

Ministry  
of the  
Environment

Office of the Minister

135 St. Clair Ave. West  
12th Floor  
Toronto ON M4V 1P5  
Tel (416) 314-6790  
Fax (416) 314-6748

Ministère  
de  
l'Environnement

Bureau du ministre

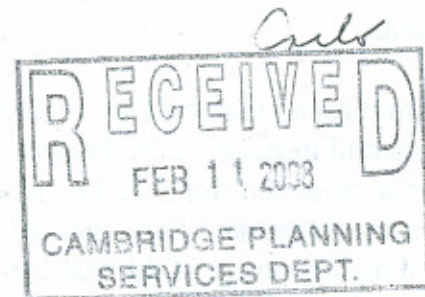
135, avenue St. Clair ouest  
12<sup>e</sup> étage  
Toronto ON M4V 1P5  
Tél (416) 314-6790  
Télééc (416) 314-6748



FEB 01 2008

ENV1283MC-2007-4438

Mr. Giancarlo Radicioni  
Senior Development Engineer  
City of Cambridge  
73 Water Street South, PO Box 660  
Cambridge ON N1R 5W8



Dear Mr. Radicioni:

Between March 9 and March 14, 2007, the former Minister of the Environment received three requests from members of the public that the City of Cambridge (City) be required to prepare an individual environmental assessment for the proposed Moffat Creek Trunk Sanitary Sewer and Multi-Use Trail Addendum (Project), located in the City of Cambridge.

I am taking this opportunity to inform you that a decision has been made that an individual environmental assessment is not required. This decision was made after giving careful consideration to the issues raised in the requests, the Project documentation, the provisions of the *Municipal Engineers Association Municipal Class Environmental Assessment* (Class EA), 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 requesters.

I understand that the City has committed to, prior to commencing the construction of the Project, establishing a Technical Advisory Committee which will include the Grand River Conservation Authority (GRCA), the Ministry of Natural Resources (MNR) and the Ministry of the Environment's Guelph District Office as members and, in collaboration with the GRCA and MNR, to conducting technical studies:

- a. to identify potential impacts to aquatic habitat and, if required, to develop and implement measures to mitigate any potential impacts;
- b. to identify the areas where the trenchless technology can be used to install the trunk sanitary sewer and, if required, develop and implement measures to maximize the use of trenchless technology for the installation of the trunk sanitary sewer; and



- c. to further assess any potential impacts to the areas where trenchless technology cannot be used and, if required, develop and implement measures to mitigate potential impacts in these areas to the satisfaction of the GRCA and MNR.

I also understand that the City has committed to ensuring that the construction of the Project is in conformance with the authorization from the Department of Fisheries and Oceans (DFO) for any Harmful Alteration Disruption Destruction (HADD) to aquatic habitat.

I am pleased that the City is working closely with these agencies to ensure that any potential impacts of the Project to the Moffat Creek Valley are mitigated. In order to ensure that additional technical studies are completed and, if required, additional measures are developed and implemented to mitigate potential impacts from both the construction and the operation of the trunk sanitary sewer in a transparent manner, I am imposing the following conditions on the Project:

1. The City shall ensure that all further technical studies, reports, and other documents prepared for the Project become part of the public record. These shall be made available for review upon request by any person and shall be accessible from the City's web site.
2. The City shall, once obtained, submit the permit(s) from the GRCA and DFO to this ministry.
3. The City shall submit a report to the Director, the Ministry of the Environment, Environmental Assessment and Approvals Branch during the construction of the trunk sanitary sewer to describe all the measures that were developed to mitigate any potential impacts to the natural features in the area, including but not limited to the aquatic habitat and the Provincially Significant Wetland, and outline how these measures were implemented.
4. The City shall submit a report to the Director, the Ministry of the Environment, Environmental Assessment and Approvals Branch one year after the completion of the construction of the trunk sanitary sewer to discuss the effectiveness of the mitigation measures that were developed and implemented.

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

It is understood that, subsequent to the issuance of the Addendum for public and agency review, the City made a number of commitments, which are outlined above, with respect to protective measures to address environmental impacts, and specifically to address concerns raised in the Part II Order requests. In accordance with the Class EA, any commitments made to affected agencies or members of the public must be fulfilled and implemented as part of the proposed Project. Please include a copy of this Part II Order decision letter with the Certificate of Approval application for the Project that the City will submit to this ministry.

Please also note that as per the provisions of the *Ontario Heritage Act*, proponents are required to complete at least a Stage I archaeological assessment for the study area and submit to the Ministry of Culture to obtain clearance. Additionally, in the event that deeply buried archaeological remains are encountered during construction, the City must cease construction immediately and contact the office of the Regulatory and Operations Group at the Ministry of Culture. Similarly, in the event that human remains are encountered during construction, the City must cease construction immediately and contact both the Ministry of Culture, and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services.

Lastly, I would like to ensure that the City understands that failure to comply with the *Environmental Assessment Act*, the provisions of the Class EA, and the conditions of my decision, and failure to implement the Project in the manner described in the Addendum and 1999 Environmental Study report, are contraventions of the *Environmental Assessment Act* and may result in prosecution under section 38 of the Act. I am confident that the City recognizes the importance and value of the *Environmental Assessment Act* and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,



John Gerretsen  
Minister of the Environment

c: Requesters  
Ms. Nancy Davy, Grand River Conservation Authority  
Mr. Mike Stone, Ministry of Natural Resources, Guelph District Office