Dear [Name]

Thank you for your June 22, 2011, letter to the Minister of the Environment (Minister) in which you request that the City of Kitchener (City) be required to prepare an individual environmental assessment (EA) under the Environmental Assessment Act (EAA) for the proposed Strasburg Road extension (Project).

In your request, you indicate issues with the North Section of the Strasburg Road extension, yet to be constructed. You also indicate that the Project may be piecemealed and that the City is undertaking separate processes to complete the north and south sections of the road extension. I am pleased to respond on behalf of the Minister.

Projects of the type proposed by the City require approval under the EAA. This approval can be obtained by proponents through planning and implementing these projects in accordance with the Municipal Engineers Association’s Municipal Class Environmental Assessment (Class EA). The Class EA is an approved planning process that proponents must follow for projects of this type in order to obtain authorization to proceed with the project under the EAA. Despite this process, the Class EA includes a provision whereby any member of the public who has unresolved concerns with a proposed project can request that the Minister require the proponent of the project to prepare an individual EA. The Minister's requirement to prepare an individual EA is referred to by the Class EA as a Part II Order/elevation request.

Upon receipt of your request, Ministry of the Environment (MOE) staff contacted the City to obtain background information for this Project.
The City advised MOE staff that the Strasburg Road North Section was planned through the processes under the Planning Act dating back to the 1980's. The City has indicated that the documentation of these processes is found in the City's Official Plan Amendments, Transportation and Engineering Studies for Strasburg Road, Doon South Official Plan Amendments, the Brigadoon Community Plan, and the Doon South Community Plan. The City contends that this documentation fulfils the EA requirements for a project of this type. MOE staff reviewed the information presented by the City and determined that the intent of the Class EA was satisfied through the Planning Act processes for the Strasburg Road North extension. In coming to this conclusion, MOE staff are satisfied that through the planning process for Strasburg Road North extension the City considered the potential environmental impacts of the Project, assessed a reasonable range of alternatives through a public and transparent process, and involved various agencies and stakeholders. These considerations reflect the requirements of the Class EA. Although the Strasburg Road North section has gone through a lengthy and formal planning process, and is considered approved under the planning processes, it has not been implemented to date due to unrelated private development delays. The City has continued to assert that the North section was a separate undertaking planned in the 1980s. The City is now proceeding through the Class EA process for the current Project to support development in the South section.

MOE staff are satisfied that the Strasburg Road North extension and the Project are, therefore, not being piecemealed by the City.

With regards to your Part II Order request, it is my understanding that the City is currently proceeding through Phase II (i.e. alternative solutions) of the Class EA for this Project. As per the consultation requirements of the Class EA, the City should continue to consult with you and attempt to resolve your concerns. If the City is unable to resolve your concerns, you will have the opportunity to submit a request to the Minister asking that the Project be elevated to an individual EA. You will have the option of re-submitting your current request, or preparing a new request which outlines your outstanding issues at that time.

The City has advised MOE staff that the Notice of Completion for the Project is anticipated to be posted by January 2012. At that time, should you wish to renew your Part II Order request, the City will be directed to review your request and to provide any Project documentation and other information necessary to assist the MOE in its review of your request. This information will be considered by the Minister when making a decision about your request. Where required, MOE technical staff and staff at other agencies may also review the matter. Any additional requests received during the final comment period will also be reviewed by the MOE.
If you have any questions regarding this matter, please call Mr. Adam Sanzo of this branch at 416-314-8229.

Thank you for taking the time to share your concerns with this Project.

Yours very truly,

[Signature]

Millicent Dixon
Manager, Client Services Section
Environmental Assessment and Approvals Branch

c: Mr. Binu Korah, Manager, Development Engineering, City of Kitchener
Mr. Ian K. Upjohn, Principal Planner, SNC-Lavalin Inc.
EA File 02-03- Strasburg Road Extension