



Fisheries and Oceans
Canada

Ontario and Prairie Region
Fish and Fish Habitat Protection Program
867 Lakeshore Road,
Burlington, ON
L7S 1A1

Pêches et Océans
Canada

Région de l'Ontario et des Prairies
Programme de protection du poisson et de son habitat
867 chemin Lakeshore
Burlington, ON
L7S 1A1

July 23, 2021

Our file *Notre référence*
15-HCAA-00402

Canadian National Railway Company
Attn. France Moreau
Manager, Environmental Impact Assessment
935 de La Gauchetière Street W
Montreal, QC H3B 2M9

Dear France Moreau:

Subject: ***Fisheries Act Authorization – CN Milton Logistics Hub, Milton, ON***

Pursuant to paragraph 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries and Oceans Canada authorizes the carrying on of your proposed work, undertaking or activity that results in serious harm to fish arising from the construction and operation of a satellite intermodal terminal and facility to meet growing operational and commercial needs of Canadian National Railway Company. The works include the realignment and extension of the existing mainline tracks in the Town of Milton, ON, as well as construction of an administration building, maintenance garage, acoustic berms and barriers, and a stormwater collection and drainage system. To accommodate the terminal construction and operation, realignment of portions of Indian Creek and Tributary A is required.

A paragraph 35(2)(b) *Fisheries Act* authorization is attached. In accordance with *An Act to amend the Fisheries Act and other Acts in consequence*, the attached authorization is deemed to have been issued under the authority of paragraph 35(2)(b) of the *Fisheries Act* as those paragraphs read after the day on which section 22 of *An Act to amend the Fisheries Act and other Acts in consequence* came into force, on August 28, 2019.

Failure to comply with any of the terms or conditions of the attached Authorization may lead to prosecution under the *Fisheries Act*.

A copy of this Authorization should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. Work crews should be familiar with, and able to adhere to, the conditions.

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As you are aware, Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*.

Information pertaining to this authorization will be posted to the *Fisheries Act* Registry and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government Portal at <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaac> and the Common Project Search at <https://common-project-search.canada.ca/>. Information and data will be updated as the Department continues to develop the *Fisheries Act* Registry.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public disclosure, please contact us to discuss whether and how the information may be protected.

If you or anyone conducting work on your behalf have any questions please contact Tara Schweitzer at 306-780-6439, or by email at Tara.Schweitzer@dfo-mpo.gc.ca.

Yours sincerely,

C. Thomas Hoggarth
A/Regional Director General
Ontario and Prairie Region

Cc. Brianna Wyn - DFO
Tara Schweitzer - DFO
Chris Powell - Stantec

ATTACHMENT: AUTHORIZATION