

Ministry of the Environment

Office of the Minister

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Ministère de l'Environnement

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ENV1283MC-2012-1039

DEC 19 2012

Mr. William Gilbert, P. Eng.  
Senior Project Manager  
Regional Municipality of Waterloo  
Transportation and Environmental Services  
150 Frederick Street, 6th Floor  
Kitchener ON N2G 4J3

Dear Mr. Gilbert:

On December 19, 2011, I received one Part II Order request, asking that the Regional Municipality of Waterloo (Region) be required to prepare an individual environmental assessment for the proposed South Boundary Corridor and Franklin Boulevard Extension (Project).

I am taking this opportunity to inform you that I have decided that an individual environmental assessment is not required. This decision was made after giving careful consideration to the issues raised in the request, the Project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class Environmental Assessment), and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act. The reasons for my decision may be found in the attached letter to the requester.

I understand that the Region has indicated in the Environmental Study Report that it commits to discussing potential options to minimize the impacts on the requester's property (i.e. Activa Development Lands) during detailed design. As such, it is expected that the Region will continue these discussions with this stakeholder.

With this decision having been made, the Region may now proceed with implementing the Project, subject to obtaining any other permits or approvals required. The Region must implement the Project in the manner it was developed and designed, inclusive of all mitigating measures and environmental and other provisions therein. In accordance with the Class Environmental Assessment, any commitments made to affected agencies or members of the public must be fulfilled and implemented as part of the proposed Project.

Lastly, I would like to ensure that the Region understands that failure to comply with the Act, the provisions of the Class Environmental Assessment, and failure to implement the Project in the manner described in the planning documents, are contraventions of the Act and may result in prosecution under section 38 of the Act.

Mr. Gilbert  
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I am confident that the Region recognizes the importance and value of the Act and will ensure that its requirements and those of the Class Environmental Assessment are satisfied.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Bradley". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jim Bradley  
Minister of the Environment

Attachment

c: Requester  
EA02-03- South Boundary Corridor and Franklin Boulevard Extension

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DEC 19 2012

ENV1283MC-2012-1039

Ms. Maria Kyveris  
Project Manager  
Stantec Consulting Limited  
49 Fredrick Street  
Kitchener ON N2H 6M7

Mr. Kevin Fergin  
Principle, Practice Leader- Urban Development  
Stantec Consulting Limited  
49 Fredrick Street  
Kitchener ON N2H 6M7

Dear Ms. Kyveris and Mr. Fergin:

Thank you for your interest in the Regional Municipality of Waterloo's (Region) proposed South Boundary Corridor and Franklin Boulevard Extension (Project).

On December 19, 2011, you requested, on behalf of your client Activa Holdings Inc., that the Region be required to prepare an individual environmental assessment for the Project. I am taking this opportunity to inform you that based on my review of the Project documentation and the issues you raised, I have decided that an individual environmental assessment is not required.

In making this decision, I have given careful consideration to the Project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class Environmental Assessment), your client's issues raised in the Part II Order request, and relevant matters to be considered under subsection 16(4) of the Environmental Assessment Act.

The Region has demonstrated that it has planned and developed the Project in accordance with the provisions of the Class Environmental Assessment. I am satisfied therefore that the purpose of the Act, "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 Project.

Your client's concerns together with the reasons for my decision are set out in the attached table. I am satisfied that the issues and concerns have been addressed by the work done to date by the Region, or will be addressed in future work that is required to be carried out.

With respect to your issues raised regarding potential impacts to your client's development, the Region, as documented in the Environmental Study Report, will continue to work with your client by discussing potential options to minimize the impacts on your client's property during detailed design.

Ms. Kyveris and Mr. Fergin  
Page 2.

With this decision having been made, the Region can now proceed with the Project, subject to any other permits or approvals required. The Region must implement the Project in the manner it was developed and designed, as set out in the Project documentation, and inclusive of all mitigating measures, and environmental and other provisions therein.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Bradley". The signature is stylized with a large initial "J" and a long, sweeping underline.

Jim Bradley  
Minister of the Environment

Attachment(s)

c: Mr. William Gilbert, P. Eng., Senior Project Manager, Regional Municipality of Waterloo  
EA02-03- South Boundary Corridor and Franklin Boulevard Extension

South Boundary Corridor and Franklin Boulevard Extension (Project)  
Regional Municipality of Waterloo

**Ministry's review of Issues Raised by Ms. Maria Kyveris and Mr. Kevin Fergin:**

<b>Issues</b>	<b>Response</b>
<p>In your request, you contend that the Region has not selected the appropriate alignment for the South Boundary corridor. You contend that another alignment option, one which avoids its development property, should be implemented. You state that the Project will impact the social environment, specifically due to the fragmentation and removal of your client's development lands.</p>	<p>Ministry of the Environment staff's review of the Environmental Study Report reveals that the Region has documented its assessment of the potential impacts of the Project on the existing environment, including the natural and social environment. The Region assessed several potential alignment alternatives for the South Boundary Corridor during the planning process, developed through input from the public and major stakeholders, including your client, during numerous public information meetings and planning and works committee meetings.</p> <p>The preferred alignment, which crosses through your client's property, was determined to have the best balance of effective transportation operations with the least impacts to the surrounding environment.</p> <p>The Region indicated to your client that it cannot approve the final plan of subdivision until the environmental assessment process was completed for this Project. In 2007 the Region informed your client that the alignment of the South Boundary Corridor could be placed through your client's property should it be determined as the preferred alternative for the Project.</p> <p>The alternative alignment proposed by your client places the road corridor outside of its development property, which was similar to one of the alternatives considered by the Region, as documented in the Environmental Study Report. The Region indicated in a response to Ministry of the Environment staff that the modified alternative proposed by your client was considered, however it followed a similar alignment as one of the alternatives assessed for this Project (Hybrid 4), which was screened out. This alternative was screened out as it was found to have greater impacts to the surrounding environment than the preferred alternative.</p>

	<p>I am satisfied that the Region adequately assessed and documented a reasonable range of alternatives for the Project and has documented the final alignments for the Project within the Environmental Study Report.</p>
<p>In addition, concern was raised that the Project will require your client to incur higher development costs, as the redesign of the proposed location of features such as stormwater facilities in the proposed development area will require your client to raise the grades on the entire property, which would require a large amount of earth fill material to accommodate these changes.</p>	<p>The Region was required to assess the Project's impacts as a result of property requirements/ expropriation, land fragmentation and potential access restrictions, all of which may cause an impact on local businesses, primarily farming, in addition to impacts to proposed development areas. The Region indicates in the Environmental Study Report that it has committed to continuing to work with your client to discuss exploring opportunities to minimize the impacts of the Project on your client's development property. These opportunities include the possibility of making minor corridor alignment modifications to optimize the amount of developable land on your client's property, as well as the possibility of undertaking a joint use stormwater management facility with the Region on lands external to your client's development lands, and to advance the design for South Boundary Road across their development lands and pre-grade the corridor to provide surplus fill material to your client for grading of the development lands.</p> <p>The Region has committed in the Environmental Study Report to continuing to work with your client to discuss opportunities to minimize impacts on your client's property. I am satisfied that the Region has met the requirements of the Class Environmental Assessment for adequately documenting the potential impacts of the Project on the surrounding natural, social, and economic environment.</p>
<p>You are concerned that the Project's preferred alternative for the South Boundary Corridor will significantly impact natural environmental features, specifically stormwater management facilities being located within environmental constraint areas or habitat</p>	<p>Ministry of the Environment staff's review of the Environmental Study Report reveals that the Region documented a comprehensive inventory of existing natural environmental protection areas and areas of significance which were considered when selecting the preferred alternatives for the Project, for both the Franklin Boulevard extension and the construction of the South Boundary Corridor. In addition, the Region also undertook two natural</p>

<p>restoration areas.</p>	<p>environmental studies, which were included as part of the Environmental Study Report. These studies provide details of the natural features that were required to be protected or avoided when considering alignments for the two road corridors. The Region indicates that the placement of the stormwater management facilities which are required for the Project, have been planned to coincide with the areas identified as existing environmental constraint areas or areas that the Region has identified as habitat restoration areas. None of the stormwater management facilities proposed for this Project are planned to be constructed in high environmental constraint or habitat restoration areas. The Grand River Conservation Authority provided comments to the Region throughout the planning process, and the Environmental Study Report documents that they have no outstanding concerns with the Project with regards to stormwater management. Further, exact locations of stormwater management facilities will be determined through the detailed design phase, and will also require review and approval, including applicable permits, by the Grand River Conservation Authority prior to implementation.</p> <p>Ministry of the Environment staff have reviewed the Environmental Study Report and I am satisfied that the Region met the requirements of the Class Environmental Assessment for adequately documenting the potential impacts to the natural environment.</p>
<p>Your client contends that the Region did not circulate the draft plan of subdivision and did not consider it when planning the Project. You indicate that the Region only began to consider your client's plan of subdivision after your client notified Regional staff in 2010, three years after the plan was initially reviewed by the Region.</p>	<p>The Region indicates to Ministry of the Environment staff that development lands, including your client's, were considered when planning the Project. Existing and future planning conditions, including your client's plan of subdivision application, are documented in the Environmental Study Report. The Region has also documented the numerous interactions made with your client throughout the Project planning process, and was well aware of the potential impacts to your client's property as a result of the preferred alternative alignment for the South Boundary Corridor. However, as mentioned, the preferred alternative corridor was determined, through a detailed assessment</p>

	<p>using various screening criteria, that it would pose the least overall impact on the surrounding environment.</p> <p>The Region considered the plan of subdivision throughout the Project planning process, and impacts to your client's property were shown to be unavoidable when assessing in the context of overall environmental impacts.</p> <p>I am satisfied that the Region considered all existing and future developments and land uses when assessing the potential impacts of the Project on the environment.</p>
<p>You contend that the Region did not adequately assess potential noise impacts to existing and proposed residential properties in the Environmental Study Report.</p>	<p>The Region completed a detailed noise assessment which documented potential impacts on both existing and proposed developments. In accordance with the Ministry of Transportation's publication "Environmental Guide for Noise" (2006) and the Ministry of the Environment's "Noise Assessment Criteria in Land Use Planning" (1997), in addition to the Region's "Implementation Guideline for Noise Policies" (1999), the Region completed a technical evaluation of the potential noise impacts, using sensitive noise receptors in the Project study area. The existing noise levels in the study area were found to be between 55 and 58 decibels at the noise sensitive areas, and as a result of the Project the proposed levels were calculated to be between 55 and 60 decibels. The noise assessment concluded that potential noise impacts from both the construction and operation of the Project will not exceed the noise limits documented in the applicable guidelines, which are an increase of 5 decibels or greater from pre-construction levels or more than 65 decibels as the maximum threshold which would require mitigation considerations.</p> <p>The Region determined that, while noise mitigation such as noise attenuation barrier walls is not required, it has assessed the possibility of implementing soft mitigation measures along the road corridor. These include roadside trees and vegetative planting, which will provide some protection between the road and the surrounding properties and will</p>

	<p>lessen the noise impacts on the area. These measures will be further assessed during detailed design.</p> <p>I am satisfied that the Region has met the requirements of the Class Environmental Assessment for adequately assessing the potential noise impacts on the surrounding environment.</p>
<p>You contend that the Region did not adequately assess property acquisitions and access considerations in the Environmental Study Report.</p>	<p>Ministry of the Environment staff's review of the Environmental Study Report shows that the Region provided a detailed assessment of potential property requirements and other considerations, such as access impacts, as a result of the Project construction. In addition, the Region used potential impacts to properties and property acquisitions as criteria that were assessed when determining the preferred alignments for the Project.</p> <p>The Region indicates in a response to Ministry of the Environment staff that the Region will continue to assess potential property acquisitions and access impacts during the detailed design and will develop potential mitigation alternatives with property owners such as modification, relocation or construction of a new access as necessary.</p> <p>I am satisfied that the Region adequately considered potential impacts to existing properties and have met the requirements of the Class Environmental Assessment.</p>
<p>You contend that the South Boundary Corridor and the East Boundary Corridor, which extends north of Dundas Street, should have been assessed together and undertaken as one project. Further, you indicate that the Region did not adequately consider the future extension north of Dundas street when assessing the alternative alignments for this Project. You believe that your client's proposed alignment for the South Boundary corridor would</p>	<p>The Region has documented the study limits for the Project in the Environmental Study Report.. The area north of Dundas Street is proposed for development in the future and a possible East Corridor extension may be required, however traffic projections undertaken by the Region and included in numerous planning documents show that an East Corridor extension will not be required for at least 25 years. The Region indicates that based on the traffic projections, consideration of the area beyond Dundas Street was not required to be considered as part of this Project.</p>

<p>have less impact on environmental features north of Dundas Street.</p>	<p>The Region does indicate, however, that the alignment corridor alternatives were assessed with the understanding that an East Corridor extension may be required in the future. As such, the Region provided a detailed assessment of the proposed alternatives and its impacts on future planning considerations. The Environmental Study Report shows that the preferred alternative was determined to have the least potential impacts on the surrounding environment in the areas beyond Dundas Street, and that the extension beyond Dundas Street based on the terminus of the South Corridor extension would avoid high environmental constraint areas.</p> <p>I am satisfied that the Region assessed the potential impacts of the Project on the surrounding environment not only within the study area, but beyond the limits of the study area in order to adequately accommodate future road construction and possible development.</p>
<p>You are concerned that the Region did not adequately consider costs when assessing the potential alignment alternatives for the Project. Specifically, you indicate that the Region did not adequately assess land costs and the costs associated with property acquisitions and that values provided in the Environmental Study Report appear to be invalid and incorrect.</p>	<p>The Region provides an assessment of the criteria used for selecting the preferred alignments for the Project in the Environmental Study Report, in which costs were considered as one of the criteria. In addition, in the category of potential social environmental impacts, property acquisitions were considered as criteria for assessing alternatives. The Region confirms in a response to Ministry of the Environment staff that costs associated with property acquisitions are preliminary, as there are many variables which must be considered, such as location, value, accessibility, and property owners, which will account for final costs.</p> <p>I am satisfied that the City has adequately considered private property access, property acquisitions and associated costs as part of this Project.</p>