

**Ministry of
the Environment**

Office of the Minister

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**Ministère de
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ENV1283MC-2010-374

APR 20 2010

Ms. Angie Haché
City Clerk
Greater Grand Sudbury
PO Box 5000 Station A
200 Brady Street
Sudbury ON P3A 5P3

Dear Ms. Angie Haché:

Thank you for your interest in the Ministry of Transportation's (MTO) proposed Highway 17, Sudbury Southwest By-Pass (Project), in the City of Greater Sudbury (City). I welcome your comments on this Project.

On December 14, 2009, you requested on behalf of the City that the MTO be required to prepare an individual environmental assessment (EA) for the Project. I am taking this opportunity to inform you that a decision has been made that an individual EA is not required.

In making this decision, I have given careful consideration to the Project documentation, the provisions of the MTO's Class Environmental Assessment for Provincial Transportation Facilities (Class EA), the issues raised in your request, and relevant matters to be considered under section 16 of the *Environmental Assessment Act* (EAA). The reasons for my decision are briefly discussed below.

The Class EA 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 EA has itself been subject to review and approval under the EAA, which determined, in part, that the application of the Class EA process would enable proponents to meet the intent and purpose of the EAA. The MTO has demonstrated that it has planned and developed this Project in accordance with the provisions of the Class EA.

cc G. Clausen
B. Faliconi
M. Simeoni
J. Barbeau
J. Cimino
Ian Wood

Ms. Angie Haché

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I am satisfied, therefore, that the purpose of the EAA, "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 this Project.

The issues and concerns raised by you were extensively reviewed. I am satisfied that the issues and concerns have been addressed by the work done to date by the MTO, or will be addressed in future work that is required to be carried out.

You contend that the Recommended Plan for the Project will have a negative impact on access and increase response times for Emergency Services for properties south of Highway 17.

The MTO confirms that there will be an increase in out-of-way travel for local residents, businesses and emergency response providers where at-grade intersections are replaced and removed with access to Highway 17 at interchange locations only. This is typical for all highway undertakings where at-grade intersections are removed.

Following the fourth Public Information Centre (PIC), the City completed a report entitled, Request for Recommendation South West By-Pass Widening (April 15, 2009), which included comments relating to emergency response times (ERT) from the City's Emergency Services Division (includes Fire Services and Emergency Medical Services) and specific independent comments from Fire and Police Services. This report indicates that the estimated increase in ERT from current response times, with the MTO's Recommended Plan, is between two to three minutes with the greatest increase for rural residences.

An assessment of access alternatives was also included in this report. The report did not differentiate between the alternative interchange locations. The City's Fire Services are aware that the removal of at-grade intersections will increase ERT; however it did not express concerns with the Project in the report. The report also included comments from the City's Police Services. The City's Police Services did not identify access concerns south of Highway 17 and its comments were primarily related to truck traffic in the Southview Drive neighbourhood.

Although, there will be an increase in ERT of two to three minutes due to the elimination of access to Highway 17 between Sudbury Municipal Road (SMR) 55 and SMR 80/Long Lake Road, the MTO contends that these impacts can be mitigated by making minor adjustments to the City's Emergency Medical Service plan, such as,

Ms. Angie Haché
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modifying roaming areas for ambulances, which will be discussed further during detailed design in consultation with the City's Emergency Services Division.

The MTO undertook an Emergency Service Review as part of the planning process for the Project, which identified that the Recommended Plan does not lead to an increase in ERT in comparison to the Fielding Road and Kantola interchange alternative. Although there will not be an interchange at this intersection, access for vehicles across Highway 17 between SMR 55 and Long Lake Road will still be available via crossings provided at Fielding Road/Kantola Road (flyover) and Southview Drive (underpass).

I am satisfied that the MTO has considered concerns with access and ERT in its assessment of interchange alternatives and I am satisfied that the removal of at-grade intersections is required in order to ensure highways are safe for travel.

You have requested further consultation with the MTO to discuss outstanding concerns with the Project.

As you know, the MTO and the City met several times, throughout the planning process for the Project. Presentations were made to City Council prior to each PIC. Following the second PIC (March 8, 2007), the City councillors and City staff requested that the MTO delay the release of the Transportation Environmental Study Report (TESR) to allow the City the opportunity to hold neighbourhood meetings to obtain additional public feedback for the Project. The MTO agreed to hold off on the release of the TESR until the City completed its consultation with the public. Following the third PIC (February 28, 2008), which presented the Recommended Plan to construct a full interchange at Southview Drive for the Project, City councillors and City planning staff met with MTO senior management staff (April 21, 2008) to discuss the Project. In this meeting, the MTO agreed to include a truck turn-around on Southview Drive and agreed to reference public concerns regarding traffic on Southview Drive in the TESR. On August 2008, the MTO met with City councillors and City planning staff to discuss the City's concerns with the proposed interchange at Southview Drive. The MTO suggested a "no interchange" option for the Project to address concerns raised by the City. Subsequent to this meeting, the MTO met with City Councillors and City staff again to confirm that the "no interchange" option was preferred to address the City's concerns with traffic on Southview Drive.

The MTO has committed in the TESR and to my staff that it will be meeting with the City during detailed design to discuss Project details further.

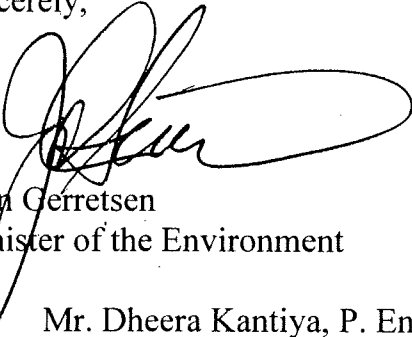
Ms. Angie Haché
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Concerns with respect to access, increase in ERT and increase in traffic volumes are better addressed during detailed design. I am satisfied that the MTO has made attempts throughout the planning process for the Project to address concerns raised by the City and I am satisfied that the MTO has met the requirements for public consultation as per the Class EA.

With this decision having been made, the MTO can now proceed with the Project, subject to any other permits or approvals required. The MTO must implement the Project in the manner it was developed and designed, as set out in the TESR and inclusive of all commitments made during the review of the bump-up requests, mitigation measures, and environmental and other provisions therein.

Again, I would like to thank you for participating in the Class EA process and for bringing your concerns to my attention.

Sincerely,



John Gerretsen
Minister of the Environment

c: Mr. Dheera Kantiya, P. Eng., Senior Project Engineer, MTO-Northeastern
Region
Mr. Gregg Cooke, P. Eng., Consultant Project Manager, Stantec Consulting Ltd.
EA File No. 03-13-03 Highway 17, Sudbury Southwest By-Pass (MTO)

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ENV1283MC-2010-374

APR 20 2010

Mr. Dheera Kantiya, P. Eng
Senior Project Engineer
Ministry of Transportation, Northeastern Region
447 McKeown Avenue
North Bay ON P1B 9S9

Dear Mr. Kanitya:

Between December 4 and December 17, 2009 I received four requests that the Ministry of Transportation (MTO) be required to prepare an individual environmental assessment (EA) for the proposed Highway 17, Sudbury Southwest By-Pass (Project), in the City of Greater Sudbury.

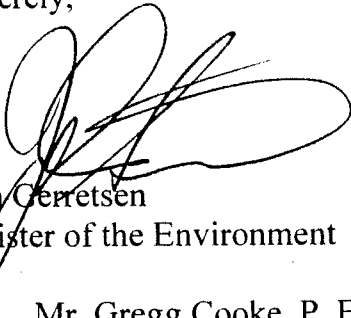
I am taking this opportunity to inform you that a decision has been made that an individual EA is not required. This decision was made after giving careful consideration to the issues raised in the requests, the Project documentation, the provisions of the Class Environmental Assessment for Provincial Transportation Facilities (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.

With this decision having been made, the MTO may now proceed with the Project. The MTO must implement the Project in the manner it was developed and designed, as set out in the Transportation Environmental Study Report (TESR) and inclusive of all mitigation measures and environmental and other provisions therein. In accordance with the Class EA, any commitments made to affected agencies or members of the public, including the requesters, must be fulfilled and implemented as part of the proposed Project.

Mr. Dheera Kantiya
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Lastly, I would like to ensure that the MTO understands that failure to comply with the EAA, the provisions of the Class EA, and failure to implement the Project in the manner described in the TESR, are contraventions of the EAA and may result in prosecution under section 38 of the Act. I am confident that the MTO recognizes the importance and value of the EAA and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,



John Gerretsen
Minister of the Environment

c: Mr. Gregg Cooke, P. Eng., Consultant Project Manager, Stantec Consulting Ltd.
Requesters
EA File No. 03-13-03 Highway 17, Sudbury Southwest By-Pass (MTO)