

Ministry of the Environment  
and Climate Change

Environmental Approvals  
Branch

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Ministère de l'Environnement et de  
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climatique

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ENV1283MC-2014-1245

February 4, 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 Requests – 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 (Environmental Assessment) for the proposed Second Avenue Infrastructure Improvements (Project).

It is my understanding that the Project is being planned in accordance with the Schedule B provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA). The Class EA requires proponents of projects in this category to assess and mitigate any negative project impacts, and thoroughly document the project planning process in order to fulfil the requirements of the Environmental Assessment Act (EAA). The Class EA also requires that a Project File be completed and available for public review for a minimum 30-day period.

Under Section 13 of the EAA, a proponent of an undertaking subject to a class environmental assessment shall not proceed with the undertaking unless the proponent does so in accordance with the class environmental assessment. Alternatively, the proponent may carry out an individual environmental assessment. It has come to my

attention that the Transportation Background Study which identified this Project has not been completed, nor has a Project File been completed.

As the ministry's Project Evaluator confirmed in a phone call to you on January 23, 2015, ministry staff have determined that the Project was not planned in accordance with the requirements of the Class EA. As the Class EA 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.

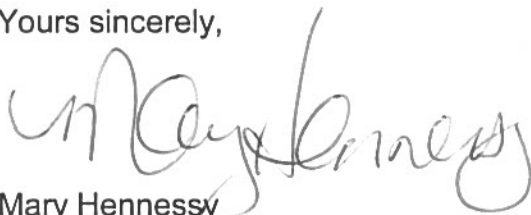
As a Project File has not being completed nor circulated for public and agency review, the City has failed to meet the Class EA requirements. Without proper project documentation, the ministry is unable to determine whether the City has met the public, agency, and Aboriginal community consultation requirements of a Schedule B Class EA project. In order to meet Class EA requirements, the City must complete a Project File, re-publish a Notice of Study Completion, and provide a minimum 30-day period for public review of the Project File.

I understand that since the Part II Order requests were submitted for the Project, the City has met with the Part II Order requesters, has undertaken further studies regarding cultural heritage and archaeological assessment, and is continuing to consult with potentially affected Aboriginal communities. This ongoing consultation and study should be documented in the Project File.

Please provide a copy of the Project File and the revised Notice of Completion to this Branch and the ministry's Northern Region Office when the Notice of Completion is issued, and contact Ms. Dorothy Moszynski, Project Evaluator, at 416-212-3693 or [dorothy.moszynski@ontario.ca](mailto:dorothy.moszynski@ontario.ca). Please also provide a Notice of Completion and a copy of the Project File to the Part II Order requesters.

Thank you for your ongoing co-operation.

Yours sincerely,



Mary Hennessy  
Director (A)  
Environmental Approvals Branch

- c. Mr. Dave Shelsted, Director of Roads and Transportation, City of Sudbury  
Ms. Annamaria Cross, Manager, Environmental Assessment Services Section, MOECC  
Ms. Dorothy Moszynski, Project Evaluator, Environmental Approvals Branch, MOECC

Ms. Dorothy C. Klein, Chair of Health and Social Concerns, Minnow Lake  
Community Action Network  
Mr. John Lindsay, President, Minnow Lake Restoration Group

