Ontario

407 TRANSITWAY

From East of Highway 400 to Kennedy Road

Environmental Project Report

Section 9: Commitments to Future Action

Delcan IBI GROUP

in association with

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9. COMMITMENTS TO FUTURE ACTION

During the TPAP, MTO has worked closely with stakeholders to address and resolve issues or concerns identified. However, not all issues can be addressed within the context of a TPAP since the design of the 407 Transitway has been prepared at a preliminary design level and further details are required to finalize detail design, planning initiatives, construction issues and permits/approvals. The following sections present MTO's commitments to future action during the Detail Design Stage.

9.1 Permits and Approvals

MTO will secure necessary permits and approvals for the implementation of the 407 Transitway including, but not limited to:

- Railway crossing agreements and pipeline crossing agreements, as required;
- Hydro One agreements to permit construction of transitway facilities within the hydro corridor;
- Ontario *Endangered Species Act* (ESA) and Canada *Species at Risk Act* (SARA) Permits, as required;
- *Fisheries Act* Authorization, as required;
- Permit(s) to Take Water (for locations where dewatering exceeds 50,000 litres per day); and,
- Any other permits and approvals from MOE, as required.

MTO will consult with municipalities and secure any necessary permits if required prior to construction. Transport Canada has indicated that approval under the *Navigable Waters Protection Act* will not be required for this project as none of the watercourses located in the study area are considered navigable.

9.2 Consultation

MTO will consult with the public, property owners and stakeholder agencies during the Detail Design Stage of the 407 Transitway runningway, stations, and the maintenance and storage facility. Continued discussions will be held with, but not limited to:

- York Region, City of Vaughan, Town of Richmond Hill and Town of Markham to ensure integration of the 407 Transitway with municipal land use and development plans and existing and future transit facilities;
- Highway 407 ETR;
- Hydro One Networks Inc.;
- Ontario Realty Corporation (ORC);
- Metrolinx/GO Transit;
- Toronto Transit Commission (TTC);
- Department of Fisheries and Oceans (DFO);
- Canadian Environmental Assessment Agency (CEAA);
- Ministry of Natural Resources (MNR);
- Ministry of Tourism and Culture;
- Toronto and Region Conservation Authority (TRCA);
- Ministry of the Environment (MOE); and,
- Other federal and provincial agencies, as required.

9.3 Detail Design Stage and Construction Issues

MTO will carry out the following activities during the Detail Design Stage of the project:

- Review and adjust, where necessary, the conceptual and preliminary design of all facilities that form part of this undertaking, following any new municipal development plan, transit operational changes and new infrastructure development occurring after the conduct of this TPAP;
- Prepare an erosion and sedimentation control plan, which complies with Ontario Provincial Standards and TRCA guidelines;
- Conduct a Phase 2 Environmental Site Assessment for any areas of existing contamination prior to construction. Contaminated soils will be managed in accordance with environmental legislation, regulations and guidelines;
- Develop procedures for disposal of excavated materials, including excess soils, in accordance with Ontario Provincial Standards;
- Conduct a pre-construction and post-construction surface water quality assessment. Assess the following drainage and SWM plan:

i. The redesign and reconstruction, if necessary, of 407 ETR ponds that may be affected by 407 Transitway facilities.
ii. The adequacy of four 407 ETR ponds identified in the study to serve as outlets for 407 Transitway drainage areas will need to be confirmed.
iii. The HEC-RAS model developed for Tributary 1 of Black Creek will be updated to take into account the proposed work for the Toronto-York Spadina Subway Extension project. In addition, the study entitled "Black Creek Stormwater Optimization Master Plan Class Environmental Assessment" undertaken by the City of Vaughan is in the process of being finalized and has not been specifically addressed in our work. The intent and targets of this study should be considered during the preparation of the detail design.
iv. The grading plans for the stations are not available. Given their close proximity to watercourses, grading plans will be prepared to confirm the constructability of the ponds, to avoid encroachment into the floodplains, and to ensure that the ponds are set high enough to avoid back-water effects from the watercourses into the ponds.
v. At the West Don River, several crossings are proposed in an area that is currently considered to be in the floodplain. To minimize encroachment of the 407 Transitway into the floodplain, the construction of vertical walls or elevated structures will be considered.
vi. A re-alignment of the creek to the west of Leslie Station may be required to minimize the risk of flooding of the station if changes to the transitway alignment are not possible. The proposed pond for Leslie Station is located in the hydro corridor. A creek re-alignment would also make space for the pond.

vii. The culvert under Highway 7 west of Bathurst Street appears to be significantly over-sized based on water flow calculations. Final crossing details to be assessed during the detailed design; and,

viii. The crossings over the Tributaries 1 and 2 of the East Don River should be reviewed further to minimize large amounts of embankment fill. A cut and fill analysis should be performed for this crossing during re-design of the existing pond.

- Further develop a SWM and monitoring plan, including emergency spill prevention and reporting;
- Conduct foundations investigations for all new bridges located along the 407 Transitway. A strategy for mitigating potential impacts to groundwater will be developed, where warranted;
- Prepare an Environmental Management Plan where dewatering has potential to negatively impact fish habitat, wetlands or forests. Water treatment methods of water discharge will comply with prevailing water guidelines and requirements. Monitor water levels in selected wells during positive dewatering activities, as required. A site-specific testing to assess the need for and suitability for enhanced infiltration techniques will be considered, if required;
- Conduct a water well study to assess any impacts to water wells from construction and operation of the transitway. Any work done on affected wells or any replacement well pursuant to O. Reg. 903, Wells (under the *Ontario Water Resources Act*);
- Conduct ecological, fluvial geomorphological and hydraulic assessment at the watercourse/drainage features located at the Woodbine/Rodick Station area;
- Screen watercourse crossings for a HADD/no HADD in accordance with the MTO/DFO/MNR Fisheries Protocol. In areas where it is determined that a HADD will occur, a Fish Habitat Compensation Agreement will be negotiated with regulatory agencies.
- Evaluate any additional impacts to the TRCA Natural Heritage System, if applicable;
- Investigate any opportunities to transplant any affected regionally and/or locally significant plants and feasibility for habitat creation/enhancement to off-set any loses;
- Prepare and implement vegetation restoration, tree protection and edge management plans;
- Conduct field investigation and consult with the Ministry of Natural Resources to confirm presence/absence and distribution of the nine species regulated under the Ontario *Endangered Species Act* and the Canada *Species At Risk Act*;
- Further develop landscaping plans;
- Conduct a feasibility study for the installation of noise mitigation measures;
- Implement best management practices to mitigate noise, vibration and air quality during construction;
- Develop traffic, parking, transit, cycling and pedestrian management strategies to be included in construction contract drawings. Traffic conditions will be monitored during construction to verify that all temporary traffic accommodation measures effective;
- Develop utility, pipeline and municipal servicing relocation plans with service providers;
- Prepare Cultural Heritage Resource Documentation Reports and/or undertake Cultural Heritage Impact Assessments at the select sites to address provincial and municipal requirements;
- Conduct a Stage 2 Archaeological Assessment for areas with archaeological potential;
- Manage any brownfield sites in accordance with Ontario Regulation 153/04 and Ontario Regulation 511/09 once it comes into force, as applicable; and,
- Proceed with negotiations with property owners affected by the 407 Transitway facilities.

9.4 Canadian Environmental Assessment Act Determination

A CEAA determination will be secured under the *Canadian Environmental Assessment Act*, if triggered.

9.5 Addendum Process

MTO will prepare an addendum if significant changes to the project occur after the Notice of Completion is issued and filed in accordance with Section 15 of the Transit Projects Regulation, including:

- Preparation of an addendum to the Environmental Project Report;
- Preparation of a Notice of Addendum to the Environmental Project Report; and,
- Distribution of the Notice of Addendum to relevant stakeholders and the Ministry of the Environment.