

**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
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ENV1283MC-2015-306

JUN 16 2016

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

Dear Ms. Lanteigne:

Thank you for your interest in the River Road Extension (Project) as proposed by the Regional Municipality of Waterloo (Region). I welcome your comments on this Project.

On June 18, 2014, you requested that the Region be required to prepare an individual environmental assessment for the Project. I am taking this opportunity to inform you that I have decided that elevating the Project to 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), the issues raised in your request, and relevant matters to be considered under section 16 of the Environmental Assessment Act.

The Class Environmental Assessment is a process by which proponents plan and develop projects of this type, including evaluating alternatives, assessing environmental effects, developing mitigation measures, and consulting with the public, without having to obtain approval from me and the Lieutenant Governor in Council for each individual project.

The Class Environmental Assessment has itself been subject to review and approval under the Environmental Assessment Act, which determined, in part, that the application of the Class Environmental Assessment process would enable proponents to meet the intent and purpose of the Act. The Region has demonstrated that it has planned and developed this 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

Ms. Louise Lanteigne
Page 2.

protection, conservation and wise management in Ontario of the environment", has been met for this Project.

Despite my not requiring an individual environmental assessment be prepared, in reviewing the requests it was noted that there are some concerns about road salt. I am imposing conditions on the Project that will require the Region to examine additional design modifications to the Project that would reduce potential road salt impacts, and address policy changes that occurred when I approved the Grand River Source Protection Plan.

All concerns raised during the Project's public comment period, 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 this decision having been made, the Region can now proceed with the Project. The Region must ensure it implements 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.

Sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment(s)

c: Wayne Cheater, Project Manager
Regional Municipality of Waterloo

EA File No. 14037
River Road Extension (Waterloo)

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ENV1283MC-2015-306

JUN 16 2016

Mr. Wayne Cheater
Senior Project Manager
Region of Waterloo
PO Box 9051, Station C
150 Frederick Street
Kitchener ON N2G 4J3

COPY

Dear Mr. Cheater:

Between June 18 and July 31, 2014, I received three Part II Order requests asking that the Regional Municipality of Waterloo (Region) be required to prepare an individual environmental assessment for proposed extension of River Road (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 (Act).

The reasons for my decision may be found in the attached table. In the interest of transparency, I encourage you to make this letter available to the greater public on the Region's website.

Despite my not requiring an individual environmental assessment be prepared, in reviewing the requests it was noted that there are some concerns over road salt. I have also noted that I approved the Grand River Source Protection Plan after the Project documentation was finalized, and a policy concerning road salt was amended to apply to the Project. While I recognize the considerable effort made by the Region to mitigate potential road salt impacts, I am imposing the following conditions on the Project to ensure that road salt supPLICATION is effectively managed:

Mr. Wayne Cheater
Page 2.

1. During detailed design, the Region shall examine further enhancements to the Project's road design that would reduce potential road salt impacts on groundwater, surface water, and natural heritage features in the Project area.
2. In accordance with changes to Policy RW-CW-35 of the recently approved Grand River Source Protection Plan, the Region shall create a Risk Management Plan for the Project's road salt application prior to its opening.

With this decision having been made, the Region can now proceed with the Project. The Region must ensure the Project is implemented 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.

I understand that the Ministry of Natural Resources and Forestry is satisfied with the Region's work to date on mitigating impacts to species at risk, and that the Region will need to do additional work during detailed design. I encourage the Region to consider species at risk and any proposed mitigation measures early in the detailed design phase of the 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.

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.

Sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment(s)

c: Requesters

EA File No. 14037
River Road Extension (Waterloo)

River Road Extension – Municipal Engineers Association's Municipal Class Environmental Assessment

Minister's Review of Issues Raised by Requesters

Issues	Response
<p>The Project will impact the Hidden Valley area, which is a sensitive and biodiverse habitat containing species at risk and Provincially Significant Wetlands.</p>	<p>The Region completed a review of the Hidden Valley Environmentally Sensitive Policy Area, and has proposed expanding it to include all natural heritage features in the Hidden Valley. The Region considered impacts to this expanded Environmentally Sensitive Policy Area during the Project's planning. This is documented in the Project's Environmental Study Report as Appendices 2A and 2B.</p> <p>Planning for the Project refined the alignment to further reduce impacts by avoiding sensitive features, and following the existing Hidden Valley Road corridor. The newly refined alignment reduced potential impacts to the existing and proposed expansion portions of the Hidden Valley Environmentally Sensitive Policy Area, Provincially Significant Wetlands, classified vegetation communities, woodlands, wildlife resources, and regionally significant species. These reduced impacts were documented in Exhibit 4.9 of the Environmental Study Report.</p> <p>I am satisfied that this concern has been addressed.</p>
<p>Species at risk within the Hidden Valley area will be impacted by the Project, and they were not appropriately identified by the Region.</p> <p>The Project scope for species at risk was too limited. There need to be additional species at risk studies done, and they should be peer reviewed and publicly reviewed.</p> <p>Detailed design should only occur after additional studies are</p>	<p>Natural heritage studies conducted for the Project addressed known and potential species at risk in the entire existing and candidate Hidden Valley Environmentally Sensitive Policy Area, as well as the Project area. The natural heritage studies considered potential direct impacts and indirect impacts of the Project on Jefferson salamander, regulated Jefferson salamander habitat and other species at risk.</p> <p>In total, the Region has identified the presence of four species, as well as suitable habitat for four additional species, in the Project area:</p> <ul style="list-style-type: none"> • Butternut tree (Endangered) • Jefferson salamander (Endangered) • Barn Swallow (Threatened) • Chimney Swift (Threatened) • Least Bittern habitat (Threatened) • Little Brown Myotis habitat (Endangered)

Issues	Response
<p>completed, and after authorizations for all species at risk are granted to the Region.</p>	<ul style="list-style-type: none"> • Northern Myotis habitat (Endangered) • Rusty-patched bumble bee habitat (Endangered) <p>Species at risk fall under the mandate of the Ministry of Natural Resources and Forestry. The Region has committed to continue working with the Ministry of Natural Resources and Forestry, to ensure species at risk are appropriately addressed during detailed design. This may include targeted inventories in suitable habitat, and will consider additional mitigation measures to avoid impacts to species at risk. Authorizations under the Endangered Species Act will be required if impacts to these species cannot be avoided.</p> <p>There were nine other species at risk observed or recognized to potentially occur in the Project area that are designated as Special Concern in Ontario. These species do not receive individual or habitat protection under the Endangered Species Act. These species are: Bald Eagle, Canada Warbler, Common Nighthawk, Eastern Wood Pewee, Eastern Milksnake, Monarch Butterfly, Snapping Turtle, and West Virginia White. These species may have requirements under other legislation, such as the federal Species At Risk Act, or the federal Migratory Birds Convention Act. The Region will consult with the relevant agencies during detailed design to ensure any other legislative requirements for these species are followed. Mitigation measures for these species will also be considered during detailed design.</p> <p>There were six species at risk that were recorded historically, or identified as potentially occurring, but were not observed in the Project area. These species are: American Ginseng, Acadian Flycatcher, Henslow's Sparrow, Louisiana Waterthrush, Loggerhead Shrike and Silver Shiner. No action is required to address these species.</p> <p>The requesters raised concern regarding three additional species at risk: Bobolink, Short-eared owl, and Wavy-Rayed Lampmussel. Greater Redhorse was also raised, but is not designated under the Endangered Species Act. The Region has not identified any of these species to potentially occur in the Project area.</p>

Issues	Response
	I am satisfied that this concern has been addressed.
<p>There is inadequate protection for Jefferson salamander. The regulated habitat is not large enough, and the Region and its consultants did not conduct appropriate reviews for determining its presence.</p>	<p>In February 2007, investigations confirmed the presence of Jefferson salamander. The Region undertook additional field investigations in 2008, 2012 and 2013, and incorporated this information in the Environmental Study Report for the Project.</p> <p>After a detailed evaluation, a refined Project alignment was selected as it reduced indirect impacts to regulated Jefferson salamander habitat. The refined alignment also reduces direct and indirect impacts on the Hidden Valley Environmentally Sensitive Policy Area, Provincially Significant Wetlands, classified vegetation communities, woodlands, and regionally significant species.</p> <p>The refined alignment has also maximized the distance between the roadway right-of-way and the regulated habitat, further mitigating the risk of impacts to Jefferson salamander.</p> <p>Surveys conducted for Jefferson salamander were done in collaboration with the Ministry of Natural Resources and Forestry, and followed protocols for egg collection and genetic testing set by the Ministry of Natural Resources and Forestry and the University of Guelph.</p> <p>As part of detailed design, the Region will develop a mitigation plan and monitoring measures to mitigate potential impacts to Jefferson salamander and submit this to the Ministry of Natural Resources and Forestry.</p> <p>Ministry of Natural Resources and Forestry staff have informed the Ministry of the Environment and Climate Change that they are satisfied with the Region's work in respect to Jefferson salamander to date. The Region will continue to work with the Ministry of Natural Resources and Forestry during detailed design, and ensure it is compliant with the Endangered Species Act and other regulatory requirements for Jefferson salamander.</p> <p>I am satisfied that this concern has been addressed.</p>
Road salt will impact	A Hydrogeology Study was completed for the Project, which

Issues	Response
<p>groundwater and sensitive wildlife habitats in the Hidden Valley.</p>	<p>analyzed potential salt impacts in the Project Area. It is estimated that total salt loading into the Parkway Well Field would increase by 0.2%. The Region anticipates this increase will be offset by decreased loading in other parts of the Parkway Well Field due to broader salt reduction efforts by the Region, less severe winters, groundwater recharge rates, and protection from a thick layer of sediment (aquitar) that separates shallow groundwater from the deeper aquifer where drinking water is drawn from.</p> <p>The Region has also committed to enhanced road design measures and a salt management plan to further mitigate the amount of road salt that infiltrates the Parkway Well Field. The Project will include medians and other grading to direct any salt-laden water into storm sewers, which will then discharge into Schneider Creek and away from the well field. Given the Region's mitigation measures and other offsets, the Project is not anticipated to increase sodium and chloride concentrations in the Parkway Well Field.</p> <p>The Region has also committed to a groundwater monitoring program during and five years after construction, to verify the Project is not contributing to increased sodium concentrations in the Parkway Well Field.</p> <p>A Natural Heritage Impact Analysis was also completed for the Project, identifying potential salt impacts to wildlife and wildlife habitat. In the Project's Environmental Study Report, the Region commits to measures to mitigate these potential salt impacts, including: developing a salt management plan to redirect salt-laden runoff from sensitive areas and/or recommend alternate de-icing materials; addressing potential salt impacts to Jefferson salamander in the overall mitigation plan for the species; and conducting post-construction monitoring for localized salt loading of surface and groundwater. These measures will be carried out during the detailed design phase of the Project, and the results will be submitted to the Ministry of Natural Resources and Forestry as well as the Grand River Conservation Authority.</p> <p>The Ministry of Natural Resources and Forestry has worked with the Region to ensure the Project is compliant with the Endangered Species Act, and that potential salt impacts to</p>

Issues	Response
	<p>species at risk were mitigated. The Grand River Conservation Authority has also reviewed the Project to ensure that potential salt impacts to wildlife and wildlife habitats were mitigated. Both agencies have stated they are satisfied with the work done by the Region to date, and with the Region's commitments to salt mitigation during the detailed design, construction and operation phases.</p> <p>The Project's Environmental Study Report was published prior to approval of the Grand River Source Protection Plan. On November 26, 2015, the Grand River Source Protection Plan was approved, and it will take effect on July 1, 2016. The final plan incorporated some policy changes from the originally submitted document, and the Region was not able to capture these changes in the Project's planning due to timing. Policy RW-CW-35, which requires Risk Management Plans for application of road salt on roads and parking lots in designated areas, was revised to include future roads planned under the <i>Environmental Assessment Act</i>. While it may not be binding on the Project at this time, it is important that the Project adheres to the purpose of this policy change.</p> <p>I am imposing conditions on the Project to ensure the Region considers additional mitigation measures and policy guidance for road salt during the detailed design and operational phases, and that the Region creates a Risk Management Plan for the Project's road salt application in accordance with the approved Grand River Source Protection Plan.</p>
<p>There was inadequate study of the surface waters in the Project area, including Schneider's Creek. The Project will impact aquatic species and aquatic habitat.</p>	<p>Natural heritage studies examined the existing condition of Schneider Creek. Potential impacts to Schneider Creek were subsequently identified in the Natural Heritage Impact Analysis. The natural heritage studies formed part of the Project's Environmental Study Report as Appendices 2A and 2B.</p> <p>The Project's crossing over Schneider Creek will not result in any modification or realignment of the existing creek channel. The Project incorporates a bridge span large enough to traverse Schneider Creek's meander belt, maintaining creek corridor functions and fish habitat, and allowing the safe passage of animals underneath.</p>

Issues	Response
	<p>All other surface waters within the Project area were studied. This included:</p> <ul style="list-style-type: none"> • West Creek • North Creek • Hidden Valley Creek (East Creek) • Hofstetter Creek • Hidden Valley Pond • Hidden Valley Marsh • Frog Pond • Schneider Creek Tributaries
	<p>Only Schneider Creek was found to directly support fish populations. The absence of fish on other surface waters in the Project area was attributed to existing culverts and the gradient from the Grand River, which prevent fish from travelling upstream from the Grand River. It was also noted that many of these surface waters were relatively small, have reduced water levels and high water temperatures during the summer months, and are therefore not viable for fish to live in.</p> <p>None of the species in Schneider Creek are species at risk. Suitable habitat for Wavy-Ray Lampmussel (Threatened) was identified, however it was found to be restricted from occurring in the Project area by a dam downstream.</p> <p>The Project is not anticipated to impact aquatic species or aquatic habitat. Mitigation measures for potential construction and operation impacts have been outlined in section 4.3 of the Natural Heritage Impact Analysis. This will mitigate the potential for silt, sediment and other substances like fuel from entering surface waters, and ensure drainage and stormwater aspects of the Project do not adversely impact surface water quality and quantity.</p> <p>The Region will be required to obtain a permit from the Grand River Conservation Authority during detailed design in order to perform work in the vicinity of the Schneider Creek. The Grand River Conservation Authority will be able to review the detailed design and proposed mitigation measures for adequacy prior to issuing the permit.</p> <p>I am satisfied that this concern has been addressed.</p>

Issues	Response
The Project will impact water balances in the area	<p>Potential impacts to water balances were investigated in a hydrogeology study completed by the Region's consultant Stantec. This was attached to the Environmental Study Report as Appendix 4A.</p> <p>The study found that since most of the Project will be along existing roads as opposed to undeveloped land, the additional impervious surface area will have a negligible impact on the water balances in the Hidden Valley Environmentally Sensitive Policy Area or the Parkway Well Field area.</p> <p>I am satisfied that this concern has been addressed.</p>
The estimated cost of the Project to taxpayers is rising.	<p>Before 2011, the cost of the Project was originally estimated to be \$42-66 million. This cost projection increased to \$72 million in 2014, and the Region has attributed most of this to significant Project design changes to minimize environmental impacts on the Hidden Valley and Schneider Creek areas.</p> <p>The Region has indicated it will fund the Project through private development charges. This issue is out of scope.</p>
The purpose of the Project is questionable, given that collisions are declining in the Region.	<p>The Region has stated that despite marginal collision decreases that occurred between 2011 and 2012, the number of collisions increased in the Fairway Road corridor over the same period. One of the main objectives of the Project is to provide traffic relief to the Fairway Road corridor, and reduce the number of accidents that occur.</p> <p>I am satisfied that this concern has been addressed.</p>
The Project did not consider alternatives that included increased public transit usage. The planned ION Light Rail Transit project may eliminate the need for the Project.	<p>The Region undertook the South Kitchener Transportation Corridor Study, which examined 10 alternative strategic planning solutions including transportation demand management, strategic road widenings, increased transit use, and road extensions. After evaluating these solutions against transportation and environmental criteria, the Project was ranked as a preferred planning alternative.</p>
The money required for the Project could be	<p>Forecasted travel demand in the Region has also incorporated the impact of the ION and the additional transportation capacity it will add to the system. The Project</p>

Issues	Response
<p>contributed to a public transit alternative instead.</p>	<p>is still identified as necessary to meet the travel demand and desired safety improvements in the Project area. The Region has noted that it will invest close to \$1 billion in long term transit solutions for the entire Region, in addition to the Project.</p> <p>I am satisfied that this concern has been addressed.</p>
<p>The Project will contribute to poor air quality already experienced in the area.</p>	<p>One of the primary purposes of the Project is to reduce congestion along Fairway Road. The Region anticipates that reducing congestion and idling on Fairway Road will improve air quality.</p> <p>Automobile emissions will also be mitigated by implementing roundabouts at major intersections, which promote improved traffic flow. The Project also includes a 3 metre wide multi-use trail on each side, and a connection to an existing multi-use trail along Schneider Creek. This will encourage the use of active transportation modes, such as cycling, in the Project area.</p> <p>I am satisfied that this concern has been addressed.</p>
<p>The Project does not adhere to various Region policies, including its Official Plan and Greenland Strategy.</p>	<p>As required by the Class Environmental Assessment, the Region examined existing conditions in the Project area. This included the policy and land use context, such as the Official Plans, growth plans, secondary plans, zoning, transportation plans, land use studies, and the Provincial Policy Statement. The Region considered this policy and land use context in designing and evaluating alternatives for the Project.</p> <p>The Region's Ecological and Environmental Advisory Committee has provided input to the Project team since late 2005. The Committee provided design recommendations for the Project, and ensured it conformed with applicable Region policies. The Project was endorsed by the Committee on February 25, 2014.</p> <p>I am satisfied that this concern has been addressed.</p>