

## 11. Approvals and Agreements Required for the Undertaking

In addition to requiring OEAA approval, there are a number of other provincial, federal and municipal approvals and agreements required to implement the Recommended Design. Potential additional approvals were identified at the “alternative methods of carrying out the undertaking” stage of the 407 East EA process as part of applying the criterion “Compatibility with federal/provincial/municipal planning goals/objectives/policies, including principles and policy directions under development in the Greater Golden Horseshoe Growth Plan and Greenbelt Plan, the Watershed Based Source Protection Planning and the proposed GTA Transportation Strategy” to the alternatives. In applying this criterion, potential provincial, federal and municipal approvals were identified for each alternative route comparatively evaluated.

The potential approvals previously identified have been confirmed for the Recommended Design in accordance with the Minister approved 407 East EA Terms of Reference (ToR) (**Appendix A**) based on a greater level of design and further input received from agencies.

### 11.1 Provincial Approvals and Agreements

Provincial approvals and agreements from the following ministries and government agencies will be required for the Recommended Design:

- Ministry of Environment
- Ministry of Natural Resources
- Ministry of Culture
- GO Transit
- Ontario Realty Corporation
- Hydro One Networks

#### 11.1.1 Ministry of Environment

The Ministry of Environment (MOE) is the approval authority for a number of approvals that will be required for the Recommended Design. These approvals include:

- Permits to Take Water (PTTW), which are issued under Section 34 of the *Ontario Water Resources Act* (OWRA) for temporary water takings that exceed the trigger threshold of 50,000 L/day (or 7.5 l/gpm). The groundwater takings for this project will be temporary, but may exceed the trigger threshold in some areas of the project. A PTTW application must comply with the requirements of Ontario Regulation 387/04. Based on the nature of the water takings

anticipated for this project, the PTTW would qualify as a Category 2 (with the potential for a Category 3) taking and must comply with the applicable requirements.

- A Certificate of Approval (C of A), which will be acquired from MOE prior to construction for any surface water conveyance or management works not being constructed under either the *Drainage Act* or the *Public Transportation and Highway Improvement Act*. This applies to discharge of stormwater management facilities.
- Approvals under the *Environmental Protection Act* (EPA) for any use of lands previously used for the disposal of waste (two closed landfills will be affected by the Recommended Design). As per Section 46 of the EPA, “No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given”.
- Approvals under the EPA for properties with existing MOE C of A’s for a waste management system or waste disposal site (three properties with C of A’s will be affected). As per Section 27 of Environmental Protection Act R.S.O. 1990, “No person shall operate, establish, alter, enlarge, or extend, (A) a waste management system; or (B) a waste disposal site unless a certificate of approval or provisional certificate of approval therefore has been issued by the Director and except in accordance with any conditions set out in such a certificate”.
- Record of Site Condition Regulation, Ontario Regulation 153/04, which details the requirements that property owners must meet in order to file a record of site condition. Although it is not anticipated that the MTO will be filing records of site condition for any property purchases, the regulation will be followed as a guidance document during contaminated site investigations and clean-ups.
- Ontario Regulation 347, which identifies hazardous wastes through a series of listings and tests. Specifically, for this study, the regulation will be applied to determine the disposal options of any contaminated soil identified during contaminated site investigations and clean-ups, i.e. soil is either hazardous or non-hazardous.

#### 11.1.2 Ministry of Natural Resources

It is anticipated that permit acquisition under the *Endangered Species Act* (ESA) will be required for the disturbance to butternut trees, Redside Dace and their respective habitats. The permitting process through the Ministry of Natural Resources (MNR) is still being developed at the time this report was completed and therefore will need to be clarified through subsequent design phases. MNR has indicated that a permit for potential effects to each species and/or its habitat may be required.

Any measures that will remove an existing dam from a waterbody governed by the *Lakes and Rivers Improvement Act* must receive a permit from MNR prior to construction / removal. This may apply to pond removal activities where the outlet is considered a dam.

There may also be a requirement to obtain a permit under the *Fish and Wildlife Conservation Act* in order to move mammals, turtles and birds out of the right-of-way during construction.

### 11.1.3 Ministry of Culture

As the provincial regulatory agency responsible for built heritage, cultural landscapes, and archaeological resources in Ontario, the Archaeology and Heritage Planning Unit of the Ministry of Culture (MCL) assists MTO in meeting the relevant requirements of the Ontario Heritage Act. These requirements are detailed in the MTO document entitled, *Environmental Protection Requirements for Transportation Planning and Highway Design, Construction, Operation and Maintenance* (October 2006), specifically, *Section 9: Built Heritage and Cultural Heritage Landscapes* and *Section 10: Archaeological Resources*.

All archaeological fieldwork undertaken to satisfy the conservation requirements tied to the EA process must be conducted by a consultant archaeologist holding a valid archaeological license issued by MCL under the Ontario Heritage Act. MCL acts as reviewer of the investigations conducted by licensed archaeologists, manages the resources documented by those investigations, and develops and implements operational policies, technical standards, and guidelines regulating the practice of archaeological conservation in Ontario. Once archaeological resources that may be disturbed by highway design investigations, construction, operation or maintenance have been identified and conserved to the satisfaction of the MCL, in accordance with the *Ontario Heritage Act*, MCL will provide written notification of concurrence with recommendations and acknowledgement that Provincial concerns for archaeological resources have been met. Receipt of this notification from MCL will fulfil MTO's obligations with respect to archaeological resources under the EA process for the Recommended Design.

Currently, while there is no parallel licensing and review process in place regulating the assessment and conservation of built heritage and cultural landscapes, MCL does routinely participate in the review of all relevant EA documentation and thereby provides comment on whether or not Provincial concerns for heritage resources have been addressed in accordance with the *Ontario Heritage Act*.

Where a property is either designated or listed on a municipal registry, MTO may be requested to undergo the municipal process related to provision of a Heritage Permit Application for building alterations and/or a Demolition Permit for removals. Where a property is designated and will be removed through demolition, then MTO may be required to submit an application to de-designate the property under the *Ontario Heritage Act* prior to receipt of a demolition permit. This request may go to municipal Council for approval.

### 11.1.4 GO Transit

MTO will need to reach an agreement with GO Transit for the Lake Ridge Road realignment bridge over the Canadian National and GO Transit tracks. Since GO Transit is a provincial body, no formal approval is required, but rather a letter in support of the Recommended Design.

### 11.1.5 Ontario Realty Corporation

Permanent and temporary easement agreements will be required for the portions of Ontario Realty Corporation (ORC) managed lands (such as the hydro corridor lands) which are required for the Recommended Design. Obtaining these types of easements qualifies as a Category A activity under the *Class Environmental Assessment Process Document for Management Board Secretariat & Ontario Realty Corporation* (2004). As a result, there is no need to complete a separate ORC/MBS Class EA. Further, contact and discussions with ORC staff will be undertaken in regard to these easements and the specific ORC approval requirements.

### 11.1.6 Hydro One Networks

Consent from Hydro One Networks Inc. will be required for the Recommended Design. In addition, approval from Hydro One Networks is required, prior to negotiating the required easements and agreements with ORC. Conditional approval of the Recommended Design may be provided by Hydro One.

### 11.1.7 Compliance with Provincial Plans and Policies

In addition to requiring the preceding approvals and agreements, the Recommended Design was reviewed against the applicable requirements of a significant number of provincial plans and policies to ensure these were adhered to. A total of four plans and policies were determined to be applicable:

- The Ontario Provincial Policy Statement (2005);
- Growth Plan for the Greater Golden Horseshoe (2006);
- The Oak Ridges Moraine Conservation Act and Plan (2001); and
- The Greenbelt Act and Plan (2005).

As part of identifying the Recommended Design, it was determined that the 407 East EA has fulfilled all of the relevant requirements of the preceding provincial plans and policies insofar as:

1. It has met all applicable criteria in all of the provincial documents to establish the project as a legitimate and appropriate use and activity that is needed to meet the growth and land use needs of both the Province and area municipalities in an effective manner.

2. It has taken or will take all appropriate steps in the planning, design, construction and operation of the project to ensure that negative impacts on stated or implied provincial, municipal and community interests have been kept to a minimum.
3. It has thoroughly examined alternatives to the project and has, where practical, adopted additional enhancement and mitigation measures that will enhance the long-term effectiveness and sustainability of the project.
4. Negative impacts on ecological and hydrological features, functions and processes identified in the provincial plans and other documents have been largely avoided or minimized so that there will be no significant or long-term negative effects on these features, functions or processes.
5. Where possible, opportunities to improve or enhance ecological or hydrological integrity will be pursued through the planning, design, construction and operation of the Recommended Design through adoption of appropriate mitigation measures. In addition, MTO has developed an enhancement plan as an adjunct to the 407 East EA, which identifies opportunities to provide additional social, ecological and recreational enhancements for the communities affected by this project.

## 11.2 Federal Approvals and Agreements

In accordance with the Minister approved 407 East EA ToR, a Project Description was prepared and submitted to the CEA Agency in February 2008. The document was circulated to federal departments and agencies in order to determine whether or not the Recommended Design would trigger an EA pursuant to the *Canadian Environmental Assessment Act* (CEAA).

Since the Recommended Design requires federal lands and crosses a number of watercourses, railway lines, and pipelines, the CEA Agency has confirmed that a Federal Screening is required for the 407 East EA in accordance with the CEAA.<sup>1</sup> Federal permits and authorizations are required for the project.

As noted in Chapter 10, the scope of the project for the purposes of the federal EA includes all components of the undertaking which are directly related to the regulatory and land triggers that are anticipated to be exercised by the federally responsible authorities (RAs). To this end, the federal EA considers several individual “projects” that are included in, but do not necessarily comprise, the entire undertaking as proposed by MTO.

Transport Canada (TC) and Fisheries and Oceans Canada (DFO) are both RAs under the Act as a result of decisions that each must make in relation to some components of the Recommended Design. The Canadian Transportation Authority (CTA) is participating as a potential responsible authority.

### 11.2.1 Responsible Authorities

TC’s role as an RA under the CEAA arises from the anticipated requirement for approval of a number of watercourse crossings under section 5(1)(a) of the *Navigable Waters Protection Act* (NWPA). The project also requires the acquisition of federal property in the vicinity of Brock Road and Highway 7.

TC requires an environmental assessment screening of the Recommended Design under Section 5 of the CEAA. The triggers relate to the disposition of federal land and NWPA Section 5(1)(a).

DFO’s role as an RA arises from the requirement for authorizations under section 35(2) of the *Fisheries Act* for a number of water crossings. DFO requires an environmental assessment screening of the Recommended Design under Section 5 of the CEAA. The triggers relate to several watercourse crossings that may create a Harmful Alteration, Disturbance or Destruction (HADD) of fish habitat and thus require a permit under Section 35(2) of the federal Fisheries Act.

### 11.2.2 Potential Responsible Authorities

The CTA is participating as a potential RA as there may be a requirement for an approval under subsection 101(3) of the *Canada Transportation Act*.

#### 11.2.2.1 Canadian Transportation Agency

Pursuant to the *Canada Transportation Act*, an agreement between Canadian Pacific Railway (CPR) and MTO will be required in order to construct the Recommended Design at two CPR crossings: (1) east of Lake Ridge Road and between Rossland Road and Taunton Road in Whitby (West Durham Link) and (2) west of Solina Road and north of Highway 401 in Clarington (East Durham Link). An agreement between Canadian National Railways (CN) and MTO will be required to construct the new Lake Ridge Road structure over the CN tracks south of Highway 401. MTO will negotiate agreements with both CPR and CN regarding construction of the Recommended Design at these proposed crossing locations.

Under the *Canada Transportation Act*, MTO has the choice of two options for proceeding to obtain the necessary authorization:

1. Under subsection 101(1) of the Act, MTO may reach agreements with CPR and CN for the proposed crossing and no EA is required under CEAA; or

<sup>1</sup> Letter provided by CEA Agency on January 14, 2009

2. Under subsection 101(3) of the Act, if MTO is not able to achieve agreements with CPR and CN, MTO may make an application to the Canadian Transportation Agency (CTA) for authorization to construct the crossing.

If agreements are not reached with CPR and CN and an application is made to CTA by MTO under subsection 101(3), a trigger would be constituted under CEAA and the CTA may become an RA. If CEAA is triggered, a screening level assessment would be required for this project because it is not defined or described under the *Comprehensive Study List Regulations*.

#### 11.2.2.2 National Energy Board

An agreement between pipeline companies (oil and gas) and MTO will be required in order to construct the Recommended Design at four pipeline crossings. The Trans-Northern Oil Pipeline crossing locations are identified as follows:

- East of Lake Ridge Road and north of Taunton Road in Whitby (West Durham Link)
- East of Solina and north of Pebblestone in Clarington (East Durham Link)

The Trans-Canada Gas Pipeline crossings are as follows:

- West of Simcoe Street and north of Winchester Road in Oshawa (Mainline)
- West of Rundle Road and north of Taunton Road in Clarington (East Durham Link)

This approval process includes a review by the National Energy Board (NEB). Should the pipeline company(s) or the NEB object to the proposed crossing, then a separate NEB approval would be required under the *National Energy Board Act*. If an agreement is not reached with one or both pipeline companies and MTO elects to make an application to the NEB, this application would trigger CEAA and the NEB may become an RA.

If CEAA is triggered, a screening level assessment would be required for this project because it is not defined or described under the *Comprehensive Study List Regulations*.

### 11.2.3 Additional Federal Approvals

#### 11.2.3.1 Fisheries Act – DFO

Under the *Fisheries Act*, no Harmful Alteration, Disturbance or Destruction (HADD) of fish habitat is permitted unless authorized by DFO (*Fisheries Act s.35 (2)*). Where a HADD of fish habitat is authorized by DFO, appropriate compensation shall be developed by a qualified fisheries biologist to DFO's satisfaction, to ensure no net loss of the productive capacity of the habitat occurs.

A Letter of Intent (LOI) is required prior to the issuance of an authorization pursuant to Section 35(2) of the *Fisheries Act*. The purpose of the LOI will clarify MTO's commitments and provide specific details of the project relevant to fulfilling the formal legal requirements of the authorization. In keeping with the Department's "Policy for the Management of Fish Habitat", no such authorizations are issued unless acceptable measures to compensate for the habitat loss are developed and implemented by MTO.

Compensation involves the "replacement of natural habitat, increase in the productivity of existing habitat where mitigation techniques and other measures are not adequate to maintain habitats" (DFO 1986). The purpose of compensation is to balance unavoidable habitat losses with habitat replacement, to achieve the guiding principle of No Net Loss of productive capacity, as stated in the *Policy for the Management of Fish Habitat* (DFO, 1996).

Fish shall not be harmed in any manner unless authorized by DFO (*Fisheries Act s.32 Authorization*), or MNR in accordance with a valid Scientific Collectors Permit. Collection of fish for assessment purposes may be required during subsequent design phases. In such instances, a Scientific Collectors Permit shall be obtained.

Where the use of explosives is required during construction in the vicinity of a waterbody that contains fish, they shall be used in such a manner as to ensure no harmful effects to fish occur (*Fisheries Act s.32*). Where explosives are required in the vicinity of a waterbody that contains fish, an authorization *To Kill Fish By Means Other Than Fishing* may be required under section 32 of the *Fisheries Act*.

#### 11.2.3.2 Species At Risk Act – Environment Canada and DFO

Fish species, or parts or derivatives of fish species, listed as extirpated, endangered or threatened shall not be killed, harmed, harassed, captured, taken, possessed, collected, bought, sold or traded (*Species At Risk Act s.32 (1)(2)(3)*) except under a valid Scientific Collectors Permit.

Destruction of any part of the critical habitat of any listed endangered or threatened aquatic species, or an extirpated species where a recovery strategy recommends reintroduction of that species to the wild, is not permitted (*Species At Risk Act s.58 (1)(b)*).

#### 11.2.3.3 Migratory Birds Convention Act – Environment Canada

Vegetation removals associated with clearing, site access and staging must occur outside the key breeding bird period identified by Environment Canada for migratory birds (typically May 1 to July 31 for this area) to ensure compliance with the *Migratory Birds Convention Act, 1994 (MBCA)* and *Migratory Bird Regulations (MBR)*.

If works must be conducted during the breeding bird season, a nest survey should be conducted by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the *MBCA*. In the event that an active nest of such a species is located, a mitigation plan shall be developed to address any potential impacts on migratory birds and their active nests, and should be approved by Environment Canada – Ontario Region prior to implementation.

### 11.3 Municipal Approvals and Agreements

Undertakings of the Province are exempt from many of the typical municipal approvals. However, it is anticipated that a number of municipal approvals may be required from the Region of Durham, City of Pickering, Town of Ajax, Town of Whitby, City of Oshawa, Municipality of Clarington and utility companies/authorities for such items as road closures, entrance permits, road detours and temporary traffic management, utility relocation, noise by-law exemptions, property agreements, and temporary power and water supply for construction.

#### 11.3.1 Region of Durham

With regard to the Region of Durham, the following approvals may be required for the Recommended Design:

- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the Region to obtain the necessary rights for lands that are currently owned by the Region and have been identified as being required for the Recommended Design.
- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Closure By-Law* – A municipal by-law may be required for the permanent closure of existing Brock Road at the 407 right-of-way in accordance with the *Municipal Act* and the *Municipal Class Environmental Assessment Process*.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing regional roads.
- *Regional Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any regionally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Health Unit Approvals* – Permits may be required for the replacement of existing septic systems and wells and for the decommissioning of existing wells for those systems affected by the Recommended Design.
- *Sign Permits* – Permits may be required for the replacement, restoration or establishment of signs along regional roads subject to any permitting and/or construction requirements.

#### 11.3.2 City of Pickering

With regard to the City of Pickering, the following approvals may be required for the Recommended Design:

- *Noise By-Laws* – Exemptions may be required to the City of Pickering noise by-law for construction noise. Exceptions may include requirements to operate beyond standard work hours of 7:00 am to 7:00 pm Monday to Saturday, and/or to operate construction equipment that exceeds MOE noise guideline NPC-115 levels applicable to maximum construction equipment sound levels.
- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the City of Pickering to obtain the necessary rights for lands that are currently owned by the City and have been identified as being required for the Recommended Design.
- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Closure By-Laws* – Municipal by-laws may be required for the permanent closures of several municipal roads/road allowances at the 407 right-of-way (i.e. Paddock Road and Sideline 4) in accordance with the *Municipal Act* and the *Municipal Class Environmental Assessment Process*.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing municipal roads.
- *Municipal Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any municipally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Municipal Sign By-laws* – Permits may be required for the replacement, restoration or establishment of signs along municipal roads or trails subject to any permitting and construction requirements.

#### 11.3.3 Town of Ajax

With regard to the Town of Ajax, the following approvals may be required for the Recommended Design:

- *Noise By-Laws* – Exemptions may be required to the Town of Ajax noise by-law for construction noise. Exceptions may include requirements to operate beyond standard work hours of 7:00 am to 7:00 pm Monday to Saturday, and/or to operate construction equipment that exceeds MOE noise guideline NPC-115 levels applicable to maximum construction equipment sound levels.
- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the Town of Ajax to obtain the necessary rights for lands that are currently owned by the Town and have been identified as being required for the Recommended Design.

- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing municipal roads.
- *Municipal Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any municipally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Municipal Sign By-laws* – Permits may be required for the replacement, restoration or establishment of signs along municipal roads or trails subject to any permitting and construction requirements.

#### 11.3.4 Town of Whitby

With regard to the Town of Whitby, the following approvals may be required for the Recommended Design:

- *Noise By-Laws* – Exemptions may be required to the Town of Whitby noise by-law for construction noise. Exceptions may include requirements to operate beyond standard work hours of 7:00 am to 7:00 pm Monday to Saturday, and/or to operate construction equipment that exceeds MOE noise guideline NPC-115 levels applicable to maximum construction equipment sound levels.
- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the Town of Whitby to obtain the necessary rights for lands that are currently owned by the Town and have been identified as being required for the Recommended Design.
- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Closure By-Laws* – Municipal by-laws may be required for the permanent closures of several municipal roads/road allowances at the 407 right-of-way (i.e. Halls Road, Country Lane and Garrard Road) in accordance with the *Municipal Act* and the *Municipal Class Environmental Assessment Process*.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing municipal roads.
- *Municipal Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any municipally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Municipal Sign By-laws* – Permits may be required for the replacement, restoration or establishment of signs along municipal roads or trails subject to any permitting and construction requirements.

#### 11.3.5 City of Oshawa

With regard to the City of Oshawa, the following approvals may be required for the Recommended Design:

- *Noise By-Laws* – Exemptions may be required to the City of Oshawa noise by-law for construction noise. Exceptions may include requirements to operate beyond standard work hours of 7:00 am to 7:00 pm Monday to Saturday, and/or to operate construction equipment that exceeds MOE noise guideline NPC-115 levels applicable to maximum construction equipment sound levels.
- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the City of Oshawa to obtain the necessary rights for lands that are currently owned by the City and have been identified as being required for the Recommended Design.
- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Closure By-Laws* – A municipal by-law may be required for the permanent closures of several municipal roads/road allowances at the 407 right-of-way (i.e. Wilson Road) in accordance with the *Municipal Act* and the *Municipal Class Environmental Assessment Process*.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing municipal roads.
- *Municipal Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any municipally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Municipal Sign By-laws* – Permits may be required for the replacement, restoration or establishment of signs along municipal roads or trails subject to any permitting and construction requirements.

#### 11.3.6 Municipality of Clarington

With regard to the Municipality of Clarington, the following approvals may be required for the Recommended Design:

- *Noise By-Laws* – Exemptions may be required to the Municipality of Clarington noise by-law for construction noise. Exceptions may include requirements to operate beyond standard work hours of 7:00 am to 7:00 pm Monday to Saturday, and/or to operate construction equipment that exceeds MOE noise guideline NPC-115 levels applicable to maximum construction equipment sound levels.
- *Property Agreements (easements, encroachment agreements)* – Agreements will be required with the Municipality of Clarington to obtain the necessary rights for lands that are currently owned by the Municipality and have been identified as being required for the Recommended Design.

- *Road Occupancy Permits* – Permits may be required for construction of the Recommended Design on the existing road right-of-ways, sidewalks or boulevards.
- *Road Closure By-Laws* – Municipal by-laws may be required for the permanent closures of several municipal roads/road allowances at the 407 right-of-way (i.e. Leask Road, Washington Road, Rundle Road, Cedar Park Road, Acres Road, Cole Road and Nixon Road) in accordance with the *Municipal Act* and the *Municipal Class Environmental Assessment Process*.
- *Road Entrance Permits* – Permits may be required for closing and establishing new entrances on existing municipal roads.
- *Municipal Utility/Infrastructure Relocation* – Agreements or permits will be required for the relocation of any municipally owned utilities or infrastructure (i.e. watermains, forcemains, etc).
- *Municipal Sign By-laws* – Permits may be required for the replacement, restoration or establishment of signs along municipal roads or trails subject to any permitting and construction requirements.

#### 11.3.7 Utility Companies / Authorities

Contact has been made and discussions have taken place with all potentially affected utility companies / authorities within the study corridor. The Recommended Design requires a number of utilities to be relocated. During subsequent design phases, formal notification and consent will be obtained from these authorities. This will potentially include the relocation of overhead or underground utility plant by the following authorities, as required:

- Bell Telephone / Fibre Optics
- Enbridge Inc.
- Trans-Northern Pipeline
- TransCanada Pipelines
- Union Gas
- Hydro One
- Veridian Corporation
- Rogers Cable

Approvals from the applicable local electrical authorities will be required for temporary electrical power to be provided for construction purposes. The range for the power supply is typically between 800 kVA and 1000 kVA. Upgraded power supplies will be required to be extended to the construction sites. Applicable power supply will be determined during subsequent design phases.

#### 11.4 MTO Class EA Requirements

Once the EA Report is approved, the remainder of the assessment will be carried out under the MTO Class EA process, which will apply to design, construction and operations/maintenance at the Detailed Design level for the highway component and at the Preliminary Design and Detailed Design level for the transitway component.

The *MTO Class Environmental Assessment (Class EA) for Provincial Transportation Facilities, July 2000*, process, page 6-8, states that:

*“For Group A new freeway projects:*

*The TESR is mandatory if Environmental Assessment approval for the project was granted at the completion of Planning.*

*The TESR is not prepared if Environmental Assessment approval for the project was granted during Preliminary or Detailed Design.”*

The 407 East EA included the Preliminary Design stage for the highway component of the transportation corridor and the Planning stage for the transitway as part of the Individual EA process. Therefore, Transportation Environmental Study Reports (TESRs) are not required in the subsequent Detailed Design stage for the highway component of the transportation corridor but will be required for the transitway component to document the Preliminary Design.

For the highway component of the transportation corridor, Design and Construction Reports (DCRs) are mandatory given that the EA Report does not document Detail Design (i.e. if the EA Report is submitted at the completion of development of the preferred planning alternative, evaluation and selection of the preferred Preliminary Design alternative, or development of the Preliminary Design). DCRs will be filed on a section-by-section basis during Detailed Design (usually by contract) for each section of highway, documenting the design, the commitments for construction, and any necessary commitments for environmental concerns, maintenance/ operations and monitoring requirements.

The subsequent Detailed Design stage will continue the consultation process carried out during the route-planning and preliminary design phase of the EA and will involve federal and provincial agencies, municipalities, interest groups, First Nations and the public.