

**Ministry of the Environment
and Climate Change**

Office of the Minister

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

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ENV1283MC-2014-1497

OCT 02 2015

Ms. April Souwand
Senior Environmental Planner
Planning and Development Department
City of Cambridge
PO Box 669
50 Dickson Street
Cambridge ON N1R 5W8

COPY

Dear Ms. Souwand:

Between April 14 and 16, 2014, I received three Part II Order requests asking that the City of Cambridge (City) be required to prepare an individual environmental assessment for three projects (Projects) proposed in the Cambridge West Master Environmental Servicing Plan (Plan):

- Establishment of new stormwater management facilities
- Establishment of new storm sewer – Development lands to Princess Street
- Extension of new sanitary services

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 Plan 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 (Act). The reasons for my decision may be found in the attached letter to the requesters.

Despite my not requiring an individual environmental assessment be prepared, in reviewing the requests it was noted that there are some concerns over the current protections afforded to one species at risk. The Committee on the Status of Endangered Wildlife in Canada recognizes Western Chorus Frog as two distinct populations: the Carolinian Population, and the Great Lakes / St. Lawrence – Canadian Shield Population. The Carolinian population is designated as Not at Risk and the Great Lakes / St. Lawrence – Canadian Shield Population is designated as Threatened, under the federal Species at Risk Act. In Ontario, a 2009 assessment examined

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Western Chorus Frog as a single population, and designated it as Not at Risk under the Endangered Species Act.

The Ministry of Natural Resources and Forestry has cited a decline of Western Chorus Frog primarily in Quebec as the reason for the federal/provincial difference on designation. It is important to ensure the City works with the latest information available regarding species at risk, and explore additional protections that can be provided to Western Chorus Frog.

Additionally, concerns were raised regarding Jefferson salamander. It is my understanding that Jefferson salamander was not found in the Plan area, but it is prudent to have a plan in place in the event that it is discovered.

I trust the City will live up to its commitment to ensure the Plan and Projects adhere to the requirements of the Endangered Species Act, the federal Species at Risk Act, and their regulations. But to ensure additional protection of species at risk, I am imposing the following conditions on the Projects:

1. In consultation with the Ministry of Natural Resources and Forestry, the City will prepare a response plan for Jefferson salamander, in the event that it is discovered in the Plan area.
2. The City will contact the Ministry of Natural Resources and Forestry to confirm the conservation status of species in the Plan area, prior to construction of the Projects.
3. The City will examine additional enhancement measures for habitat suitable for Western Chorus Frog during detailed design of the Projects.

I encourage the City to continue to consider provincial, national and international industry best practices for stormwater management and sanitary services facilities as they relate to climate change and the increasing frequency of severe weather abnormalities.

With this decision having been made, the City can now proceed with the Projects, subject to the conditions I have imposed and any other permits or approvals required. The City must ensure the Projects are implemented in the manner it was developed and designed, as set out in the Plan documentation, and inclusive of all mitigating measures, and environmental and other provisions therein.

Lastly, I would like to ensure that the City 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.

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

Sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment

c: Requesters

Dave Marriott, District Planner
Ministry of Natural Resources and Forestry

Joe Crowley, Species at Risk Herpetology Specialist
Ministry of Natural Resources and Forestry

EA File No. 14039
Cambridge West Master Environmental Servicing Plan

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ENV1283MC-2014-1497

OCT 02 2015

Ms. Louise Lanteigne
700 Star Flower Avenue
Waterloo ON N2V 2L2

Dear Ms. Lanteigne:

Thank you for your interest in the Cambridge West Master Environmental Servicing Plan (Plan), as proposed by the City of Cambridge (City). I welcome your comments on this Plan.

On April 16, 2014, you requested that the City be required to prepare an individual environmental assessment for one of the projects contained within the Plan: "Establishment of new stormwater management facilities." I received additional requests that the City be required to prepare an individual environmental assessment for this and two other projects contained within the Plan: "Establishment of new storm sewer – Development lands to Princess Street" and "Extension of new sanitary services" (Projects). I am taking this opportunity to inform you that I have decided that an individual environmental assessment is not required.

In making this decision, I have given careful consideration to the Plan documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class Environmental Assessment), the issues raised in the requests, and relevant matters to be considered under section 16 of the Environmental Assessment Act (Act).

The City has demonstrated that it has planned and developed the Projects in accordance with the Class Environmental Assessment. I am satisfied that therefore 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 Projects.

Despite my not requiring an individual environmental assessment be prepared, in reviewing the requests it was noted that there are some concerns about species at risk. To ensure the protection of species at risk, I am imposing conditions on the Projects

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that will require the City to confirm the conservation status of species at risk in the Plan area prior to construction, examine additional habitat enhancements for Western Chorus Frog, and prepare an action response plan in the event that Jefferson salamander is found in the Plan area.

Your 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 City, or will be addressed in future work that is required to be carried out.

With this decision having been made, the City can now proceed with the Projects subject to the condition I have imposed. The City must ensure it implements the Projects in the manner they were developed and designed, as set out in the Plan 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.

Sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment(s)

c: April Souwand, Senior Environmental Planner
City of Cambridge

Dave Marriott, District Planner
Ministry of Natural Resources and Forestry

Joe Crowley, Species at Risk Herpetology Specialist
Ministry of Natural Resources and Forestry

EA File No. 14039
Cambridge West Master Environmental Servicing Plan

**Projects Under the Cambridge West Master Environmental Servicing
Plan, Municipal Engineers Association's Municipal Class
Environmental Assessment**

Minister's Review of Issues Raised by Ms. Louise Lantaigne

Issues	Response
Species at Risk	
You are concerned about species at risk in the area. You state that the Projects violate the Endangered Species Act and the Species at Risk Act.	<p>The City's consultants completed a natural environment study in November 2013, which included an examination of species at risk. At the time of the study, the following species at risk were identified in the Plan area: Butternut (tree), Least Bittern, Chimney Swift, Barn Swallow, Bank Swallow, Bobolink and Eastern Meadowlark (bird species). All of these species have individual and habitat protection under the Endangered Species Act. The City must ensure that it adheres to the requirements of the Endangered Species Act and its regulations, such as registering the City's actions with the Ministry of Natural Resources and Forestry, in accordance with Ontario Regulation 242/08.</p> <p>Based on work completed to date, the City does not anticipate the Plan and the Projects to have any negative impacts on species at risk. The City has also committed to complete further surveys to refine potential species at risk habitats, and ensure compliance with the Endangered Species Act. This will be conducted as part of environmental impact studies prepared in support of future development applications submitted under the Planning Act.</p> <p>The Plan proposes to maintain and enhance the natural heritage system in the area. Core natural areas will be protected, buffer zones will be placed around these areas, and new linkages connecting these areas will be established. Residential development in the area will have the potential to create new impacts to the natural heritage system. The City has identified mitigation measures to protect the natural heritage system from this residential development, including the preparation of erosion and sediment control plans, as well as chloride impact assessments prepared in support of future</p>

Issues	Response
	<p>development applications submitted under the Planning Act. This is anticipated to reduce impacts on all wildlife in the Plan area, including species at risk.</p> <p>The Plan also outlines biological monitoring that will occur during and after construction of the Projects and other undertakings in the Plan area. The monitoring plans will be conducted by private developers, and reviewed by the City during future development applications submitted under the Planning Act.</p> <p>Western Chorus Frog occurs in the Plan area. The federal Committee on the Status of Endangered Wildlife in Canada recognizes Western Chorus Frog as two distinct populations: the Carolinian Population, and the Great Lakes / St. Lawrence – Canadian Shield Population, which are currently designated as Not at Risk and Threatened, respectively, under the federal Species at Risk Act. The Endangered Species Act continues to recognize the Western Chorus Frog as a single population, and it is designated as Not at Risk provincially. The Ministry of Natural Resources and Forestry has cited a decline of Western Chorus Frog primarily in Quebec as the reason for the federal/provincial difference on designation.</p> <p>The Ministry of Natural Resources and Forestry has indicated that declines of Western Chorus Frog have occurred in parts of Ontario since the 2008 Assessment Report completed by Committee on the Status of Endangered Wildlife in Canada, and the species distribution has changed. This may trigger a re-assessment of Western Chorus Frog by the Committee on the Status of Species at Risk in Ontario in the near future.</p> <p>Canada Warbler, designated as Threatened under the Species at Risk Act and as Special Concern under the Endangered Species Act, was also observed in the study area. The City will ensure that the Projects conform to the Species at Risk Act and afford protection to the Canada Warbler. The protection and enhancement of natural heritage features in the Plan area is also anticipated to benefit Canada Warbler.</p>

Issues	Response
	<p>I am satisfied that the City has completed species at risk surveys for the Plan area and that the City is aware that the implementation of the Projects must be consistent with the legislative requirements under the Endangered Species Act and its regulations. I am imposing a condition requiring the City to examine additional enhancements for Western Chorus Frog habitat. I am also imposing a condition requiring the City to consult with the Ministry of Natural Resources and Forestry prior to construction, to ensure the latest information on Western Chorus Frog and other species at risk is used prior to implementation of the Projects. I am satisfied that appropriate biological monitoring will occur during and after construction, and that the projects will also be implemented in accordance with the federal Species at Risk Act.</p>
<p>You are concerned that Jefferson salamander occurs in the Plan area.</p>	<p>Jefferson salamander (Threatened) occurs in the Regional Municipality of Waterloo, which encompasses the City of Cambridge.</p> <p>Jefferson salamanders are known to mate with other salamander species, creating hybrid salamanders. The Endangered Species Act provides habitat protection to these other species of salamander when they have dominant Jefferson salamander genetics, as it indicates the presence of Jefferson salamanders in the area.</p> <p>After conducting field surveys over two years, and DNA analyses of captured salamanders, it was determined that no Jefferson salamanders or salamanders requiring protection occur in the Plan area.</p> <p>I am satisfied that the City found no evidence of Jefferson salamanders or salamanders with protected Jefferson characteristics occurring in the Plan area. I am imposing a condition requiring the City to prepare a response plan for Jefferson salamander in the event that it is discovered in the future.</p>
<p>Water Quantity and Quality</p>	

Issues	Response
<p>You are concerned that the Projects will alter the Plan area's water balances and groundwater recharge rates.</p>	<p>The Plan area's hydrogeology was examined by the City through a Natural Environment Study and a separate hydrogeology study, both completed in November 2013. This led to the development of a stormwater management strategy for the Plan area. A main objective of the Plan is to maintain current water balances, and the hydrogeology report confirmed that they will be maintained.</p> <p>Approximately 60% of the Plan area drains internally into the shallow groundwater aquifer. The recommended stormwater management strategy will use the existing stormwater management facilities and storm drainage network in the area, and will develop three new stormwater management ponds. The stormwater management strategy is designed to maintain existing infiltration rates, and maintain wetland surface water balances and seasonal pattern.</p> <p>To maintain infiltration rates after residential development has occurred, the Plan area will be outfitted with multiple infiltration galleries, which are low-lying pockets of permeable material that will allow the runoff to filter into the shallow groundwater aquifer. These infiltration galleries will be installed on individual residential lots, as well as in public spaces to capture surface water runoff at a neighbourhood level. Grading in the Plan area will direct surface water runoff to these infiltration galleries.</p> <p>Two of the new stormwater management ponds will provide water quality and quantity control, before directing surface water runoff into existing wetlands (identified as Wetlands 2 and 3 in the Plan). These wetlands already drain internally into the shallow groundwater aquifer, so infiltration will continue to occur in these areas.</p> <p>The third stormwater management pond near Blenheim Road will drain into Devil's Creek. The City's stormwater management will also maintain existing infiltration rates and wetland surface water balances in the Devil's Creek ecosystem. The Plan recognized that only a small portion of the Plan area continuously drains into the Devil's Creek subwatershed, and that this restricted how much stormwater</p>

Issues	Response
	<p>runoff it could receive. The stormwater management pond recommended for the area will include an oil-grit separator and a cooling trench. These features will be designed to meet an "Enhanced Level" of discharge according to the Ministry of the Environment and Climate Change's Stormwater Management Planning and Design Manual, and will be subject to further assessment through an Environmental Compliance Approval application.</p> <p>I am satisfied that water balances were extensively studied, and that the City has designed a stormwater management strategy that maintains existing infiltration rates as well as wetland surface water balances and seasonal pattern.</p>
<p>You are concerned about road salt and its impacts on water quality.</p>	<p>The potential impact of road salt on water quality was identified in the Plan, and the City analyzed local ground water and surface water characteristics by completing a hydrogeology study and a surface water study. The City also undertook a chloride impact analysis.</p> <p>The estimated post-development chloride concentration in the shallow groundwater aquifer is 81 milligrams per litre. This is below the Ministry of the Environment and Climate Change's Reasonable Use Criteria limit of 126 milligrams per litre. The chloride impacts will also be below levels cited in scientific literature as a threshold for impacts on amphibians and other wetland flora and fauna.</p> <p>The bedrock aquifer (the drinking water source) is covered by a thick and generally impermeable sediment, which nearly eliminates any connection to the shallow groundwater aquifer above. The City concluded that since increased salt concentrations will be below Reasonable Use Criteria and will not enter the deep bedrock aquifer, there would be no impacts to drinking water systems. The hydrogeology study completed for the Plan and Projects also assessed potential impacts to 43 wells within and surrounding the Plan area. No impacts to any of these wells are anticipated, as they either drew from the deep bedrock aquifer, or were located upgradient of any infiltration areas.</p>

Issues	Response
	<p>While the City has found that stormwater management and road salt in the Plan area will not have significant impacts to drinking water, local wells or flora and fauna, it has recognized the potential for localized salt loading to occur. The City will require detailed Environmental Impact Studies and stormwater management plans from private developers as part of their development applications under the Planning Act, in order to further mitigate potential localized salt impacts. Best management practices, such as use of alternative de-icing methods and agents, brine solution applications, and pre-treatment will be considered by the City.</p> <p>The Plan's hydrogeology study was reviewed and approved by staff of the Grand River Conservation Authority prior to publishing of the final Plan. The Plan was approved by the Board of the Grand River Conservation Authority on February 4, 2014. The Grand River Conservation Authority confirmed with Ministry of the Environment and Climate Change that it has no outstanding concerns with the Plan in regards to sourcewater protection, and is satisfied with further work to be completed under the Planning Act.</p> <p>In the Plan, the City has committed to conducting post-development monitoring of wetland and pond areas, to confirm that no significant chloride impacts are occurring, and that its stormwater management plan is working effectively. The Ministry of the Environment and Climate Change will also conduct a detailed review of stormwater management in the Plan area during subsequent applications for Environmental Compliance Approvals.</p> <p>I am satisfied that the potential impacts of road salt have been extensively studied by the City, and that no significant impacts to water quality are anticipated. I am satisfied that impacts to well users and the natural environment are not anticipated, and that chlorides will be below the Ministry of the Environment and Climate Change's Reasonable Use Criteria. I am satisfied that detailed Environmental Impact Studies and stormwater management plans will mitigate potential localized impacts, and that Ministry of the Environment and Climate Change will ensure its</p>

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Issues	Response
	requirements are met through the Environmental Compliance Approval application process.