



APPENDIX B

CORRESPONDENCE AND

MINUTES OF MEETINGS



Hamilton Conservation Authority

Healthy Streams...Healthy Communities!

March 2, 2012

CEA-MUN/11-03

Lorissa Skrypniak, MCIP, RPP
Senior Project Manager
Transportation Planning
Public Works Department
City of Hamilton
77 James Street North, Suite 400
Hamilton, Ontario
L8R 2K3

Dear Mrs. Skrypniak:

**Re: Garner Road/Rymal Road and Garth Street
Municipal Class Environmental Assessment**

Thank you for meeting with Lisa Jennings and me on February 29, 2012 to review the above noted issue.

It is our understanding that the Environmental Assessment is being conducted to review road improvements and upgrade options for Garner Road, Rymal Road and Garth Street within the study area. It was outlined in this meeting that based on studies done for adjacent development that the road upgrades would involve a 5 lane width for the road with urban cross sections. We have reviewed the information provided to us at the meeting and provide the following information for your reference and use.

- a) Portions of the study area are located within lands regulated by *the Hamilton Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*. These lands are associated with the headwater areas of Ancaster Creek, Tiffany Creek and the Red Hill Creek. A permit from the HCA will be required for any works proposed within these regulated areas. It is noted that this project will be phased in two sections over a period of time. As such, a permit for each phase will be required.
- b) Portions of the study area are located within the Niagara Peninsula Conservation Authority's (NPCA) watershed. In this regard, the NPCA should be contacted regarding this project. It was indicated in the meeting that it was proposed to divert flows from the Red Hill Creek watershed to the Twenty Mile Creek watershed. It is noted that as a general policy, these watershed diversions are not supported by the HCA. We do note however, that the West Central Mountain Drainage Assessment has been completed by AMEC Environment & Infrastructure and submitted to the City of Hamilton for this area as part of the Mewburn and Sheldon

RECEIVED MAR 12 2012



Neighbourhood Master Servicing Plan and should be consulted as it relates to the drainage plans for this area. This report should also provide catchment area information about this area.

- c) As part of our review of this proposal, we would request that a drainage and stormwater management report be provided to us for consideration. As Ancaster Creek, Tiffany Creek and the Red Hill Creek all drain into Hamilton Harbour, the Enhanced (Level 1) quality control for stormwater is required. We would suggest that low impact development methods be utilized to address water quality as opposed to stormceptors.
- d) There are a number of significant natural heritage features located within the study area. In order to ensure that the new development complies with other legislative approvals, we recommend that you contact Graham Buck of the Ministry of Natural Resources-Guelph District Office at 519-826-4505 or graham.buck@ontario.ca regarding the Endangered Species Act, and investigate the requirements of the Migratory Birds Convention Act. Should you require additional information regarding the Migratory Birds Convention Act, please visit the Environment Canada website at <http://www.ec.gc.ca/paom-itmb>, or contact Christian Friis of the Canadian Wildlife Service at 416-739-4908 or christian.friis@ec.gc.ca to discuss the matter further.
- e) While we have concerns regarding the entire study area specifically as it relates to the proposed watershed diversion and stormwater management, the western end of the study area is of particular concern as it contains the headwater areas of Ancaster Creek and Tiffany Creek. Maintaining these features in their natural state and maintaining the hydrology of the area is a paramount concern. The study should provide direction on how the proposed road and transportation upgrades will maintain and enhance the natural features in and adjacent to the study area. In this regard we would recommend the completion of an environmental impact study as part of the environmental assessment.

We appreciate the opportunity to comment on this proposal and would request that we be circulated on future correspondence regarding this issue. Should you have any questions, please contact the undersigned at (905)525-2181, ext. 133.

Sincerely,



T. Scott Peck, B.A., DPA, MCIP, RPP
Manager, Watershed Planning Services

TSP/tsp

Pc: Ian Upjohn, SNC – Lavalin Inc.



Hamilton District
Christian High

July 11, 2011

Ms Lorissa Skrypniak, MCIP, RPP

Senior Project Manager

City of Hamilton Public Works Department

400 – 77 James Street North

Hamilton ON L8R 2K3

RE: **GARNER ROAD / RYMAL ROAD AND GARTH STREET**

SCHEDULE C MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT

Dear Ms Skrypniak,

Thank you for your detailed response dated June 13, 2011 to my initial comments to you. I had raised a number of questions and concerns with respect to student safety and transit service near Hamilton District Christian High.

I have discussed your reply with our school administration and have advised our Property Committee. As well, our campus strategic planning group has taken your comments under advisement.

We are encouraged by the plans to relocate the #44 Rymal bus stops at the northwest and southwest corners of the Rymal/Glancaster/Garner intersection. As well, we are encouraged by the plan to include a connecting concrete sidewalk from the intersection to the existing bus loop on the west side of Glancaster Road.

We have considered the possibility of bringing the #34 Upper Paradise closer to HDCH by relocating the bus loop facility on our campus, per your proposal. In the 1990s we negotiated an agreement with ORC to maintain and develop the existing fully landscaped walking path to the current bus loop facility on Glancaster Road. Our current administration believes that from a cost / benefit analysis there is little to be gained by relocating the bus loop.

Thank you for your careful attention to our concerns. I look forward to seeing the forthcoming refinement and assessment at the second Public Information Centre.

Kind regards,

Harry Meester

Director of Recruitment & Advancement

t. 905-648-6655 | f. 905-648-3139 | www.hdch.org

92 Glancaster Road, Ancaster ON L9G 3K9



**Hamilton District
Christian High**

May 2, 2011

Ian Upjohn, MCIP, RPP

Project Manager

SNC-Lavalin Inc.

195 The West Mall

Toronto ON M9C 5K1

Re: Garner Road / Rymal Road EA

Dear Mr Upjohn,

Further to my email, I would like to express the interest of Hamilton District Christian High to participate in the EA process related to the development of Garner and Rymal Roads.

HDCH is situated on a 20 acre parcel near the centre of the EA Study area. The school has been at this location since 1989 and will likely remain and develop here for the foreseeable future. Currently, 484 students and 50 staff travel here daily.

While most arrive by car and school bus, and significant number of students cycle, walk and travel by HSR. We would like to encourage these sustainable practices. However, particularly with the new poorly-placed Route 44 HSR bus stops, our students are forced to walk on narrow, unlit gravel shoulders near traffic which often passes pedestrians at fairly high speed. Especially in winter, we perceive this as a very real pedestrian safety hazard. If it takes years for this hazard to be remedied, we fear the risk of delay.

As well, as stakeholders we may wish to have input on other aspects of road development. Kindly add us to the study mailing list.

Kind regards,

A handwritten signature in black ink, appearing to read 'Harry Meester', written over a white background.

Harry Meester

Director of Recruitment & Advancement



Votre référence - Your file

09 JUN 2010

Notre référence - Our file

Lorissa Srypniak
Senior Project Manager
Capital Planning and Implementation,
Public Works Department
320-77 James St., N.
Hamilton ON, L8R 2K3

Dear Ms. Srypniak:

**Re: Notice of Study Commencement Garner Road/ Rymal Road and
Garth Street schedule C Municipal Class Environment Assessment**

I am writing in response to your letter of May 3, 2010 addressed to Franklin Roy inquiring about any claims that may affect the subject property. I regret that we were unable to respond earlier.

We can inform you that our inventory includes active litigation (cases) in the vicinity of this property. It is ***Six Nations of the Grand River Band of Indians v. Attorney General for Canada and Her Majesty the Queen in Right of Ontario, Ontario Superior Court of Justice, filed in Brantford, court reference number 406/95.***

I am unable to comment with respect to the possible effect of this claim as the case has not yet been adjudicated and any statement regarding the outcome of the litigation would be speculative at this point. It is recommended that you consult legal counsel as to the effect this action could have on the lands you are concerned with.

If you are interested in further details about this claim, copies of the pleadings can be obtained from the Court for a fee. Please contact the appropriate Court Registry Office and make reference to the court file number listed above.

We cannot make any comments regarding claims filed under other departmental policies. For information on any claims you should also contact Don Boswell of the Specific Claims Branch at (819) 953-1940 to inquire about any Specific Claims. To inquire about any current Comprehensive Claims, please contact

.../2

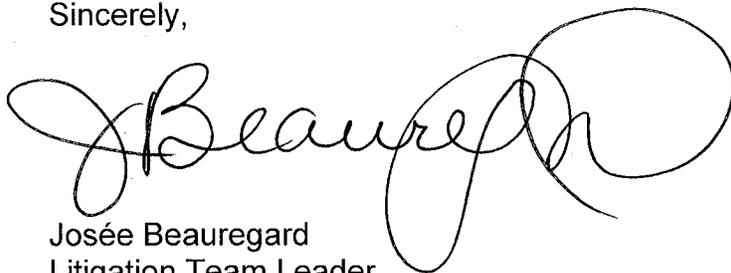
RECEIVED JUN 14 2010

Nicole Cheechoo of Treaty and Aboriginal Government Central Operations at (819) 997-3499.

If you have any further questions please do not hesitate to contact me at (819)994-1947. (Also, please note that all future requests of this nature should no longer be addressed to Franklin Roy. Instead, could you kindly modify your distribution list to send these requests to the following destination:

Josée Beauregard, Ontario/Nunavut Team
Indian and Northern Affairs
LITIGATION MANAGEMENT AND RESOLUTION BRANCH
25 Eddy Street
Gatineau, Quebec
K1A 0H4)

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Beauregard', with a large, stylized flourish at the end.

Josée Beauregard
Litigation Team Leader
Eastern Litigation Directorate
Litigation Management and Resolution Branch

DISCLAIMER: In this Disclaimer, "Canada" means Her Majesty the Queen in right of Canada and the Minister of Indian Affairs and Northern Development and their servants and agents. Canada does not warrant or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any data or information disclosed with this correspondence or for any actions in reliance upon such data or information or on any statement contained in this correspondence. Data and information is based on information in departmental records and is disclosed for convenience of reference only. Canada does not act as a representative for any Aboriginal group for the purpose of any claim. Information from other government sources and private sources (including Aboriginal groups) should be sought, to ensure that the information you have is accurate and complete.

Ministry of the Environment
West Central Region

Ministère de l'Environnement



119 King Street West
12th Floor
Hamilton, Ontario L8P 4Y7
Tel.: 905 521-7640
Fax: 905 521-7820

119 rue King ouest
12e étage
Hamilton (Ontario) L8P 4Y7
Tél. : 905 521-7640
Télec. : 905 521-7820

June 15, 2010

Ms L. Skrypniak
Public Works Department
City of Hamilton
Capital Planning and Implementation
320-77 James Street North
Hamilton, Ontario
L8R 2K3

Dear Ms Skrypniak:

**Re: Notice of Study Commencement
Garner Road/Rymal Road and Garth Street
Schedule C Municipal Class Environmental Assessment**

Thank you for your Notice advising of the commencement of a class EA for the above-noted road project. It is understood that the City is proceeding in accordance with the requirements for Schedule "C" undertakings under the MEA Class Environmental Assessment. This project has been initiated to evaluate options for the widening of Garner/Rymal Road and Garth Street in the vicinity of the Garth Street and Rymal Road intersection.

Schedule "C" projects require preparation of a Environmental Study Report (ESR) that is prepared when the preferred design has been selected and design work has progressed to the point where the details of any environmental protection measures to be incorporated in the construction package have been finalized. A suggested outline for an ESR is presented in the MEA Class EA document. Once the ESR is finalized a Notice of Completion is issued, allowing the public at least a 30 calendar day period for documentation review and comment. You are also reminded that when concerns are raised during the public comment period, the concerned party should be consulted in an attempt to resolve the concerns. Discussions may result in the 30-day review period being exceeded. The concerned party must be advised that if discussions are unsuccessful at resolving the concerns, they can submit a Part II Order request if they have not already done so to the Minister within a further seven calendar days following the end of discussions.

Please note that as part of the required stakeholder and agency consultation, proponents are advised to contact the following agencies to determine potentially affected Aboriginal communities in the project area. You are encouraged to visit the ministry's website at http://www.ene.gov.on.ca/envision/env_reg/ea/english/General_info/GRTLlist.htm for the most up to date contact list in this regard. Once identified, you are advised to provide notification directly to the Aboriginal communities who may be affected by the project and provide them with an opportunity to participate in any planned public consultation sessions and comment on the project.

RECEIVED JUN 18 2010

Should you have any questions regarding the Class EA process, please contact me at (905) 521-7864 or at Barbara.slattery@ontario.ca.

Thank you,

Barbara Slattery

Barbara Slattery
EA/Planning Coordinator

May 31, 2010

Ms. Lorissa Skrypniak, MCIP, RPP
Senior Project Manager
The City of Hamilton
320-77 James Street North
Hamilton, ON
L8R 2K3

Via email: lorissa.skrypniak@hamilton.ca

Dear Ms. Skrypniak:

**Re: Garner Road/Rymal Road and Garth Street
Environmental Assessment
Our File No. PAR 16904**

We have received notice of the EA to widen Garner Road. TransCanada has one high pressure natural gas pipeline crossing Garner Road on the east side of Glancaster Rd. TransCanada reviews all development/construction within 200 metres of its facilities to ensure that it does not affect the safety and integrity of those facilities.

Please forward additional study details as they become available. Upon receipt of this information we will provide site-specific comments.

Until such time, please be advised of the following TransCanada and National Energy Board requirements for any construction in close proximity to the pipeline:

1. All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board (NEB) Regulation 112 must have TransCanada's prior written authorisation. A crossing facility may include but is not limited to driveways, roads, access ramps, trails, pathways or utilities. In accordance with the NEB Act, the owner may be required to enter into a crossing agreement with TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations.
2. Any grading not otherwise permitted by the NEB Act or Crossing Regulations, that will affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading

Authorized commenting Agency for

LEHMAN
& ASSOCIATES

97 Collier St.,
Barrie, ON L4M 1H2
(705) 727-0663

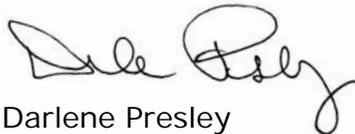


activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.

3. Section 112 of the NEB Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this NEB requirement, you may send your request for leave directly to TransCanada with supporting information explaining how the work will be carried out. Once you obtain written approval for your excavation request, you must notify TransCanada at 1-800-827-5094 or Ontario One Call at 1-800-400-2255 15 business days before the start of any excavation using power-operated equipment and 30 business days before the use of explosives within 30m of the pipeline right-of-way limits.
4. Notice must be given to TransCanada directly (1-800-827-5094) or through Ontario One Call (1-800-400-2255) a minimum of 15 business days before the start of any construction on or within 30m of the pipeline right-of-way and 30 business days before conducting any work involving explosives.
5. No fill or building material may be stored on the pipeline right-of-way before, during or after construction unless prior written approval is obtained from TransCanada.
6. The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

If you have any questions, please contact our office.

Sincerely,



Darlene Presley

May 16, 2011

Mr. Ian Upjohn, MCIP, RPP
Project Manager
SNC Lavalin Inc.
195 The West Mall
Toronto, ON
M9C 5K1

Via email: Ian.Upjohn@snc-lavalin.com

Dear Mr. Upjohn:

**Re: Garner Rd./Rymal Rd. & Garth Street Municipal Class
Environmental Assessment
Our File No. PAR 19595**

We have received notice of commencement for the study noted above. TransCanada has one high pressure natural gas pipeline crossing Garner Rd. just west of Glancaster Rd. TransCanada reviews all development within 200 metres of its facilities to ensure that it does not affect the safety and integrity of those facilities.

We request the following TransCanada and National Energy Board requirements are included in the Environmental Study Report:

1. All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board (NEB) Regulation 112 must have TransCanada's prior written authorisation. A crossing facility may include but is not limited to driveways, roads, access ramps, trails, pathways or utilities. In accordance with the NEB Act, the owner may be required to enter into a crossing agreement with TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations.
2. Any grading not otherwise permitted by the NEB Act or Crossing Regulations, that will affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.
3. Section 112 of the NEB Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this NEB

Authorized commenting Agency for

LEHMAN
& ASSOCIATES

97 Collier St.,
Barrie, ON L4M 1H2
(705) 727-0663

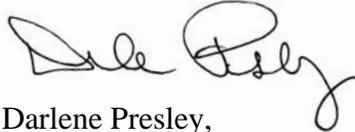


requirement, you may send your request for leave directly to TransCanada with supporting information explaining how the work will be carried out. Once you obtain written approval for your excavation request, you must notify TransCanada at 1-800-827-5094 or Ontario One Call at 1-800-400-2255 15 business days before the start of any excavation using power-operated equipment and 30 business days before the use of explosives within 30m of the pipeline right-of-way limits.

4. Notice must be given to TransCanada directly (1-800-827-5094) or through Ontario One Call (1-800-400-2255) a minimum of 15 business days before the start of any construction on or within 30m of the pipeline right-of-way and 30 business days before conducting any work involving explosives.

If you have any questions, please contact our office.

Sincerely,



Darlene Presley,
Project Manager