



407 East Extension

407 East Advisory Committee (EAC) Meeting #4

Agenda

February 25, 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 the 407 EAC meeting #2 minutes and to discuss the 407 EAC meeting #3 draft minutes;
- b) To provide the 407 EAC members with a general update on implementation and CEAA status;
- c) To provide the 407 EAC members with an update on other EA Conditions;
- d) To review the comment and response tables for the Complaint Protocol, Compliance Monitoring Program and the Stormwater Management Plan; and,
- e) To provide an opportunity for a Questions and Answers discussion period.

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| 9:30 am | 1. Networking and light refreshments |
| 9:40 am | 2. Opening remarks, purpose of the meeting and agenda review
Lou Politano, Regional Director |
| 9:50 am | 3. Approve Minutes from 407 EAC meeting #2
Lou Politano / All |
| 9:55 am | 4. Discuss draft Minutes from the 407 EAC meeting #3
Lou Politano / All |
| 10:15 am | 5. General Updates – Implementation and CEAA status
Peter Chackeris and Dan Remollino |
| 10:30 am | 6. Break |
| 10:45 am | 7. Provide an update on other EA Conditions
Dan Remollino |
| 11:00am | 8. Review comments and response tables on the Complaint Protocol, Compliance Monitoring Program and Stormwater Management Plan
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 #4**

Held On: Friday, February 25, 2011 between 9:45 and 11:45 AM

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*)
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*)
Edward Terry (*Town of Ajax, Policy Planner*)
Gary Carroll (*City of Oshawa, Director, Engineering Services*)
Greg Hardy, for Suzanne Beale (*The Corporation of the Town of Whitby, Manager of Engineering Services*)
Leslie Benson, for Tony Cannella (*Municipality of Clarington, Manager, Transportation and Design*)
Nisha Shirali, for Dan Orr (*Ministry of Environment*)
Perry Sisson (*Central Lakes Ontario Conservation Authority, Director, Engineering and Field Operations*)
Steve Gaunt (*The Corporation of the City of Pickering, Principal Planner, Policy Planning & Development Department*)
Sue Siopis, for Cliff Curtis (*The Regional Municipality of Durham, Director of Transportation and Field Services*)

CC'd: Members: Cliff Curtis (*Regional Municipality of Durham, Commissioner of Works*)
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*)
Greg Wells (*Ganaraska Region Conservation Authority, Manager, Planning Regulations*)
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 fourth 407 EAC meeting was to: approve the Minutes the 407 EAC meeting #2; provide an opportunity to review the Minutes from the 407 EAC meeting #3; give a general update on implementation, CEAA status and other EA Conditions; and review 407 EAC comment and MTO response tables on the draft Complaints Protocol, the draft Stormwater Management Plan and the draft Compliance Monitoring Program.

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Hard copies of the following documents were distributed: the final 407 EAC Terms of Reference (ToR); final Minutes from the 407 EAC meeting #2; draft Minutes from the 407 EAC meeting #3; Implementation presentation; a summary table of the Conditions of Approval identifying the plans and/or reports requiring submission to the MOE; Comment and Response tables to the draft Complaints Protocol, the draft Stormwater Management Plan and the draft Compliance Monitoring Program; and the Contact Information sheet for use in the Complaint Protocol to be filled out by 407 EAC members. Discussions were led by Lou Politano, Dan Remollino and Peter Chackeris from MTO. 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>Approval of Minutes from the 407 EAC Meeting #2</p> <ul style="list-style-type: none"> • Dan Remollino asked the committee if any further changes were required to the Minutes from the 407 EAC Meeting #2. No other issues were tabled and the final Minutes were approved. 	
3.0	<p>Review and Discussion of Draft Minutes from the 407 EAC Meeting #3</p> <ul style="list-style-type: none"> • Dan Remollino reviewed the action items listed in the Minutes from the 407 EAC Meeting #3. All action items have been/will be complete by the end of this meeting. 	
3.1	<ul style="list-style-type: none"> • Action: Two changes to the Minutes from meeting #3 required: <ul style="list-style-type: none"> ○ Add to item 6.1.8 “Should additional trails be identified, Gary will forward the information to MTO.” ○ Add to the end of Action 6.2.5 “...and to track complaints.” 	Delcan
3.2	<ul style="list-style-type: none"> • Action: Dan Remollino to send Delcan additional comments from MOE (Jeff Dea) regarding the 407 EAC’s role in regards to the Compliance Monitoring Program. 	MTO
3.2.1	<ul style="list-style-type: none"> ○ Following the meeting, Dan Remollino sent Delcan MOE’s comments. Jeff Dea confirmed that it is up to the EAC to determine its role in the implementation and operation of the undertaking through its Terms of Reference (ToR). The 407 EAC may decide to review the Annual Compliance Reports (ACRs) during the implementation stages of each construction phase. However, the condition for the EAC states that the Committee ‘may’ review the ACRs but are not required to do so. As noted in the 407 ToR, Section 2 (Mandate), bullet 6: “The 407 EAC shall be dissolved six months into the operation of Phase 1 of the 407 East Extension project, or at an earlier time deemed appropriate by the 407 EAC members.” Therefore, members of the 407 EAC “may” review the ACRs until their term on the committee has ceased. 	

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No.	Item	Action
3.3	<ul style="list-style-type: none"> Action: Final Minutes from the 407 EAC Meeting #3 will be distributed to the committee prior to the next meeting for approval. 	Delcan
4.0	<p>General Update on Implementation and Procurement Status</p> <ul style="list-style-type: none"> Peter Chackeris provided an update on the implementation and procurement status. <p>4.1 Procurement Process</p> <p>4.1.1</p> <ul style="list-style-type: none"> IO (with the help of MTO) have reviewed the proposals submitted in response to the RFQ and will soon announce the shortlist of bidders. Although the RFP will not be released to the public, it will be issued to the shortlisted bidders once the RFQ process is complete. <p>4.1.2</p> <ul style="list-style-type: none"> Gary Carroll asked whether the 407 EAC could get notice of when the RFP will be released. MTO responded that they will consider this; however, notification will be posted on the IO website. <p>4.1.3</p> <ul style="list-style-type: none"> <ul style="list-style-type: none"> Action: MTO to decide whether they will inform the 407 EAC of RFP release date and will discuss with IO before confirming. <p>4.1.4</p> <ul style="list-style-type: none"> The RFP is continuously being updated and includes information generated from discussions on traffic. The current limit for the Phase 1 remains in the vicinity of Simcoe Street. <p>4.2 Meetings with Municipalities</p> <p>4.2.1</p> <ul style="list-style-type: none"> MTO has held a few meetings to date. More will be set up in March to discuss: traffic analyses, report updates and other issues such as the interchanges/issues raised by the municipalities. <p>4.2.2</p> <ul style="list-style-type: none"> Traffic analyses and recommendations have been completed and provided to municipalities on Phase 1 (terminating in the vicinity of Simcoe Street). MTO is now tabulating comments from municipalities and issuing responses that will stimulate further discussions at upcoming meetings. Once complete, MTO will provide comment and response tables and recommendations prior to meetings with municipalities and the Region. <p>4.3 Property Acquisition</p> <p>4.3.1</p> <ul style="list-style-type: none"> Property acquisition is continuing. Registering expropriation plans will occur next week and the date of possession should occur in July 2011. 	MTO
5.0	<p>Ongoing Activities (Field Work and Design Activities)</p> <ul style="list-style-type: none"> Dan Remollino continued by reviewing ongoing environmental design field investigations required to be completed for bidding purposes. <p>5.1</p> <ul style="list-style-type: none"> Archaeological investigations: A top priority, with 300 properties to be cleared and investigated for Phase 1. 	

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No.	Item	Action
5.2	<ul style="list-style-type: none"> • Heritage assessment reports: MTO is looking at heritage properties within the corridor and speaking to Oshawa, Whitby and Pickering heritage committees regarding this issue. The reports identify recommendations as to whether the heritage structures will be relocated, go through adaptive reuse and/or removed/demolished. 	
5.3	<ul style="list-style-type: none"> • Preliminary waste and contamination investigations: These investigations are being done for all moderate and high risk properties. Phase 2 Environmental Site Assessments are being completed and the reports will identify what's found on the properties. Remedial action plans will be prepared for Project Co to undertake. 	
5.4	<ul style="list-style-type: none"> • Foundation work (drilling on properties); Stream work (for realignment of Brock Road interchange); and the Butternut assessment are also being completed. 	
5.5	<ul style="list-style-type: none"> • Community Value Plan (CVP): As a commitment in the EA, the recommendations from the CVP will be transferred to the RFP giving the consortium the responsibility to incorporate items from the plan into what gets built, including the heritage strategy. MTO is looking for input into the CVP and heritage strategy from municipalities. 	
5.6	<ul style="list-style-type: none"> • First Nations consultation: Continuing with meetings in the spring. If archaeology field work needs to proceed to a stage 4 investigation, ceremonies may take place in the spring. 	
5.7	<ul style="list-style-type: none"> • Regulatory agencies consultation: Monthly meetings are continuing. Upcoming meetings will discuss terrestrial mitigation and wildlife monitoring strategies. In addition, partnerships have been proposed with the conservation authorities to work on Species At Risk (SAR), with two identified in Phase 1 of the project (Redside Dace and Butternut). Bobolink is another species which has recently been listed, and MTO is waiting for direction from MNR to see if it requires a SAR permit. The permit applications are being completed: the Butternut application to be submitted today and the Redside Dace permit submitted mid-March. 	
5.8	<ul style="list-style-type: none"> • Fisheries Authorizations and Compensation: MTO to identify water crossings that involve harmful alteration, disruption or destruction (HADD) to fish habitat. If a HADD is identified, a DFO permit is required. MTO has completed the fieldwork and is now developing the conceptual compensation. The consortium will be responsible for submitting the permit application (if required) and final design. 	
5.9	<ul style="list-style-type: none"> • Hydrogeology: Preconstruction monitoring program is being investigated and will take place late spring / summer 2011. As a commitment in the EA, MTO and/or its agent will be responsible for preconstruction monitoring and monitoring wells on private properties. 	

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No.	Item	Action
<p>5.10</p> <p>5.11</p> <p>5.12</p>	<ul style="list-style-type: none"> • Conditions of Approval: Preconstruction monitoring is required for various conditions. Pilot projects are being identified and MTO is looking at existing contracts. Pilot projects that are successful will be implemented within Phase 1 of the 407 East Extension. • OMB Road Closures: MTO is currently in the process of closing roads identified in the EA as conflicting with infrastructure or having operational constraints. MTO is preparing material to go to the OMB for road closures in Phase 1, which will be discussed with municipalities during the upcoming meetings. MTO will endeavour to obtain municipal approval through bylaws and therefore avoid the full OMB process whenever possible. Discussions with residents regarding the closure of Paddock Road are continuing and additional work is required before holding further meetings. • Brock Road Realignment Update: Since the EA was approved, a First Nation village was identified in the original location of the Brock Road alignment. In order to mitigate impacts, the interchange and Brock Road alignment have been moved slightly to the west, thereby avoiding the village. The Seaton Group, ORC, Region and City of Pickering have agreed to this preferred realignment. In order to come to this decision, MTO met with the Region, the City of Pickering, ORC (landowner) and the First Nation. Preliminary investigations indicate environmental and property impacts are minor and therefore require a minor amendment to the EA, verbally agreed to by MOE. MTO considered an alignment to the east but since investigations on the east side of the alignment found further archaeological traces, this was dismissed. MTO will work closely with the Region to ensure realignment is an integrated process. Although MTO is responsible for the interchange, MTO and the Region are in discussion regarding funding the bypass, which will likely follow the same arrangement as Salem Road (and Highway 401). Documentation will be completed by May 2011, followed by notifying stakeholders in the area about the process and change. The Brock Road interchange will be included in the RFP and a Municipal Class EA will not be required for this minor modification. 	
<p>6.0</p>	<p>Canadian Environmental Assessment Agency (CEAA) Status</p> <ul style="list-style-type: none"> • Dan Remollino discussed the project’s CEAA status. In November 2010, the draft Comprehensive Study Report (CSR) was posted on the CEAA Registry. The comment period lasted between November 13th, 2010 and December 22, 2010. Comments were received from municipalities and responses prepared by MTO. It is anticipated that the final Comprehensive Study will be posted on the CEAA Registry and on the MTO website shortly (March / April 2011) with a four week review period followed by further comments and responses. The final CSR will then go to the federal Minister, who will provide a decision in the spring of 2011. This is an important aspect of the procurement process because prior to the Minister’s decision, the project is a risk to the bidders. 	

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No.	Item	Action
7.0	<p>Update to EA Conditions of Approval</p> <ul style="list-style-type: none"> MTO is continuing to work with MOE and other regulatory agencies to address the Conditions of Approval requirements. The following plans are currently under development and nearing completion: Compliance Monitoring Program; Complaint Protocol; Stormwater Management Plan Surface Water Monitoring and Mitigation Plan; Winter Maintenance Plan; Noise Mitigation Plan and Construction, Noise, Vibration and Air Quality Plans. All plans are to be submitted to MOE in March 2011 and will be included in the RFP as part of the procurement and bidding process. The Vegetation Restoration Plan will be prepared by Project Co during detail design. 	
8.0	<p>Review of Comments and Response Tables</p> <ul style="list-style-type: none"> Dan Remollino led the review of the Comments and Response tables from the Draft Complaints Protocol, the Draft Compliance Monitoring Program and the Draft Stormwater Management Plan. 	
8.1	<p>Draft Complaint Protocol Comments and Response Table</p>	
8.1.1	<ul style="list-style-type: none"> Suggestions and comments were received from the 407 EAC members and most were incorporated in the final draft Protocol to be submitted to MOE. 	
8.1.2	<ul style="list-style-type: none"> Gary Carroll suggested that the MTO should use social media as a tool for the public to issue complaints. MTO explained that although they are investigating the use of social media, this was not the most appropriate task for it to be used (e.g. specific to complaints). 	
8.1.3	<ul style="list-style-type: none"> Action: Committee to review their comments for accuracy and to ensure they are addressed appropriately. EAC members to request a follow-up from MTO if required. 	407 EAC
8.1.4	<ul style="list-style-type: none"> Action: Distribute the final draft to the 407 EAC following submission of the final draft Complaints Protocol to the MOE. 	Delcan
8.1.5	<ul style="list-style-type: none"> Action: 407 EAC members to fill out contact information for departments that MTO's agent will contact should a specific complaint arise (return to Delcan by Friday March 4, 2011). 	407 EAC
8.2	<p>Draft Compliance Monitoring Program (CMP) Comments and Response Table</p>	
8.2.1	<ul style="list-style-type: none"> Dan Remollino discussed the 407 EAC's role in reviewing draft Annual Compliance Reports (ACRs). The group will be able to formally comment on the ACR before it goes to the MOE. 	
8.2.2	<ul style="list-style-type: none"> Comments were received regarding the draft CMP and were incorporated in the document where appropriate. Some comments did not deal specifically with the CMP. 	
8.2.3	<ul style="list-style-type: none"> Action: Committee to review their comments for accuracy and to ensure they are addressed appropriately. EAC members to request a follow-up from MTO if be required. 	407 EAC

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No.	Item	Action
8.2.4	<ul style="list-style-type: none"> Action: Distribute the final draft to the 407 EAC following submission of the final draft CMP to the MOE. 	Delcan
8.3	Draft Stormwater Management Plan (SWMP) Comments and Response Table	
8.3.1	<ul style="list-style-type: none"> 407 EAC comments were incorporated in the draft SWMP where appropriate. The jurisdictional scan was completed and the information has been documented in the report. MTO is looking to implement two pilot projects: using a filter sock (in partnership with the University of Guelph) and using liners (in two or three salt vulnerable areas). If successful, the pilot project will be expanded. 	
8.3.2	<ul style="list-style-type: none"> Additional comments on salt management have been addressed in Condition 9 (Winter Maintenance Plan). 	
8.3.3	<ul style="list-style-type: none"> MTO has confirmed the use of enhanced grass swales where ponds can't be used. The primary recommendation is to examine a treatment train approach (consisting of sheet flow from the highway, grass filter strip and enhanced grass swales) and augment that treatment. 	
8.3.4	<ul style="list-style-type: none"> Action: Committee to review their comments for accuracy and to ensure they are addressed appropriately. EAC members to request a follow-up from MTO if be required. 	407 EAC
9.0	Questions, Other Business and Next Steps	
9.1	<ul style="list-style-type: none"> Gary Carroll asked about whether IO/MTO has decided how bidders will meet with municipalities. MTO replied that IO will be putting together a meeting format, but have not yet seen it. 	
9.2	<ul style="list-style-type: none"> Steve Gaunt asked how financing the project would be impacted by the provincial budget. MTO responded that Phase 1 of the project has already been funded by previous budgets from previous years. 	
9.3	<ul style="list-style-type: none"> Lou Politano asked the 407 EAC members if they found the committee format effective. All members agreed that they did. MTO continued that once the implementation stage begins, more discussion topics will be generated. 	
9.4	<ul style="list-style-type: none"> Action: MTO to get in touch with IO to determine their status in developing the structure of the bidder meetings with municipalities. 	MTO
9.5	<ul style="list-style-type: none"> Next meeting to occur in mid-May 2011. 	
9.6	<ul style="list-style-type: none"> Action: Send Region of Durham proposed meeting dates. 	Delcan

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