

Highway 407 East

407 East Advisory Committee (EAC) Meeting #17

Final Agenda

Monday, November 21, 2016

9:30 p.m. – 11:30 a.m.

Regional Municipality of Durham, Regional Headquarters

605 Rossland Rd. E, Whitby, ON

Meeting Room I-A

Purpose:

- a) Confirm approval of the 407 EAC meeting #16 minutes;
- b) Provide the 407 EAC members with an update on Phase 1 implementation;
- c) Provide the 407 EAC members with an update on Phase 2 implementation;
- d) Provide an opportunity for Questions and Answers.

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| 9:30 a.m. | 1. Opening remarks, purpose of the meeting and agenda review
Calvin Curtis |
| 9:40 a.m. | 2. Confirm approval of Minutes from 407 EAC meeting #16
Calvin Curtis / All |
| 9:50 a.m. | 3. Update on Phase 1 Implementation
Calvin Curtis |
| 10:10 a.m. | 4. Questions and Answers
Calvin Curtis / All |
| 10:20 a.m. | 5. Break |
| 10:30 a.m. | 6. Update on Phase 2 Implementation
Faisal Khan / Dawnett Allen |
| 10:50 a.m. | 7. Questions and Answers
Faisal Khan / Dawnett Allen / All |
| 11:00 a.m. | 8. Other business and next meeting
Calvin Curtis |
| 11:15 a.m. | 9. Adjourn |

Highway 407 East Project - 407 East Advisory Committee (407 EAC) Draft Minutes of Meeting #17

Date: Monday, November 21, 2016; 9:30 a.m. – 11:30 a.m.

Location: Meeting Room: I-A, Regional Municipality of Durham, Regional Headquarters, Whitby

Present: Project Team: Calvin Curtis (MTO, Manager, MPO)
Dawnett Allen (MTO, Environmental Planner, MPO)
Faisal Khan (MTO, Head Phase 2, MPO)
Teepu Khawja, (MTO, Regional Director)
Roxanne Lypka (Parsons, 407 Owner's Engineer)

Members: Hubert Ng (Town of Ajax, Supervisor of Transportation)
Jeff Brooks (City of Pickering, Manager of Policy and Geomatics)
Mike May (Town of Whitby, Project Engineer)
Paul Gee (Durham Region, Manager, Transportation Design)
Perry Sisson (CLOCA, Director, Engineering and Field Operations)
Sharon Lingertat (TRCA, Senior Planner, Environmental Assessment)
Tony Cannella (Municipality of Clarington, Director, Engineering Services)
Kevin Wilson (City of Oshawa, Project Manager, Traffic Engineering)

CC: Project Team: Darlene Proudfoot (MTO, Senior Environmental Planner, MPO)
Diane Naluzny (MTO, Communications Specialist, MPO)

Members: Beth Williston (TRCA, Associate Director)
Darla Cameron (CEAA, Section Head)
Elizabeth Stanley (MNRF, Resources Management Supervisor)
Gary Cooper (DFO, Fisheries Protection Biologist)
Greg Wells (GRCA, Manager, Planning & Regulations)
Greg Hardy (Town of Hardy, Manager, Engineering Services)
Rob Dobos (Environment Canada, Manager, Environmental Assessment Section)
Ross Lashbrook (MOECC, Manager, Technical Support- Central Region)
Suzanne Beale (Town of Whitby, Commissioner of Public Works)

Meeting Purpose:

The purpose of this meeting is to review outstanding items from the minutes of the 407 EAC meeting #16 (June 2016); provide an update on Phase 1 and Brock Road; provide an update on Phase 2; and provide an opportunity for questions and answers.

Hard copies of the meeting agenda and minutes from the 407 EAC meeting #16 were distributed. Discussions were led by Calvin Curtis from MTO.

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No.	Item	Action
1.0	Opening remarks, Purpose of the Meeting and Agenda Review	
1.1	Calvin Curtis chaired the meeting and initiated a round table of introductions.	
2.0	Review of Meeting #16 Minutes	
2.1	The last 407 EAC Meeting was held June 27 th , 2016. Draft minutes were emailed to 407 EAC members for review August 23 rd , 2016. Comments were received and incorporated. Parsons sent an email September 16 th , 2016 confirming that the minutes were finalized and uploaded to the website at: http://highway407east.com/documents/407-EAC-Meeting-16-Minutes-with-Agenda.pdf .	
2.2	Item 2.2 Maintenance on some Community Value Plan aspects	
2.2.1	<ul style="list-style-type: none"> • Action: Request for information regarding maintenance on some of the Community Value Plan aspects. MTO will respond to information regarding maintenance on some of the Community Value Plan aspects, when information is available. 	
2.2.2	<ul style="list-style-type: none"> • Response: MTO still resolving with 407EDG, as well as discussions regarding the scope and duration of maintenance. There is a desire for features to be relatively low maintenance. Work is ongoing. 	
2.2.3	<ul style="list-style-type: none"> • Action Item: MTO will provide information regarding maintenance on some Community Value Plan aspects, when information is available. 	MTO
2.3	Item 2.3 Name change for East Creek to Oshawa Creek	
2.3.1	<ul style="list-style-type: none"> • Action: Incorrect signage for Oshawa Creek. 	
2.3.2	<ul style="list-style-type: none"> • Response: Darlene Proudfoot followed up on the signage. There is no response yet, but it will be corrected and replaced, likely in the spring. 	
2.3.3	<ul style="list-style-type: none"> • Action Item: MTO will update EAC at next meeting (June 2017). 	MTO
2.4	Item 2.4 Lake Ridge Road driveways	
2.4.1	<ul style="list-style-type: none"> • Action: Issues with driveways on Lake Ridge Road, south of Highway 401 	
2.4.2	<ul style="list-style-type: none"> • Response: Design of three driveways is resolved. Maintenance of the “service road” will be provided by 407EDG consistent with Kings Highways. 	
2.5	Item 2.5 Status of the commuter parking lot at Simcoe Street and Winchester Road.	
2.5.1	<ul style="list-style-type: none"> • Action: Have commuter parking lot plans been delayed or cancelled? • Response: “Park and Ride”, at Simcoe and Winchester, is deferred indefinitely. New location of heritage plaque: may relocate to Baldwin or look for sites in the vicinity. MTO is looking for land they own that has good access, or if the City of Oshawa has land, MTO is open to discussion about other locations. Continuing efforts to tender construction of the Baldwin Street lot in 2017. 	
2.6	Item 2.6 MTO to follow up with Blackbird Infrastructure Group (BBI) on the Traffic Management Plan.	
2.6.1	<ul style="list-style-type: none"> • Action: Kevin Wilson asked if the Traffic Management Plan offers anything regarding enforcement and illegal use of detours. 	
2.6.2	<ul style="list-style-type: none"> • Response: Faisal Khan confirmed there is no MTO load restriction enforcement on municipal roads. 	
2.7	Item 2.7 Continuing with 407 EAC	
2.7.1	<ul style="list-style-type: none"> • Action: Calvin Curtis asked for input regarding the 407 EAC forum. Should the meetings continue or do other meetings also serve the purpose of the EAC as well? 	

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2.7.3	<ul style="list-style-type: none"> • Response: Discussions with Diane Naluzny concluded in continued support for 407 EAC meetings. 	
2.8	Item 2.8 Distribution of Minutes	
2.6.1	<ul style="list-style-type: none"> • Action: Distribution of minutes following June meeting 	
2.6.2	<ul style="list-style-type: none"> • Response: Final minutes were emailed to the EAC members September 16th, 2016 	
3.0	Update on Phase 1 Implementation and Brock Road Interchange	
3.1	Calvin Curtis provided the following for Phase 1:	
3.1.1	<ul style="list-style-type: none"> • Winter operations - 407EDG is self-performing all maintenance. Maintenance facility built on Salem Road, equipment in place, and staffed. 	
3.1.2	<ul style="list-style-type: none"> • Municipal cost sharing: please ensure appropriate invoicing is submitted by end February 2017. 	
3.1.3	<ul style="list-style-type: none"> • Dundas and Halls Road – Civil work to be completed by December 23rd. Underground wiring and poles to be completed in spring 2017. Shane Giguere to consult with Durham Region Traffic Operations on interim configuration until the parking lot is in service. 	
3.1.4	<ul style="list-style-type: none"> • Tolling – no announcement of official date, anticipated early 2017. • Post Meeting Note: email sent January 4, 2017 to advise that tolling will commence February 1, 2017. 	
3.2	Brock Road Updates:	
3.2.1	<ul style="list-style-type: none"> • All lanes of the Brock Road Interchange are complete and open to traffic (including all lanes of Highway 7), with exception of the Highway 7 bridge /east approach is nearing completion – next 2 weeks. 	
3.2.2	<ul style="list-style-type: none"> • 407ETR commissioning process was completed November 7, 2016. • Post Meeting Note: The bridge was opened to four-lanes of traffic on December 6, 2016 	
3.3	Highway 401 /Lake Ridge Road Ramp (Interchange)	
3.3.1	<ul style="list-style-type: none"> • Target of 1st / 2nd week of December to open. • Post Meeting Note: Completion of the signalized intersection at the ramp terminus opened February 8, 2016 	
3.4	Calvin Curtis provided the following MOECC Conditions of Approval updates for Phase 1:	
3.4.1	The following four conditions are still on-going for the entire project:	
A	<ul style="list-style-type: none"> • <u>Condition 5</u> Compliance Reporting: The ACR was submitted May 31st and MOE is satisfied with the annual compliance reporting. 	
B	<ul style="list-style-type: none"> • <u>Condition 6</u> 407 EAC (ongoing) 	
C	<ul style="list-style-type: none"> • <u>Condition 7</u> Continuing with the Pilot SWM pilot program near Guelph, and will be extended into 2016-7. Seeking two sites for additional work - one for 407 Phases 1 and 2. Would continue working with the University of Guelph as a partner. 	
D	<ul style="list-style-type: none"> • <u>Condition 19</u> Aboriginal Consultation (ongoing) 	
3.4.2	The following Conditions are still on-going for Phase 1 only:	
A	<ul style="list-style-type: none"> • <u>Condition 8</u> Monitoring of sensitive water courses: Continuing in OM&R stage. 	
B	<ul style="list-style-type: none"> • <u>Condition 9</u> Winter Maintenance: Completed. 	

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C	<ul style="list-style-type: none"> • <u>Condition 13</u> Complaint Protocol: will continue into OM&R stage. 	
D	<ul style="list-style-type: none"> • <u>Condition 14</u> Construction Management and Mitigation Plan: Document is still under review by HMQ. 	
3.4.3	Archaeology:	
3.4.3.1	<ul style="list-style-type: none"> • All archeology work and reports have been completed and submitted to MTCS for compliance. 	
3.4.4	Community Value Plan	
3.4.4.1	<ul style="list-style-type: none"> • All the CVP elements have been constructed, except for the commemoration plaques on the cairns, which will be installed in 2017. 	
3.4.5	Endangered Species Act	
3.4.5.1	<ul style="list-style-type: none"> • ESA measures have been constructed as per the respective permits. This includes works inside and outside of the corridor. 	
3.4.5.2	<ul style="list-style-type: none"> • Additional MTO land is being considered for Bobolink & Eastern Meadowlark habitat. 	
3.4.6	Monitoring	
3.4.6.1	<ul style="list-style-type: none"> • 407EDG will be monitoring: groundwater (16 sites), well water (24 private wells, 15 general wells), 3 wetland sites, and 20 wildlife crossings. Some started in 2016, and others will start in 2017. 	
3.4.7	Vegetation Restoration Plan	
3.4.7.1	<ul style="list-style-type: none"> • 407EDG is installing the vegetation as per the Vegetation Restoration Plan (September 2015); the planting is approximately 75% complete. A robust monitoring plan for forest and wetlands has been developed, and will be utilized over the next few years to ensure the commitment to forest and wetlands is met. Monitoring of the vegetation restoration areas will commence after planting is complete (2017). 	
4.0	Phase 1 Questions and Answers	
4.1	Paul Gee would like to have discussions about reverting sections of road that are outside of the CAH limits back to municipalities.	
4.1.1	<ul style="list-style-type: none"> • Tim Glenn (416-235-5373 Timothy.Glenn@ontario.ca) is coordinating for MTO, and will be in touch with the respective municipalities in January 2017. 	
4.2	What are the dates for substantial completion of Phase 1?	
4.2.1	<ul style="list-style-type: none"> • Completion met in early June 2016. Next major milestone targeted to occur 6 months after - in this case December 6th, 2016. 30 days after December 6th, the Province can to enact set-offs against the next maintenance service payment, if deficiencies remain and conditions are outstanding. The maintenance period started June 6th, 2016 and will last for 30 years. ProjectCo has rehabilitation responsibilities within the CAH for 30 years. Each respective municipality has PTHIA responsibilities within the CAH. There is a two year warranty period for those municipal lands outside of the CAH (i.e., those pieces that will be transferred back to the respective municipality). 	

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4.3	How is MTO addressing correction of deficiencies?	
4.3.1	<ul style="list-style-type: none"> MTO and IO are addressing as per the contract. MTO and Infrastructure Ontario are working towards improvements to future AFPs. Deficiencies on lands to be turned back to municipalities are expected to be resolved in Spring 2017. 	
4.3.2	While municipal roads under warranty, who is responsible for winter maintenance?	
4.3.3	<ul style="list-style-type: none"> The respective municipality has maintenance responsibilities since Fall 2016. (specifically since 407EDG correspondence dated September 20th, 2016). 	
4.3.4	Is the contract set up so the consortium has 30 year maintenance responsibilities outside of the CAH?	
4.3.5	<ul style="list-style-type: none"> No. To clarify – the consortium does not have 30 year maintenance responsibilities on lands given back to municipalities. The warranty period is 2 years from the date above letter was issued. 	
4.4	What are the maintenance agreements for CVP items and trails?	
4.4.1	<ul style="list-style-type: none"> Action Item: MTO to review and respond to respective municipalities. 	MTO
5.0	Update on Phase 2	
5.1	Faisal Khan provided an update on the status of Phase 2.	
5.1.1	Status of Construction	
5.1.1.1	<ul style="list-style-type: none"> Blackbird Infrastructure Group's (BBI's) design submissions and fieldwork are on schedule. 	
5.1.1.2	<ul style="list-style-type: none"> Design submissions are almost complete. 	
5.1.1.3	<ul style="list-style-type: none"> Harmony Road to 57. Asphalt in place for the majority but some bridges are not complete. Working on two dozen bridges simultaneously. 	
5.1.1.4	<ul style="list-style-type: none"> Utility relocations are underway. 	
5.1.2	Well Water Interference Claims	
5.1.2.1	<ul style="list-style-type: none"> Analysis underway and BBI is documenting all complaints and has confirmed that everyone receives a return call/email. Post Meeting Note: BBI has had discussions with MOECC, the Regional Municipality of Durham, CLOCA, and GRCA. Through monitoring and consultation, it has been determined that low groundwater levels in Clarington are a result of climate conditions and not construction. 	
5.1.3	Road Closures	
5.1.3.1	<ul style="list-style-type: none"> Traffic Disruption Notices continue to be emailed to MTO and municipal staff, and emergency services approximately seven days in advance of closures. Future permanent and temporary closures will be dependent upon the construction schedule and negotiated commitments. Encourage everyone to register for email updates/notifications at: http://www.407eastphase2.ca/ 	
5.1.3.2		
5.1.4	Highway 401 Construction	
5.1.4.1	<ul style="list-style-type: none"> Courtice Road was partially closed on July 6, 2016, and then fully closed on September 12, 2016, to allow for the construction and widening of the overpass. Courtice Road should be re-opened to two-lane, two-way traffic by end of December 2016. 	
5.1.4.2		

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<p>5.1.5</p> <p>5.1.5.1.</p> <p>5.4.1</p>	<ul style="list-style-type: none"> • Post Meeting Note: Courtice Road was reopened for two-way traffic ahead of schedule December 9, 2016. MTO Area Maintenance Contractor (AMC) is providing winter maintenance within MTO limits; Durham Region is maintaining Courtice Road in its limits. <p>Agricultural Lands – Dawnett Allen</p> <ul style="list-style-type: none"> • MTO extended agreements (PTU's) to use MTO-owned land adjacent to the highway corridor for agricultural purposes to existing local farmers for the 2016 season. Locations are primarily in Clarington. • 24 PTUs were mailed in January, covering approx. 258 ha of farmland. All PTUs expire December 1, 2016. • Properties within the highway corridor are under BBI's jurisdiction. BBI is unlikely to offer any further PTUs. 	
<p>5.2</p> <p>5.2.1</p> <p>5.2.1.1</p> <p>5.2.1.2</p> <p>5.2.1.3</p> <p>5.2.1.4</p> <p>5.2.2</p> <p>5.2.2.1</p> <p>5.2.2.2</p> <p>5.2.2.3</p> <p>5.2.2.4</p> <p>5.2.3</p> <p>5.2.3.1</p>	<ul style="list-style-type: none"> • Environmental Update: <p>MOECC Conditions of Approval Ongoing by BBI:</p> <ul style="list-style-type: none"> • Condition 8, Surface Water: MTO conducted pre-construction background surface water monitoring up to July 2015. BBI will conduct post-construction monitoring. • Condition 13, Complaint Protocol – Sent to EAC for review and comment. No comments received. • Condition 15, Construction Noise, Vibration & AQ – BBI commenced ongoing construction monitoring at Hwy 2 station in April 2016 and at Old Scugog Road station in May 2016. • Condition 18, Vegetation Restoration Plans: BBI is preparing two detailed vegetation restoration plans for review and consultation (Phase 2A and 2B). <p>Endangered Species</p> <ul style="list-style-type: none"> • Seeding of restoration sites has begun to meet target dates for permits. MTO received Endangered Species Act permits for 3 species • Bobolink and Eastern Meadowlark – BBI seeded two habitat restoration sites to date. • Butternut Tree – BBI has salvaged 4 trees for replanting. • Two species registered with MNRF per O. Reg 242/08: <ul style="list-style-type: none"> • Barn Swallow – Ongoing 2016 monitoring by MTO at 10 mitigation sites. • Little Brown Myotis – Final monitoring report complete in April 2016 • Long-eared Myotis and snapping turtle also observed <p>Consultation</p> <ul style="list-style-type: none"> • Agencies, Municipalities, and other key stakeholders: <ul style="list-style-type: none"> • BBI has ongoing meetings with Agencies, Municipalities and other key stakeholders through RAG, MTAG and Utility meetings. Consultation includes regular and individual meetings as required. Many individual meetings to address concerns. • Agencies, municipalities, stakeholders are asked to provide formal comments on Design and Construction Reports (DCR). Next DCR is anticipated to be published in mid-March 2017. • Next PIC - PIC will be February 28, 2017 (5:00 pm to 8:00 pm) at the Solina Community Hall, 1964 Concession Road 6, Hampton 	

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5.2.3.2	<ul style="list-style-type: none"> • Public: <ul style="list-style-type: none"> • Inquiries addressed through project websites, as well as direct calls or emails. • Public Information Centres - Next PIC anticipated early 2017. • DCRS - DCR#3 Addendum June 6, 2016, DCR # 4 – September 1st 2016. • Post Meeting Notes: Next PIC is scheduled for Tuesday, February 28, 2017 between 5:00 p.m. to 8:00 p.m. at the Solina Community Hall, 1964 Concession Road 6, Hampton <ul style="list-style-type: none"> • The purpose of this PIC is to present design elements of the project, including: Vegetation Restoration Plans (Phase 2A); Community Value Plan, Carry-over Landscaping Plans (Phase 2A); and Carry-over portions from C2a/C2b/D1b/D2. • BBI representatives will be available to answer questions/receive input. 	
5.2.3.3	<ul style="list-style-type: none"> • Aboriginal <ul style="list-style-type: none"> • MTO has ongoing dialogue and bi-annual meetings with the 7 Williams Treaties First Nations and the Huron Wendat First Nation. 	
5.2.4	Archaeology	
5.2.4.1	<ul style="list-style-type: none"> • Field work is completed. • Stage 4 archaeological investigations underway. • Aboriginal artefacts found at one of the sites. All potentially affected First Nations contacted. 	
5.2.5	Heritage	
5.2.5.1	<ul style="list-style-type: none"> • All heritage properties have been demolished and salvage materials will be used as part of the Community Value Plan. 	
5.2.6	Monitoring and Salvage Activities	
5.2.6.1	<ul style="list-style-type: none"> • Daily environmental inspections of construction activities by BBI. • Weekly environmental audit inspections by LGL for MTO. • Ongoing environmental monitoring by BBI 	
5.2.6.2	<ul style="list-style-type: none"> • Ongoing groundwater level monitoring at preferred wells 	
5.2.6.3	<ul style="list-style-type: none"> • Wildlife and Fish rescue and relocation (currently underway with permits from MNRF). 	
5.2.6.4	<ul style="list-style-type: none"> • Surface water monitoring at dewatering sites per PTTWs, and at sensitive fisheries sites. 	
5.2.6.5	<ul style="list-style-type: none"> • BBI has responded well to environmental incidents, controlling erosion, and have constructed several ponds. 	
5.2.6.6	<ul style="list-style-type: none"> • No wildlife rescues. 	
6.0	Question and Answers Phase 2	
6.1	Paul Gee – request for more information on anticipated traffic volumes.	
6.1.1	<ul style="list-style-type: none"> • MTO indicated that actual (non-tolled) volumes on Phase 1 since June have been approximately 30% greater than projected. 	
6.2	Tony Cannella – anticipated traffic issues and modelling that excluded Taunton for access. Request for anticipated volumes to report to Clarington Council	
6.2.1	<ul style="list-style-type: none"> • Action Item: MTO to provide anticipated traffic volume numbers for Clarington council meeting. 	MTO

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7.0	Other Business, Next Meeting and Adjourn	
7.1	Prior to adjourning, other business and the next meeting were discussed.	
7.2 7.3	Next EAC Meeting: To be scheduled for mid-June, 2017 Post Meeting Notes: <ul style="list-style-type: none"> • All detours opened before December 25th, except Concession 6 which will remain closed over the winter • Martin Michalek (416-235-5606 or Martin.Michalek@ontario.ca) is the new Head, Planning Engineering for MPO. Martin will have responsibilities for Phase 1 and for Phase 2 • Faisal Khan will be away for a 4 month secondment starting January 2017. 	Parsons

If there are any errors or omissions, please advise roxanne.lypka@parsons.com within ten business days of the issuance of these minutes. Minutes prepared by Roxanne Lypka.