

12. Amending the EA

Some aspects of the project may require a change as the design details are further developed during the later stages of project design and construction. It may be necessary to amend the EA because of changes in conditions, development of new technologies or mitigation measures or the identification of previously unknown concerns. This chapter outlines the amendment procedure to be followed which will address these changes. Sections 10 and 11 of MTO's *Class Environmental Assessment for Provincial Transportation Facilities, 2000* provides further information and guidance on amendment procedures.

Changes to the project may occur due to:

- unforeseen site-specific problems encountered only during subsequent design phases and/or construction;
- improvements in the design to provide greater environmental benefits and/or less adverse effects;
- elements of the project that were not previously envisioned;
- circumstances that develop at the time of construction;
- issues identified in other approvals processes; and
- changes to the regulatory framework (i.e. new legislation or regulations).

Where such changes may occur, a process must be followed to consider the changes within the context of the Minister approved 407 East EA and determine if an amendment is required based on the significance of the change. Therefore, any unforeseen changes to the Minister approved Recommended Design will be reviewed by MTO and/or its agent prior to any changes being carried out. As part of the review, MTO and/or its agent will determine the significance of the change in terms of its potential effect on the environment, a stakeholder (including the public), and/or a commitment made in the Minister approved 407 East EA.

Insignificant or Minor Changes

If the significance of the change is determined to be negligible or of a minor nature, no amendment would be required and the change could be implemented by MTO and/or its agent. Potential examples of this would include, but not be limited to, the following:

- Changes to a construction component, such as a change in the size or type of structure, where the alteration or change results in similar or reduced potential effects that have been previously identified or included in the approved 407 East EA Report.

- The alteration or change in location or configuration of equipment (e.g. illumination) within the previously defined construction limits where the alteration or change results in similar or reduced potential effects that have been previously identified or included in the approved 407 East EA Report.
- The alteration or change in location, size or configuration of stormwater management ponds within the previously defined construction limits where the alteration or change results in similar or reduced potential effects that have been previously identified or included in the approved 407 East EA Report.
- The alteration of interchange configurations or intersection designs within the previously defined construction limits where the alteration or change results in similar or reduced potential effects that have been previously identified or included in the approved 407 East EA Report.
- Deletion of a proposed facility (e.g. maintenance facility) that is determined to be unnecessary during subsequent design phases.

Significant Changes

If the significance of the change is determined not to be negligible, but of a more substantial nature, an amendment would be required. Several examples of proposed changes that would be considered as more significant include the following:

- Changes to a construction component, such as a change in the size or type of structure, where the alteration or change results in increased potential effects not previously identified or included in the approved 407 East EA Report.
- The alteration or change in location or configuration of an interchange or crossing road structure where the alteration or change results in increased potential effects not previously identified or included in the approved 407 East EA Report.

The following process for amending the Minister approved 407 East EA will be applied:

- Parties potentially affected by the proposed changes will be consulted on the proposed changes, anticipated environmental effects, proposed mitigation, and the need for a Transportation Environmental Study Report (TESR).
- A TESR will be prepared documenting the proposed change, the circumstances necessitating the change, the anticipated environmental effects, and the proposed mitigation. The TESR will be made available for a 30 day public review period.
- A Notice of Bump-up opportunity will be issued at the time of TESR submission.

Only the changes noted in the TESR will be eligible for bump-up. The concept of the undertaking as outlined in the original EA may not be challenged. In the event that a bump-up is granted by the Minister of the Environment, MTO and/or its agent has the option of withdrawing the TESR and implementing the Recommended Design as documented in the 407 East EA Report.

If, through unforeseen circumstances, an immediate change is required to prevent environmental damage from occurring or continuing, then the change will be considered as a Group D emergency response activity in accordance with MTO's *Class Environmental Assessment for Provincial Transportation Facilities*, 2000 document.