

407 East Extension

407 East Advisory Committee (EAC) Meeting #3

Agenda

December 9, 2010

9:30 a.m. – 12:00 p.m.

Regional Municipality of Durham, Regional Headquarters
605 Rossland Rd. E, Whitby, ON
Meeting Room I-A

Purpose:

- a) To approve Minutes from the 407 EAC initial meeting and 407 EAC Terms of Reference;
- b) To discuss Minutes from the 407 EAC meeting #2;
- c) To provide the 407 EAC members with an update to the 407 East Extension Implementation;
- d) To provide an opportunity for the 407 EAC members to discuss the draft Complaints Protocol, the draft Stormwater Management Plan and the draft Compliance Monitoring Program; and
- e) To provide an opportunity for a Questions and Answers discussion period.

9:30 am	1. Networking and light refreshments
9:40 am	2. Opening remarks Lou Politano, Regional Director
9:45am	3. Purpose of the meeting and agenda review Lou Politano
9:50 am	4. Approve Minutes from 407 EAC initial meeting and Terms of Reference Lou Politano / All
9:55 am	5. Discuss Minutes from the 407 EAC meeting #2 Lou Politano / All
10:15 am	6. Update to Implementation Peter Chackeris
10:30 am	7. Break
10:45 am	8. Discuss the draft reports of: Condition 4 – Compliance Monitoring Program; Condition 7 – Stormwater Management Plan; and, Condition 13 – Complaints Protocol Dan Remollino / All
12:00 pm	9. Other Business, Next Meeting and Adjourn

407 East Extension – 407 East Advisory Committee (407 EAC)

Minutes of Meeting #3

Held On: Thursday, December 9, 2010 between 9:30 AM and 12:30 PM

Held At: Regional Municipality of Durham, Regional Headquarters, Whitby. Meeting Room I-A

Present:

Project Team: Lou Politano (*MTO, Regional Director, Central Region*)
Peter Chackeris (*MTO, Head, 407 East Implementation*)
Dan Remollino (*MTO, Head, 407 East EA*)
Darlene Proudfoot (*MTO, Senior Environmental Planner*)
Diane Naluzny (*MTO, Communications Specialist*)
Rita Venneri (*MTO, Project Engineer*)
Khaled El-Dalati (*Delcan, 407 Owner's Engineer, Project Manager*)
Lisa Josephson (*Delcan, 407 Owner's Engineer, EAC Coordinator*)
Grant Kauffman (*LGL, 407 Owner's Engineer, Lead Environmental Planner*)

Members: Beth Williston (*Toronto Region Conservation Authority, Manager of Environmental Assessment Planning*)
Cliff Curtis (*Regional Municipality of Durham, Commissioner of Works*)
Edward Terry (*Town of Ajax, Policy Planner*)
Gary Carroll (*City of Oshawa, Director, Engineering Services*)
Greg Wells (*Ganaraska Region Conservation Authority, Manager, Planning Regulations*)
Jeff Hagan, for Suzanne Beale (*The Corporation of the Town of Whitby, Acting Transportation Project Engineer*)
Jeffrey Dea, for Dan Orr (*Ministry of Environment, Environmental Assessment and Approvals Branch*)
Perry Sisson (*Central Lakes Ontario Conservation Authority, Director, Engineering and Field Operations*)
Ron Albright, for Tony Cannella (*Municipality of Clarington, Manager, Infrastructure and Capital Works*)
Steve Gaunt (*The Corporation of the City of Pickering, Principal Planner, Policy Planning & Development Department*)

CC'd:

Members: Dan Orr, observer (*Ministry of Environment, Manager, Technical Support*)
Darla Cameron (*Canadian Environmental Assessment Agency, Section Lead*)
Debbie Pella Keen (*Ministry of Natural Resources, District Manager*)
Rob Dobos (*Environment Canada, Manager, Environmental Assessment Section*)
Suzanne Beale (*The Corporation of the Town of Whitby, Commissioner of Public Works*)
Tom Hoggarth (*Fisheries and Oceans Canada, Eastern Ontario District*)
Tony Cannella (*Municipality of Clarington, Director of Engineering Services*)

Purpose of Meeting:

The purpose of the third 407 EAC meeting was to approve the Minutes from the Initial 407 EAC meeting and the 407 EAC Terms of Reference. In addition, the meeting provided the 407 EAC members with an opportunity to discuss and finalize the Minutes from the 407 EAC meeting #2 and for the project team to provide an update of the 407 East Extension Implementation. The meeting also facilitated feedback on the draft Complaints Protocol, the draft Stormwater Management Plan and the draft Compliance Monitoring Program.

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Throughout the meeting, discussions were led by Lou Politano, Dan Remollino and Peter Chackeris. As the 407 EAC members arrived, hard copies of documents were distributed, including: the updated draft Terms of Reference (ToR) with the EA Conditions of Approval and associated comment and response table; Minutes from the initial 407 EAC meeting; and, draft minutes from the 407 EAC meeting #2. Throughout the meeting, there was an opportunity for questions and answers.

No.	Item	Action
1.0	<p>Opening Remarks, Introductions, Purpose of the Meeting and Agenda Review</p> <ul style="list-style-type: none"> • Lou Politano chaired the meeting and welcomed participants. Following the introductions, Lou reviewed the purpose of the meeting and the agenda for the morning. 	
2.0	<p>Review and Approval of the Initial 407 EAC Meeting Minutes</p> <ul style="list-style-type: none"> • Dan Remollino asked the committee if any further changes were required for the Initial 407 EAC Meeting Minutes and presented the associated comments and response table. One final change was requested, and once made, the Minutes will be approved. 	
2.1	<ul style="list-style-type: none"> ○ Action: 2.2, last bulled, 2nd sentence. Change from “...Regional transportation networks” to “...regional and local roads”. 	Delcan
2.2	<ul style="list-style-type: none"> ○ Action: Distribute Initial 407 EAC Meeting Minutes as final to the EAC once changes to the document have been made. 	Delcan
2.3	<ul style="list-style-type: none"> • Amendments to future Minutes will be incorporated within the Minutes or appended to the Minutes as an associated comment and response table. 	
3.0	<p>Review and Approval of the 407 EAC Terms of Reference (ToR)</p> <ul style="list-style-type: none"> • Dan Remollino lead the discussion on the EAC comments and MTO Responses to the ToR, explaining how comments were or were not incorporated in the document (specific comments discussed included ID #s: 3, 6, 7, 19, 43 and 49 in the Comment and Response Table). 	
3.1	<p>Mandate (Section 2 of the ToR)</p>	
3.1.1	<ul style="list-style-type: none"> • Action: Change #3 to: “Operate through the implementation and construction phases, and continue in six months into the operations phase.” 	Delcan
3.1.2	<ul style="list-style-type: none"> • Action: Add reference to traffic impacts to #5. 	Delcan

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No.	Item	Action
3.2	Membership (Section 6 of the ToR)	
3.2.1	<ul style="list-style-type: none"> MTO provided the names of the representatives from the Ontario Ministry of Natural Resources, the Department of Fisheries and Oceans Canada and the Canadian Environmental Assessment Agency who were invited to sit on the committee. 	
3.2.2	<ul style="list-style-type: none"> MTO explained how information will be provided to the public on a new project website. They stated that although the 407 East EA website is still functioning, updates will not be provided on this site. Instead, the new project website is being developed and will host information such as the approved 407 EAC ToR, the finalized and approved Minutes and updates to the public. The new website should be functioning in March 2011. Municipalities will be able to post the link to the project website on their municipal websites. 	
3.3	Term of Membership (Section 7 of the ToR)	
3.3.1	<ul style="list-style-type: none"> A discussion was had regarding the expectations of the role of the 407 EAC during the operational phase of the project. The representative from the MOE confirmed that the intent of the committee was not to continue into and beyond the operation phase and not to review and comment on every annual Compliance Monitoring Report. The committee agreed that the expectation for the EAC would be to continue through the first six months of the operation phase (of Phase 1) of the project. 	
3.3.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Action: Add to the 2nd sentence: “...operate through the implementation and construction phases, and continue in six months into the operations phase...” and remove last sentence of 8.1. 	Delcan
3.3.3	<ul style="list-style-type: none"> The protocol for dissolution of the 407 EAC was also discussed. 	
3.3.4	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Action: Add to the last sentence: “... dissolve automatically six months into operations or at an earlier time deemed appropriate by the 407 EAC members.” 	Delcan
3.4	General Comments	
3.4.1	<ul style="list-style-type: none"> Any final comments on the updated 407 EAC ToR can be submitted by Monday December 13th, 2010. 	
3.4.2	<ul style="list-style-type: none"> In order to approve the 407 EAC ToR, the 407 EAC was asked if they agreed with the updated version. Everyone expressed their satisfaction and consensus was reached. Once changes from today’s meeting are made, the ToR will be issued as final. 	

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No.	Item	Action
3.4.3	<ul style="list-style-type: none"> ○ Action: Distribute final 407 EAC ToR to the 407 EAC once changes to the document are made. 	Delcan
4.0	<p>Review of Minutes from 407 EAC Meeting #2</p> <ul style="list-style-type: none"> ● Lou Politano reviewed the action items from Meeting #2 Minutes. All actions were complete and no further changes to the Minutes have been requested. 	
4.1	<p>General Comments</p>	
4.1.1	<ul style="list-style-type: none"> ● MTO agreed that, prior to the launch of the project website, final and approved Minutes and other finalized materials can be distributed to the public should they be requested. 	
4.1.2	<ul style="list-style-type: none"> ● Gary Carroll mentioned an upcoming Public Information Session that will take place in Oshawa to discuss the 407 East Extension. The meeting was suggested by the new council in order to discuss the 407 terminus. MTO staff are encouraged to attend. 	
4.1.3	<ul style="list-style-type: none"> ○ Action: MTO staff to be informed once a date for the Session is confirmed. 	Gary Carroll
4.2	<p>Specific Comments</p>	
4.2.1	<ul style="list-style-type: none"> ● Item 3.2.2: The 407 EAC's role in regards to Compliance Monitoring was discussed. The representative from MOE indicated that the intent of the committee was not to review the annual Compliance Monitoring Reports. The Reports will be available to the public. 	
4.2.2	<ul style="list-style-type: none"> ○ Action: MOE to follow up regarding the interpretation of the 407 EAC's role with the Annual Compliance Monitoring Reports. 	MOE
4.2.3	<ul style="list-style-type: none"> ● Item 6.2.1: MTO has been holding meetings at the staff level to discuss transportation and traffic impacts and any other related issues with the City of Oshawa and the Municipality of Clarington. The traffic report is being refined and discussed with Municipal and Regional staff. Traffic related issues can potentially be discussed at EAC meetings if appropriate. 	
4.2.4	<ul style="list-style-type: none"> ○ Action: MTO to provide an update on implementation related items at the next 407 EAC meeting. 	MTO
4.2.5	<ul style="list-style-type: none"> ● Action: Complete a final review of the Minutes from Meeting #2 and provide requested changes by Tuesday December 14th, 2010. 	EAC
4.2.6	<ul style="list-style-type: none"> ● Action: Minutes from Meeting #2 to be finalized two weeks following this meeting and distributed to the 407 EAC. 	MTO/Delcan

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No.	Item	Action
5.0	<p>Project Overview - Implementation</p> <ul style="list-style-type: none"> Peter Chackeris provided an update on the implementation phase of the project. 	
5.1	<p>Procurement Process</p>	
5.1.1	<ul style="list-style-type: none"> MTO is in the process of finalizing the RFP. 	
5.2	<p>Meetings with Municipalities</p>	
5.2.1	<ul style="list-style-type: none"> MTO had two rounds of meetings with the Municipalities and are scheduling one more round of meetings in the new year to discuss traffic information. MTO is awaiting feedback from the Municipalities regarding the distributed traffic report. 	
5.2.2	<ul style="list-style-type: none"> MTO also noted recently held meetings by the Minister of Transportation with the Regional Chair and newly elected mayors. 	
5.3	<p>Property Acquisition</p>	
5.3.1	<ul style="list-style-type: none"> Two Property Owner Information Sessions occurred on November 18th and 23rd, 2010 where a few property owners provided comments. The Ministry is proceeding with the ongoing process of achieving amicable agreements during the expropriation process. Once the Expropriation Plan has been registered in the Land Registry Office (approximately mid-March 2011), the property owners will be given a minimum of three months before the ministry takes possession of the land. 	
5.4	<p>Upcoming Activities</p>	
5.4.1	<ul style="list-style-type: none"> MTO will be formalizing a public consultation process in the Spring of 2011 to provide an update regarding the procurement process, property clearance, and implementation phase of the project. 	
5.4.2	<ul style="list-style-type: none"> In regards to the Cultural Heritage Evaluation Reports (CHERs) for the heritage buildings, MTO is setting up meetings with each of the local Heritage Committees in February 2011. 	
5.5	<p>Canadian Environmental Assessment Agency (CEAA) Status</p>	
5.5.1	<ul style="list-style-type: none"> Dan Remollino discussed the CEAA status of the project. November 12th, 2010: MTO posted the draft Comprehensive Study Report (CSR) on the MTO project website and distributed notifications. The draft Study was submitted to CEAA and can now be found on the CEAA Registry. The comment period began on November 13th, 2010 and because the Study is being translated to French, CEAA is extending the comment period to December 22, 2010. Responses will be posted on the CEAA website. The final CSR will be prepared A 	

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5.5.2	<p>follow up program for monitoring will be required.</p> <ul style="list-style-type: none"> MTO's target to post the Final Comprehensive Study on the CEAA Registry, as well as on the MTO website, is anticipated at the end of January 2011. The final Comprehensive Study Report will then go to the Federal Minister of the Environment for a decision (Spring 2011). 	
5.6	<p>Brock Road Interchange</p>	
5.6.1	<ul style="list-style-type: none"> Since the EA was approved, a Huron-Wendat First Nation village was discovered south of the 407/Brock Road interchange on the proposed realignment of Brock Road (Durham approved EA). In order to mitigate disruption, the interchange and Brock Road alignment have been moved slightly to the west, thereby avoiding the village altogether. MTO is currently consulting with the Region and other stakeholders and will initiate an amendment to the 407 East EA shortly. Preliminary investigations indicate environmental and property impacts are minor. The Ontario Realty Corporation (ORC) owns the lands in question. It is MTO's position that the EA amendment would be considered a minor amendment. MOE has verbally agreed to this. 	
6.0	<p>Review of Draft Reports from the EA Conditions of Approval</p> <ul style="list-style-type: none"> Dan Remollino led the review of the draft Reports listed in the Conditions of Approval that were to be reviewed by the EAC. 	
6.1	<p>Condition 7, Draft Stormwater Management Plan (SWMP)</p>	
6.1.1	<ul style="list-style-type: none"> MTO has distributed the SWMP to the regulatory agencies for comment. 	
6.1.2	<ul style="list-style-type: none"> MTO explained that the SWMP focuses on areas that are not being treated by ponds but by grass swales. The main conclusion / recommendation from the Plan found that enhanced grass swales provide reasonable levels of treatment. Various pilot projects were proposed as part of the Plan. If the pilot projects are successful, areas will be identified in Phase 1. 	
6.1.3	<ul style="list-style-type: none"> The Region of Durham expressed their concern that the report does not address salt impacts. MTO explained that other Conditions deal with salt (Condition 9, Winter Maintenance). MTO also explained that Condition 8, Surface Water Monitoring and Mitigation, will be provided to the regulatory agencies and that although MTO will be monitoring the surface water, they will not be monitoring individual contaminants. Durham suggested that the SWMP should address salt issues in some way and that some monitoring of it should take place. 	

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No.	Item	Action
6.1.4	<ul style="list-style-type: none"> • CLOCA also suggested that the SWMP needs to identify other contaminants beyond what the ponds will treat. MTO responded that Condition 9 (Winter Maintenance) is sufficient and the SWMP is not the appropriate Condition to discuss the issue. MTO also explained that the Hydrogeology Report in the EA had proposed mitigation measures to address potential impacts in salt vulnerable areas. MTO continued that salt is used for safety reasons and a Salt Management Plan provides standards and policies on a province wide basis. It was indicated that salt management is part of a broader provincial initiative, not specific to the 407 East, considering all changes to its application will have to be adopted on all highways and corridors. MTO suggested to the 407 EAC that those who typically deal with salt and winter maintenance can give a presentation to the group if requested. 	
6.1.5	<ul style="list-style-type: none"> ○ Action: Cover page of report, include “Phase 1”. 	MTO/Delcan
6.1.6	<ul style="list-style-type: none"> ○ Action: MTO to discuss issues from the discussion for further comment. 	MTO
6.1.7	<ul style="list-style-type: none"> ○ Action: All comments to this draft, provided by the 407 EAC, will be submitted by the end of December 2011. 	EAC
6.1.8	<ul style="list-style-type: none"> • Gary Carroll (City of Oshawa) asked if the structures included within the report had been designed to accommodate future bicycle / walking trails. MTO replied that this was addressed in the EA preliminary design; identifying areas where existing trails are located through the structures. Currently, 3 or 4 trails (including Oshawa Creek, Thornton Road) have been assigned and incorporated. However, if there are any that are missing, they will be examined as part of the next stage of work. Mr. Carroll explained that because the staff from the Parks and Recreation Department were not included in the EA process, the draft report has been circulated to them and they have suggested that structures should incorporate allowances for trails. Should additional trails be identified, Mr. Carroll will forward the information to MTO. 	
6.1.9	<ul style="list-style-type: none"> ○ Action: Gary Carroll to forward comments to MTO. 	Gary Carroll
6.2	<p>Condition 13, Draft Complaints Protocol</p>	
6.2.1	<ul style="list-style-type: none"> • MTO explained that this Protocol was a work in progress and established to deal with a complaints and resolution process, including documentation by MTO and ProjectCo. 	
6.2.2	<ul style="list-style-type: none"> • Comments made by the 407 EAC will be incorporated in a table that will include MTO responses. Those that provided comments at the meeting included the Region of Durham (general comments), Town of 	

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No.	Item	Action
6.2.3	<p>Ajax (Section 2.2, Public Consultation), and the City of Pickering (Inquiry vs. Complaint).</p> <ul style="list-style-type: none"> ○ Action: All comments to this draft, provided by the 407 EAC, will be submitted by the end of December 2011. 	EAC
6.2.4	<ul style="list-style-type: none"> ● MOE confirmed that the intent of the Protocol is not to be used to track inquiries, but to establish a process to track complaints. Inquiries can be dealt with by use of a Frequently Asked Questions page that will be available on the project website. 	
6.2.5	<ul style="list-style-type: none"> ○ Action: Protocol to make distinction between inquiry and complaint and to track complaints. 	MTO/Delcan
6.2.6	<ul style="list-style-type: none"> ● It was also suggested that specific complaints (e.g. traffic, delays, etc.) should be filtered to specific people/departments within the various municipalities and agencies. This will allow complaints to go to the appropriate people. Municipalities and Regulatory Agencies will give appropriate contact information for people responsible for different issues. 	
6.2.7	<ul style="list-style-type: none"> ○ Action: MTO to set up a process to which complaints can be filtered to the appropriate people/agencies. 	MTO
6.3	<p>Condition 4, Draft Compliance Monitoring Program (CMP)</p>	
6.3.1	<ul style="list-style-type: none"> ● MTO explained that the CMP relates to the annual reporting for monitoring and how the project will meet the commitments specified in the approved Conditions of Approval and other documents as part of the process. The program is a framework. The first annual Compliance Monitoring Report (ACMR) will be submitted in May 2011 to the MOE and will be populated by the MTO. During the construction and operation phases, the ACMR may be populated by both MTO and ProjectCo. During construction, populating the tables will be completed primarily by ProjectCo., illustrating how they are complying with all commitments. 	
6.3.2	<ul style="list-style-type: none"> ● It was suggested that the CMP should outline how the reports will be provided to the public. 	
6.3.3	<ul style="list-style-type: none"> ● MTO asked MOE to clarify the process of review for the CMP by the 407 EAC. MOE explained that the review was a two step process: the CMP first goes to the 407 EAC for comment, following which the updated CMP goes to the MOE. 	
6.3.4	<ul style="list-style-type: none"> ● MOE also indicated that the 407 EAC has the choice to review the ACMRs. The Conditions of Approval do not specifically state that the annual reports are to be reviewed by the committee. MTO suggested that once the draft ACMR is complete, it is to be circulated to the 407 	

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No.	Item	Action
<p>6.3.5</p> <p>6.3.6</p> <p>6.3.7</p>	<p>EAC before going to MOE. MOE clarified that this was to occur only for the implementation phase but not the operation phase. Once finalized the reports become part of the public record and the 407 EAC can review them through the formal process and submit comments directly to the MOE.</p> <ul style="list-style-type: none"> ○ Action: All comments to this draft, provided by the 407 EAC, will be submitted by the end of December 2011. ● The Region of Durham commented that although the CMP has done a good job at examining the environmental impacts of the project, the social and economic impacts (e.g. traffic impacts) are not well documented. MTO responded that this will be done outside the CMP, within the traffic and other reports currently being developed and circulated for comments (how to deal with traffic impacts, phasing, liaison committees, etc.). The CMP would also document the consultation process. ● It was suggested to include the Implementation Schedule in the CMP. MTO explained that ProjectCo. will be responsible for meeting this requirement. 	<p>EAC</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p> <p>7.5</p>	<p>Next Steps</p> <ul style="list-style-type: none"> ● Action: Provide comments to the MTO on the Draft Complaints Protocol, Draft Stormwater Management Plan and the Draft Compliance Monitoring Program by the end of December 2011. ● Action: MTO to tabulate comments on the three draft documents and provide responses, followed by an update to the reports where appropriate. ● Next meeting date to be determined (most likely to occur mid to late February 2011). ○ Action: Send Region of Durham proposed meeting dates. ● MTO suggested to the 407 EAC that they provide agenda items for consideration for the next meeting. Otherwise, the next meeting will focus on comments and updates to the three draft documents. 	<p>EAC</p> <p>MTO/Delcan</p> <p>Delcan</p>

If there are any errors or omissions, please advise l.josephson@delcan.com within seven days of the issuance of these minutes.

Minutes prepared by
 DELCAN CORPORATION