January 14, 2015

Ms. Nisha Shirali
Environmental Resources Planner and EA Coordinator
Ministry of Environment and Climate Change
5775 Yonge Street, 8th Floor
North York, ON M2M 4J1
Nisha.Shirali@ontario.ca

RE: CP Rail Crossing at New Coronation Road Class EA
Town of Whitby
Response to Comments on Project File Report

Dear Ms. Shirali,

This letter is in response to your comments regarding the CP Rail Crossing at New Coronation Road Schedule ‘B’ Municipal Class EA. Please note that this letter will be posted on the Project website, as well as attached to the Project File Report to make sure that all comments are carried forward into the detailed design for the Study. Your comments have been addressed as follows:

1. **MOECC Comment:** In the project file, please include a list of all subsequent permits or other approvals that may be required for the implementation of the preferred alternative, including Permits to Take Water, Environmental Compliance Approvals or other Ministerial approvals, approval under the Canadian Environmental Assessment Act (CEAA), and conservation authority permits.

   HMM Response: The following permits will be required prior to construction:
   - Permit to Take Water;
   - Ontario Regulation 42/06 permit from CLOCA (proposed work within floodplain and adjacent to wetland communities);
   - Permit from MNR may be required under Section 17(2)(c) of ESA if works proposed within habitat of a threatened or endangered species.

2. **MOECC Comment:** We recommend that the proponent consult with the ministry’s Central Region Permit to Take Water (PTTW) Coordinator prior to detailed design to confirm any approval requirements for water takings during construction or operation. This includes groundwater or surface water extraction, and the active diversion of surface water flows by pumping in exceedance of 50,000 LPD. If a PTTW is required for construction dewatering, a site specific monitoring program for discharge water quality and quantity, as well as a mitigation program may need to be developed.

   HMM Response: Town of Whitby to contact MOE’s PTTW Coordinator prior to detailed design.

3. **MOE Comment:** Parts of the study area are subject to the Provincial Policy Statement (2014) and Growth Plan for the Greater Golden Horseshoe.
Project File should demonstrate how the proposed study adheres to the relevant policies in these plans.

HMM Response: The following section was missed in the Project File Report and should be included under Section 3.2.1. The Provincial Policy Statement (2014) provides direction on matters of Provincial interest related to land use and planning. Municipal decisions affecting planning matters must be consistent with the Planning Act. Section 1.6 of the PPS was reviewed as it relates to planning and development of transportation systems, specifically regarding 1.6.7.1 and the provision of transportation systems which are safe and facilitate the movement of people and goods, which also address projected needs. As well as 1.6.7.4 which outlines the support for current and future use of transit and active transportation (the new crossing will include sidewalks and bike lanes as appropriate). The PPS outlines policies relevant to the conversation of heritage features contained in Section 2 – Wise Use and Management of Resources which were reviewed as they relate to the Study. Policies related to Natural Heritage Features were reviewed as they related to the Existing Natural Environment Report, including that natural features and other areas shall be protected for in the long term. As part of the Natural Environment Report, the alternatives were evaluated to limit site alterations adjacent to natural heritage features. Policies related to Cultural Heritage and Archaeological Resources, including the preservation of significant built heritage resources and cultural heritage landscapes were reviewed. Both a Cultural Heritage Assessment Report to document existing cultural heritage features within the Study Area, as well as a Stage 1 Archaeological Assessment to document any potential archaeological impact.

In addition, the Project Team reviewed the pertinent Official Plans, including the Region of Durham Official plan which identifies the subject lands within a Living Area under the Urban System designation with adjacent areas identified as Major Open Space Areas within the Greenlands System. Schedule B of the official Plan identifies the presence of ‘Key Natural Heritage and Hydrologic Features’ within the subject property associated with the two watercourses. The Town of Whitby Official Plan Schedule C identifies the study area as located in Hazard Lands and Mature Woodlands. In accordance with the Provincial Policy Floodplain Policy Statement, no changes are permitted in areas subject to periodic flooding or physical limitations without the consent of the Central Lake Ontario Conservation Authority. The Study Area is located within the West Whitby Secondary Plan which is bounded by Environmental Protection Areas to the northeast, northwest, and southwest of the crossing, as well as mixed use to the southeast.

Growth Plan for the Greater Golden Horseshoe
As the Province’s Growth Plan allocates population and employment growth for the Region of Durham, the Class EA took into account the projected population and employment growth numbers to assess traffic projections through the Study Area to the year 2031. Regional Official Plan Amendment (ROPA) 128 was initiated to bring the Durham Regional Official Plan into conformity with the Provincial Growth Plan for the Greater Golden Horseshoe and was approved by the Ontario Municipal Board on January 9, 2013.
128 expanded the Urban Area Boundary to add Living Area and Employment Area lands generally along the future Highway 407. Town of Whitby - Official Plan Amendment (OPA) 90 was adopted by Council on September 9, 2010 (presently under appeal) to conform to the Growth Plan for the Greater Golden Horseshoe and the Region of Durham Official Plan as amended by ROPA 128 related to population and employment targets to the year 2031. Growth forecasts for the Town of Whitby include a population of 192,860 by the year 2031, as well as employment increase to 71,310. In addition, future urban development areas will have a minimum density target of 50 jobs and persons per hectare. The purpose of OPA 90 is to incorporate policies into the Official Plan on intensification, to implement the Growth Plan for the Greater Golden Horseshoe. The Study Area is located within the West Whitby Secondary Plan (OPA 91) which was approved by Whitby Council on June 22, 2010.

4. MOECC Comment: In Section 4.4, more rationale needs to be provided for choosing the Overpass alternative. Table 4 outlines preferred options in various categories, but the table indicates that all three options are equally preferred. The Overpass is preferred for Natural Environment and Transportation and Safety. The Underpass is preferred for Socio-Economic and Cultural Environment and Transportation and Safety. The Do Nothing option is preferred for Engineering and Property and Cost. As the three options appear to be equally preferred, more justification should be provided for the ultimate choice of the Overpass option.

HMM Response: The three alternatives are similar based on the evaluation criteria. The evaluation table presented at the second Public Information Centre (PIC 2) (attached) identifies the overpass alternative as the preferred solution. The Overpass and Underpass alternatives are preferred for transportation and safety. Both of these alternatives separate cars and active transportation users from the railway, improving safety compared to the at-grade (Do Nothing alternative). The At-Grade alternative is preferred for engineering/property and cost estimate, based on the fact that no additional property will be required, and costs for the at-grade will be minimal in comparison. The underpass alternative is preferred for socio-economic, as the noise is reduced based on its position below the railway. The overpass alternative is preferred over the underpass for engineering/property and preliminary cost, because from an engineering perspective, the underpass will result in localized flooding and the need for a pumping station (based on the very shallow groundwater table). It will also result in continued spills across the tributaries which is a significant concern to Central Lake Ontario Conservation Authority (CLOCA). In addition, the underpass requires costly construction detouring, including temporary railway diversion and complex staging of work. Overall, the underpass has significant engineering/property and cost limitations and the at-grade has significant safety concerns. Therefore, the overpass alternative remains the preferred alternative from all of the identified criteria.

5. MOECC Comment: Section 6 should be revised to reflect a commitment on behalf of the Town of Whitby to undertake the proposed work, or ensure it is
undertaken by the contractor. Specifically, recommendations to carry out mitigation measures should be reworded as commitments.

HMM Response: Comment noted - Section 6 to read ‘commitments’ rather than ‘recommendations’.

6. MOECC Comment: In Section 6, any potential air quality impacts should be assessed and used in the evaluation of alternatives for the proposed project. Appropriate mitigation measures of any potential effects should be identified.

HMM Response: In reference to MTO’s Environmental Standards and Practices for Air Quality and Greenhouse Gas Emissions, individual and larger Group projects may not require an assessment if: there is a relatively small increase in the number of emission sources; and/or sufficient distance from the edge of the highway right-of-way to sensitive receptors. As discussed in the PFR, New Coronation Road is a new arterial road as a result of the displaced Halls Road resulting in a relatively small increase in the number of emission sources (vehicles), and the New Coronation Road will be located a sufficient distance from sensitive receptors. As a result, the team decided that it was not necessary to evaluate the alternatives based on air quality. In addition, all three alternatives would have the same air quality impact on distant receptors. However, the construction of the overpass will be required to include appropriate mitigation measures as appropriate, as described below.

7. MOECC Comment: During construction, please apply best management practices to mitigate any air quality impacts caused by construction dust. Please note that the ministry recommends that non-chloride dust suppressants be applied.

HMM Response: Subsequent consultant to ensure that best management practices are used to mitigate any air quality impacts caused by construction dust. Example of a dust suppressant includes water and non-chloride to minimize airborne particulates and maintain air quality.

8. MOECC Comment: During the detailed design stage, if any wells are discovered to be used domestically please ensure that any affected well owners will continue to have water supplies of appropriate quality and in adequate quantities during construction. Please also ensure that any work done on affected wells or any replacement wells is done pursuant to O. Reg. 903, Wells (pursuant to the Ontario Water Resources Act).

HMM Response: During detailed design, wells to be assessed through a monitoring plan to make sure that well owners continue to have water supply. In addition, work will be completed pursuant to O. Reg. 903, Wells as noted.

9. MOECC Comment: Please note that two Notices of Completion must be published in separate issues of the same newspaper. Please confirm whether this occurred as Section 7.4.3 lists only one date of publishing (October 23, 2014). If not, another notice should be published in the same newspaper.
HMM Response: An additional notice (attached) was published in the same newspaper on November 26, 2014.

10. MOECC Comment: In the Agency Consultation List in Appendix A, please change the MOECC contact information from Ms. Dorothy Moszynski to Nisha Shirali.

HMM Response: Adjusted and will be reflected in future Class EAs.

11. MOECC Comment: Table 6 of the Project File, on page 57, indicates that the Ministry of Aboriginal Affairs noted that the project appears to be located in an area where First Nations communities may have existing or asserted rights of claims or litigation that could be impacted by the project, including Beausoleil First Nation and Chippewas of Rama. The project team was also advised by the Ministry of Aboriginal Affairs to contact Georgian Bay Metis Council and the Moon River Metis Council to the Metis Nation of Ontario. There is no evidence from the agency contact list in Appendix A that these groups were contacted. Please clarify whether this happened and if not, why.

HMM Response: It would appear that the additional First Nation communities as identified by the Ministry of Aboriginal Affairs were missed during the notification periods. Additional letters (dated January 14, 2015) were issued to these communities advising of the Notice of Study Completion, including the locations that the Project File Report can be reviewed, as well as to solicit input by the end of February 2015. Any comments received from First Nation communities will be provided to the MOECC, and attached to the PFR.

12. MOECC Comment: Please clarify whether a response was received from Aboriginal Affairs and Northern Development Canada

HMM Response: No response was received from Aboriginal Affairs and Northern Development Canada.

Should you have any further questions, please do not hesitate to contact the undersigned and thank you again for your comments.

Yours truly,

Melissa Alexander
Environmental Planner
Hatch Mott MacDonald

MA: kg
Encl. Evaluation table from PIC No. 2
Additional Notice of Study Completion

CC: H. Look – Town of Whitby
### Evaluation of Alternatives

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<thead>
<tr>
<th>Planning Alternative</th>
<th>At-Grade (Do Nothing)</th>
<th>Overpass (Road over Rail)</th>
<th>Underpass (Road under Rail)</th>
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<tr>
<td>Natural Environment</td>
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<td>Socio-Economic Environment</td>
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<td>Cultural Environment</td>
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<td>Transportation &amp; Safety</td>
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<td>Preliminary Cost Estimate</td>
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<td>OVERALL</td>
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#### LEGEND
- **Least Preferred**
- **Preferred**
- **Most Preferred**

**Hatch Mott MacDonald**
Notice of Study Completion

Municipal Class Environmental Assessment and Preliminary Design Study CP Rail Crossing at New Coronation Road

The Study

The Town of Whitby has completed a Class Environmental Assessment (Class EA) Study to identify the preferred solution and preliminary design for the CP Rail Crossing at New Coronation Road (see Figure 1).

The study was completed in accordance with the planning and design process for Schedule ‘B’ projects as outlined in the Municipal Engineers Association ‘Municipal Class Environmental Assessment’ (October 2011) which is an approved process under the Ontario Environmental Assessment Act. The preferred alternative is an overpass (road over rail) grade-separated crossing.

Project File Report

A Project File Report has been prepared to document the background information, study process, and alternatives evaluated for this study. The Project File Report is available for a 30-day review period at the following locations:

Public Works Department
575 Rossland Road East
Whitby, Ontario L1N 2M8
Tel: 905.430.4307

Whitby Public Library - Rossland Branch
701 Rossland Road East
Whitby, Ontario L1N 8Y9
Tel: 905.668.1886

The Project File Report is also available on the Town’s website at: www.whitby.ca>Town Hall>Public Works>Engineering Services>Environmental Assessments.

Further information can also be obtained by contacting the Town of Whitby Public Works Department.

Please provide written comments to the Town of Whitby on or before November 28, 2014. If concerns regarding this project cannot be resolved in discussions with the Town, a person/party may request that the Minister of the Environment and Climate Change make an order for the project to comply with Part II of the Ontario Environmental Assessment Act (referred to as a “Part II Order”). Requests must be received by the Minister, at the address below. A copy of the request must also be sent to the Town’s Project Engineer and the Town Clerk at the addresses indicated below:

Glen R. Murray
Minister of Environment and Climate Change
77 Wellesley St. West
11th Floor, Ferguson Block
Toronto, Ontario M7A 2T5

Horace Look - Project Engineer
Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8

Debbie Wilcox - Town Clerk
Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8

If there are no Part II orders received by November 28, 2014, the Town may proceed with design and construction as outlined in the Project File Report. The timing of construction is subject to the completion of detailed design, property acquisitions, utility relocations, other relevant studies and Council approvals.

Personal information is collected under the authority of Section 11 of the Municipal Act, 2001 and will be used for information purposes only for this project. Questions regarding the collection and use of personal information should be directed to the Town of Whitby Freedom of Information and Protection of Privacy Office, Telephone 905.430.4300.

This Notice was first issued on October 29, 2014.