



HIGHWAY 407 EAST

407 EAST ADVISORY COMMITTEE (407 EAC)
TERMS OF REFERENCE

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ATTACHMENT: Highway 407 East EA Conditions of Approval

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1 PURPOSE OF THE 407 EAC TERMS OF REFERENCE

One of the Ministry of Environment's Conditions of Approval for the 407 East Environmental Assessment (EA) was the establishment of a 407 East Advisory Committee (EAC) to 'ensure concerns about the implementation of the undertaking are considered and mitigation measures are undertaken where appropriate' (EA File EA-02-07, Condition 6). This Terms of Reference outlines the role of the 407 EAC, presents guidelines for how the 407 EAC will operate, establishes the membership and describes when meetings will take place. This document may be amended as the Highway 407 East process unfolds. Any amendments to these Terms of Reference will be done in consultation with the Ministry of Transportation (MTO) Project Team and 407 EAC members.

2 MANDATE

The 407 EAC is an advisory committee, established by MTO in accordance with Condition 6 of the 407 East EA Conditions of Approval. The EAC reviews documents and provides advice to MTO. It is not a decision-making body. Committee members are guided by these Terms of Reference and participate on the 407 EAC at the invitation of the MTO.

The mandate of the 407 EAC is to:

1. Provide a balanced, inclusive discussion and forum for stakeholders to advise MTO and/or its agents as per requirements of Condition 6.
2. Serve as a formal mechanism to exchange ideas and concerns related to Highway 407 East.
3. Operate through the implementation and construction phases of the entire Highway 407 East.
4. Review, provide comments and advise on the following documents (as per the 407 East Extension Environmental Assessment (EA) Condition of Approval):
 - Compliance Reports required by Condition 5;
 - Stormwater Management Plan required by Condition 7;
 - Complaint protocol required by Condition 13; and,
 - Vegetative Restoration Plans required by Condition 18.
5. Further to the noted documents noted in Point 4, additional items tabled by the 407 EAC, such as the Compliance Monitoring Program required by Condition 4 or Transportation/Traffic Impacts Study Reports, may be available for discussion and potential review.
6. The 407 EAC shall be dissolved six months after the completion of construction of Phase 2 of Highway 407 East, or at an earlier time deemed appropriate by the 407 EAC members.

3 CONCEPTS OF SUCCESS

The Project Team and 407 EAC members will monitor the success and effectiveness of the 407 EAC by determining whether or not the mandate has been achieved, that documents have been reviewed by the committee and appropriate advice has been given to MTO in a timely manner.

4 COMMITTEE SUPPORT

The MTO Project Team and its consultants will be present at each meeting to provide meeting logistics support, technical support, clarification and guidance.

The MTO Project Team will provide a coordinator to liaise between the 407 EAC and the MTO Project Team staff who will assist with the administration of the group.

The 407 EAC members are to go through MTO or its appointed agent. A one-window approach will be used for the committee, with MTO's appointed agent taking on the coordinator role for all comments and information.

5 REPORTING RELATIONSHIP

The 407 EAC is acting in an advisory capacity to MTO's project team. All recommendations and comments from the 407 EAC will be documented by the coordinator and will become part of the record. Decisions made by MTO will be justified and rationalized in writing.

6 MEMBERSHIP

As per Condition 6.3 of the EA approval, the Minister of the Environment has mandated that the 407 EAC be composed of representatives from the following municipalities, Conservation Authorities and agencies:

- One member from the Town of Ajax – Appointment
- One member from the Corporation of the Town of Whitby – Appointment
- One member from the Municipality of Clarington – Appointment
- One member from the Corporation of the City of Pickering – Appointment
- One member from the City of Oshawa – Appointment
- One member from the Regional Municipality of Durham – Appointment
- One member from the Toronto Region Conservation Authority – Appointment
- One member from the Ganaraska Regional Conservation Authority – Appointment
- One member from the Central Lakes Ontario Conservation Authority – Appointment
- One member from Environment Canada – Appointment
- One member from the Ministry of Transportation – Appointment
- Ministry of Environment – Observer

MTO considered inviting other stakeholders to participate in the 407 EAC. As a result, a member from the Department of Fisheries and Oceans (DFO) and Canadian Environmental Assessment Agency (CEAA) has been appointed to the committee. A member from the Ministry of Natural Resources (MNR) has also been appointed to the committee, but will participate on an as-needed-basis.

Technical expertise will be provided to the committee when necessary. Municipal technical staff may provide feedback and comments to 407 EAC members.

On an exception basis, an alternate can attend the 407 EAC meetings to replace the 407 EAC member when they are unavailable. However, 407 EAC members should make every effort to attend all meetings. The alternate cannot accompany the member to the same meeting.

Upon consideration, MTO has decided that members of the public (including academia, development community, and the Durham Environmental Committee) will not be participants on the committee. This decision was made because there will be other opportunities for the public to become involved in the process. For example, members of the public can participate in separate public interest groups, public open houses, online forums, etc.

However, members of the public will be able to make presentations on specific issues, and it will be left up to the committee to bring this forward.

The minutes from the EAC meetings will be available on the project website, along with updates to the public.

7 TERM OF MEMBERSHIP

Membership on the 407 EAC commenced on September 13, 2010. The 407 EAC will operate through the implementation and construction phases, and will continue through the entire Highway 407 East project. The 407 EAC shall be dissolved six months after the completion of construction of Phase 2 of Highway 407 East, or at an earlier time deemed appropriate by the 407 EAC members.

8 MEETINGS

8.1 Frequency of Meetings

Following the initial meeting, the 407 EAC met once in November and once in December. Subsequent meetings will take place once every 2 months, depending on whether there is an item to review as agreed to by the members.

Members are encouraged to attend all meetings.

8.2 Meeting Times/Locations

Meetings will take place in the following location, pending availability:

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

8.3 Agendas

A preliminary date and agenda for the subsequent meeting will generally be set at the end of each meeting. Agendas will be drafted and circulated to the committee two weeks in advance of a meeting. The members will have one week to comment and the final agenda will be issued one week in advance of the meeting.

Committee members may bring forward agenda items to be considered and discussed at the next meeting. The agenda will identify the topics, objectives, review materials and desired outcomes. The coordinator will be in charge of developing and distributing the agenda to committee members.

8.4 Format

Depending on the item on the agenda, the meeting format could be a presentation with questions and answers, round-table discussions or a workshop. The meeting format will be determined by the coordinator prior to setting the agenda. Either MTO and/or its agent will facilitate the meetings, depending on the topic.

Ground Rules

- Ensure that participants are provided equal opportunity to express their views.
- Once an issue or problem has been discussed by the committee, the item is closed and should not be re-introduced unless new information is brought forward.
- All participants must agree to respect the opinions, positions and legitimacy of each other's roles and responsibilities.
- Information and/or materials to be reviewed by the committee will be distributed at the meetings, with one month time period for review and to provide feedback.

8.5 Meeting Notes

The 407 EAC meeting notes will be taken by the coordinator. The notes will reflect the general discussion, any action items required and the individual/group responsible for addressing the action item. Any issues that are raised that are outside of the meeting agenda but that require future discussion will be tracked. The notes will be circulated to the 407 EAC following each meeting within ten business days.

Members will then have up to 10 business days to review draft meeting notes and provide comments. Should no comments be received, the meeting notes will be re-issued as final and posted on MTO's project website. If comments are received, they will be reviewed and considered and the draft meeting notes will be re-issued with an explanation as to how they've changed within 10 business days. This cycle will be repeated until final meeting notes are issued. Only one set of meeting notes will be produced from each 407 EAC meeting. When meeting notes are deemed final, they will become part of the public domain

8.6 Additional Meetings

The 407 East Project Team and members of the 407 EAC will jointly decide on the need for additional meetings. Additional meetings may be scheduled to discuss unresolved issues or provide educational seminars to the 407 EAC.

8.7 Document Review Process

As outlined in this Terms of Reference, EAC members are required to review and comment on specific documents. As such, the following process to review documents will be followed:

- MTO/MTO's agent(s) will email draft documents to the 407 EAC members;
- Written comments will be required within 10 business days;

- MTO/MTO's agent(s) will endeavor to incorporate comments prior to submission to MOE; and
- MTO/MTO's agent(s) will report back to EAC members on actions taken at the next EAC meeting.

9 RULES OF CONDUCT

9.1 Roles and Responsibilities

Each 407 EAC member will:

- **Participation**
 - Agree to/adhere in good faith to the purpose/mandate of the 407 EAC;
 - Adhere to the topics on the agenda and be concise;
 - Openly, but respectfully, disagree so as to promote creative thinking;
 - Build on other people's ideas;
 - Ask questions to clarify and foster understanding;
 - Consider different viewpoints;
 - Provide advice and suggestions.
- **Notes**
 - Review meeting notes for accuracy and send proposed changes to the coordinator; and
 - Ensure that the results of discussions are accurately recorded.

In the spirit of the Minister's Conditions, the 407 EAC shall:

- Not be used as a venue for review of the decisions associated with the approved undertaking;
- Not be an approval body or steering committee;
- Not be a forum to solicit data or information on matters outside of the mandate of the committee; and
- Review these Terms of Reference at the end of each year to verify whether changes or updates are required.

The 407 East Project Team will:

- Explain how comments, recommendations and inputs from each meeting are used;
- Provide information in accessible, easy-to-understand language; define technical terms;
- Balance input from different viewpoints to create a full understanding of factors impacting the project;
- Answer policy related questions;
- Answer questions regarding the EA conditions;
- Present information regarding EA conditions;
- Offers advice to the 407 EAC discussion;
- As needed, invite experts/specialists to participate; and
- Provide the 407 EAC Terms of Reference to the Director and Regional Director at the Ministry of Environment.

The Coordinator will:

- Take lead administrative role in organizing subsequent meetings;
- Form and distribute notices of meetings and agenda;
- Secure appropriate location for meetings;
- Take notes, minute the meetings and distribute to the committee;
- Advocate and be responsible for the meeting process;
- Remain neutral;
- Keep the meeting on task/on time;
- Ensure that everyone has the opportunity to provide input;
- Balance the participation of all members in the room;
- Reflect back to members their comments to ensure understanding; and
- Help facilitate discussions and make sure that the meeting is following the agenda and progressing appropriately.

9.2 *Operating Features*

The 407 EAC is an advisory mechanism to MTO. It is not a public hearing, regulatory mechanism, complaint review committee, or approving authority.

Members' input will be documented and considered further by the MTO Project Team. Should divergent views from different subgroups or individuals emerge from any discussion; the situation will be accurately and fully recorded in the meeting notes.

MTO will consider the 407 EAC's advice in formulating decisions on draft condition reports; however, where MTO chooses a contrary approach to the views of the 407 EAC on a specific issue, an explanation of the reasoning will be provided to the 407 EAC prior to making recommendations to MOE. Any member may provide a dissenting opinion to the MOE Regional Director, copied to the 407 EAC and MTO, which shall become part of the record and posted on the project website once available.

9.3 *Disclosure of Pecuniary Interest*

407 EAC members shall declare any situation that is, or has the potential to be, a conflict of interest before agenda items are presented and carry out their functions with integrity and act in the best interests of the 407 EAC mandate and the Minister's Conditions.