

April 27 2016

The Honourable Glen Murray
Minister of the Environment and Climate Change
Attention Mary Hennessy Director (A)
Environmental Assessment and Approvals Branch
2 St Clair Avenue West Floor 12A
Toronto Ontario M4V 1L5

Dear The Honourable Glen Murray
:
and
Mary Hennessy Director (A) Environmental Approvals Branch

RE: Notice of Completion
Municipal Class Environmental Assessment
Second Avenue (MR72) Infrastructure Improvements
Notice Issued April 7 2016

Requester Details: The following comments are presented by Dorothy Carolyn Klein R.N. B.Sc.N. Certified Asthma Educator registered with the College of Nurses of Ontario for 51 years, living at 1714 Bancroft Drive Sudbury Ontario P3B 1 S1, home and land owner (Neelon Con 3 Lot 12 PCL 8895 and Neelon Con 3 Lot 12 PCL 27645, resides within a 1 Km radius of the Second Avenue Construction Project; a tax payer Roll # 010 012 04000 and Roll # 010 012039000000.

Proponents Details: Reference made to 1) Notice of Completion issued April 7 2016 and previously issued April 1 2015 and April 16 2014 regarding Municipal Class Environmental Assessment Second Avenue (MR72) Infrastructure Improvements by the City of Greater Sudbury ; 2) Project File Municipal Class Environmental Assessment Schedule "B" Project Prepared for City of Greater Sudbury (by MMM Group Limited) April 2016, 3) Project File Report March 2015 Class Environmental Assessment (EA) City of Greater Sudbury Second Avenue (MR72) Infrastructure Improvements Schedule 'B' Municipal 4) File Letter ENV1283MC-2014-1245 dated February 4 2015 to Mr David Kalviainen P Eng Roads Engineer City of Greater Sudbury from Mary Hennessy' 5) File Letter ENV1283MC-2014-1246 dated February 4 2015. 6) Letter dated April 26 2015 addressed to The Honourable Glen Murray from Dorothy (Dot) Klein

Request: A) That the ministry's Project Evaluator review the documentation in the Project File of April 2016 as it relates to meeting the consultation requirements of a Schedule B Class EA project re aboriginal community consultation.

The only documentation in the Project File April 2016 appears in 5.0 Consultation/Engagement. 33.

The City of Greater Sudbury documented First Nations and Aboriginal Groups under 5.2 Agency Consultation 38 as well as 5.3 First Nations and Aboriginal Groups Engagement 38. There is no documentation of any responses from the letter sent to a Postal Box number to Chief Ted Roque Wahnapiatae First Nation on March 25 2015 nor the contents of that letter. There is no documentation of a response to a follow up letter sent to a specific road address with no postal box number and again addressed to Chief Ted Roque on April 8 2015. There are 2 pages of emails from David Shelsted dated September 4 2014, and September 18 2014 to Peter Recollet Wahnapiatae First Nation. There appears to

have been an attempt to plan a consultation process between the First Nation and the City. First Nation requested the City to follow a consultation process template. (In the email from David Shelsted dated September 4 2014 David Shelsted writes: "Peter will assist with preparing the final consultation report. Peter will send a copy of the consultation process template for this and future projects, Dave will coordinate with others at the City to see if it can be adopted as a standard process for consultation between the First Nation and the City." On September 15 2014 Peter Recollet emailed David Shelsted saying "I was unable to get this on council agenda until next month. Council has no immediate issues Let us re schedule for the first week in October." On September 18 2014 David Shelsted emailed Peter Recollet: "Thank you for the email, the first two weeks of October work for me except for October 7. which date do you suggest? ".)

There is no further documentation and no evidence of any consultation meeting with the band council. On September 5 2014, David Shelsted sent an email to Chief Edward (Steven) Miller who is listed under the "agency name" of Atikameksheng Anishnawbek with a Postal Box address in Naughton Ontario. David Shelsted wrote "I have been in discussions with Teresa Migwans, Director of Operations, regarding the City of Greater Sudbury's proposed infrastructure improvements to Second Avenue in Minnow Lake. She asked that I provide a description of the proposed work with a drawing, for your review and comments." There is no record/documentation of what was sent and how nor of any response or follow up.

B) That the Minister of the Environment and Climate Change make an order for the Second Avenue (MR72) Infrastructure Improvement Project to comply with Part 2 of the Environmental Assessment Act (referred to as a Part 2 Order)

Reason for the 2 Above Requests:

1) Consultation with potentially affected Aboriginal communities and Indigenous Peoples living in the project area has not been completed. There is no evidence that the City followed the consultation process template provided by Peter Recollet for consultation between First Nation and the City.

2) There is no evidence or documentation that the City has continued to consult with potentially affected Aboriginal communities (reference to file letter ENV1283MC-2014-1245).

3) There is no evidence or documentation that there was any "Integration of External Consultation resulting from First Nation Consultation/Engagement into the Recommended Solution" (reference to 5.4 of Project File April 2016).

Grand Chief Isadore Day signed an agreement with Ontario Provincial Premier Kathleen Wynne on June 17 2015 governing consultations and Crown- aboriginal relations in Ontario. The City of Greater Sudbury is located in Anishinaebek First Nation territory. There is no evidence that the City of Greater Sudbury respected this agreement.

4) My concerns on Environmental Safety, Noise, Air Quality and Atmospheric Emission Concerns have not been resolved. (reference to my letter to MOECC dated April 26 2015 in which I asked the Minister of MOECC to make an order for the Second Avenue (MR72) Infrastructure Improvements Project to comply with Part 2 of the Environmental Assessment Act. MOE Guidelines governing a request for a Part 2 Order states "you should only make a Part 2 Order request when the issues cannot be resolved through : class environmental assessment process/discussions with the proponent/mediation.

You should not make a Part 2 Order request for the sole purpose of delaying, stopping or frustrating the planning and implementation of a Class EA project".

The intent of my letter dated April 26 2015 to the Minister and now my letter of April 27 2016 is again to request a review of the consultation process with Aboriginal communities potentially affected by the short term and long term impact on their health and safety as it relates to traffic, noise, air quality and atmospheric emission concerns. The increased threat to the quality of the water in the creeks flowing through the area, the watershed and Ramsey Lake into which all this water flows has not been adequately addressed and my concerns have not been resolved. I have followed the consultation process which has included multiple meetings and a thorough study of the Project File of March 2015 and the Project File of April 2016. My concerns about the City's Evaluation of Alternate Solutions and the Integration of External Consultation/Engagement into the Recommended Solution remain unresolved.

The vision of Canadian society is based on the values of equality and mutual respect regardless of age, ability/disability, race, ethnicity, language or religion. The City of Greater Sudbury must be held responsible for consultations with First Nation adhering to the agreed upon consultation process set out by First Nations and the Province of Ontario. The City of Greater Sudbury must respect the signed agreement of June 17 2015 between First Nation and the Province of Ontario and all other treaties and agreements.

Sincerely

Dorothy (Dot) Klein RN BScN CAE
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cc City Clerk City of Greater Sudbury
Glenn Thibeault MPP Sudbury Riding