Correspondence
JUL 2 1 2008

Mr. Rob Mackay
Director
Economic and Environmental Sustainability Branch
Planning, Transit and the Environment
City Of Ottawa
110 Laurier Avenue West
Ottawa ON K1P 1J1

Dear Mr. Mackay:

Between July 13 and 20, 2006, the former Minister of the Environment received four requests from members of the public that the City of Ottawa (City) and Kanata West Owners Group (KWOG) be required to prepare an individual Environmental Assessment (EA) for the proposed Carp River, Poole Creek and Feedmill Creek Restoration Class EA Project (Carp River Restoration Project); several projects under the Kanata West Master Servicing Study, specifically, Stormwater Management Ponds # 1, 2, and 5; and Signature Ridge Pump Station Upgrade and associated gravity sanitary sewers; and, selected projects under the Kanata West Road Network Transportation Master Plan, specifically, Maple Grove Road Widening from west of Huntmar Road to Terry Fox Drive and North-South Arterial from Hazeldean Road to Campeau Drive Extension, located in the City (Projects). I understand that the seven projects are part of a larger development plan, the Kanata West development area, the lands defined by the Kanata West Concept Plan, which is comprised of a total of 22 projects.

It is the understanding of this ministry that these Projects are being planned as Schedule B projects under the Municipal Engineers Association’s Municipal Class Environmental Assessment (Class EA), except for the Maple Grove Road Widening from west of Huntmar Road to Terry Fox Drive and the North-South Arterial from Hazeldean Road to Campeau Drive Extension, which are being planned as Schedule C projects. 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 Environmental
Assessment Act (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 I require the proponent of the project to prepare an individual EA. This requirement to prepare an individual EA is referred to by the Class EA as a Part II Order.

Since the time of the submission of the Part II Order requests, ministry staff have been thoroughly reviewing the issues raised in the requests. On January 25, 2008, the Environmental Assessment and Approvals Branch (EAAB) received a letter from the City asking that the ministry put on hold its review of the four Part II Order requests, due to errors recently found with stormwater management modeling for the Carp River Restoration Project. Following the receipt of the letter, the ministry was advised that the City is actively seeking a third-party engineering review of the stormwater management modeling. The timeframe for determining the implications of these modeling errors to the seven projects subject to the Part II Order requests, and the remaining of the 22 projects within the Kanata West development area, and the impact to floodplain levels, is unknown. Staff at EAAB are also in receipt of your April 22, 2008 letter in which you provide a draft Terms of Reference for the third-party review of the technical analysis for the Carp River Restoration Project and related issues. Ministry staff provided comments to the draft Terms of Reference on May 14, 2008, requesting several additional terms as part of the third-party review.

This ministry is also in receipt of the February 8, 2008 memo submitted to the City’s Mayor and Council, signed by the City’s Director of the Planning Branch, in which the City assessed which subdivision applications within the Kanata West development area, are not impacted by the Carp River Restoration Project. This ministry finds this assessment to be of insufficient detail for determining the potential impact to the Carp River Restoration Project, as well as all other projects occurring within the Kanata West development area. Other projects, including those not subject to the Part II Order requests, such as the stormwater management ponds, may be impacted by the errors in hydraulic and hydrologic analysis, and also need to be considered.

Lastly, the ministry is in receipt of the City’s Auditor General Report of the Carp River Watershed Study and Related Projects. This report identifies incomplete or erroneous aspects of the study and indicates that the Carp River Restoration Project should have been planned as a Schedule C undertaking under the Class EA.
I am taking this opportunity to inform you that, due to the uncertainties about the
stormwater management and floodplain impacts to the Kanata West development area, I
am imposing several conditions on the City and KWOG under section 16(3) of the EAA,
requiring the City and KWOG to complete additional work before continuing to proceed
through the Class EA process. This decision was made after giving careful consideration
to the issues raised in the Part II Order requests, the recent turn of events with respect to
the errors found, the Auditor General Report, and the City’s insufficient rationale for
determining the impact of these errors on the Kanata West projects, and to ensure that the
environment will be protected, as required under the EAA.

Therefore, to address the errors found in the stormwater management modeling and to
ensure that the environment is protected, I am making an Order imposing a number of
conditions in respect of the Projects.

I. Third-Party Review Regarding Stormwater Management Modeling

1.1. Following the completion of a third-party review, to which the City has
committed to conducting, the City and KWOG shall provide a report to the
District Manager, Ottawa District Office and Director, Environmental
Assessment and Approvals Branch, containing a detailed qualitative and
quantitative assessment and rationale as to:

1.1.1. How the 22 projects within the Kanata West development area are
impacted by the modeling errors.

1.1.2. Whether or not each of the 15 projects that have already proceeded
through the Class EA have resulted in a change to the undertakings,
such that the projects can no longer be implemented in the manner
outlined in the Class EA reports or the changes have resulted in new
environmental implications, thereby warranting an addendum.

1.1.3. Whether or not the Class EA study reports for the seven projects
subject to the Part II Order requests require revision.

1.2. The City and KWOG shall report back on impacts, if any, of the
inconsistencies in the application of one and two-zone floodplain policies and
identify what actions the City intends to take to address these impacts, where
needed. It is my understanding that such actions could include the City
enacting a by-law to apply a two-zone floodplain policy along the reach of the Carp River in the Kanata West development area.

2. Carp River, Poole Creek and Feedmill Creek Restoration Class EA, Master Servicing Study and Transportation Master Plan

Water Level and Flow Modeling Data

2.1. The City and KWOG shall consider, based on the results of the third-party review, the level of additional information required to calibrate all models and validate the water level and flow modeling results, detailed in the post-development flow characterisation and flood level analysis for Carp River, Feedmill Creek and Poole Creek. The City and KWOG shall also determine, based on the third-party review, whether these details warrant a revision to the Carp River Restoration Project, Master Servicing Study, and Transportation Master Plan.

Water Level and Flow Rate Monitoring Plan

2.2. The City and KWOG shall consider, based on the results of the third-party review, the details of a water level and flow rate monitoring plan for the Carp River, Feedmill Creek and Poole Creek. The City and KWOG shall also determine, based on the results of the third-party review, whether these details warrant a revision of the Carp River Restoration Project, Master Servicing Study and Transportation Master Plan.

Development Phasing Plan Relating to Stormwater Management

2.3. The City and KWOG shall design a detailed development phasing plan for development occurring within the Kanata West development area to identify opportunities to mitigate increased surface water runoff impacts from the anticipated urbanization, based on input from the water level and flow rate monitoring plan. This plan shall at a minimum include details on:

- the timing of all phases of the Kanata West development;
- the filling in the Carp River floodplain and/or riparian lands;
- restoration works;
- how to enhance mitigation opportunities, to address any increased surface water runoff impacts from the resulting urbanization, related to development phasing;
- issues related to riparian storage; and,
- the manner and frequency in which the monitoring reports will be made available to the public and agencies.

2.3.1. The City and KWOG shall include this development phasing plan in the revised Carp River Restoration Project, Master Servicing Study and Transportation Master Plan.

Records in Public File

2.4. The City and KWOG shall include all agency and public correspondence related to the Projects in the revised Class EA Studies.

3. Updated Project Documentation and Notice

3.1. The City and KWOG shall revise and update the Carp River Restoration Project, Master Servicing Study, and Transportation Master Plan to include the results of the third-party review, the details of conditions 1 and 2, and re-issue a Notice of Completion, complete with a 30-day public comment period, and all the provisions of the comment period, including provisions for Part II Order requests.

I would also like the City and KWOG to consider climate change adaptation in the Kanata West development area, particularly with respect to future flooding events. Studies project increases in the frequency and intensity of extreme rainfall events resulting in increased flooding risks due to climate change. Aspects to consider should include the impact of changes in the frequency and magnitude of extreme climate events, changes in basin characteristics, such as the proportion of impervious areas, and adaptation strategies that address infrastructure, land-use vulnerability and associated risks.

I would also request that the City and KWOG continue to work with staff at this ministry’s Eastern Regional Office and Environmental Assessment and Approvals Branch, to continue discussions about how climate change adaptation can be implemented as part of the Kanata West development, if feasible.
Mr. Rob Mackay  
Page 6.

Lastly, I would like to ensure that the City and KWOG understands that failure to comply with the EAA and the conditions of my decision are contraventions of the EAA and may result in prosecution under section 38 of the EAA. I would also like to ensure that the City meet the requirements of the Director’s letter that preceded this letter, outlining the additional information that the ministry is requesting for submissions for approval under the Ontario Water Resources Act. The City and KWOG should not interpret this Order as approval to proceed with the Projects. I am confident that the City and KWOG recognizes the importance and value of the EAA and will ensure that its requirements are satisfied.

If you have further questions, please feel free to contact Ms. Sarah Paul, Manager, Client Services Section, at 416-314-7135.

Sincerely,

[Signature]

John Gerritsen  
Minister of the Environment

c:  Mr. Mike Green, Senior Project Manager, Kanata West Owners Group  
Ms. Kelly Roberts, Planner, Delcan  
His Worship Larry O’Brien, Mayor, City of Ottawa  
Requesters [Dressen]
November 24, 2009

Mr. John Moser  
General Manager  
Planning and Growth Management  
City of Ottawa  
110 Laurier Avenue  
Ottawa, ON, K1P 1J1

Dear Mr. Moser:

On July 21, 2008, the Minister of the Environment (Minister), issued an order pursuant to section 16 of the Environmental Assessment Act (EAA) to the City of Ottawa (City) and the Kanata West Owners Group (KWOG), imposing conditions with respect to 22 projects within the Kanata West Development Area (the Projects) planned under the Municipal Engineer’s Association’s Municipal Class Environmental Assessment (Class EA) by the City and KWOG.

Condition 1 of the Minister’s Order, in part, required the City and KWOG to prepare and provide a report to the Ministry of the Environment (MOE) following the City’s completion of a Third-Party Review (TPR). The purpose of the TPR was to examine impacts to the Projects resulting from errors that had been identified in the stormwater management (SWM) modeling for the Carp River. Condition 1 of the Minister’s Order further required the City and KWOG to report back on impacts, if any, resulting from the application of one and two zone floodplain polices. Condition 2 of the Minister’s Order required the City and KWOG to consider the level of information required to calibrate and validate the SWM models, to consider the details of a water level and stream flow monitoring program for the Carp River and its tributaries, Poole Creek and Feedmill Creek, and to design a detailed Development Phasing Plan for the Projects.

In our letter of July 3, 2009, the MOE advised the City and KWOG that they should provide a report to the District Manager, Ottawa District Office and Director of Environmental Assessment and Approvals Branch outlining how the City and KWOG had met Conditions 1 and 2 of the Minister’s Order prior to proceeding with Condition 3. Condition 3 deals with revising and updating Project documentation and reissuing Notices of Completion for the Transportation Master Plan, the Master Servicing Study, and the Carp River Restoration Plan.

On August 24, 2009, the City and KWOG provided the MOE with a formal response to the Minister’s Order. Based on discussions with MOE staff and comments received from external agencies, including the Ministry of Transportation (MTO), Ministry of Natural Resources (MNR),
Ministry of Municipal Affairs and Housing (MMAH), and the Mississippi Valley Conservation Authority (MVC), the City and KWOG provided a revised response package consisting of your report dated October 15, 2009, and the revised Implementation Plan (containing a Development Phasing Plan) for the Kanata West Development Area.

The MOE has completed its review of the materials provided by the City and KWOG in response to Conditions 1 and 2 of the Minister’s Order. Based on our review, which as noted above includes consideration of comments received from external agencies, the MOE is satisfied that the City and KWOG have adequately addressed the requirements of Conditions 1 and 2 of the Minister’s Order. We are providing MOE and external agency comments to assist the City and KWOG in moving forward through the Class EA process and in satisfying Condition 3 of the Minister’s Order.

As part of our review of the response to the Minister’s Order and based on results from the TPR we have noted a number of key commitments made by the City with respect to the Projects. These commitments will affect the manner in which the Projects are to be designed, implemented and monitored as the commitments were made to address concerns that had been identified by the MOE. Please be advised that the MOE’s determination of compliance with Conditions 1 and 2 of the Minister’s Order is based not only on the documentation provided in this regard, but also on the basis that the commitments made by the City would be implemented, including:

1) In response to Condition 1.1 of the Minister’s Order concerning the TPR, the City has committed to:
   - ensuring the provision of a worst case runoff volume identified in the TPR through at source SWM controls of 120 m$^3$/ha of development until the SWM models are validated or unless monitoring and/or model validation indicates changes are necessary (sections 3.1.1 and 3.1.3 and Table 1 of the revised Implementation Plan); and,
   - including the provision for 25% of the TPR worst case deficit storage volume through incorporation into the design of the Carp River Restoration Project (section 3.3.6 of the revised Implementation Plan).

2) In response to Condition 1.2 of the Minister’s Order, the City has committed to the application of municipal planning designations and controls with respect to floodplain policies as set out in the City’s response letter dated October 15, 2009, and section 2.2.1.1 of the Implementation Plan.

3) In response to Condition 2.1 of the Minister’s Order concerning Water Level and Flow Modeling Data, the City has committed to completing the validation of the SWM modeling, which includes the preparation of a Model Validation Report and the implementation of a contingency plan, as outlined in section 3.3.5 of the Implementation Plan.

4) In response to Condition 2.2 of the Minister’s Order concerning Water Level and Flow Rate Monitoring Plan, the City has committed to implementing a long term Water Level and Stream Flow Monitoring Program in sections 3.3.5 and 3.3.6.4 of the Implementation Plan.
5) In response to Condition 2.3 of the Minister's Order concerning the Development Phasing Plan Relating to Stormwater Management, the City has committed to:
   - adhering to development thresholds, as specified in Table 1 of the Implementation Plan;
   - commencing the Carp River Restoration Project within 24 months of Class EA approval (section 3.3.6.1 of the Implementation Plan);
   - ensuring that each development application submitted to the City demonstrates through an interim analysis that any incremental changes to the floodplain/SWM pond design will not increase water levels upstream and downstream in accordance with section 3.1.3 of the Implementation Plan; and,
   - a phasing of the Carp River Restoration Project and development in such a manner that there will be no reduction in the available flood storage capacity of the corridor as set out in sections 2.2.1.1 and 3.3.6.1 of the Implementation plan and the City's response letter dated October 15, 2009.

6) With respect to Condition 2.3 of the Minister's Order the City has further committed to providing an Overall Monitoring Plan (section 6 of the Implementation Plan) that serves to track and report on all aspects of the servicing of the development area, including: the various monitoring programs contained in the Implementation Plan; the status and progress of development, including conformance with the Development Phasing Plan; the application of SWM controls and performance; the results of all model validation efforts; the construction phasing and progress of the Restoration Project; and any contingency and adaptive management measures. The City has committed to preparing a report on the Overall Monitoring Plan that will also be available to the public and other review agencies on April 1 of each year upon request. In response to this commitment, and in addition to making the report available to the public and other interested agencies, the MOE is requesting that the City prepare and submit the Overall Monitoring Report to the MOE's Ottawa District Office by April 1 of each year, with the first report submitted by April 1, 2010.

We have attached MOE's technical comments outlining further expectations on these commitments. It is our expectation that these comments, along with the commitments made by the City and KWOG will be addressed in consultation with MOE.

The City and KWOG may proceed to Condition 3 of the Order, subject to the commitments that have been made by the City in its response package for the Kanata West Development Area. We remind the City and KWOG of the requirements of Condition 2.4 of the Order with respect to Records in the Public File.

Additional MOE comments related to Condition 3 of the Minister's Order and other matters are as follows.

**Revising Class EAs**
The Minister's Order clearly states that the City and KWOG must revise and update the Carp River Restoration Project, the Master Servicing Study and the Transportation Master Plan. Each of these documents should be revised to include a discussion on how the 22 projects are
impacted by the modeling errors and provide an updated Development Phasing Plan and Monitoring Plan.

In your response to the Minister’s Order, you state that the updated Implementation Plan will be included as a supporting document when the three Master Plans are made available for public review. We would like to point out that the Minister’s Order states that the City and KWOG must include the updated Development Phasing Plan in the revised versions of the Carp River Restoration Project, Master Servicing Study and Transportation Master Plan.

Since 15 projects received no Part II Order requests and it was determined through the TPR that no addendum is required for the 15 projects, the approved status of these projects does not change. The Notices of Completion for the revised Transportation Master Plan, the Carp River Restoration Project and Master Servicing Study must be written to reflect the status of the 15 projects.

Although the MOE has expressed its satisfaction with the City’s fulfillment of Conditions 1 and 2, the City must still fulfill Conditions 2.3.1 and 2.4, which involve the inclusion of information in the revised Class EAs.

Climate Change Adaptation

In addition to the ordered conditions, the Minister asked the City and KWOG to consider climate change adaptation in the Kanata West Development Area, particularly with respect to future flooding events. In your October 15, 2009 revised response package, you advised the MOE that the City has been developing and implementing both mitigation and adaptation strategies to address the issue of climate change adaptation and a discussion was included on potential adaptation measures that may be considered for the Kanata West Development Area. You have indicated that the City’s approach to deal with climate change adaptation will be through the implementation of best management practices (BMPs), Infrastructure Master Planning and ongoing monitoring. We also understand from your response that the City intends to review the available adaptive measures when the City has established its city wide climate change adaptation policy.

Time Lapse Provision

In your Development Phasing Plan, you state that “The seven projects subject to new Notices of Completion will have time lapses in accordance with the revised filing dates/approvals.” Please be advised that since the Master Plans were prepared under the 2000 version of the Municipal Engineers Association’s Municipal Class Environmental Assessment (Municipal Class EA), the five year time lapse provision will apply to all 22 projects. Updating the documentation and notices in compliance with the terms of the Minister’s Order does not constitute the review required to be completed pursuant to the Municipal Class EA. The review of the Projects prior to implementation after a five year delay is a separate process from responding to the Minister’s Order. The Municipal Class EA review must be completed in accordance with the 2000 version of the Municipal Class EA and recorded in an addendum which must be placed on the public record.

The seven projects that require new Notices of Completion are subject to time lapse provisions in accordance with the original filing dates, and not with the revised filing dates.
The Projects remain subject to the terms and provisions of the 2000 Municipal Class EA. It is important that proponents follow one consistent planning process. Allowing proponents the discretion to choose between the 2000 or 2007 versions of the Municipal Class EA once a Notice of Completion has been issued would lead to an inconsistent application of the EAA and uncertainty for both the proponents and the public.

While we appreciate the complexity of the Projects, and the sensitivity of timing, the original Notices of Completion for the Projects were issued prior to September 6, 2007. As such, the provisions of the 2000 MEA Class EA apply.

We hope this helps to clarify. Please feel free to contact Mr. Michael Harrison or Ms. Kristina Rudzki directly should you have any concerns. Mr. Harrison can be reached directly at 416-314-7237. Ms. Rudzki can be reached at 416-314-8229.

If you have any questions about MOE’s technical comments, please contact Mr. Steve Burns, District Manager or Mr. Jason Schaefer, P. Eng., District Engineer, at the MOE Ottawa District Office at 613-521-3450.

Sincerely,

Agatha Garcia-Wright  
Director  
Environmental Assessment  
Environmental Assessment and Approvals Branch

Steve Burns  
District Manager  
Ottawa District Office

Attachments

c:  Mr. Don Henweyer, Program Manager, City of Ottawa  
Mr. Mike Green, Senior Project Manager, Kanata West Owners Group  
Ms. Kelly Roberts, Planner, Delcan  
Mr. Les Patakay, MNR  
Mr. Dave Lindensmith, MTO  
Mr. John Price, Mississippi Valley Conservation  
Ms. Laurie Miller, MMAH
MAR 30 2011

Mr. Don Herweyer
Program Manager
Suburban Services Branch
Planning and Growth Management Department
City of Ottawa
110 Laurier Avenue West
Ottawa ON K1P 1J1

Dear Mr. Herweyer:

Between July 13 and 20, 2006 and between August 27 and September 1, 2010, 88 Part II Order requests were received from local environmental groups, local community groups and members of the public asking that the City of Ottawa (City) and Kanata West Owners Group (KWOG) be required to prepare an individual environmental assessment (EA) for seven of the 22 projects listed in the Kanata West Master Servicing Study (KWMSS), Kanata West Transportation Master Plan Amendment, and Carp River, Poole Creek, and Feedmill Creek Restoration Project.

I am taking this opportunity to inform you that I have decided that an individual EA is not required for the seven projects. This decision was made after giving careful consideration to the issues raised in the requests, the updated project documentation, the material submitted in response to the Minister’s Order dated July 21, 2008 (Minister’s Order), the provisions of the Municipal Engineers Association’s Municipal Class Environmental Assessment (Class EA), and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act (EAA). The reasons for my decision may be found in the attached letters to the requesters.

While I have determined that an individual EA is not warranted for any of the projects, there is further work that needs to be carried out to ensure that the environment is protected, and as such, I am placing the conditions set out below on the City and KWOG.

I hereby deny the Part II Order requests and impose the following conditions on the City and KWOG:
1. The City and KWOG shall implement all commitments made in their letter of October 15, 2009:

Additional Stormwater Management (SWM) Runoff Volume Controls and Widening of Planned Restoration Corridor
In response to Condition 1.1 of the Minister's Order, the City and KWOG committed to ensuring the provision of a worst case runoff volume identified in the Third Party Review—Carp River Restoration Plan (TPR) through at source SWM controls of 120 cubic metre per hectare of development until the SWM models are validated or until monitoring and/or model validation indicates changes are necessary; and, including the provision for 25 percent of the TPR worst case deficit storage volume through incorporation into the design of the Carp River Poole Creek and Feedmill Creek Restoration (Restoration Project).

Municipal Planning Controls Regarding Floodplain Management
In response to Condition 1.2 of the Minister's Order, the City and KWOG committed to the application of municipal planning designations and controls with respect to floodplain policies, as set out in the City's response letter dated October 15, 2009 and in the Implementation Plan Kanata West Development Area (Implementation Plan).

SWM Model Validation and Contingency Plan
In response to Condition 2.1 of the Minister's Order concerning Water Level and Flow Modelling Data, the City and KWOG committed to completing the validation of the SWM modelling, which includes the preparation of a Model Validation Report and the implementation of a contingency plan, as outlined in the Implementation Plan.

Water Level and Flow Rate Monitoring Plan
In response to Condition 2.2 of the Minister's Order concerning the Water Level and Flow Rate Monitoring Plan, the City and KWOG committed to implementing a long-term Water Level and Stream Flow Monitoring Program, as set out in the Implementation Plan.

Development Phasing Plan, Restoration Project Phasing and Interim Development
In response to Condition 2.3 of the Minister's Order concerning the Development Phasing Plan Relating to SWM, the City and KWOG committed to: adhering to development thresholds, as specified in Table 1 of the Implementation Plan; commencing the Restoration Project within 24 months of Class EA approval as per the Implementation Plan; ensuring that each development application submitted to the City demonstrates through an interim analysis that any incremental changes to the floodplain/SWM pond
design will not increase water levels upstream or downstream in accordance with the
Implementation Plan; and, a phasing of the Restoration Project and development in such
a manner that there will be no reduction in the available flood storage capacity of the
corridor as set out in the Implementation Plan and the City's response letter dated

Kanata West Overall Monitoring Plan and Report
With respect to Condition 2.3 of the Minister’s Order, the City and KWOG committed to
providing an Overall Monitoring Plan, as per the Implementation Plan, that serves to
track and report on all aspects of the servicing of the development area, including: the
various monitoring programs contained in the Implementation Plan; the status and
progress of development, including conformance with the Development Phasing Plan; the
application of SWM controls and performance; the results of all model validation efforts;
construction phasing and progress on the Restoration Project; and any contingency and
adaptive management measures. The City and KWOG also committed to preparing a
report on the Overall Monitoring Plan that will be made available to the public and other
review agencies upon request as of April 1 of each year. The first report was submitted
on April 1, 2010 with the next report due on April 1, 2011.

In response to this commitment, and in addition to making the report available to the
public and other interested agencies, the City shall prepare and submit the Overall
Monitoring Report to the MOE’s Ottawa District Office by April 1 of each year, with the
first report having been submitted on April 1, 2010.

Climate Change Adaptation
With respect to future flooding events, the City and KWOG will consider climate change
adaptation in the Kanata West Development Area. The City and KWOG have committed
to developing and implementing both mitigation and adaptation strategies to address the
issue of climate change adaptation. The City’s approach to deal with climate change
adaptation will be through the implementation of best management practices,
infrastucture master planning and ongoing monitoring. The City has also committed to
reviewing available adaptive measures when the City has established its city-wide change
adaptation policy.

2. The City and KWOG shall not proceed with implementing SWM Ponds 1, 2 or 5
and associated storm sewers until such time as the City and KWOG have
calibrated and validated the SWM models for the Upper Carp River watershed and
prepared the associated Model Validation Report (as required by Condition 1
above).
3. In the event that the Model Validation Report identifies significant differences between the observed and simulated results that cannot be rationalized, the City and KWOG will implement the Contingency Plan (as required by Condition 1 above) and re-evaluate and determine the impact these changes may have on the KWMSS and the Restoration Plan.

With this decision having been made, the City and KWOG may now proceed with the seven projects, subject to the conditions I have imposed and any other permits or approvals required. The City and KWOG must implement each of the projects in the manner that the project was developed and designed, as set out in the documentation and inclusive of all mitigation measures and environmental and other provisions therein.

Lastly, I would like to ensure that the City and KWOG understand that failure to comply with the EAA, the provisions of the Class EA, or the conditions set out in this decision, or failure to implement each of the projects in the manner described in the project documentation is a contravention of the EAA and may result in prosecution under Section 38 of the EAA. I am confident that the City and KWOG recognize the importance and value of the EAA and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,

[Signature]

John Wilkinson
Minister of the Environment

Attachments

c: Requesters
   Ms. Kelly Roberts, Environmental Planner, Delcan Corporation
   Mr. Mike Green, Project Manager, KWOG