

GARDINER EXPRESSWAY AND LAKE SHORE BOULEVARD EAST RECONFIGURATION

Environmental Assessment and Urban Design Study

Final - Chapter 8: EA Amendment Procedures

January 2017



WATERFRONToronto



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8.0 EA Amendment Procedures

8.1 Accommodating Future Changes to the Undertaking

The undertaking has been developed at a conceptual level of detail. Some aspects of the undertaking may therefore require refinements or changes between EA approval and implementation that is planned to occur from 2020. Some of the refinements and/or changes may be as a result of detailed design work. Furthermore, the project area including the Keating Precinct, Don River mouth area, and South of Eastern/Port Lands, is very much in a transitional state with many planned developments and changes proposed for the area. The EA was undertaken based on the best information available at the time regarding these planned developments, most of which had not completed final designs. Considering that the undertaking has been developed at a conceptual level of design only, and that there could be other changes made to the surrounding lands as the plans for the area mature, changes to some of the components of the undertaking may be required or desirable after EA approval.

Following EA approval, proposed changes to the undertaking will be documented by the co-proponents, and in pre-consultation with MOECC staff shall be classified as Minor or Major Changes. Minor Changes to the undertaking would include proposed project design refinements that do not trigger additional regulatory approval, though may require consultation meetings with directly-impacted stakeholders (see **Section 8.3** for additional detail). Major Changes to the project are more significant changes to the undertaking that may require additional regulatory approval, and/or additional stakeholder consultation, (see **Section 8.4** for additional detail).

In addition, the co-proponents may use the Municipal Class EA process to consider and document changes to components of the undertaking that are listed as activities under the Municipal Class EA. Project changes may be considered as part of separate Municipal Class EA studies (an update to the Keating Precinct Plan, for example) or as individual activities under the Municipal Class EA. In either case, the minimum consultation requirements outlined in the Municipal Class EA will be met.

8.2 Pre-Consultation with MOECC Regarding Proposed Changes

The co-proponents commit to engaging MOECC in ongoing pre-consultation dialogues to review proposed changes to the undertaking. These informal discussions of changes shall assist the parties to determine the significance of the proposed change and the appropriate process needed to consider the proposed change.

8.3 Post-EA Process for Minor Changes

Definition of Minor Changes Minor Changes would include design refinements that may occur as a result of detailed design work and or to accommodate changes to other projects or plans in the project area. Minor Changes shall not trigger additional regulatory approval, though may require consultation meetings with directly affected stakeholders (as determined through pre-consultation dialogue). Minor Changes are considered to be changes that:

- Help to achieve the desired outcomes of the project;
- Do not substantially change the proposed undertaking;
- Would not result in different or greater net effects than described in the EA Report;
- Would not require significant new or additional mitigation measures than committed to in the EA Report; and/or
- Would not create significant negative impacts for new or additional stakeholders or landowners.

The following provides examples of potential Minor changes to the undertaking. This list is provided for illustrative purposes and is not intended to represent a list of all the possible Minor changes that might be considered or proposed.

- Changes to the basic facility design including for example roadway lane configuration, intersection design details, ramp configuration, expressway height, etc.;
- Changes in the number of expressway support structures and/or the location of support structures as identified in the concept plans presented in the EA;
- A change in the location/defined physical limits of a component of the undertaking including for example, the roadway footprint, where the change results in similar or reduced net effects that have been identified in this EA Report and would not significantly impact landowners;
- Adjustments to temporary detour roads to take advantage of more suitable routes/rights-of-way at the time of construction as well to not interfere with the

implementation of other projects or plans in the area, where the change results in similar or reduced effects that have been identified in this EA Report;

- The removal of a component of the undertaking that is determined to be no longer required as a result of future project design work; and
- Additional design details and/or further refinement of public realm improvements where there is no demonstrable net reduction in public realm area and/or experience.

Process for Minor Changes

The City and Waterfront Toronto shall document the scope of the Minor change(s) to the undertaking, summarize outcomes of any required stakeholder meetings, and make a formal submission to the MOECC. The MOECC shall undertake best efforts to provide a timely response to the proposed Minor Change. Where the MOECC consents to the proposed change, no further action is required.

Where the MOECC determines additional information, analysis and/or stakeholder meetings may be required, the co-proponents shall provide additional requested information to the Director of Environmental Assessment and Approvals (EAA) Branch in a timely manner.

After formal receipt and review of submission materials, the MOECC may determine at its sole discretion that a proposed change does not meet the definition of a Minor Change. In any such instance, the Post-EA Approval process for Major Changes, as outlined in **Section 8.3** of this report, shall apply.

8.4 Post EA Approval for Major Changes

Definition of Major Changes. Major Changes are more significant changes to the undertaking, and may require additional regulatory approval, and/or additional stakeholder consultation, before proceeding with any such proposed changes. Major Changes are considered to be changes that:

- Negatively impact the ability to achieve the project objectives;
- Result in new or additional net effects than described in the EA Report;
- Require significant new or additional mitigation measures than committed to in the EA Report; and/or
- Would create significant negative impacts for new or additional stakeholders or landowners.

The following provides examples of potential Major Changes. This list is provided for illustrative purposes and is not intended to represent a list of all the possible major changes that might be considered or proposed:

- Substantial change in the alignment of the expressway and roadway components that results in new and/or greater net effects;
- Change to the facility design that results in substantial change in access through the area and/or travel patterns and times; and
- Reduction in the benefits of the undertaking including a demonstrable net reduction in public realm area and/or experience.

Approval of Major Changes

The co-proponents, in consultation with the MOECC, will determine whether a proposed change is Major.

Once this determination is made, the City and Waterfront Toronto will prepare a report that will document the proposed Major Change(s) and their potential effects including mitigation of effects (net effects). The report will draw upon appropriate technical expertise and new information (e.g. results of the detailed design exercise) to determine the effects of the proposed change in relation to the predicted effects outlined in the EA.

The report will include:

- The need or rationale for the Major Change(s);
- Description of the project change(s);
- Description of how the change(s) will affect project outcomes and achievement of objectives;
- Assessment of predicted effects on the environment;
- Comparison of anticipated effects of proposed change(s) to effects predicted from the original design as described in the EA;
- If required, propose new or additional mitigation to address the additional or new effects;
- Document consultation undertaken or comment on the need for additional consultation with the public, including if applicable, with the stakeholders and regulatory agencies that would be directly affected by the project changes, if applicable.

This report will be submitted to the Director of the Environmental Assessment and Approvals (EAA) Branch. The MOECC will undertake best efforts to provide a timely response.

Proposed Major Changes may require an amendment to the approved EA and approval by the Ministry of Environment and Climate Change. This is to be determined by the MOECC upon receipt and review of the submission materials.