding.</p>
<p><b>Alternative Solutions Step 2</b> Preparation of a physical description of the area where the project is to occur and a general inventory of the natural, social, and economic environments.</p> <p>P. A-27 of the Class EA provides some guidance on this topic: "Step 2 – Preparation of a physical description of the area where the project is to occur and a general inventory of the natural, social and economic environments which are to be considered when reviewing the effects of a project in that area."</p>	<p>Section 5 of the Project File provides an inventory of the existing environment. Section 5.1 indicates that the City visited the site and that the Official Plan did not identify any significant habitat. It is not evident whether any wildlife or Species at Risk were identified in the study area. The Project File should document the presence of any wildlife or Species at Risk in the study area.</p> <p>There is no indication whether any built heritage resources or landscapes (in the cemetery, for example) are present in the study area.</p> <p>The inventory of the environment should include the wider study area that the other alternatives would affect as well as the preferred alternative. From the Project study area map, it is not clear where the Third Avenue alternative is located or whether this has been included in the description of the environment.</p> <p>The description of the natural environment should also include environmental components such as any watercourses/aquatic habitats. For example, fish habitat is mentioned later in the document (p. 11, Table 9-1, Potential Impacts and Proposed Mitigation</p>

	<p>Measures) but there is no description of which watercourses are part of the Project study area and which areas have fisheries habitat. The map provided in Appendix A does not clearly identify the Project study area. A more detailed map should be provided of the study area with watercourses labelled as well as the linkage to Ramsey Lake (where stormwater would eventually outlet).</p>
<p><b>Alternative Solutions Step 3 and 4</b>  Identify the magnitude of the net positive and negative effects of each alternative solutions, identify mitigating measures</p> <p>Evaluate all reasonable alternative solutions.</p>	<p>An evaluation of alternatives was presented in Section 7. The screening criteria included a fulsome list of potential effects. Section 9, Potential Impacts and Mitigation Measures, did not however identify whether any impacts were expected to occur during Project operations, such as potential impacts to stormwater, source water, noise, dust and vibration. The inclusion of some of the information from Table 10-1 would benefit this discussion.</p> <p>The Project File would benefit from a statement on how the evaluation/ screening criteria were developed.</p>
<p><b>Alternative Solutions Step 5</b>  Consult with the public on the preliminary preferred solution</p> <p>Confirmation of the preferred solution.</p> <p>Section A.4.1 of the Class EA provides guidance on the contents of the Project File:</p> <p>“The Project File shall contain a complete record of all activities associated with the planning of the project and shall include:</p> <ul style="list-style-type: none"> <li>• correspondence</li> <li>• copies of notices, letters, bulletins relating to public consultation</li> </ul>	<p>Section 10 of the Project File contains information on public consultation. The notice of study commencement for the TMP and Project notices are included in the Appendices. The Public Information Centres (PICs) held for the TMP and the Project were summarized as were the public comments made the PICs. The City documented the design changes made after the second PIC and again refer to traffic modelling analysis as supporting the preferred alternative.</p> <p>The posting of the Notice of Completion for the Project is documented as is the receipt of Part II Order requests during the initial public comment period. A summary of concerns and the City’s response is</p>

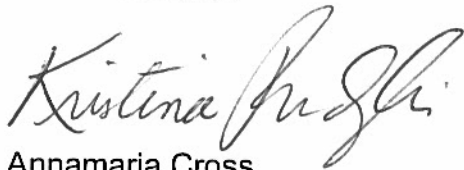
<ul style="list-style-type: none"> <li>• memoranda to file explaining the proponent's rationale in developing stages of the project</li> <li>• copies of reports prepared by consultants and others."</li> </ul>	<p>contained in Table 10-1 and Section 10.5 documents meetings held with interested parties.</p> <p>Appendix E provides some consultation records such as correspondence from the Conservation Authority and Project notices.</p> <p>In order to follow the requirements outlined in Section A.4.1 of the Class EA, the City should include the following items in the Project File or Appendix E:</p> <ul style="list-style-type: none"> <li>• Minutes of meetings related to public or agency concerns</li> <li>• Any responses to project notices received from the stakeholders listed in Section 10.6</li> <li>• Record of consultation with Aboriginal communities</li> <li>• Copies of any information presented at the PICs</li> <li>• The traffic modelling analysis references in Section 10.2</li> <li>• Record of any additional agency consultation (the ministry's Source Protection branch, for example, as referenced in the Conservation Authority's letter)</li> </ul>
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In order to ensure that the requirements of the Municipal Class EA are properly addressed, I encourage you to contact Ms. Rosanna White, Environmental Planner and Environmental Assessment Coordinator with the ministry's Northern Region office at 705-564-7171 or by e-mail at [rosanna.white@ontario.ca](mailto:rosanna.white@ontario.ca) for documentation and process guidance.

It is the Ministry's expectation that the City addresses the above-noted deficiencies and ensures that all additional information requested is included in the Project File prior to re-issuing a Notice of Completion.

Thank you for your ongoing co-operation.

Yours sincerely,



Annamaria Cross

Manager

Environmental Assessment Services Section

- c.
- R. Rocca, Engineering Technician, City of Greater Sudbury
  - D. Moszynski, Project Evaluator, Environmental Approvals Branch, MOECC
  - R. White, EA Coordinator, Northern Region MOECC
  - D. Klein, Chair of Health and Social Concerns, Minnow Lake Community Action Network
  - J. Lindsay, President, Minnow Lake Restoration Group
  - L. Flowers, Chair, Greater Sudbury Watershed Alliance
  - L. Noble, Ramsey Lake Stewardship Committee
  - J. Gaul, Treasurer, Friendly to Seniors- Sudbury
  - H. Kruzel, Chair, Sudbury Chapter of CARP
  - L. Rudd

