



**CN Milton Logistics Hub – 2021
Annual Report**

March 31, 2022
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Prepared for:

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Executive Summary

On January 21, 2021, the Minister of Environment and Climate Change issued a Decision Statement with respect to the Milton Logistics Hub Project (the Project). The Decision Statement includes conditions of approval with which CN must comply. This document was prepared in fulfillment of the requirements of Condition 2.11 as set out in the Decision Statement, as follows:

2.11 The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:

- 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement*
- 2.11.2 how the Proponent complied with condition 2.1*
- 2.11.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation*
- 2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program*
- 2.11.5 a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3*
- 2.11.6 for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan*
- 2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9*
- 2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply*

This Annual Report covers the period from January 1 to December 31, 2021, and also includes information on additional annual reporting requirements identified in the Decision Statement pertaining to Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11, and 12.1.2 (see Section 7 for details).

In 2021, CN continued to plan for the construction of the Project through various activities focused on complying with all conditions of approval and progressing detailed design and procurement to start implementing the Project activities, as well as pre-construction activities such as the installation of wildlife exclusion fencing, demarcation of the limits of construction, installation of monitoring equipment and silt fencing. **Appendix 1** provides details on specific activities undertaken by CN to comply with each condition.

CN's consultation activities during the reporting year focused on the continuation of engagement with interested parties and proposed plans for construction and operation of the Project. Efforts focused on the development of various documents, providing relevant information to various parties for review in accordance with Project commitments and conditions of approval. Three main consultation groups were engaged:

- Agencies, including Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada, Canadian Transportation Agency (CTA), Transport Canada, Labour Canada, Natural Resources Canada (NRCan), Ontario Ministry of the Environment Conservation and Parks (MECP), Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), Region of Halton, Town of Milton and Conservation Halton (CH)

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- Indigenous communities, including Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (Six Nations) and the Huron-Wendat Nation (Huron-Wendat)
- Other potentially affected parties, including members of the public and the Community Consultation Committee

These groups were consulted about the development of various documents, as outlined in the conditions of approval. All views or information received from the consulted parties were considered by CN in finalizing relevant documents. CN's consideration of views and information received during consultation led to revisions to the documents, as appropriate, to either clarify, revise or add details to address specific comments. In all cases, a written explanation was provided back to the respective parties outlining how their views and information had been considered, including a rationale for that consideration.

CN engaged the wider community through various means (i.e., project website, surveys, Community Consultation Committee, online and paper newspaper ads, emails, mail drops) to share information and solicit feedback on the Project. **Appendix 2a** and **Appendix 2b** provide a summary of community engagement activities regarding the Project, and **Appendix 3a** and **Appendix 3b** present how CN considered any views and information received and the rationale for such consideration.

Data collection, monitoring, and analysis conducted in 2021 has focused only on the collection of updated existing conditions (baseline) information relevant to the FUPs. Specifically, those FUPs for which updated baseline data has been collected during the reporting year include:

- Ambient Lighting (per Condition 4.1)
- Air Quality (per Condition 4.21.1)

The following FUPs - which were not implemented in 2021- will be addressed in the next Annual Report (for 2022):

- Acoustic Environment (per Condition 4.10)
- Stormwater Management (per Condition 5.9)
- Surface Water Quality and Quantity (per Condition 5.10)
- Groundwater Quality and Quantity (per Condition 5.13)
- Wetlands (per Condition 6.3)
- Progressive Reclamation (per Condition 6.10)
- Fish and Fish Habitat (per Condition 7.12)
- Migratory Birds (per Condition 8.4)
- Western Chorus Frog (per Condition 8.10)
- Grassland Habitat Replacement (per Condition 8.13)
- Snapping Turtle and Midland Painted Turtle (per Condition 8.21)
- Monarch Butterfly (per Condition 8.25)
- Eastern Milksnake (per Condition 8.28)
- Ecopassage (per Condition 8.32)

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- Country Foods (per Condition 9.1)
- Nighttime Noise Events (per Condition 9.3)

No updates to the FUPs were completed in 2021, and no adaptive management was implemented in 2021.

CN has refined the preliminary design for the Sun-Canadian pipeline reconfiguration component of the Project, and submitted the details to the Agency for consideration. The proposed refinement will reduce the potential for adverse environmental effects relative to the preliminary design.

Résumé

Le 21 janvier 2021, le ministre de l'Environnement et du Changement climatique a présenté sa déclaration de décision relativement à l'évaluation environnementale du projet de pôle logistique de Milton (le projet). Dans sa déclaration de décision, le ministre a imposé des conditions au CN. Le présent document a été préparé en réponse aux exigences de la condition 2.11 énoncée dans la déclaration de décision, qui va comme suit :

- 2.11 À compter de l'année de déclaration au cours de laquelle le ministre émet la déclaration de décision, le promoteur prépare un rapport annuel comprenant, pour cette année de déclaration :*
 - 2.11.1 les activités entreprises par le promoteur pour respecter chacune des conditions établies dans la présente déclaration de décision;*
 - 2.11.2 la façon dont le promoteur a satisfait à la condition 2.1;*
 - 2.11.3 pour les conditions énoncées dans la présente déclaration de décision pour lesquelles une consultation est exigée, la façon dont le promoteur a pris en compte tout point de vue et information reçus par le promoteur pendant ou à la suite de la consultation;*
 - 2.11.4 les renseignements visés aux conditions 2.6 et 2.7 pour chaque programme de suivi;*
 - 2.11.5 un sommaire des résultats des programmes de suivi visés aux conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 et 9.3;*
 - 2.11.6 pour tout plan qui est une exigence d'une condition énoncée dans la présente déclaration de décision qui exige un plan, toute mise à jour faite au plan;*
 - 2.11.7 toute mesure d'atténuation modifiée ou supplémentaire, mise en œuvre par le promoteur ou qu'il propose de mettre en œuvre, conformément à la condition 2.9;*
 - 2.11.8 tout changement au projet désigné pour lequel le promoteur a déterminé que les conditions 2.16 et 2.17 ne s'appliquaient pas, y compris une justification de cette détermination, et tout changement au projet désigné pour lequel le promoteur a déterminé que les conditions 2.16 et 2.17 s'appliquaient.*

Le présent rapport annuel couvre la période du 1^{er} janvier au 31 décembre 2021 et contient, en plus des informations ci-haut mentionnées, les renseignements visés aux exigences supplémentaires en matière de rapport énoncées dans les conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11 et 12.1.2 de la déclaration de décision (pour plus de détails, voir la Section 7).

En 2021, le CN a continué de planifier la construction du projet et a réalisé une variété d'activités conformément aux conditions d'approbation, à l'avancement de la conception détaillée et à l'approvisionnement afin de commencer la mise en œuvre des activités du projet. Il a de plus mené des activités de préconstruction, comme l'installation de clôtures pour exclure la faune des zones de travaux, la délimitation des zones de construction et l'installation d'équipement de surveillance et de barrières anti-érosion. L'**Annexe 1** fournit des détails sur les activités particulières réalisées par le CN pour respecter chacune des conditions.

Les consultations menées par le CN durant l'année de déclaration se sont inscrites dans la poursuite des engagements pris avec les parties intéressées au projet et aux plans proposés en matière de construction et d'exploitation. Les efforts ont porté sur l'élaboration de divers documents pour consultation auprès des diverses parties prenantes, conformément aux engagements pris et aux conditions d'approbation. Trois groupes principaux ont été ciblés :

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- Agences gouvernementales, dont Environnement et Changement climatique Canada (ECCC), Pêches et Océans Canada (MPO), Santé Canada, Office des transports du Canada (OTC), Transports Canada, Travail Canada, Ressources naturelles Canada (RNCan), ministère de l'Environnement, de la Protection de la nature et des Parcs (MEPP) de l'Ontario, ministère des Industries du patrimoine, du sport, du tourisme et de la culture (MIPSTC) de l'Ontario, Municipalité régionale de Halton, Ville de Milton et Conservation Halton (CH)
- communautés autochtones, y compris la Première Nation des Mississaugas de Credit (MCFN), les Six Nations de Grand River (Six Nations) et la Nation huronne-wendat (Hurons-Wendats)
- autres parties susceptibles d'être affectées, y compris les membres du public et le comité de consultation communautaire

Ces groupes ont été consultés lors de la production de divers documents, tel que mandaté dans les conditions d'approbation. Toutes les informations et tous les points de vue présentés par les parties consultées ont été pris en compte par le CN dans l'élaboration de la version finale des documents. Cette prise en compte par le CN des points de vue et des informations présentés durant les consultations ont entraîné la révision de documents, selon le cas, pour clarifier, réviser ou ajouter des informations afin de répondre à certains commentaires. Dans tous les cas, une explication a été fournie par écrit aux parties concernées décrivant la façon dont leurs points de vue et informations ont été pris en compte, y compris les motifs pour lesquels ces derniers ont été intégrés ou pas.

Le CN a consulté une plus vaste communauté par différents moyens (c'est-à-dire site Web du projet, sondages, comité de consultation communautaire, communiqués publiés dans les journaux en ligne et en format papier, courriels, distribution sélective en porte-à-porte) pour diffuser l'information et recueillir des commentaires sur le projet. L'**Annexe 2** fournit un résumé des activités de consultation menées auprès de la communauté concernant le projet, et l'**Annexe 3** présente la façon dont le CN a pris en compte les points de vue et les informations reçus et les motifs de prise en compte.

La collecte de données, le suivi et les analyses menées en 2021 ont principalement servis à la mise à jour des conditions existantes (conditions de référence) établies dans le cadre des programmes de suivi. Plus particulièrement, les programmes de suivi pour lesquels des données relatives aux conditions de référence ont été recueillies durant l'année du rapport portaient sur :

- l'éclairage ambiant (selon la condition 4.1)
- la qualité de l'air (selon la condition 4.21.1)

Les programmes de suivi portant sur les éléments suivants n'ont pas été mis en œuvre en 2021 et seront inclus dans le rapport de 2022. :

- environnement acoustique (selon la condition 4.10)
- gestion des eaux pluviales (selon la condition 4.10)
- qualité et quantité des eaux de surface (selon la condition 5.10)
- qualité et quantité des eaux souterraines (selon la condition 5.13)
- milieux humides (selon la condition 6.3)

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- remise en état progressive (selon la condition 6.10)
- poisson et habitat du poisson (selon la condition 7.12)
- oiseaux migrateurs (selon la condition 8.4)
- rainette faux-grillon de l'Ouest (selon la condition 8.10)
- habitat de prairie de remplacement (selon la condition 8.13)
- chélydre serpentine et tortue peinte du Centre (selon la condition 8.21)
- papillon monarque (selon la condition 8.25)
- couleuvre tachetée (selon la condition 8.28)
- écopassages (selon la condition 8.32)
- aliments prélevés dans la nature (selon la condition 9.1)
- bruits nocturnes attribués au projet (selon la condition 9.3)

Aucune mise à jour des programmes de suivi n'a été effectuée en 2021 et aucune mesure de gestion adaptative n'a été mise en œuvre en 2021.

Le CN a affiné la conception préliminaire de la composante de reconfiguration du pipeline Sun-Canadian du projet et a soumis les détails à l'Agence d'évaluation d'impact du Canada (AEIC) pour examen. Les améliorations proposées réduiront le potentiel d'effets environnementaux négatifs par rapport à la conception préliminaire.

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Abbreviations

ACO	artificial cover objects
AESS	automated engine start-stop
APU	auxiliary power unit
ARU	Automated Recording Units
B(a)P	benzo(a)pyrene
B(a)P TPE	B(a)P total potency equivalents
CCME	Canadian Council of Ministers of the Environment
CEAA	Canadian Environmental Assessment Act
CH	Conservation Halton
CLCP	Community Liaison Communication Process
CN	Canadian National Railway Company
CTA	Canadian Transportation Agency
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
FUP	Follow-up Program
Huron-Wendat	Huron-Wendat Nation

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IAAC	Impact Assessment Agency of Canada
MCFN	Mississaugas of the Credit First Nation
MECP	Ontario Ministry of the Environment Conservation and Parks
MHSTCI	Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
MNRF	Ontario Ministry of Natural Resources and Forestry
MOU	Memorandum of Understanding
NAPS	National Air Pollutants Surveillance
NRCan	Natural Resources Canada
PAH	polycyclic aromatic hydrocarbons
PDA	Project Development Area
RFP	Request for Proposal
Six Nations	Six Nations of the Grand River
SWM	stormwater management
VES	visual encounter surveys

1 INTRODUCTION

On January 21, 2021, the Minister of Environment and Climate Change issued a Decision Statement with respect to the Milton Logistics Hub Project (the Project). The Decision Statement includes conditions of approval with which CN must comply. This document was prepared in fulfillment of the requirements of Condition 2.11 and 2.12 as set out in the Decision Statement, as follows:

- 2.11 *The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:*
 - 2.11.1 *the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement*
 - 2.11.2 *how the Proponent complied with condition 2.1*
 - 2.11.3 *for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation*
 - 2.11.4 *the information referred to in conditions 2.6 and 2.7 for each follow-up program*
 - 2.11.5 *a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3*
 - 2.11.6 *for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan*
 - 2.11.7 *any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9*
 - 2.11.8 *any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply*
- 2.12 *The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.*

This document also includes information on additional annual reporting requirements identified in the Decision Statement pertaining to Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11, and 12.1.2.

This document will be submitted to the Impact Assessment Agency of Canada (IAAC) no later than March 31 following each reporting year.

1.1 TIME PERIOD COVERED BY THIS REPORT

This Annual Report covers the period up to December 31, 2021. As the first Annual Report for the Project, the report includes activities completed prior to receipt of the Decision Statement (i.e., consultation, plans, surveys).

1.2 ORGANIZATION OF THE REPORT

The report is prepared to provide information in accordance with Condition 2.11 and has been organized into the following main sections:

- Section 2: Activities Undertaken to Comply with Each Condition, including Condition 2.1
- Section 3: Consultation Activities and Considerations, including a summary of documents circulated, comments received, and description of how such comments were considered
- Section 4: Follow-up Programs (FUP), including a list of FUP implemented, a summary of those programs and a summary of any results from the reporting year
- Section 5: Adaptive Management, including any modified or additional mitigation measures implemented or proposed to be implemented as a result of the FUPs
- Section 6: Project Changes, including any changes made to the Project that were not subject to Condition 2.16 and 2.17 and any corresponding rationale
- Section 7: Other Reporting Requirements, including information and updates on various conditions requiring reporting as part of the annual report

A series of appendices are also included and referenced in the text of the report for reference to provide further details and information regarding the subjects covered above.

1.3 CONCORDANCE TABLE

Condition #	Annual Reporting Requirement	Corresponding Section in the 2021 Annual Report
Components of the Annual Report		
2.11	The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:	This 2021 Annual Report
2.11.1	the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement	Section 2.1, and Appendix 1
2.11.2	how the Proponent complied with condition 2.1	Section 2.2
2.11.3	for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation	Section 3.1 to 3.3, and Appendices 2a, 2b, 3a and 3b
2.11.4	the information referred to in conditions 2.6 and 2.7 for each follow-up program	Section 4.1
2.11.5	a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3	Section 4.2

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Condition #	Annual Reporting Requirement	Corresponding Section in the 2021 Annual Report
2.11.6	for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan	Section 4.3
2.11.7	any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9	Section 5
2.11.8	any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply	Section 6
2.12	The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.	Executive Summary (including English and French plain language summary) Submission of this document to IAAC on or before March 31, 2022
Other Annual Reporting Requirements		
4.14	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall: 4.14.1 provide a rationale as to why the truck fleet has, or has not, been electrified; and 4.14.2 provide an update on the electric truck pilot project referred to by the Proponent in its Closing Statement Submission (Canadian Impact Assessment Registry Reference Number 80100, Document Number 972), including the results of the pilot project when it is completed.	Section 7.1
4.15	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of implementing idling reduction technologies on Proponent-owned locomotives that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent implements these technologies. In providing that information, the Proponent shall provide a rationale as to why these technologies have, or have not, been implemented.	Section 7.2



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Condition #	Annual Reporting Requirement	Corresponding Section in the 2021 Annual Report
4.16.4	report to the Agency, as part of the annual report referred to in condition 2.11, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.	Section 7.3.1
4.17.1	As part of the annual report referred to in condition 2.11, the Proponent shall report its progress in meeting the five-year targets established during the development of the plan (air pollutant and greenhouse gas emissions reduction plan for locomotives).	Section 7.3.2
4.20.1	As part of the annual report referred to in condition 2.11, the Proponent shall report the number of container trucks entering and exiting the Designated Project Development Area, including the number of container trucks entering the Designated Project Development Area with a container or without a container and the number of container trucks exiting the Designated Project Development Area with a container or without a container, during the reporting year.	Section 7.4
11.11	The Proponent shall facilitate discussions between the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return of artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction to the communities for preservation and interpretation. The Proponent shall seek consent from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions.	Section 7.5
12.1.3	report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the [infrastructure protection plan], including any major repair done pursuant to condition 12.1.2	Section 7.6

2 ACTIVITIES UNDERTAKEN TO COMPLY WITH EACH CONDITION

2.1 SUMMARY OF ACTIVITIES

With the issuance of the Decision Statement by the Minister of Environment and Climate Change on January 21, 2021, the conditions under which CN would be permitted to move forward with the Project were established. In 2021, CN continued to plan for the construction of the Project through various activities focused on complying with all conditions of approval and progressing detailed design and procurement to start implementing the Project activities. These activities included:

- Consultation with various parties, including Indigenous communities, agencies, municipalities, and other potentially affected parties
- Establishment of the Community Liaison Communication Process (CLCP) including the establishment of a Community Consultation Committee
- Development and refinement of Project design plans in consideration of Project commitments, mitigation measures and supplemental studies required of the conditions of approval
- Development of FUPs and collection of supplemental baseline information required by the conditions of approval
- Construction planning and procurement of a contractor, including initiation of pre-construction activities
- Obtaining other permits and approvals required for the Project, including s.98 approval from the CTA and s. 34 Authorization from DFO
- Submission of relevant documents to IAAC, other parties and the Project website as required by the conditions of approval

Pre-construction activities such as the installation of wildlife exclusion fencing, delineation of the limits of construction, monitoring equipment and silt fencing were initiated in the Fall of 2021.

See **Appendix 1** for further details on specific activities undertaken by CN to comply with each condition.

2.2 COMPLIANCE WITH CONDITION 2.1

Condition 2.1 states that CN “*shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, have applied the best available economically and technically feasible technologies to achieve continuous improvement and meet all engineering requirements for safe railway and facility operation*”.

CN's actions in meeting the conditions of approval set out in the Decision Statement were considered in the above-noted manner. The principles of sustainable development (i.e., development that protects the environment for future generations) are integrated into the design of the Project through the avoidance and protection of sensitive natural features, CN's commitment to the implementation of mitigation measures to reduce potential environmental effects of the Project and to restore and enhance areas affected by the Project (i.e., Bronte Creek Watershed Study, species at risk recovery strategies, natural channel design principles). The various FUP and monitoring activities planned and proposed during construction (and future phases of the Project) have been appropriately established, consulted on, and described in the FUP to confirm the predictions made in the environmental assessment. These plans are designed to monitor the effectiveness of the mitigation measures, as well as establish a process for implementing corrective actions or taking remedial actions to improve upon or further reduce Project effects and contribute to continuous improvement.

CN has retained a team of qualified professionals to develop mitigation measures and management plans, to design and implement the various FUP and monitoring programs, to conduct supplemental studies, to collect baseline information, and to undertake the detailed design for the Project. Field programs, studies, and engineering designs follow accepted and applicable standards and practices using recognized methods and models (as noted in each of the applicable documents), which will result in an intermodal terminal that meets all engineering requirements for safe railway and facility operation while mitigating potential environmental effects.

CN continues to engage with relevant authorities, Indigenous communities, and the public and will incorporate information and knowledge obtained through that consultation into the various measures, plans, and programs required by the conditions. Where available, and subject to participation by the various parties during the consultation process, CN has incorporated the best information and knowledge available into the various FUPs, design plans and management plans to address project specific components. Adjustments were made to the various plans and programs based on consideration of information and views expressed by the various parties and will continue to be considered through on-going consultation efforts and participation in the field programs.

For construction, requirements outlined in the conditions of approval, including consistency with Project description and implementation of mitigation measures, as well as other Project commitments made by CN throughout the environmental assessment process, were incorporated into contract specifications, tender and design drawings for implementation by the contractor. The contractor will implement many of the Project requirements during construction and will be managed by CN and monitored throughout construction for compliance with the conditions of approval. As per condition 13.1, a third-party independent monitor has been retained to observe and record on the implementation of the conditions set out in the Decision Statement.

Further details are included in Appendix 1 specific to each condition. CN's actions in fulfilling the conditions demonstrate a careful and precautionary approach that supports sustainable development.

3 CONSULTATION ACTIVITIES AND CONSIDERATIONS

3.1 CONSULTATION ACTIVITIES

CN's consultation activities during the reporting year focused on continuing to engage with interested parties and the proposed plans for construction and operation of the Project. Efforts focused on continuing to work with and engage parties with an interest in the Project and those that could provide information relevant to finalizing Project plans, providing relevant information to various parties in accordance with Project commitments and conditions of approval.

The three main groups engaged were:

- Agencies, including Environment and Climate Change Canada (ECCC), DFO, Health Canada, CTA, Transport Canada, Labour Canada, Natural Resources Canada (NRCan), Ontario Ministry of the Environment Conservation and Parks (MECP), Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), Region of Halton, Town of Milton and Conservation Halton (CH)
- Indigenous communities, including Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (Six Nations), and the Huron-Wendat Nation (Huron-Wendat)
- Other potentially affected parties, including members of the public and the Community Consultation Committee
- These groups were consulted on a number of key elements, including various FUP and plans. Draft and preliminary plans, drawings, programs and studies. These were provided for review along with a request for input (i.e., technical advice, points of clarification, questions and comments). Responses were requested within the 15-day minimum period contemplated in the conditions, with some parties receiving additional time to facilitate review. While CN has not yet received feedback from all parties following several outreach efforts, CN remains open to feedback and will consider and incorporate any additional feedback if/when received, where possible.

Feedback received from all parties was carefully considered by CN. Consideration of the comments resulted in revisions to either clarify, revise or add details. In all cases a written explanation was provided back to the respective parties outlining how their comments were addressed, including a rationale for that decision. See **Appendix 2a** and **Appendix 2b** for a complete account of the record of consultation between CN and the various parties.

CN also engaged the public through various means (i.e., project website, surveys, Community Consultation Committee, online and paper newspaper adds, emails, mail drops) to share information and solicit feedback on the Project.

See **Appendix 2a** and **Appendix 2b** for a summary of community engagement activities regarding the Project.

3.2 CONSIDERATION AND RATIONALE

Condition 2.4 describes how CN is to undertake consultation and consider feedback received from various parties during the development of various plans and FUP, as follows:

- provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation (Condition 2.4.1)
- provide all information available and relevant to the scope and the subject matter of the consultation and a period of time not less than 15 days, or as otherwise agreed upon with the party or parties being consulted, to prepare their views and information (Condition 2.4.2)
- undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation (Condition 2.4.3)
- advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated (Condition 2.4.4)

Condition 3.2.3.4 also requires CN to provide all feedback received during the reporting year and how the Proponent has addressed all feedback, including any mitigation measure and/or any FUP requirement that the Proponent has implemented or plans to implement pursuant to condition 3.2.3.3, or a rationale as to why no mitigation measure or revision to a FUP is required to address the feedback.

See **Appendix 3a** and **Appendix 3b** for the feedback received and an explanation of how CN took it into account.

3.3 INDIGENOUS CONSULTATION

The Milton Logistics Hub Project is located within the treaty lands and traditional territory of the Mississaugas of the Credit First Nation (MCFN) and within the traditional territories of the Six Nations of the Grand River (Six Nations) and the Huron-Wendat Nation (Huron-Wendat).

Condition 2.5 requires CN to consult with each Indigenous Community (MCFN, Six Nations and Huron-Wendat) regarding the manner by which each community is to be consulted, in order to satisfy the consultation requirements referred to in Condition 2.4, including consulting on the following:

- methods of notification
- type of information and the period of time to be provided when seeking input
- process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject matter of the consultation
- period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent

With COVID-19 restrictions, calls and virtual meetings were the primary form of engagement with Indigenous communities over the course of 2021. (See Appendix 2b). The subsections below describe the manner in which CN engaged with each community.

In addition to ensuring meaningful opportunities for Indigenous communities to provide input and feedback on the Project, CN remains committed to facilitating economic opportunities with the goal of advancing reconciliation with local Indigenous communities. One example of this is through the Request for Proposal (RFP) process in which CN included a requirement for bidders to demonstrate how First Nations would participate in the construction of the Project.

In designing the procurement approach to the RFP, CN met with each Indigenous community to review the approach, gather their input on the approach and the RFP language and to confirm contact information for each Nation so contractors could engage directly with the Nations in the development of their submission.

3.3.1 Mississaugas of the Credit First Nation

CN has continued to engage with MCFN on all matters related to the Project and specifically related to how MCFN would like to be consulted and engaged, including the methods of notification and communication, type of information, and an adequate review period to provide input. CN heard from MCFN that their preferred means of engagement is through email, virtual meetings, and phone calls. MCFN indicated that they would like to be kept apprised of all aspects of the Project and have an opportunity to review and comment on all plans and FUPs as part of the conditions in the decision statement.

Further to this feedback and input from MCFN, CN provided notification of materials for review through email and followed up with a request to meet and review the materials together via phone call and/or virtual meetings. Digital versions of documents were provided using a file exchange program, which MCFN representatives were able to access. Various studies, assessments, FUPs, and other plans and documents have been shared with the MCFN in relation to conditions 4.10, 4.21, 5.1, 6.1, 7.1, 7.5, 7.12, 8.33, 11.7, 11.8, and 11.9. If plans change or new information becomes available, these will also be shared with MCFN for their input.

In some cases, MCFN provided their comments back to CN via email and in other cases, feedback was provided in virtual meetings. Where comments have been received, CN has advised MCFN how their comments have been considered and incorporated. This information is reflected in Appendix 3a.

Through engagement, MCFN shared their interest in participating in field work to monitor some of the construction activities. As a consequence, CN and the MCFN signed a Field Liaison Representative Agreement that would guide MCFN's field monitoring participation during construction.

In 2021, CN and MCFN formalized the relationship through a Memorandum of Understanding (MOU). This MOU guides engagement for the Project and for broader CN operational activities. As part of this MOU, CN and MCFN commit to meet regularly to discuss the status of the Project, detailed Project design and construction, as well as exploring deeper participation in the Project through contracting and employment opportunities.

CN has facilitated direct meetings between MCFN and the contractor chosen for the first phase of construction to identify opportunities for engagement in the Project, including: procurement, direct contracting, and training and education programs.

CN will continue to engage with MCFN throughout construction and during operations to ensure their concerns and interests are respected.

3.3.2 Six Nations of the Grand River

CN has continued to engage with Six Nations on matters related to the Project and specifically related to *how* Six Nations would like to be consulted and engaged, including the methods of notification and communication, type of information, and an adequate review period to provide input. CN heard from Six Nations that their preferred means of engagement are through email, virtual meetings, and phone calls. Six Nations indicated that they would like to be kept apprised of all aspects of the Project and have an opportunity to review and comment on all plans and FUPs as part of the conditions in the decision statement. They acknowledged that although they may not be able to participate in the review of all programs and plans due to resource and capacity constraints, they would like to be kept apprised.

Further to this feedback and input, CN provided notification of materials for review through email and followed up with a request to meet and review the materials together via phone call and/or virtual meetings. Digital versions of documents were provided using a file exchange program, which Six Nations representatives were able to access. Various studies, assessments, FUPs, and other plans and documents have been shared with the Six Nations in relation to conditions. 3.2, 4.10, 4.21, 5.1, 6.1, 7.1, 7.5, 7.12, 8.14, 8.15, 8.21, 8.33, 11.7, 11.8, 11.9, 11.9.4, and 14.6. If plans change or new information becomes available, these will also be shared with Six Nations for their input.

In some cases, Six Nations provided their comments back to CN via email and in other cases, feedback was provided in virtual meetings. Where comments have been received, CN has advised Six Nations how their comments have been considered and incorporated. This information is reflected in **Appendix 3a**.

Through engagement, Six Nations shared their interest in participating in field work to monitor some of the construction activities. As a result, CN and Six Nations signed a Field Liaison Representative Agreement that would guide Six Nation's field monitoring participation during construction.

3.3.3 Huron-Wendat Nation

CN has continued to engage with Huron Wendat on matters related to the Project and specifically related to *how* Huron Wendat would like to be consulted and engaged, including the methods of notification and communication, type of information, and an adequate review period to provide input. CN heard from Huron Wendat that their preferred means of engagement are through email, virtual meetings, and phone calls. Huron Wendat indicated that they would like to be kept apprised of all aspects of the Project, particularly as it relates to archeological impacts and significant ground disturbance activities. They acknowledged that although they may not be able to participate in the review of all programs and plans due to resource and capacity constraints, they would like to be kept apprised.

Further to this feedback and input, CN provided notification of materials for review through email and followed up with a request to meet and review the materials together via phone call and/or virtual meetings. Digital (PDF) versions of documents were provided using a file exchange program, which Huron Wendat representatives were able to access. Various studies, assessments, FUPs, and other plans and documents have been shared with the Huron Wendat in relation to conditions 2.5, 2.10, 7.5, 11.7, 11.8, 11.9, 11.9.4, and 14.6. If plans change or new information becomes available, these will also be shared with Huron Wendat for their input.

In some cases, Huron Wendat provided their comments back to CN via email and in other cases, feedback was provided in virtual meetings. Where comments have been received, CN has advised Huron Wendat how their comments have been considered and incorporated. This information is reflected in **Appendix 3a**.

Through engagement, Huron Wendat shared their interest in participating in field work to monitor some of the construction activities. As a result, CN and Huron Wendat signed a Field Liaison Representative Agreement that would guide Huron Wendat's field monitoring participation during construction.

CN and Huron Wendat's engagement has been guided by the MOU the two parties entered into previously. Through this MOU, regular meetings are set up between CN and Huron Wendat to share information about the Project and to share potential economic opportunities arising from the Project and/or other CN projects and operations.

4 FOLLOW-UP PROGRAMS

4.1 OVERVIEW

FUPs have been developed for implementation during construction and/or operation to verify the accuracy of the environmental assessment as it pertains to particular conditions and/or to determine the effectiveness of any mitigation measure implemented for the Project (per Condition 2.9.2). These programs have been developed with input from various parties based on information and views expressed by those who provided feedback.

The follow-up monitoring and analysis conducted to date has focused on the collection of baseline information relevant to the FUPs. Specifically, those FUP for which baseline data has been collected to date include:

- Ambient Lighting (per Condition 4.1)
- Air Quality (per Condition 4.21.1)

The following FUP were not implemented in 2021 and will be addressed in the next Annual report (for 2022). Those FUP applicable specifically to operation will be implemented once operation nears/begins as required per the conditions of approval:

- Acoustic Environment (per Condition 4.10)
- Stormwater Management (per Condition 5.9)
- Surface Water Quality and Quantity (per Condition 5.10)
- Groundwater Quality and Quantity (per Condition 5.13)
- Wetlands (per Condition 6.3)
- Progressive Reclamation (per Condition 6.10)
- Fish and Fish Habitat (per Condition 7.12)
- Migratory Birds (per Condition 8.4)
- Western Chorus Frog (per Condition 8.10)
- Grassland Habitat Replacement (per Condition 8.13)
- Snapping Turtle and Midland Painted Turtle (per Condition 8.21)
- Monarch Butterfly (per Condition 8.25)
- Eastern Milksnake (per Condition 8.28)
- Ecopassage (per Condition 8.32)
- Country Foods (per Condition 9.1)
- Nighttime Noise Events (per Condition 9.3)

4.2 FOLLOW-UP PROGRAMS

4.2.1 Condition 4.5 – Ambient Lighting

The Ambient Lighting FUP has been designed to monitor adverse changes to ambient lighting resulting from the Project, during construction and operations. The program includes the following monitoring activities:

- Pre-construction measurement of baseline light trespass and glare and additional measurement of sky quality for environmental zone classification.
- Measurement, during construction of light trespass and glare attributed to the Designated Project and additional measurement of sky quality for environmental zone classification.
- Measurement, of light trespass and glare at the end of the first year at which the Designated Project operates at full operational capacity and additional measurement of sky quality for environmental zone classification.

Pre-construction measurements of baseline light trespass and glare required per Condition 4.5, as well as additional measurement of sky quality for environmental zone classification required per Condition 4.1 have been collected. Pre-construction measurements of sky quality in June 2021 indicate a decreasing level of sky quality compared to the original baseline (measured in 2014) and supplemental surveys conducted in 2018. This finding is attributed to increased lighting from the on-going development in the

area (i.e., residential and commercial developments, road widening projects). The average of the sky quality levels measured in June 2021 was 19.01, which is lower than the average sky quality level measured in 2018 (19.08) or in 2014 (19.39). These sky quality measurements are consistent with an E3 Suburban Environmental Zone per the *International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition)*. The results of these surveys have been compiled in the *Light Pre-Construction Baseline Update* (Stantec, 2021).

Monitoring to determine Project effects associated with the Ambient Lighting FUP will be addressed in the next Annual Report (for 2022).

4.2.2 Condition 4.10 – Acoustic Environment

The Acoustic Environment FUP has been designed to monitor adverse changes to the acoustic environment attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Monitoring of noise levels during each phase of construction, including during the first four weeks of each construction phase and during a four-week period of each construction phase when construction activities are anticipated to result in the greatest noise effects.
- Monitoring of noise levels during the first four weeks of operations and for four weeks once the terminal reaches full operational capacity.
- Monitoring of low frequency noise levels during operations.

The Acoustic Environment FUP will be addressed in the next Annual Report (for 2022).

4.2.3 Condition 4.21 – Air Quality

The Air Quality FUP has been designed to monitor adverse changes to air quality attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Updating the air quality baseline conditions.
- Monitoring air quality during construction.
- Monitoring air quality during the first five years of operation, or until the end of the third year during which the Project operates at its full operational capacity, whichever comes later.

Updated ambient air quality information was collected using public data available through the National Air Pollutants Surveillance (NAPS) Program and from two on-site air quality stations, which became operational in May and September 2021, respectively. The updated data is shown to be generally less than the values used previously in the Air Quality Technical Data Report (2015), with background concentrations observed having generally decreased for most contaminants for the stations considered in the update. As a result, predicted future airborne concentrations are not expected to increase over those presented in the predictions developed for the future project cumulative case, and could now be expected to possibly be lower than originally reported in the Air Quality Technical Data Report (2015). The updated

baseline ambient air quality results have been compiled in the *Update of Air Quality Baseline Information* (Stantec, 2021) prepared in accordance with Condition 4.21.1.

Monitoring to determine Project effects associated with the Air Quality FUP will be addressed in the next Annual Report (for 2022).

4.2.4 Condition 5.9 – Stormwater Management

The Surface Water Quality and Quantity FUP has been designed to monitor the effectiveness of the stormwater management (SWM) system once operational. The program includes monitoring of effluent quantity and quality of the SWM ponds during construction and operations. The stormwater management component of the Surface Water Quality and Quantity FUP will be addressed in the next Annual Report (for 2022).

4.2.5 Condition 5.10 – Surface Water Quality and Quantity

The Surface Water Quality and Quantity FUP has been designed to monitor adverse changes to surface water quality and quantity attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Monitoring of surface water quantity and quality within Tributary A and Indian Creek during construction.
- Monitoring of surface water quantity and quality within Tributary A and Indian Creek for at least five years of operation.
- Monitoring of effluent quantity and quality of the SWM ponds during construction and operation (as described in Section 4.2.4).

The Surface Water Quality and Quantity FUP will be addressed in the next Annual Report (for 2022).

4.2.6 Condition 5.13 – Groundwater Quality and Quantity

The Groundwater FUP has been designed to monitor adverse changes to groundwater quality and quantity attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Monitoring of groundwater levels and quality in private wells adjacent to the Lower Base Line grade separation (i.e., where excavation and dewatering activities are proposed).
- Monitoring groundwater levels and water quality within and adjacent to the Project during construction and for one year following the start of operation.

CN conducted a survey of existing private wells adjacent to the Lower Base Line grade separation in 2021, specifically for wells owned by CN. While attempts were made to gain access to the one private well not owned by CN in this area, no permission was granted. As such, CN installed an additional

monitoring well in 2021 between the proposed grade separation and this private well to a similar depth and formation in which the private well is constructed.

The Groundwater FUP will be addressed in the next Annual Report (for 2022).

4.2.7 Condition 6.3 – Wetlands

The Wetlands FUP has been designed to monitor adverse changes to wetlands and wetland functions attributed to the Project, during operations. The program includes the following monitoring activities:

- Monitoring of the extent (area) of wetlands within the PDA for at least five years following the end of construction.
- Monitor the encroachment by invasive vegetation species and success of native vegetation planting for all retained and constructed wetlands located within the PDA for at least five years following the end of construction.
- Monitor water level fluctuations in all retained and constructed wetlands located within the PDA and compare monitoring results against baseline fluctuations.

The Wetlands FUP will be addressed in the next Annual Report (for 2022)

4.2.8 Condition 6.10 – Progressive Reclamation

The Progressive Reclamation FUP has been designed to monitor progressive reclamation of the Project, which will be implemented once progressive reclamation is complete. The program includes monitoring of vegetation to evaluate restoration success and to prevent the encroachment of invasive species.

The Progressive Reclamation FUP will be addressed in the next Annual Report (for 2022).

4.2.9 Condition 7.12 – Fish and Fish Habitat

The Fish and Fish Habitat FUP has been designed to monitor adverse environmental effects on fish and fish habitat attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Monitoring of construction activities and channel construction as it relates to the protection of fish and fish habitat.
- Post-construction and operations monitoring to confirm that created fish habitat in the realigned portions of Indian Creek and Tributary A is functioning as intended.
- Monitoring of effluent quality of the SWM ponds (specifically temperature) during construction and operation (as described in Section 4.2.4).

The Fish and Fish Habitat FUP will be addressed in the next Annual Report (for 2022).

4.2.10 Condition 8.4 – Migratory Birds

The Wildlife Management Plan includes a Migratory Bird FUP that has been designed to monitor the effectiveness of mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests, during construction and operations. The program includes the following monitoring activities:

- Weekly monitoring that vegetation in migratory bird habitat remains undisturbed during the breeding season (April 1st to August 31st).
- Monitoring of migratory bird habitat for the presence of bird nests or eggs if disturbance is required during the breeding season.
- Daily monitoring during the Bank Swallow nesting season (May 15th to August 3rd) of exposed soil (e.g., excavation areas and stockpiles) for Bank Swallows or evidence of Bank Swallow nesting (i.e., excavated nesting holes).
- Sightings of bird collisions at buildings within the PDA will be reported to the Environmental Monitor.

The Migratory Birds FUP for on-site activities will be addressed in the next Annual Report (for 2022).

4.2.11 Condition 8.10 – Western Chorus Frog

The Wildlife Management Plan includes a Western Chorus Frog FUP that has been designed to monitor adverse environmental effects on Western Chorus Frog attributed to the Project, during construction and operations, which will be implemented during operation. The program includes the following monitoring activities:

- Pre-construction targeted Western Chorus Frog surveys to identify breeding and hibernating habitat within the PDA and nearby areas.
- Monitoring to inform the timing of installing the temporary exclusion fencing.
- Monitoring the use by Western Chorus Frog individuals within the habitat areas to be restored, as well as the hydroperiod and vegetation (establishment, health, growth and community dynamics).

A review of wetland and terrestrial habitat within and adjacent to the PDA was conducted in the field for suitability to support Western Chorus Frog. Auditory (call count) surveys were conducted between March 27 and April 3, 2020, and recordings collected from Automated Recording Units (ARU) deployed at each survey station from March 20 to April 14, 2020, were reviewed for Western Chorus Frog activity. The surveys indicated the presence of two confirmed locations supporting a small, localized population of Western Chorus Frog adjacent to the PDA, as well as suitable terrestrial habitat within and adjacent to the PDA associated with these features. However, since completion of the habitat surveys during 2020, the wetlands where Western Chorus Frogs were observed has been removed through ground disturbance/excavation and development by others in the area. Additional auditory surveys will be conducted prior to the installation of temporary exclusion fencing.

Monitoring to determine Project effects associated with the Western Chorus Frog FUP will be addressed in the next Annual Report (for 2022).

4.2.12 Condition 8.13 – Grassland Habitat Replacement

The Wildlife Management Plan includes a Grassland Habitat FUP that has been designed to monitor the effectiveness of replacement grassland habitat established within the Luther Marsh Wildlife Management Area and the PDA to compensate for the loss of suitable habitat for Eastern Meadowlark, Bobolink and Monarch butterfly from within the PDA. The program includes the following monitoring activities:

- Photographic monitoring prior to and after habitat creation.
- Annual assessment of habitat (vegetation composition) during the core breeding season for each of the first five years after the habitat has been created.
- Annual surveys of off-site habitat to document presence and evidence of breeding success of Bobolink and Eastern Meadowlark (three times each year) during the core breeding season for the first five years after the habitat has been created.
- Annual surveys of off-site habitat to document Monarch use (flying adults, caterpillars, eggs) in July-September of each year for first five years after the habitat has been created.

The establishment of grassland habitat within Luther Marsh Wildlife Management Area began in 2018 following the Ministry of Natural Resources and Forestry (MNR) Guidelines for Bobolink and Eastern Meadowlark Habitat. The site was an agricultural field and was previously planted in soybeans. The field was seeded using broadcast seeders in the late fall of 2018 and the field was planted using a seed drill during the spring of 2019 using a native seed mix (native grasses, clumping tame grasses and native forb seed). Bluestem Consulting and Ducks Unlimited Canada completed grassland bird surveys and habitat assessment in June 2021. Observations suggest the grassland is maturing, with tame grasses (such as orchard grass and timothy) comprising the majority of cover for nesting grassland birds continuing to fill in more each year. The habitat is a blend of leafy mid-height grasses that, when left undisturbed, provide optimal breeding habitat for bobolink, meadowlark, and other grassland birds. The forbs that were planted are beginning to establish as well and considerable evidence of last year's plants and newly germinated plants was present. At the time of this survey, the grass component was about 60% of the cover while forbs and other broadleaf plants made up 40% of the cover. The grasses will continue to dominate over the coming years given the heavy clay soils on the site. There is very little woody stem growth at this time which is encouraging from a maintenance standpoint. Mowing should not be necessary for at least another year or two. Figures 1 and 2 illustrate the before and after field conditions at the site.

Figure 1: Site conditions (June 2019)



Source: Bluestem Consulting and Ducks Unlimited Canada (2021)

Figure 2: Site Conditions (June 2021)



Source: Bluestem Consulting and Ducks Unlimited Canada (2021)

The grassland bird surveys were completed on June 14, 19 and 24, 2021 at 8 transects across the grassland habitat established for the Project. Bobolinks were abundant (21-32 observed flying or perching) and calls could be heard almost on a continual basis while in the field. No Eastern Meadowlarks were observed during the survey period; however, Bluestem Consulting and Ducks Unlimited Canada

concluded that the “habitat with ample forb cover was considered suitable for this species, so it is reasonable to assume this species will be recorded during subsequent surveys.”

4.2.13 Condition 8.21 – Snapping Turtle and Midland Painted Turtle

The Wildlife Management Plan includes a Snapping Turtle and Midland Painted Turtle FUP that has been designed to monitor adverse environmental effects on Snapping Turtle and Midland Painted Turtle attributed to the Project during construction and operations. The program includes the following monitoring activities:

- Pre-construction surveys to identify and relocate turtles within habitats to be impacted by construction, as well as incidental observations and relocation of turtles encountered during construction.
- Monitoring to confirm proper functioning of temporary turtle exclusion fencing on a weekly basis during construction.
- Incidental observations and reporting of turtle sightings and collisions with turtles within the PDA.
- Monitoring of created wetlands and watercourse channels for basking turtles over a period of five years post-construction.

In anticipation of construction start in 2022, temporary turtle exclusion fencing was installed in September 2021. While no construction occurred in 2021, two days of pre-construction surveys for turtles were conducted on October 15 and 19 by Stantec in accordance with a Scientific Collector’s Permit issued by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry. Surveys were conducted within the on-line agricultural pond on Tributary A and within / adjacent to Indian Creek in the location where the corresponding channel realignment activities are proposed. Despite efforts during suitable conditions, no turtles were observed within these areas during the surveys, and therefore no turtles were relocated outside of the construction area.

Monitoring to determine Project effects associated with the Snapping Turtle and Midland Painted Turtle FUP will be addressed in the next Annual Report (for 2022).

4.2.14 Condition 8.25 – Monarch Butterfly

The Wildlife Management Plan includes a Monarch FUP that has been designed to monitor adverse environmental effects on Monarch attributed to the Project during construction and operations. The program includes the following monitoring activities:

- Monitoring of on-site vegetation for the establishment of milkweed and nectaring wildflowers for five years following establishment of on-site habitat planting.
- Monitoring of off-site grassland habitat for the establishment of milkweed and nectaring wildflowers (as discussed in Section 4.2.12)
- Annual surveys of on-site habitat to document Monarch use (flying adults, caterpillars, eggs) in July-September of each year for first five years after the habitat has been created

As noted in Section 4.2.12, the establishment of grassland habitat within Luther Marsh Wildlife Management Area began in 2018. Bluestem Consulting and Ducks Unlimited Canada completed an adult Monarch survey on July 28, 2021, at 24 transects across the grassland habitat established for the Project. Surveyors maintained a 20 meter spacing between each other when walking across the field. Butterflies were recorded, flying or at rest, within a 5 meter halo left, right and forward of the surveyor. A total of 166 Monarch were observed in the grassland habitat, with 74 individual adults counted in the north field over 7760 m (0.0095 adults/m) and 92 individual adults counted in the south field over 4,640 m (0.0198 adults/m).

While there is ample grass and forbs for grassland birds and for foraging bees and butterflies, the host plant of Monarch Butterflies, milkweed, has yet to populate universally across the site. While individual plants were observed, likely newly emerged from the seed included in the seed mix, it was difficult to find clumps and colonies of milkweed. Monarchs prefer laying their eggs where there are colonies of milkweed plants. Generally speaking, it takes approximately 4 to 5 years for a colony of milkweed plants to establish (Colonies of the plant can number in the hundreds when left undisturbed). It is these colonies that are most beneficial to the Monarch butterfly. Given the sparse nature of the milkweed currently in this site, it is likely that most of the adult butterflies were in the field to forage. It is encouraging however to see this quantity of observations when the field is at such an early level of maturity.

4.2.15 Condition 8.28 – Eastern Milksnake

The Wildlife Management Plan includes an Eastern Milksnake FUP that has been designed to monitor adverse environmental effects on Eastern Milksnake attributed to the Project, during construction and operations. The program includes the following monitoring activities:

- Pre-construction surveys to identify and relocate Eastern Milksnake within habitats to be impacted by construction, as well as incidental observations and relocation of Eastern Milksnakes encountered during construction.
- Incidental observations and reporting of Eastern Milksnakes sightings within the PDA during construction.
- Inspection and maintenance of snake exclusion fencing on a weekly basis during construction.

Pre-construction surveys for Eastern Milksnake were conducted in the September 2020 in accordance with Condition 8.26. A total of 10 surveys were conducted between September 15 and September 29, 2020, by Stantec in accordance with a Scientific Collector's Permit issued by the Ontario Ministry of Natural Resources and Forestry. Survey methods followed those previously developed in consultation with ECCO in 2017, which were consistent with Ontario's Survey Protocol for Ontario's Species at Risk Snakes. Searches included inspecting artificial cover objects (ACOs) deployed along Tributary A and Indian Creek and conducting visual encounter surveys (VES) by qualified biologists during suitable timing and weather conditions. Throughout the 10 surveys, no Eastern Milksnake were observed within the PDA. Two Common Garter Snakes were observed on September 25th under the same ACO. No snakes were captured or relocated during the fall 2020 surveys.

In anticipation of construction commencing, temporary wildlife exclusion fencing was installed in September 2021. Ten days of pre-construction surveys for Eastern Milksnake were conducted between October 13 to October 24, 2021 by Stantec in accordance with a Scientific Collector's Permit issued by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry. Surveys were conducted within the on-line agricultural pond on Tributary A and within / adjacent to Indian Creek in the location where the corresponding channel realignment activities are proposed. Despite efforts during suitable conditions, only two Eastern Gartersnakes were observed within these areas during the surveys, and only one snake was relocated outside of the construction area, as the other snake escaped capture.

Monitoring to determine Project effects associated with the Eastern Milksnake FUP will be addressed in the next Annual Report (for 2022).

4.2.16 Condition 8.32 – Ecopassage

The Wildlife Management Plan includes an Ecopassage FUP that has been designed to monitor adverse environmental effects on habitat connectivity attributed to the Project, including the effectiveness of ecopassages, during construction and operations. The program includes the following monitoring activities:

- Monitoring to verify proposed ecopassages meet the desired design following installation.
- Monitoring to verify the installed substrates has been retained, as well as assess the water depth and vegetation composition are compatible with a functional ecopassage, for another four years following installation.

The Ecopassage FUP will be addressed in the next Annual Report (for 2022).

4.2.17 Condition 9.1 – Country Foods

The Country Foods FUP has been designed to monitor adverse change in concentrations of contaminants of potential concern in country foods attributed to the Project during construction and operations phases. The program includes the monitoring of polycyclic aromatic hydrocarbons (PAHs), specifically benzo(a)pyrene (B(a)P) in soil from plots located upwind and downwind of the PDA, including:

- Pre-construction sampling of PAH levels.
- Monitoring during construction annually for 3 years at the end of the growing season.
- Monitoring during operation annually for the first five years of operation.

Pre-construction samples were taken at the upwind and downwind locations on November 11, 2020. The results of these pre-construction samples indicate B(a)P total potency equivalents, or B(a)P TPE, in the soil of 0.0135 mg/kg and 0.0069 mg/kg, respectively. These existing levels are below the Canadian Council of Ministers of the Environment (CCME) soil quality guideline of 5.3 mg/kg for carcinogenic PAHs.

Monitoring to determine Project effects associated with the Country Foods FUP will be addressed in the next Annual Report (for 2022).

4.2.18 Condition 9.3 – Nighttime Noise Events

As a component of the Acoustic Environment FUP, this program has been designed to monitor the effectiveness of the mitigation measures as it pertains to adverse environmental effects on human health caused by nighttime noise events attributed to the Project during operations. The program includes monitoring nighttime noise events for at least two years following the start of operation.

The terminal is not yet in operation. Therefore, the nighttime noise events component of the Acoustic Environment FUP will be addressed in the next Annual Report (for 2022).

4.3 UPDATES TO FOLLOW UP PROGRAMS

The various FUPs were developed in 2021 for implementation during construction and operation in consultation with all relevant parties, as described in the various conditions of approval. Draft versions of the FUPs were circulated to parties for review and input, with final versions submitted to IAAC and circulated to those parties that participated in consultation. No updates to the FUPs were completed in 2021 in accordance with Condition 2.11.6.

5 ADAPTIVE MANAGEMENT

Adaptive management was not implemented during the reporting year. It will be addressed in the next Annual Report (for 2022).

6 PROJECT CHANGES

As part of the Annual Report, in accordance with Condition 2.11.8, CN is required to set out “*any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply*”.

There were no changes implemented in 2021 as per Condition 2.11.8 for the Designated Project which the Proponent determined that conditions 2.16 and 2.17 did not apply. This section sets out the only change that which the Proponent has determined that 2.16 and 2.17 apply, in consultation with IAAC, is the beneficial adjustment to the Sun Canadian pipeline reconfiguration component of the Project. As described below, the design change necessitates a change to the description of the Designated Project as described in the Decision Statement. However, the proposed change is not anticipated to result in adverse environmental effects relative to the original alignment, rather effects are anticipated to be reduced.

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The originally proposed diversion of the Sun-Canadian pipeline ran from a point on the southwest edge of CN's property northward and around the northwest end of the proposed terminal, under the existing mainline tracks, and then eastward to a point on the northeast side of CN's property. The diversion route on the southwest side of the terminal/tracks largely parallels the proposed terminal access road, while the diversion route on the northeast side of the terminal/tracks cuts across agricultural fields. The described method of construction was open cut excavation and directional drilling.

The proposed change resulting from on-going discussions with Sun Canadian Pipeline Limited will involve maintaining the current pipeline alignment (rather than diverting it) by deepening it along its existing route. This approach will eliminate almost all of the open cut excavation that would have been required to divert the pipeline around the northwest end of the terminal, with the exception of the required directional drilling entry and exit pits at either end of the reconfigured pipelines. As part of the installation, the new piping will be laid down on CN property along the pipeline right-of-way on the northeast side of the terminal/tracks.

Through this design refinement, most of the open cut excavation will be replaced with environmentally preferable directional drilling. The use of open cut excavation is now proposed to be limited to the entry and exit points of the directional drilling.

The potential environmental effects of the original pipeline realignment were assessed in the EIS, including consideration of air and noise emissions from construction equipment, changes to groundwater and surface water quality and quantity, and changes to the terrestrial landscape, and consequential environmental effects on biophysical and socio-economic valued components, including archaeological and heritage resources. With the proposed change, effects are anticipated to be reduced.

CN identified this potential design change and initiated consultation with various parties to notify them of the opportunity to provide comments in accordance with Condition 2.16. Notification was provided to the following parties in this regard on December 23, 2021:

- Region of Halton
- Town of Milton
- Conservation Halton

Notification was also provided to the following Indigenous communities on January 4, 2021:

- MCFN
- Six Nations
- Huron Wendat

CN will consider any information or comments received from the various parties and determine whether and how to proceed with the proposed change through the preparation of a submission to IAAC that includes a description of the proposed change, the predicted adverse environmental effects, and any mitigation measures and follow-up requirements to be implemented in relation to the predicted adverse environmental effects pursuant to Condition 2.17. The results of any consultation with the various parties consulted on this change will be included.

7 OTHER ANNUAL REPORTING REQUIREMENTS

Throughout the Decision Statement, several other conditions require CN to include information and updates as part of the Annual Report. This section covers those items.

7.1 CN TRUCK ELECTRIFICATION

In 2020, CN signed a Memorandum of Understanding with Lion Electric to acquire 50 zero-emission trucks as part of our CNTL fleet for use at our intermodal terminals located in urban areas, such as Milton. The trucks are part of a pilot program, announced in 2019, to test the use of custom-built electric trucks engineered by the Quebec-based company.

Throughout 2021, CN worked collaboratively with the manufacturer to develop the trucks and are currently in the manufacturing phase. The first prototypes are expected to be released for Transport Canada Certification in the second half of 2022. CN will take possession of its first truck in early 2023 with 12 trucks expected to be delivered by the end of 2023. In parallel, through 2021, CN advanced the design of charging stations at our Montreal and Vancouver Intermodal Terminals and commenced their installation. The charging stations are expected to be commissioned in Montreal in the second half of 2022 and early 2023 in Vancouver, coinciding with the rollout of the first trucks.

The live pilot will take place throughout the first half of 2023 in Montreal. Lessons learned throughout this pilot phase will ensure that the trucks and the charging stations are meeting operational requirements and the results will be used to inform and further refine the design for the Milton Logistics Hub.

7.2 LOCOMOTIVE IDLING REDUCTION TECHNOLOGIES

Condition 4.15 requires CN to – provide an update on the technical and economic feasibility of implementing idling reduction technologies on CN-owned locomotives that may serve the Designated Project as part of the Annual Report until such time that CN implements these technologies. This condition also requires CN to provide a rationale as to why these technologies have, or have not, been implemented.

As described in Appendix 1, CN has initiated the implementation of idling reduction technologies and continues to explore other options to reduce idling of locomotives. A key idling reduction technology already in place at CN is the automatic engine start-stop (AESS) system. AESS software minimizes locomotive idling based on certain parameters related to engine oil, water, and ambient air temperatures. Close to 90% of CN locomotives are equipped with this system.

During cold weather conditions, due to the risk of engine damage and loss of water used to cool engines, normally an AESS system will not allow for a shutdown in a sub-freezing environment. CN is currently making improvements to the AESS software and hardware system to allow to stop the engine in some

situations instead of running idle for long periods of time. While idling will still be required in extremely frigid weather, the number of cold weather days for potential AESs shutdowns is expected to increase.

In parallel, CN is also testing a new system installed in a locomotive. The system is based on an auxiliary power unit (APU), a small battery-powered controller that operates an efficient diesel burner, providing a source of heat to the engine water and oil. This small heating source is sufficient to allow the engine to shut down without risk of damage. A pilot project was launched at the end of 2021 and will continue in early 2022. If the results are satisfying, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in the rail yards.

Finally, CN has announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: <https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/>). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards.

7.3 AIR POLLUTANT AND GREENHOUSE GAS EMISSIONS REDUCTION PLAN

7.3.1 Trucks

Condition 4.16.4 requires CN to provide information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means. The program to collect information related to emissions from trucks will be developed prior to operation as part of the air pollutant and greenhouse gas emissions reduction plan.

7.3.2 Locomotives

Condition 4.17.1 requires CN to provide information on the progress in meeting the five-year targets established during the development of the air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Project. Similarly, the program to collect this information related to emissions from locomotives will be developed prior to operation as part of the air pollutant and greenhouse gas emissions reduction plan.

7.4 TERMINAL TRUCK MOVEMENTS

Condition 4.20.1 requires CN to report the number of container trucks entering and exiting the PDA, including the number of container trucks entering the PDA with a container or without a container and the

number of container trucks exiting the PDA with a container or without a container, during the reporting year. However, no construction occurred in 2021 and the terminal is not yet in operation.

7.5 ARCHEOLOGICAL ARTIFACTS

Condition 11.11 requires CN to facilitate discussions between the MCFN, Six Nations and Huron Wendat and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction back to the communities for preservation and interpretation. The Proponent shall seek consent from the MCFN, Six Nations and Huron Wendat before including, as part of the Annual Report referred to in condition 2.11, information on any measure implemented as a result of these discussions.

Discussions with the MCFN, Six Nations and Huron Wendat are ongoing and once consent on artifact disposition is made it will be identified in the Annual Report.

7.6 EROSION AND SEDIMENT CONTROL REPAIRS

Condition 12.1.2 requires CN to report on any major repair done pursuant to the implementation of the infrastructure protection plan, including any major repair done pursuant to the regular inspection of all erosion and sediment control devices installed within the PDA, including following rainfall events, and repair any defective or damaged device in a timely manner.

Any defective or damaged device will be repaired in a timely manner and addressed in the next Annual Report (for 2022).

APPENDIX 1
ACTIVITIES UNDERTAKEN TO COMPLY
WITH EACH CONDITION

CN MILTON LOGISTICS HUB

Appendix 1 - Activities Undertaken To Comply With Each Condition In 2021

Canadian National Railway Company
935 de La Gauchetière Street W
Montreal, Quebec, H3B 2M9



IAAC Reference Number: 80100

March 31, 2022

Appendix 1

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Abbreviations

ACRPP	Archaeological and Cultural Resources Protection Plan
A&M	Accidents and Malfunctions
AQMAMP	Air Quality Monitoring and Adaptative Mitigation Plan Follow-up Program
B(a)P	Benzo(a)pyrene
CAAQS	Canadian Ambient Air Quality Standards
CCC	Community Consultation Committee
CH	Conservation Halton
CN	Canadian National Railway Company
dba	Decibels adjusted - weighted absolute noise power
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
EIS	Environmental Impact Statement
EM	Environmental Monitor
EPP	Environmental Protection Plan
ESC	Erosion and Sediment Control
FUP	Follow-up Program
ha	Hectare
Huron Wendat	Huron Wendat Nation
IAAC	Impact Assessment Agency of Canada
MCFN	Mississaugas of the Credit First Nation
MECP	Ontario Ministry of the Environment, Conservation and Parks
MHSTCI	Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
MNRF	Ontario Ministry of Natural Resources and Forestry
PDA	Project Development Area
PM	Particulate matter
PM _{2.5}	Fine particulate matter (suspended air borne particulate 2.5 microns and less in diameter)
RAA	Regional Assessment Area
SQQ FUP	Surface Water Quality and Quantity Follow-up Program

Stantec Stantec Consulting Ltd.
SWM Stormwater Management
WMCP Wildlife Management and Connectivity Plan and Follow-up Program



Introduction

On January 21, 2021, the federal Minister of Environment and Climate Change issued to Canadian National Railway Company (CN) a Decision Statement with respect to the Milton Logistics Hub Project (the Project), allowing the Project to proceed (CIAR 1119). The Decision Statement includes conditions with which CN must comply.

Appendix 1 describes the activities undertaken in 2021 to comply with each condition set out in the Decision Statement. The table is organized according to the conditions as set out in the Decision Statement.

Section 2: General Conditions

Condition Number	Condition
General Conditions (2.1 to 2.3)	
2.1	<p>The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, have applied the best available economically and technically feasible technologies to achieve continuous improvement and meet all engineering requirements for safe railway and facility operation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has retained a team of qualified individuals, including from Stantec, Aecom, Ducks Unlimited, and others to develop mitigation measures and management plans, to design and implement the various follow-up and monitoring programs, and to undertake the detailed design. Field programs, studies, and engineering designs follow accepted and applicable standards and practices using recognized methods and models, which will lead to the construction and operation of an intermodal terminal that meets all engineering requirements for safe railway and facility operation while mitigating potential environmental effects. For construction, requirements outlined in the conditions will be incorporated into contract specifications and drawings for implementation by the contractor, who will be managed by CN and/or CN representatives and monitored throughout construction for compliance. CN continues to consult with relevant authorities, Indigenous communities, and the public to solicit their input and will incorporate information and knowledge obtained through consultation into the various documents required by the conditions. CN's adaptive management approach will contribute to continuous improvement. Further details are included throughout this report specific to each condition. CN's actions in fulfilling the conditions demonstrate a careful and precautionary approach that supports sustainable development.</p>

Condition Number	Condition
2.2	The Proponent, when carrying out the Designated Project, shall do so as defined in condition 1.8 of this Decision Statement.
	<p>Activities Undertaken to Comply with Condition:</p> <p>Design and construction requirements consistent with condition 1.8 have been incorporated into contract specifications and drawings for implementation by the contractor. Any changes in the Project would be identified and managed in accordance with Conditions 2.11.8 or 2.16/2.17, as appropriate.</p>
2.2.1	The Proponent shall carry out the Designated Project such that no more than 450,000 containers are handled by the Designated Project per calendar year.
	<p>Activities Undertaken to Comply with Condition:</p> <p>The Project has been designed to handle no more than 450,000 containers per calendar year. CN will monitor the number of containers handled in the terminal and will report on this number annually in the annual report, once operation of the Terminal begins.</p>
2.3	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.
	<p>Activities Undertaken to Comply with Condition:</p> <p>The construction contractors and sub-contractors are required, through their contracts with CN, to implement mitigation measures throughout construction. These mitigation measures have been developed in consideration of applicable recovery strategy and action plans for listed species at risk. Applicable recovery strategies have also been considered in the development of the Wildlife Management and Connectivity Plan and Follow-up Program (WMCP) as per Condition 8.10 and will be incorporated into the compensation habitat for the western chorus frog, as per Condition 8.9, including development of mitigation measures that can lessen known impacts that contribute to the declining of listed species.</p>

Condition Number	Condition
Consultation (2.4 to 2.5)	
2.4	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
2.4.1	<p data-bbox="485 394 1787 456">Provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;</p> <p data-bbox="485 488 1073 516">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 532 1887 740">For each party or parties listed specific to each condition with a requirement to consult, CN provided written notice (i.e., emails, letters and website postings) of the opportunity to provide views and information on the subject of the consultation. Documents containing the information available, relevant to the scope and the subject matter of the consultation were provided via file sharing software (SharePoint, FTP site), which made the information available continuously for each party specific to each consultation request. Follow up with each party was also completed to ensure they had received all files and information provided so they had opportunity to review and provide their views.</p>
2.4.2	<p data-bbox="485 771 1877 867">Provide all information available and relevant to the scope and the subject matter of the consultation and a period of time not less than 15 days, or as otherwise agreed upon with the party or parties being consulted, to prepare their views and information;</p> <p data-bbox="485 899 1073 927">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 943 1856 1039">In accordance with Condition 2.4.2, CN has provided and will continue to provide at minimum 15 days for parties to review and provide comments on all available information that is relevant to the scope and subject matter of the consultation.</p>
2.4.3	<p data-bbox="485 1079 1860 1141">Undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and</p> <p data-bbox="485 1174 1073 1201">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 1218 1877 1425">In accordance with Condition 2.4.3, where comments were received from a party being consulted on information relevant to the conditions of approval, CN has reviewed and impartially considered any views or information for incorporation into the final versions of applicable information and documentation, where appropriate. This includes consideration of technical and economic feasibility. The comments received by each party during consultation have been recorded, as well as how each comment / view has been or has not been incorporated into the information and documentation. See Appendix 3 for details on the views and information received and how it was incorporated.</p>

Condition Number	Condition
2.4.4	<p data-bbox="485 266 1879 331">Advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated.</p> <p data-bbox="485 363 1075 391">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 407 1887 646">In accordance with Condition 2.4.4, where comments were received from a party being consulted on information relevant to the conditions of approval, CN has documented how those views and information have been considered including the rationale for why the views or information have, or have not, been integrated. This information has been provided to each party who provided views or information. A record of consultation with the various parties, including the views / information received, CN’s response documenting how the views / information have been considered, and the rationale for CN’s response, have been tracked and consolidated for inclusion in this annual report. See Appendix 3 for details on the views and information received and how it was incorporated.</p>
2.5	<p data-bbox="485 678 1879 959">The Proponent shall, where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent.</p> <p data-bbox="485 987 1075 1015">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 1031 1879 1453">CN has continued to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (Six Nations) and the Huron-Wendat Nation (Huron-Wendat). Targeted discussions with each community have been held to confirm the methods of notification / communication, the type of information, and the period of time to be provided when seeking input. All information relevant to the conditions of approval has been and / or will be shared with these Indigenous communities for their review. Regular meetings have been sought and/or arranged with these Indigenous communities to discuss any views and information they wish to provide, as well as to keep them apprised of the status of CN’s detailed design and preparation for the start of construction and to ensure meaningful engagement during the tender process. Where comments have been received, CN has advised each community how their comments have been considered and incorporated, including the rationale for CN’s consideration. CN will continue to engage with these communities prior to the start of construction, during construction activities, and during operations to continue soliciting their views and information pertinent to the Project, as described in section 3.1 of the Annual Report (2021).</p>

Condition Number	Condition
Follow-Up and Adaptive Management (2.6 to 2.10)	
2.6 (and all sub-conditions 2.6.1 to 2.6.5)	<p>The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information:</p> <ul style="list-style-type: none"> • 2.6.1 - the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program; • 2.6.2 - the scope, content and frequency of reporting of the results of the follow-up program, including whether the reporting of any result may, if disclosed, cause specific harm to the environment; • 2.6.3 - the frequency at which the follow-up program must be updated, unless otherwise required through the condition; • 2.6.4 - the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and • 2.6.5 - the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded. <p>Activities Undertaken to Comply with Condition:</p> <p>Where a follow-up program (FUP) has been identified as a requirement of a condition, they have been developed by qualified individuals familiar with the Project, proposed mitigation measures, and predicted effects and in consultation with agencies as identified. Each FUP has been developed to include all requirements of this condition and its sub-conditions. Upon submission of each FUP to IAAC, CN has provided and/or will provide a concordance table for each FUP indicating where each of the requirements of this condition and its sub-conditions are addressed in the FUP.</p>
2.7	<p>The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties being consulted during the development of each follow-up program.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN will update the FUPs consistent with the frequency determined in condition 2.6.3. No updates to any FUP were made in 2021.</p>

Condition Number	Condition
2.8	<p>The Proponent shall provide the FUPs referred to in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to IAAC and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has provided all FUPs pursuant to conditions listed in 2.8 to the IAAC and to the party/parties that were consulted during the development of each FUP prior to the start of construction. All FUPs were developed pursuant to condition 2.6. During the implementation of the FUPs, any update made pursuant to condition 2.7, will be provided to IAAC and to the party/parties that were consulted on the development of each FUP within 30 days of such updates.</p>
2.9	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
2.9.1	<p>implement the follow-up program according to the information determined pursuant to condition 2.6;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022). . For more details, please see update to Condition 15.1 – Condition Schedule (Appendix 4).</p>
2.9.2	<p>Conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022). For more details, please see update to Condition 15.1 – Condition Schedule (Appendix 4).</p>
2.9.3	<p>Determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022). For more details, please see update to Condition 15.1 – Condition Schedule (Appendix 4).</p>

Condition Number	Condition
2.9.4	<p>If modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022). For more details, please see update to Condition 15.1 – Condition Schedule (Appendix 4).</p>
2.9.5	<p>Report all results of the follow-up program to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted during the development of the follow-up program.</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022). For more details, please see update to Condition 15.1 – Condition Schedule (Appendix 4). The results of the various FUPs implemented in the previous calendar year will be reported to IAAC no later than March 31 of the following year or as identified in the applicable FUPs. A summary of the results of each FUP will be provided to IAAC and parties that informed the FUPs in accordance with Condition 2.11.5.</p>
2.10	<p>Where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.</p> <p>Activities Undertaken to Comply with Condition: The various FUPs have been discussed with the MCFN, the Six Nations and/or the Huron Wendat including opportunities for participation in the implementation of specific FUPs and where they may be interested in participating as part of the field programs, analysis, and reporting.</p>

Condition Number	Condition
Annual Reporting (2.11 to 2.12)	
2.11 (and all sub-conditions 2.11.1 to 2.11.8)	<p>The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:</p> <ul style="list-style-type: none"> • 2.11.1 - the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement; • 2.11.2 - how the Proponent complied with condition 2.1; • 2.11.3 - for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation; • 2.11.4 - the information referred to in conditions 2.6 and 2.7 for each follow-up program; • 2.11.5 - a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3; • 2.11.6 - for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan; • 2.11.7 - any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and • 2.11.8 - any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>An annual report that sets out the activities undertaken to comply with each of the conditions set out in the Decision Statement has been prepared. The annual report references all relevant information required through the conditions, including information on how each of the conditions of approval were considered in a careful and precautionary manner, and how CN’s actions in fulfilling these conditions promoted sustainable development, were informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, were based on methods and models that are recognized by standard-setting bodies, were undertaken by qualified individuals, applied the best available economically and technically feasible technologies to achieve continuous improvement and met all engineering requirements for safe railway and facility operation. The annual report includes a summary table identifying and describing how the Proponent considered any views or information received by CN during or as a result of consultation with various parties throughout the previous year. Since no construction occurred in 2021, no FUPs were implemented and, therefore, the 2021 Annual Report does not include information pertaining to the implementation of the FUPs. Lastly, the annual report identifies any change to the Project for which CN determined such change would not result in a change to the description of the Project (per Condition 1.8) or that would not result in adverse environmental effects, as well as the rationale for that determination, as well as potential project changes to which Conditions 2.16 and 2.17 would apply.</p>
2.12	<p>The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The annual report will include a plain language executive summary in both official languages, will be submitted to IAAC no later than March 31 following the reporting year to which the annual report applies.</p>

Condition Number	Condition
Information Sharing (2.13 to 2.14)	
2.13	<p>The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the air pollutant emissions reduction plans referred to in conditions 4.16 and 4.17, the final offsetting plan(s) referred to in condition 7.6, the wildlife management and connectivity plan referred to in condition 8.33, the cultural heritage property maintenance and re-use plan referred to in condition 11.5, the archaeological resources protection plan referred to in condition 11.8, the reports related to accidents and malfunctions referred to in conditions 14.5.4 and 14.5.5, the accident and malfunction communication plan referred to in condition 14.6, the schedules referred to in conditions 15.1 and 15.2, and any update or revision to the above documents, upon submission of these documents to the party or parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party or parties referenced in each respective condition, potentially affected parties, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Final versions of the annual reports, executive summaries (in both languages) and other documents as specified, will be submitted to IAAC. Copies will be posted publicly to the project website (https://cnmilton.com) and be maintained on the website for at least 15 years following publication.</p> <p>CN will notify IAAC, the party or parties referenced in each respective condition, potentially affected parties, the MCFN, the Six Nations and the Huron Wendat of the availability of these documents within 48 hours of their publication.</p>
2.14	<p>When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>All plans that were required to be submitted to IAAC, prior to construction, have been submitted during the reporting period.</p>

Condition Number	Condition
Change of Proponent (2.15)	
2.15	<p>The Proponent shall notify the Agency, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton, the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN intends to own and operate the Milton Logistics Hub as a key component of their network in perpetuity; however, in the event that CN decides to transfer ownership, care, control or management of the Project (in whole or in part) to another party, CN will provide notification to IAAC, the MCFN, the Six Nations, the Huron Wendat, Halton Region, Conservation Halton (CH), the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which that would occur.</p>
Change to the Designated Project (2.16 to 2.17)	
2.16	<p>The Proponent shall consult with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton and other relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential change to the Designated Project.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Section 6.1 of this annual report describes the consultation carried out by CN in 2021 regarding a proposed change to the SunCanadian Pipeline reconfiguration. Consultation with these parties, including Indigenous communities, will continue in 2022. CN will consider any information or views received from these parties in determining whether and how to proceed with the proposed change.</p>

Condition Number	Condition
2.17	<p>The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this Decision Statement or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent in relation to the predicted adverse environmental effects. The Proponent shall also describe the results of the consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton, and other relevant authorities.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Section 6.1 of the annual report describes a proposed change to the SunCanadian Pipeline reconfiguration component of the Project.</p> <p>CN will provide a submission to IAAC that includes a description of the proposed change, the predicted adverse environmental effects, and any mitigation measures and follow-up requirements to be implemented in relation to the predicted adverse environmental effects, in accordance with Condition 2.17. The results of any consultation with the various parties consulted on this change, in accordance with Condition 2.16, will be included.</p>

Section 3: Community Liaison Communication Process

Condition Number	Condition
General (3.1 to 3.2)	
3.1	<p>The Proponent shall identify, prior to construction, parties that may be potentially affected by the Designated Project or by any environmental effect of the Designated Project, which shall include representatives of local and municipal governments, nearby residents, community organizations and business organizations identified by the Proponent in appendix D of the environmental impact statement, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation. The Proponent shall provide the list of potentially affected parties, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has identified parties that may be potentially affected by the construction or operation of the Designated Project, or by any environmental effects of the Designated Project. The list of potentially affected parties, including their contact information (where available), was provided to IAAC on December 1, 2021. The list will be maintained by adding any additional parties identified through on-going consultation efforts, such as the community liaison process, or by capturing any changes to the contact information of these parties of which CN is aware, so that an updated list can be provided to IAAC upon request.</p>

Condition Number	Condition
3.2	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties, a community liaison communication process. The Proponent shall implement the community liaison communication process throughout all phases of the Designated Project. The Proponent shall include, as part of the community liaison communication process, a method for potentially affected parties to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and a method for the Proponent to share information about the Designated Project with potentially affected parties, to document and respond to feedback received and to demonstrate how feedback has been addressed, including through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow-up program requirement(s). This includes liaison with potentially affected parties throughout all phases of the Designated Project to identify and address potential impacts of truck traffic on the community and road safety. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has developed a community liaison communication process (CLCP), including the required information specified in the condition, in consultation with community members; consultation occurred from May 26, 2021 to June 30, 2021. CN has committed to implement the CLCP throughout all phases of the Project.</p> <p>The process materials made available for consultation included a proposed Community Consultation Committee (CCC) Terms of Reference outlining the purpose, scope, membership / recruitment, roles and responsibilities, meeting frequency, conduct expectations, communications, and member commitments. The CLC Terms of Reference and CLCP document were provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
3.2.1	Determine, as part of the development of the community liaison communication process:
3.2.1.1	<p>The communication methods (including electronic and in-person communication methods) by which potentially affected parties may provide feedback to the Proponent and communication methods (including electronic and in-person communication methods) by which the Proponent shall share information about the Designated Project and address feedback received. The Proponent shall retain a third-party facilitator to support the exchange of information between the Proponent and potentially affected parties during in-person communication opportunities;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies the proposed communication methods by which potentially affected parties can provide feedback to CN and the communication methods by which CN will share information and address feedback received. CN has retained third-party facilitators to support the exchange of information between the Proponent and potentially affected parties during in-person communication opportunities. Those comments/questions received during the CCC sessions and CN's response to those (including how they are being incorporated) is included in an Excel spreadsheet circulated prior to each CCC meeting.</p>
3.2.1.2	<p>How the Proponent shall document feedback received and how that feedback has been addressed, including through the implementation of any modified or additional mitigation measure and/or any modified or additional follow-up program requirement;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies how CN will document feedback received and how that feedback has been addressed by CN. Those comments/questions received during the CCC sessions and CN's response to those (including how they are being incorporated) is included in an Excel spreadsheet circulated prior to each CCC meeting.</p>

Condition Number	Condition
3.2.1.3	How the Proponent shall report the information referred to in condition 3.2.1.2 to potentially affected parties (including the frequency at which the Proponent shall report that information, which shall be no less than quarterly, and the communication methods by which the Proponent shall report that information);
	<p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies how CN will report the feedback received and how that feedback has been addressed to potentially affected parties, including frequency of reporting and communication methods for reporting. Those comments/questions received during the CCC sessions and CN’s response to those (including how they are being incorporated) is included in an Excel spreadsheet circulated prior to each CCC meeting which has generally occurred on a near monthly basis since the CCC was created and began meeting 2021. As construction did not occur in 2021, no comments have been received through any of the methods for which CN has outlined in the CLCP document, to be uploaded to the CN website for communication to the potentially affected parties. It is anticipated the quarterly reports will begin in 2022, with the start of construction.</p>
3.2.1.4	The information about the Designated Project that the Proponent shall share with potentially affected parties, which shall include the following information:
3.2.1.4.1	A summary of the results of all follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent;
	<p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies the required list of information and reports about the Designated Project that CN will share with potentially affected parties. Summaries of the results of the applicable FUPs that were implemented in the previous year will be a shared with potentially affected parties per the CLCP. No FUPs were completed in 2021 therefore there are no summary results available.</p>
3.2.1.4.2	The quarterly reports related to noise complaints referred to in condition 4.9.3;
	<p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies the list of information and reports about the Designated Project that CN will share with potentially affected parties, including quarterly reports related to noise complaints referred to in condition 4.9.3, and the process for CN to share those documents with potentially affected parties. No noise complaints were received in 2021, therefore none were shared in quarterly reports to the CCC or posted to CN’s website.</p>

Condition Number	Condition
3.2.1.4.3	<p>The land use history, construction details and photographic record referred to in condition 11.2.2;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition Fulfilled. The CLCP document provided to IAAC on December 1, 2021, identifies the list of information and reports about the Designated Project that CN will share with potentially affected parties, including the shed at 5269 Tremaine Road to provide land use history, construction details an photographic record as referred to in condition 11.2.2, and the process for CN to share with potentially affected parties The Cultural Heritage Documentation Report on the shed at 5269 Tremaine Road was provided to IAAC on November 26, 2021 and the shed will be salvaged in 2022.</p>
3.2.1.4.4	<p>The results of the post-construction inspections referred to in condition 11.4; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies the list of information and reports about the Designated Project that CN will share with potentially affected parties, including the results of the post-construction inspections referred to in condition 11.4, and the process for CN to share with potentially affected parties. No post construction inspections were completed in 2021.</p>
3.2.1.4.5	<p>The results of the heritage impact assessment referred to in condition 11.6.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The CLCP document provided to IAAC on December 1, 2021, identifies the list of information and reports about the Designated Project that CN will share with potentially affected parties, including the results of the heritage impact assessment referred to in condition 11.6, and the process for CN to share with potentially affected parties. The report will be provided to the correct local historical documentation repository (e.g., museum or library) and will be posted on the CN Milton website.</p>
3.2.1.5	<p>How the requirements set out in conditions 3.2.1.1 to 3.2.1.3 may vary throughout any phase of the Designated Project, including during each phase of construction identified in the construction schedule referred to in condition 15.2, during the first year of operation and during the first year of operation at which the Designated Project operates at its full operational capacity;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As part of the CLCP, communication methods, feedback and reporting may be adjusted through consultation with potentially affected parties as the project moves into each phase of construction, during the first year of operation, and during the first year of operation at which the Designated Project operates at its full operational capacity.</p>

Condition Number	Condition
3.2.2	<p data-bbox="464 253 1549 285">Provide the community liaison communication process to the Agency prior to construction;</p> <p data-bbox="464 318 1056 350">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 367 1104 399">The CLCP was provided to IAAC on December 1, 2021.</p>
3.2.3	<p data-bbox="464 407 1423 440">As part of the implementation of the community liaison communication process:</p>
3.2.3.1	<p data-bbox="464 469 1927 534">Implement the community liaison communication process according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5;</p> <p data-bbox="464 542 1056 574">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 591 1965 656">The CLCP has been implemented according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5. As part of the CLCP, CN has:</p> <ul data-bbox="464 672 1965 980" style="list-style-type: none"> <li data-bbox="464 672 1965 769">• completed the CLCP; drafting and circulating the draft CLCP to the CN website and to the CCC; incorporated feedback into the final CLCP document, identified within the CLCP the feedback received and how CN considered the feedback; captured activities of the community consultation in a Summary Report; <li data-bbox="464 777 1136 810">• established the Community Consultation Committee <li data-bbox="464 818 1037 850">• retained a third-party facilitator for the CCC; <li data-bbox="464 859 1965 924">• drafted and finalized the Terms of Reference for the CCC through consultation, incorporation of feedback, identification of how the feedback was incorporated <li data-bbox="464 932 1608 964">• established a question and feedback tracking document, as outlined in CLCP Section 2.3; and <li data-bbox="464 972 1808 1005">• posted online and notified the Community Consultation Committee the FUPs identified in condition 3.2.1.4.1. <p data-bbox="464 997 1892 1062">None of the activities contemplated in Condition 3.2.1.4 (comprising conditions: 3.2.1.4.1; 3.2.1.4.2; 3.2.1.4.3; 3.2.1.4.4; 3.2.1.4.5) and 3.2.3.3 have occurred yet. Once activity in these areas occur, CN will:</p> <ul data-bbox="464 1078 1209 1208" style="list-style-type: none"> <li data-bbox="464 1078 1073 1110">• share such information, per CLCP Section 2.2.1; <li data-bbox="464 1118 1142 1151">• provide methods of feedback per CLCP Section 2.2.2; <li data-bbox="464 1159 1209 1192">• document and address feedback per CLCP Section 2.3; and <li data-bbox="464 1200 957 1232">• report feedback per CLCP Section 2.4. <p data-bbox="464 1224 1650 1256">The following Community Consultation Committee meetings were held during the reporting period:</p> <ul data-bbox="464 1265 1383 1403" style="list-style-type: none"> <li data-bbox="464 1265 1293 1297">• August 19, 2021 – orientation session without CN representatives <li data-bbox="464 1305 1383 1338">• October 7, 2021 – introductory session with CN; general project overview <li data-bbox="464 1346 1331 1378">• November 4, 2021 – noise; with CN and guest subject matter experts <li data-bbox="464 1386 1640 1419">• December 2, 2021 – groundwater and surface water; with CN and guest subject matter experts

Condition Number	Condition
3.2.3.2	<p>Respond to all feedback received through the community liaison communication process in a timely manner, including, if the Proponent determines that no mitigation measure and/or follow-up program requirement is required to address the feedback, by providing a rationale for that determination;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>A question and feedback tracking document has been established that compiles the cumulative list of questions and comments raised during Community Consultation Committee meetings as well as provided in writing to the Co-Facilitators (e.g., by email) and CN’s responses (shared with CCC). No comments or questions were received from the general public via email or by telephone in 2021. No additional mitigation measures and/or follow-up program requirements were identified as necessary based on the comments and feedback received.</p>
3.2.3.3	<p>Implement any mitigation measure and/or follow-up program requirement that the Proponent determined is required to address feedback received (including any modified or additional mitigation measure and/or modified or additional follow-up program requirement); and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Draft Noise Communication Protocol and the Accident and Malfunctions Communication Plan - Construction were posted on cnmilton.ca and shared with CCC for feedback; feedback was received regarding these two communication protocols and they were updated and the changes made were provided in writing back to the CCC (where the comments originated). The Final versions were then posted to cnmilton.ca and communicated to the CCC.</p> <p>No additional mitigation measures and/or follow-up program requirements were needed to be implemented based on the comments and feedback received.</p>
3.2.3.4	<p>Provide to the Agency, as part of the annual report referred to in condition 2.11, all feedback received during the reporting year and how the Proponent has addressed all feedback, including any mitigation measure and/or any follow-up program requirement that the Proponent has implemented or plans to implement pursuant to condition 3.2.3.3, or a rationale as to why no mitigation measure or no follow-up program requirement is required to address the feedback.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>All feedback received during the reporting year and how CN has addressed feedback is provided to IAAC as part of the annual report (Appendix 2 – Record of Consultation).</p>

Section 4: Atmospheric Environment

Condition Number	Condition
Light (4.1 to 4.5)	
4.1	<p>The Proponent shall measure, prior to construction, baseline light trespass and glare at the eight sites identified by the Proponent in table 4.5 of the document entitled Technical Data Report Light (Appendix E.8) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p>
	<p>Activities Undertaken in 2021 to Comply with Condition:</p> <p>Updated field measurements to assess current baseline light conditions of sky quality, light trespass and glare were assessed on the night of June 5/6, 2021. The baseline condition is characterized as a medium distinct brightness (or suburban) which is Environmental Zone E3. The light trespass at the eight sites is currently below the E3 zone requirements of 2 lux between the hours of 11:00 PM and 6:00 AM.</p>
4.2	<p>The Proponent shall manage, during all phases of the Designated Project, lighting within the Designated Project Development Area such that light trespass and glare from the Designated Project meet or surpass:</p>
4.2.1 or 4.2.2	<p>E2 rural guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition); or</p> <p>E3 suburban guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition) if baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines for light trespass and glare as set out in the Guide.</p>
	<p>Activities Undertaken to Comply with condition:</p> <p>No construction occurred in 2021.</p> <p>As noted above, the baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines. Lighting design plans, including the selection of luminaires, have been based on the implementation of measures to reduce light trespass and glare and to target light to those areas during construction and operation where it is required. The contract requires the contractor to manage light trespass and glare to meet or surpass the E3 guidelines during construction. CN will manage light trespass and glare to meet or surpass the E3 guidelines during operations through the various light mitigation measures outlined in the EIS and commitments.</p>

Condition Number	Condition
4.3	<p>The Proponent shall develop, prior to construction, mitigation measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall:</p> <p>Activities Undertaken to Comply with condition:</p> <p>Lighting plans for the terminal will meet the requirements specified in the conditions. A memo summarizing measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation, was provided to IAAC on December 9, 2021. For information on implementation of these measures, please see update to Condition 15.1 – Condition Schedule.</p>
4.3.1	<p>Direct light fixtures toward active construction areas during construction and toward the terminal during operation;</p> <p>Activities Undertaken to Comply with condition:</p> <p>For information on implementation of these measures, please see update to Condition 15.1 – Condition Schedule.</p>
4.3.2	<p>Use down-cast light fixtures during operation;</p> <p>Activities Undertaken to Comply with condition:</p> <p>No operation occurred in 2021. This condition will be met once the Project becomes operational.</p>
4.3.3	<p>Install glare reduction technologies on individual light fixtures; and</p> <p>Activities Undertaken to Comply with condition:</p> <p>This condition will be met once the Project becomes operational.</p>
4.3.4	<p>Require that all motor vehicles use low-beam headlights within the Designated Project Development Area.</p> <p>Activities Undertaken to Comply with condition:</p> <p>This condition will be met once the Project begins construction and operation.</p>

Condition Number	Condition
4.4	The Proponent shall evaluate, prior to construction, the technical and economic feasibility of installing amber-coloured outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin within the Designated Project Development Area. The Proponent shall also evaluate, in consultation with relevant authorities, whether the use of amber lighting can reduce sky glow and glare from the Designated Project, is not harmful to wildlife and can meet all engineering requirements for safe railway and facility operation. In doing so, the Proponent shall:
4.4.1	<p data-bbox="352 500 1801 565">Provide the results of the evaluation to the Agency and relevant authorities prior to construction, including the sources of information and methodology used for the evaluation; and</p> <p data-bbox="352 597 947 630">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 646 1885 857">An amber light assessment was completed by CN to evaluate the technical and economic feasibility of installing amber-coloured outdoor light fixtures as described above and compared to white light originally proposed for the Project. As part of the assessment, CN also evaluated the use of amber light to reduce sky glow and glare from the Designated Project, the potential effects to wildlife and if the use of amber lights would meet engineering requirements for safe railway and facility operation. The draft amber light assessment was provided to the relevant authorities for technical feedback. The Amber Light Evaluation was provided to IAAC on December 9, 2021.</p>
4.4.2	<p data-bbox="352 881 1885 1060">Install amber outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin and with no more than 2 percent of total emitted light with a wavelength of less than 500 nanometres within the Designated Project Development Area, unless the evaluation demonstrates that installing amber lighting is not technically or economically feasible or does not reduce sky glow and glare, is harmful to wildlife and/or does not meet all engineering requirements for safe railway and facility operation.</p> <p data-bbox="352 1084 947 1117">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1133 1885 1336">The evaluation conducted in accordance with Condition 4.4.1 demonstrated that amber lighting is technically and economically feasible and is not expected to be harmful to wildlife. However, the evaluation also demonstrated that amber lighting would only marginally reduce sky glow and would not reduce glare. Further, the evaluation demonstrated that amber lighting would compromise on-site safety relative to the white lighting originally proposed for the Project. As outlined in the Amber Light Evaluation, completed as part of Condition 4.4.1, CN will not install amber outdoor light fixtures within the Designated Project Development Area.</p>

Condition Number	Condition
4.5	<p>The Proponent shall develop, prior to construction and in consultation with the Town of Milton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to ambient lighting attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to prepare a FUP for ambient lighting attributed to the Designated Project. The Ambient Lighting FUP was provided to the Town of Milton for review, and no views or information were received from the Town for consideration by CN in finalizing this FUP. See Appendix 2 which outlines the efforts CN undertook in seeking input from the Town of Milton. Implementation will occur during construction and operation. The Ambient Lighting FUP was provided to IAAC on December 9, 2021.</p>
4.5.1	<p>Monitor, during construction and until the end of the first year at which the Designated Project operates at its full operational capacity, light trespass and glare attributed to the Designated Project and compare monitoring results against the applicable guidelines referred to in condition 4.2.1 or 4.2.2; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022).</p>
4.5.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 4.5.1 demonstrate that modified or additional mitigation measures are required to ensure that light trespass and glare attributed to the Designated Project meet or surpass the applicable guidelines referred to in condition 4.2.1 or 4.2.2.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022).</p>

Condition Number	Condition
Noise (4.6 to 4.10)	
4.6	<p>The Proponent shall manage noise throughout all phases of the Designated Project so that the Designated Project causes the acoustic environment at any receptor location identified by the Proponent on figure 3 of the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) to change by less than one to five decibels, as set out in the U.S. Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual, and the level of highly annoyed to change by no more than 6.5%, as set out in Health Canada's Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE, from baseline conditions documented by the Proponent in the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In doing so, the Proponent shall:</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>Noise mitigation measures have been identified by CN and incorporated into detailed design and construction planning. The contractor agreement includes construction-specific mitigation measures to be implemented by the contractor during construction. The contractor will keep a daily equipment use log documenting equipment numbers, activities, time, and locations, where equipment is operating on site. Berms and barriers will be constructed during the construction phase of the Project to mitigate noise during operations.</p>

Condition Number	Condition
4.6.1	<p data-bbox="352 302 1885 472">Construct, prior to operation, and maintain, throughout operation, noise barriers and/or vegetated berms within the Designated Project Development Area. The Proponent shall determine the locations and heights of the noise barriers and/or vegetated berms prior to construction and shall provide that information to the Agency prior to construction, including a rationale demonstrating how the location and height of each noise barrier and/or vegetated berm will cause change(s) to the acoustic environment to meet the thresholds for change referred to in condition 4.6;</p> <p data-bbox="352 500 947 529">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 548 1850 719">CN retained Aecom to conduct an updated noise assessment to inform the refinement of the noise berms/barriers and to confirm the effectiveness of the refined noise barriers to mitigate changes to the acoustic environment as a result of the Designated Project. Project design plans included in the contractor agreement identify the location, heights, and design of the noise berms/barriers, which are a combination of noise barrier walls and vegetated berms. Berms and barriers will be constructed during the construction phase of the Project to mitigate noise during operations.</p> <p data-bbox="352 735 1717 764">A copy of the Supplemental Construction Phase 1 Noise Assessment (June 2021) was provided to IAAC in July 2021.</p>
4.6.2	<p data-bbox="352 795 1890 857">Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;</p> <p data-bbox="352 889 947 919">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 935 1871 1036">At this time, there are no plans to use a concrete plant during construction of the terminal. In the event a concrete plant is proposed to be used by the contractor, the contractor would install temporary sound barriers (hoarding) around the temporary concrete plant.</p>
4.6.3	<p data-bbox="352 1065 1591 1094">Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;</p> <p data-bbox="352 1114 947 1143">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1162 1178 1192">This condition will be addressed in the next Annual Report (for 2022).</p>
4.6.4	<p data-bbox="352 1214 1818 1276">Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;</p> <p data-bbox="352 1308 947 1338">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1357 1178 1386">This condition will be addressed in the next Annual Report (for 2022).</p>

Condition Number	Condition
4.6.5	<p data-bbox="352 298 1877 509">Require employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring within the Designated Project Development Area, including during loading and unloading activities, and encourage employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring outside the Designated Project Development Area, including when travelling between the Designated Project Development Area and the 400-series highway network. The Proponent shall provide these best practices to the Agency prior to implementing them; and</p> <p data-bbox="352 526 947 565">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 581 1890 753">Several requirements have been incorporated into the contract documents requiring the contractor and their employees to abide by best practices for noise reduction within the PDA during construction. A Noise Reduction Plan has been prepared by the contractor to describe best practices for noise reduction that will be implemented by construction staff within the PDA and while travelling between the PDA and the 400-series highway network. The Noise Reduction Plan was provided to IAAC on December 9, 2021.</p>
4.6.6	<p data-bbox="352 771 1808 803">Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.</p> <p data-bbox="352 820 947 859">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 860 1871 925">As part of the contractor agreement, the contractor will be required to enclose generators used during construction and to only use generators with a sound power level of 107 dBA or less.</p>

Condition Number	Condition
4.7	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a communication protocol to share information related to noise attributed to construction of the Designated Project. The Proponent shall implement the protocol during construction. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. The protocol shall include procedures, including timing and methods, for sharing the following information:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has developed a CLCP (per Condition 3.2) in consultation with potentially affected parties and the Town of Milton; consultation occurred from May 26, 2021 to June 30, 2021. CN has committed to implement the CLCP throughout all phases of the Project.</p> <p>Specific to noise, CN has also developed a Noise Communication Protocol that identifies procedures for sharing of information and responding to noise issues raised during construction and operation.</p> <p>The Noise Communication Protocol was provided to potentially affected parties and the Town of Milton for review with a request that any views or information be provided to CN for consideration in finalizing this protocol; however, no comments were received specific to the request for feedback from the Town of Milton or potentially affected parties. A copy of the final Noise Communication Protocol was provided to IAAC on December 9, 2021.</p>
4.7.1	<p>The schedule of construction activities, including construction activities that produce noise, and any update to that schedule;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Noise Communication Protocol provided to IAAC on December 9, 2021 includes commitments for notification of the schedule of construction activities, including construction activities that produce noise, and any update to the schedule. The schedule of construction has been posted to the CN website and circulated to the CCC. Updates will be reposted and circulated to keep all potentially affected parties advised.</p>
4.7.2	<p>How the Proponent will notify the local community if the Proponent must conduct construction activities at nighttime pursuant to condition 4.8; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Noise Communication Protocol provided to IAAC on December 9, 2021 includes information about how the local community will be notified if construction activities must occur at nighttime.</p>

Condition Number	Condition
4.7.3	<p>The details of the protocol for receiving complaints related to exposure to noise attributed to the Designated Project implemented pursuant to condition 4.9, including how to record a complaint.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Noise Communication Protocol provided to IAAC on December 9, 2021 includes details of the protocol for receiving complaints related to exposure to noise attributed to the Designated Project, including how to record a complaint.</p>
4.8	<p>The Proponent shall conduct construction activities during daytime, unless not technically feasible. If the Proponent must conduct any construction activity that produces noise during nighttime, the Proponent shall notify the local community prior to undertaking the activity according to the communication protocol implemented pursuant to condition 4.7.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Construction activities are planned to occur during daytime hours (between 7:00 am to 10:00 pm.), as defined in Condition 1.7. The contract documents prepared to guide the contractor's activities during construction of the Project includes requirements for the completion of construction activities during these daytime hours and describes the conditions under which nighttime construction may be permitted (i.e., where daytime construction is not technically feasible). The Noise Communication Protocol provided to IAAC on December 9, 2021 includes information about how/when the local community will be notified if construction activities must occur at nighttime.</p>
4.9	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a protocol for receiving complaints related to exposure to noise attributed to the Designated Project. The Proponent shall implement the protocol during all phases of the Designated Project. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. As part of the implementation of the protocol, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Noise Communication Protocol was provided to potentially affected parties and the Town of Milton on June 4th, 2021 for review and provided to IAAC on December 9, 2021. The protocol includes details for receiving complaints related to exposure to noise attributed to the Designated Project, including how to record a complaint. The Noise Communication Protocol will be implemented during construction and operation of the Project. The Noise Communication Protocol was posted to the CN public website.</p>

Condition Number	Condition
4.9.1	<p data-bbox="352 298 1885 402">Acknowledge any noise complaint attributable to any component of the Designated Project as soon as possible, or no later than 48 hours after the complaint is received, and shall implement any corrective action, if required to reduce exposure to noise, in a timely manner;</p> <p data-bbox="352 428 949 454">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 477 1885 574">The Noise Communication Protocol outlines that noise complaints attributable to any component of the Designated Project will be acknowledged as soon as possible and no later than 48 hours after the complaint is received. Corrective actions will be implemented in a timely manner if required to reduce noise attributable to the Project.</p>
4.9.2	<p data-bbox="352 597 1885 656">Take into account the thresholds for change referred to in condition 4.6 and the results of the monitoring conducted pursuant to condition 4.10 when determining if any corrective action is required to reduce exposure to noise; and</p> <p data-bbox="352 672 949 698">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 711 1885 802">In regard to noise complaints, CN will consider the noise thresholds referred to in condition 4.6 and the results of the noise monitoring conducted pursuant to condition 4.10 when determining if any corrective action is required to reduce exposure to noise attributable to the Project.</p>
4.9.3	<p data-bbox="352 824 1885 922">Provide, on a quarterly basis, a report of all complaints received during the reporting quarter and any corrective action taken (which may include the results of any noise measurement done in relation to any measure taken) to the Agency, potentially affected parties and the Town of Milton.</p> <p data-bbox="352 954 949 980">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1003 1885 1094">On a quarterly basis, CN will provide a report to IAAC, potentially affected parties and the Town of Milton of all noise complaints received during the reporting quarter and any corrective action taken by CN. No complaints about noise related to the Project have been received during the reporting period.</p>

Condition Number	Condition
4.10	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Health Canada, the Canadian Transportation Agency, and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to the acoustic environment attributed to the Designated Project.</p> <p>As part of the implementation of the follow-up program, the Proponent shall compare changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to in condition 4.6. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to prepare a FUP for the acoustic environment. The Acoustic Environment FUP has been provided to the MCFN, the Six Nations, Health Canada (HC) and the Canadian Transportation Agency, as well as ECCC and the Town of Milton, for review. All views or information received from these parties have been considered by CN in finalizing this FUP. Details on the feedback received and how it was incorporated can be found in Appendix 2. Implementation of the Acoustic Environment FUP will occur once construction and operation begins.</p> <p>Monitoring results will be compared against thresholds outlined in the Acoustic Environment FUP.</p> <p>The Acoustic Environment FUP was provided to IAAC on December 9, 2021.</p>
4.10.1	<p>Monitor day-night average sound levels continuously during the first four weeks of each phase of construction identified in the construction schedule referred to in condition 15.2, at locations to be determined during the development of the follow-up program;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022).</p>
4.10.2	<p>Monitor day-night average sound levels continuously during the first four weeks of operation and during four additional weeks when the Designated Project operates at its full operational capacity, at locations to be determined during the development of the follow-up program;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be met during operations.</p>

Condition Number	Condition
4.10.3	<p>As part of the monitoring referred to in condition 4.10.2, monitor low-frequency noise in a manner that allows comparison with the American National Standards Institute's Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4); and</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during operations.</p>
4.10.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.10.1, 4.10.2 or 4.10.3 demonstrate that modified or additional mitigation measures are required to maintain changes to the acoustic environment attributed to the Designated Project within the thresholds for change referred to in condition 4.6, including in the area north of Britannia Road.</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022).</p>
Air Quality (4.11 to 4.25)	
4.11	<p>The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:</p> <p>Activities Undertaken to Comply with Condition: Measures to mitigate fugitive dust emissions attributed to the Project will be implemented during construction and operations. These measures have been identified in the Environmental Protection Plan (EPP) and have been incorporated into the contractor's Air Quality Best Management Practice Plan.</p>
4.11.1	<p>Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;</p> <p>Activities Undertaken to Comply with Condition: As part of the contractor agreement, the contractor will be required to use dust suppressants with the least potential for adverse effects (i.e., water or other approved materials) to control fugitive dust emissions during construction, as outlined in the contractor's Air Quality Best Management Practice Plan. During operations, reliance on dust suppressants is not anticipated since all driving surfaces will be paved.</p>

Condition Number	Condition
4.11.2	<p data-bbox="359 302 1367 329">Not handling non-enclosed granular materials during sustained high wind conditions;</p> <p data-bbox="359 363 947 391">Activities Undertaken to Comply with Condition:</p> <p data-bbox="359 407 1871 509">As part of the contractor agreement, the handling of granular materials during sustained high wind conditions will be restricted. Dust monitoring and dust suppressant mitigation is outlined in the contractor’s Air Quality Best Management Plan to ensure handling of granular material is managed appropriately.</p> <p data-bbox="359 526 1822 591">Movement and handling of granular material is not anticipated during operation; however, if required at some point during operation, similar restrictions on the handling of such materials during high wind conditions would be implemented.</p>
4.11.3	<p data-bbox="359 621 1871 649">Covering or enclosing sources of granular materials stored in open containers within the Designated Project Development Area;</p> <p data-bbox="359 683 947 711">Activities Undertaken to Comply with Condition:</p> <p data-bbox="359 727 1864 857">As part of the contractor agreement, the Contractor will be required to cover or enclose sources of granular materials stored in open containers within the PDA. Storage of non-enclosed granular material is not anticipated during operation; however, if required at some point during operation, similar restrictions on the covering or enclosure of granular materials stored in open containers within the PDA would be implemented.</p>
4.11.4	<p data-bbox="359 893 1856 990">Building and managing temporary and permanent roads and parking lots located within the Designated Project Development Area to reduce fugitive dust emissions from dirt surfaces, including through paving and the removal of loose materials on road surfaces; and</p> <p data-bbox="359 1024 947 1052">Activities Undertaken to Comply with Condition:</p> <p data-bbox="359 1068 1843 1166">As part of the contractor agreement, the Contractor will be required to build and manage roads and parking lots to reduce fugitive dust emissions from dirt surfaces (i.e., gravel, paving, removal of loose material on road surfaces). During operations, roads will be paved and maintained (i.e., sweeping) to reduce fugitive dust emissions.</p>

Condition Number	Condition
4.11.5	<p>Establishing speed limits of no more than 30 kilometres/hour on temporary and permanent roads located within the Designated Project Development Area and requiring that all persons abide by these speed limits.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As part of the contractor agreement, a speed limit of 30 kilometres/hour (km/h) has been established on all roads / vehicle movements within the PDA during construction, to which all persons are required to abide. Similar speed limits have been established for all permanent roads within the PDA. Appropriate signage will be installed and maintained prior to construction and operations.</p>
4.12	<p>If the Proponent chooses to install a temporary portable concrete plant for the Designated Project, the Proponent shall include a bag house, and shall install and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions attributed to the operation of the concrete plant. In doing so, the Proponent shall:</p>
4.12.1	<p>Store dry material only within designated material storage areas and control dust emissions when transferring and handling dry material;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>At this time, there are no plans for the use of a concrete plant. In the event a concrete plant is proposed, the Contractor would be required to store dry materials for the concrete plant within designated storage areas and to control dust emissions when transferring and handling material associated with the concrete plant.</p>
4.12.2	<p>Enclose material transfer points, conveyors and mixing equipment within leak-proof structures; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>At this time, there are no plans for the use of a concrete plant. In the event a concrete plant is proposed, the Contractor would be required to enclose material transfer points, conveyors and mixing equipment within leak-proof structures.</p>
4.12.3	<p>Minimize drop height during truck loading and unloading activities to the lowest height that is technically feasible.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>At this time, there are no plans for the use of a concrete plant. In the event a concrete plant is proposed, the Contractor would be required to reduce drop height during truck loading and unloading activities to the lowest height that is technically feasible.</p>

Condition Number	Condition
4.13	The Proponent shall implement measures to mitigate air emissions attributed to the Designated Project during all phase of the Designated Project, including by:
4.13.1	<p data-bbox="352 396 1856 461">Implementing a no-idling policy for mobile equipment and road vehicles within the Designated Project Development Area and requiring that all persons abide by this policy, unless not feasible for health or safety reasons;</p> <p data-bbox="352 493 949 526">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 542 1831 607">A no-idling policy has been developed with the Contractor and will be implemented for mobile equipment and road vehicles within the PDA. During construction, the contractor will monitor and report to CN on compliance with the no idling policy.</p>
4.13.2	<p data-bbox="352 630 1873 769">Giving preference, through the tender process, to third-party contractors to use zero-emission mobile and stationary off-road equipment for any physical activity undertaken in relation to the construction of the Designated Project or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and requiring third-party contractors to use equipment that:</p> <p data-bbox="352 802 949 834">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 850 1873 980">The contractor agreement includes the preferential use of zero-emission mobile and stationary off-road equipment for any physical activity undertaken as part of the contractor’s Emissions Reduction Plan. If zero-emission equipment is not available or not technically feasible, the contractor is required to provide justification for the use of alternative equipment, as described in the sub-conditions.</p>
4.13.2.1	<p data-bbox="352 1006 1873 1146">Uses diesel engines operating on diesel or low-carbon diesel fuel that meet Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and is equipped with verified diesel particulate filters and for which both the engines and the filters are maintained in accordance with maintenance instructions provided by the manufacturer; or</p> <p data-bbox="352 1179 949 1211">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1227 1780 1292">Where zero emission mobile and stationary off-road equipment are not feasible during construction, the contractor has committed to use diesel engines operating on diesel or low-carbon diesel fuel that meet Tier 4 emissions standards.</p>

Condition Number	Condition
4.13.2.2	<p>Uses low-carbon fuel, which may include natural gas, propane or hydrogen, while meeting Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and being maintained in accordance with maintenance instructions provided by the manufacturer;</p> <p>Activities Undertaken to Comply with Condition: Where zero emission mobile and stationary off-road equipment are not feasible during construction, the contractor has committed to use low-carbon fuel, which may include natural gas, propane, or hydrogen, while meeting, Tier 4 emissions standards.</p>
4.13.3	<p>During operation, using mobile and stationary off-road equipment that is zero-emission for any physical activity undertaken by the Proponent in relation to the Designated Project, including maintenance activities, or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and using equipment that meets the requirements referred to in condition 4.13.2.1 or 4.13.2.2;</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations. For information on these measures, please see update to Condition 15.1 – Condition Schedule.</p>
4.13.4	<p>Reducing distance travelled on-site by outgoing vehicles and minimizing container handling turnaround time during operation; and</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. CN has implemented measures to communicate to truck drivers the container drop off or pick up locations to reduce the distance travelled on-site by outgoing vehicles and minimize container handling turnaround time during operation, which allows drivers and crane operators to operate efficiently within the terminal.</p>
4.13.5	<p>Ensuring emission control technologies are not removed from equipment and vehicles operated by the Proponent for the Designated Project, unless removal is necessary for repair and maintenance activities, after which the emission control technologies shall be reinstalled or replaced before the equipment and vehicles are operated again.</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022).</p>

Condition Number	Condition
4.14	<p>The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In 2020, CN signed a Memorandum of Understanding with Lion Electric to acquire 50 zero-emission trucks as part of our CNTL fleet for use at our intermodal terminals located in urban areas, such as Milton. The trucks are part of a pilot program, announced in 2019, to test the use of custom-built electric trucks engineered by the Quebec-based company.</p>
4.14.1	<p>Provide a rationale as to why the truck fleet has, or has not, been electrified; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Throughout 2021, CN worked collaboratively with the manufacturer to develop the trucks and are currently in the manufacturing phase. The first prototypes are expected to be released for Transport Canada Certification in the second half of 2022. CN will take possession of its first truck in early 2023 with 12 trucks expected to be delivered by the end of 2023. In parallel, through 2021, CN advanced the design of charging stations at our Montreal and Vancouver Intermodal Terminals and commenced their installation. The charging stations are expected to be commissioned in Montreal in the second half of 2022 and early 2023 in Vancouver, coinciding with the rollout of the first trucks.</p>
4.14.2	<p>Provide an update on the electric truck pilot project referred to by the Proponent in its Closing Statement Submission (Canadian Impact Assessment Registry Reference Number 80100, Document Number 972), including the results of the pilot project when it is completed.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The live pilot will take place throughout the first half of 2023 in Montreal. Lessons learned throughout this pilot phase will ensure that the trucks and the charging stations are meeting operational requirements and the results will be used to inform and further refine the design for the Milton Logistics Hub.</p>

Condition Number	Condition
4.15	<p>The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of implementing idling reduction technologies on Proponent-owned locomotives that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent implements these technologies. In providing that information, the Proponent shall provide a rationale as to why these technologies have, or have not, been implemented.</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>A key idling reduction technology already in place at CN is the automatic engine start-stop (AESS) system. AESS software minimizes locomotive idling based on certain parameters related to engine oil, water, and ambient air temperatures. Close to 90% of CN locomotives are equipped with this system.</p> <p>During cold weather conditions, due to the risk of engine damage and loss of water used to cool engines, normally an AESS system will not allow for a shutdown in a sub-freezing environment. CN is currently making improvements to the AESS software and hardware system to allow to stop the engine in some situations instead of running idle for long period of times. While idling will still be required in extremely frigid weather, the number of cold weather days for potential AESS shutdowns is expected to increase.</p> <p>In parallel, CN is also testing a new system installed in a locomotive. The system is based on an auxiliary power unit (APU), a small battery-powered controller that operates an efficient diesel burner, providing a source of heat to the engine water and oil. This small heating source is sufficient to allow the engine to shut down without risk of damage. A pilot project was launched at the end of 2021 and will continue in early 2022. If the results are satisfying, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in the rail yards.</p> <p>Finally, CN has announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards.</p>

Condition Number	Condition
4.16	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the Designated Project. As part of the development of the plan, the Proponent shall establish emissions thresholds for high-emitting trucks. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan during operation. As part of the implementation of the plan, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met prior to operations.</p>
4.16.1	<p>Implement incentive measures to encourage truck operators serving the Designated Project to lower truck emissions and implement clean technology, which may include low-carbon fuel, low-emission auxiliary power units or idling reduction technologies;</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations. For more details, please see update to Condition 15.1 – Condition Schedule.</p>
4.16.2	<p>Install and maintain signs at the exit of the terminal reminding truck drivers serving the Designated Project to reduce idling outside of the Designated Project Development Area;</p> <p>Activities Undertaken to Comply with Condition: Anti-idling signage and requirements for anti-idling have been developed with the Contractor as part of the Emission Reduction Plan during construction. Once operations commence, anti-idling information and signage will be in place for trucks servicing the facility.</p>

Condition Number	Condition
4.16.3	<p>Implement measures (other than visual inspection) to collect information about air pollutants and greenhouse gases emitted by trucks entering the Designated Project Development Area, including concentrations and quantities of nitrogen oxides, carbon dioxide and particulate matters, and to notify truck operators of any truck that meets or exceeds the emissions thresholds for high-emitting trucks established during the development of the plan. As part of these measures, the Proponent may collect information through the installation of emission measurement technologies within the Designated Project Development Area or through review of on-board diagnostic systems; and</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. Monitoring of air pollutants and greenhouse gases emitted by trucks entering the facility will be developed prior to the start of operations.</p>
4.16.4	<p>Report to the Agency, as part of the annual report referred to in condition 2.11, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.</p>
4.17	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Designated Project. As part of the development of the plan, the Proponent shall establish five-year targets for increasing over time the proportion of locomotives serving the Designated Project that meet, at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by these locomotives. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan throughout operation.</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.</p>

Condition Number	Condition
4.17.1	<p data-bbox="352 298 1887 367">As part of the annual report referred to in condition 2.11, the Proponent shall report its progress in meeting the five-year targets established during the development of the plan.</p> <p data-bbox="352 396 947 428">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 441 1852 509">Operation has not commenced. The annual progress report will be prepared once operations commence and will form part of the annual report.</p>
4.18	<p data-bbox="352 537 1873 709">The Proponent shall review the air pollutant and greenhouse gas emissions reduction plans referred to in conditions 4.16 and 4.17, in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, after the fifth year of operation and thereafter at a time to be determined during each review. If the Proponent updates the plan(s), the Proponent shall submit any updated plan to the Agency, Environment and Climate Change Canada, Transport Canada and other relevant authorities within 30 days of the plan(s) being updated.</p> <p data-bbox="352 738 947 771">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 784 1883 885">Operation has not commenced. Once prepared, this plan will be consulted on with Environment and Climate Change Canada, Transport Canada and other relevant authorities. Updates to the plan will be circulated to the same parties within 30 days of the plan update.</p>
4.19	<p data-bbox="352 914 1852 1047">The Proponent shall manage, during operation, the number of container trucks entering the Designated Project Development Area such that the monthly average daily number of container trucks entering the Designated Project Development Area does not exceed 800 trucks and the maximum daily number of container trucks entering the Designated Project Development Area does not exceed 880 trucks.</p> <p data-bbox="352 1076 947 1109">Activities Undertaken to Comply with Condition:</p> <p data-bbox="352 1122 1856 1190">Operation has not commenced. CN will monitor the container truck counts entering the facility to ensure the monthly average does not exceed 800 trucks and the maximum daily number does not exceed 880 trucks.</p>

Condition Number	Condition
4.20	<p>The Proponent shall develop, prior to operation, and implement, during operation, measures to optimize the efficiency of container trucks to handle contained goods to and from the Designated Project Development Area and reduce the number of container trucks over time. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. Drawing on experience from other terminals, and prior to operation, CN will develop and implement measures to optimize the efficiency of operations of the terminal and submit them to IAAC prior to implementing them.</p>
4.20.1	<p>As part of the annual report referred to in condition 2.11, the Proponent shall report the number of container trucks entering and exiting the Designated Project Development Area, including the number of container trucks entering the Designated Project Development Area with a container or without a container and the number of container trucks exiting the Designated Project Development Area with a container or without a container, during the reporting year.</p> <p>Activities Undertaken to Comply with Condition: Operation has not commenced. The number of container trucks entering and exiting the facility will be reported as part of the annual report, once Project operation has begun, including a breakdown of the monthly average daily and maximum daily number of trucks during the previous year, as well as the number of container trucks entering and exiting the terminal with and without a container (i.e., bobtail, empty chassis, with a container).</p>
4.21	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Health Canada, the Ontario Ministry of the Environment, Conservation and Parks, Halton Region, the Town of Milton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the Designated Project. The Proponent shall take into account the Canadian Council of Ministers of the Environment's Ambient Air Monitoring and Quality Assurance/Quality Control Guidelines when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition: The Air Quality Monitoring and Adaptive Mitigation Plan Follow-up Program (AQMAMP) has been provided to the specified parties for review, and all views or information received from those parties have been considered by CN in finalizing this FUP. Implementation will occur during construction and operation. The AQMAMP FUP was provided to IAAC on December 9, 2021. Details on the feedback and how it was considered is captured in Appendix 2.</p>

Condition Number	Condition
4.21.1	<p>Update the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment by conducting pre-construction monitoring and/or by compiling publicly available data and revise, as required based on updated baseline information, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Designated Project (including particulate matter, fine particulate matter, coarse particulate matter, ozone, nitrogen dioxide, sulphur dioxide, benzene, 1,3-butadiene, benzo(a)pyrene and carbon monoxide). The Proponent shall submit the updated baseline information and the revised predictions to the Agency prior to construction;</p> <p>Activities Undertaken to Comply with Condition: An update to the 2015-2016 air quality baseline information prior to construction has been completed. This included data collected through a combination of on-site data from one of two on-site air quality stations and by compiling publicly available data collected since 2016. Based on this information, Stantec reviewed and revised the maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Designated Project as required. A report summarizing the air quality baseline information update and review of predictions was submitted to IAAC on December 9, 2021.</p>
4.21.2	<p>During construction, monitor (at locations, based on prevailing winds, upwind of the Designated Project Development Area, at or near the Designated Project Development Area boundary, and downwind of the Designated Project Development Area, at or near the property line):</p> <p>Activities Undertaken to Comply with Condition: The two air quality monitoring stations, one based on prevailing winds upwind and one downwind of the Project were installed and became fully functional in 2021.</p>
4.21.2.1	<p>Particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages;</p> <p>Activities Undertaken to Comply with Condition: The two air quality monitoring stations have been designed to capture this data either at the site or following laboratory analysis.</p>
4.21.2.2	<p>Benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and</p> <p>Activities Undertaken to Comply with Condition: The two air quality monitoring stations have been designed to capture this data either at the site or following laboratory analysis.</p>

Condition Number	Condition
4.21.2.3	<p>Meteorological conditions (including wind speed, wind direction, temperature and relative humidity);</p> <p>Activities Undertaken to Comply with Condition: The two air quality stations are equipped with meteorological monitoring equipment including wind speed, wind direction, temperature and relative humidity.</p>
4.21.3	<p>During the first five years of operation, or until the end of the third year during which the Designated Project operates at its full operational capacity, whichever comes later, monitor (at the same monitoring locations referred to in condition 4.21.2):</p> <p>Activities Undertaken to Comply with Condition: Operations have not commenced. This condition for monitoring will be met during operations.</p>
4.21.3.1	<p>Particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages;</p> <p>Activities Undertaken to Comply with Condition: Operations have not commenced. This condition for monitoring will be met during operations.</p>
4.21.3.2	<p>Benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and</p> <p>Activities Undertaken to Comply with Condition: Operations have not commenced. This condition for monitoring will be met during operations.</p>
4.21.3.3	<p>Meteorological conditions (including wind speed, wind direction, temperature and relative humidity);</p> <p>Activities Undertaken to Comply with Condition: Operations have not commenced. This condition for monitoring will be met during operations.</p>
4.21.4	<p>Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to:</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations.</p>

Condition Number	Condition
4.21.4.1	<p>The Canadian Council of Ministers of the Environment's Canadian Ambient Air Quality Standards or, in the absence of federal criteria, to the Ontario Ambient Air Quality Criteria; or</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations.</p>
4.21.4.2	<p>The revised maximum predicted ground-level concentrations of air quality contaminants referred to in condition 4.21.1 if the updated baseline information referred to in condition 4.21.1 already exceeds the air quality standards referred to in condition 4.21.4.1;</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations.</p>
4.21.5	<p>If the comparison undertaken pursuant to condition 4.21.4.1 or 4.21.4.2 demonstrates any exceedance of the air quality standards referred to in condition 4.21.4.1 or any exceedance of the revised maximum predicted ground-level concentrations of air quality contaminants referred to in 4.21.1, determine, in consultation with the parties involved in the development of the follow-up program, the source(s) of any such exceedance. If the Proponent determines, in consultation with the parties involved in the development of the follow-up program, that the Designated Project is contributing to any such exceedance, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the emissions of air quality contaminants attributed to the Designated Project.</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations.</p>

Section 5: Water

Condition Number	Condition
Surface Water (5.1 to 5.10)	
5.1	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement the Designated Project such that maximum and minimum flows of waterbodies affected by the Designated Project located outside of the Designated Project Development Area are maintained during all phases of the Designated Project, and that sufficient capacity exists to safely accommodate and convey the range of climate conditions that could be reasonably expected during the Designated Project's lifetime, including at least one regulatory storm event.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Channel realignment design to meet the requirements specified in this condition has been finalized after consultation with DFO, ECCC, MCFN and Six Nations, CH and Town of Milton. The construction contractor will be required through the contractor agreement to construct the Project according to the detailed design. The Surface Water Quality and Quantity Follow up Program (SWQQ FUP), provided to IAAC on December 1, 2021, will be implemented to monitor for water quality and quantity in relation to construction and operation of the Milton Logistics Hub. The FUP will include comparison of the baseline hydrological modeling predictions in the EIS and monitored PDA inflows.</p>
5.2	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada and other relevant authorities, and implement a stormwater management system to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The SWM system was designed to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. Consultation with CH, the Town of Milton, ECCC, DFO and MECP was sought during development of this project component, and all views or information received from these parties was considered by CN in finalizing the SWM system design. Details of the input received during consultation is outlined in Appendix 3a.</p> <p>No construction occurred in 2021. Through the contractor agreement, the contractor will be required to construct the SWM system in accordance with the design.</p>

Condition Number	Condition
5.2.1	<p>Design the stormwater management system so that it can convey multiple storm events, including a regulatory storm event;</p> <p>Activities Undertaken to Comply with Condition: The SWM system was designed to convey multiple storm events, including a regulatory storm event, as documented within the SWM Report.</p>
5.2.2	<p>Install oil grit separators for the administration and maintenance buildings, gate area and work pad areas to capture sediments, oil and grease before discharge to the wet ponds;</p> <p>Activities Undertaken to Comply with Condition: The SWM system design includes oil grit separators (OGS) units to treat runoff from the administration and maintenance buildings, gate area and work pad areas.</p>
5.2.3	<p>Install shut off valves on the stormwater management pond outlets; and</p> <p>Activities Undertaken to Comply with Condition: The SWM pond design includes shut off valves at each outlet.</p>
5.2.4	<p>Implement end-of-pipe storage volumes that take into account Enhanced Protection requirements for long-term average suspended solids under Ontario's Stormwater Management Planning and Design Manual.</p> <p>Activities Undertaken to Comply with Condition: The SWM system was designed to provide enhanced stormwater quality control including requirements for long-term average suspended solids.</p>
5.3	<p>The Proponent shall not use salt for de-icing or traction control purposes within the Designated Project Development Area during any phase of the Designated Project, unless other technically and economically feasible methods for de-icing or traction control purposes may result in unsafe construction conditions or unsafe railway or facility operation. If the Proponent must use salt, the Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate salt loading into the stormwater management system. The Proponent shall submit these measures to the Agency prior to implementing them and shall provide a rationale as to why other methods are not technically or economically feasible.</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations. No use of salt for de-icing or traction control occurred in 2021.</p>

Condition Number	Condition
5.4	<p>The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to control erosion and sedimentation within the Designated Project Development Area to avoid the deposit of sediments in waterbodies when conducting any activity, including dewatering, during construction and operation. These measures shall include the installation of erosion and sedimentation control devices and vegetation planting. The Proponent shall submit these measures to IAAC prior to implementing them.</p> <p>Activities Undertaken to Comply with Condition: Erosion and sediment control (ESC) plans have been developed and included as part of the design packages for construction of the Project. Measures are specific to construction components and locations of work that could cause sedimentation near or in waterbodies or erosion of soils. The contractor will update and provide implementation plans for the ESC drawings and measures prior to the commencement of construction, by construction phase. Dewatering plans have been developed and will be confirmed prior to construction by the contractor, specific to work that may require activities associated with dewatering. Vegetation planting will be implemented based on the detailed design drawings of the channel realignment and restoration areas, the SWM Plan and the Progressive Reclamation Plan, as soon as construction within areas are complete to control erosion and sedimentation. The ESC plans were provided to IAAC on December 1, 2021.</p>
5.5	<p>The Proponent shall undertake equipment fueling and maintenance, store substances with the potential to cause harmful effects to the receiving environment and deposit water removed during dewatering at least 30 metres from any wetland or waterbody.</p> <p>Activities Undertaken to Comply with Condition: This condition will be met during construction and operations.</p>
5.6	<p>The Proponent shall implement measures to prevent wet concrete or cement-laden water, including high pH run-off occurring during concrete work, from entering any wetland or waterbody during construction.</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022).</p>
5.7	<p>The Proponent shall collect and treat all wastewaters and wash waters, taking into account the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life, before discharging them in any wetland or waterbody.</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022).</p>

Condition Number	Condition
5.8	<p>The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Designated Project Development Area towards waterbodies during all phases of the Designated Project, including measures to allow time for increased die-off of pathogenic organisms and volatilization of agricultural contaminants prior to soil disturbance and removal of nutrient compounds through plant harvesting.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the PDA towards waterbodies were developed and outlined in the SWM Plan and EPP and consulted on with the required agencies. Details of feedback received and how it was incorporated can be found in Appendix 3a.</p> <p>The contractor agreement requires the contractor to develop and implement a program for ESC, which includes control of water and sediment mobilization throughout the PDA during construction.</p> <p>A memo providing a summary of the measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Project Development Area towards waterbodies during construction was provided to IAAC on December 1, 2021.</p>
5.9	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, the Town of Milton, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the stormwater management system. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for the SWM system. The SWQQ FUP (which includes SWM) has been provided to ECCC, DFO, the Town of Milton, CH and MECP for review, and all views or information received from these parties was considered by CN in finalizing this FUP. Details on this consultation can be found in Appendix 3a. Implementation will occur during construction and operation. No construction occurred in 2021. The SWQQ FUP was provided to IAAC on December 1, 2021.</p>
5.9.1	<p>Review, every five years following the end of construction, the performance of the stormwater management system in light of the most current climate change projections, including through the review of downstream hydrographs and floodlines; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>SWM system performance will be reviewed every five years following the end of construction.</p>

Condition Number	Condition
5.9.2	<p>Develop and implement modified or additional mitigation measures if any review conducted pursuant to condition 5.9.1 demonstrates that modified or additional mitigation measures are required to maintain downstream hydrographs and floodlines unaltered, unless otherwise directed or advised by Environment and Climate Change Canada in consultation with Conservation Halton.</p> <p>Activities Undertaken to Comply with Condition: This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.</p>
5.10	<p>The Proponent shall develop, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to surface water quality and quantity attributed to the Designated Project. As part of the development of the follow-up program, the Proponent shall determine the water quality parameters to be monitored in order to support the comparison of measured parameters to the levels predicted during the environmental assessment. The water quality parameter shall include the effluent contaminants of concern identified by the Proponent in table 7.4-1 submitted in response to Information Request 7.4 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 680). As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with condition: CN prepared a FUP for surface water quality and quantity. The SWQQ FUP has been provided to ECCC, DFO, the Town of Milton, CH and MECP for review, and all views or information received from these parties have been considered by CN in finalizing this FUP. Details on this consultation can be found in Appendix 3a. Implementation will occur during construction and operation. No construction occurred in 2021. The SWQQ FUP was provided to IAAC on December 1, 2021.</p>
5.10.1	<p>Monitor surface water quantity continuously during construction and for at least five years following the end of construction;</p> <p>Activities Undertaken to Comply with condition: This condition will be addressed in the next Annual Report (for 2022).</p>
5.10.2	<p>Monitor surface water quality, during construction and for at least five years following the end of construction, at least monthly and during high flows and upset conditions;</p> <p>Activities Undertaken to Comply with condition: This condition will be addressed in the next Annual Report (for 2022).</p>

Condition Number	Condition
5.10.3	<p data-bbox="405 289 1957 391">Conduct the monitoring referred to in conditions 5.10.1 and 5.10.2 both at locations where water flows towards the Designated Project Development Area and at locations where water flows away from the Designated Project Development Area, including the effluent of the stormwater management ponds;</p> <p data-bbox="405 407 993 435">Activities Undertaken to Comply with condition:</p> <p data-bbox="405 451 1948 516">Surface water quality and quantity will be measured at monitoring locations where flows enter and exit the PDA along Tributary A and Indian Creek as identified in the SWQQ FUP, once construction starts. Construction did not occur in 2021.</p>
5.10.4	<p data-bbox="405 527 1948 662">Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate adverse changes to surface water quality and quantity attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards; and</p> <p data-bbox="405 678 993 706">Activities Undertaken to Comply with condition:</p> <p data-bbox="405 722 1938 824">If the monitoring results referred to in conditions 5.10.1 and 5.10.2 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented. Construction did not occur in 2021, therefore a comparison is not yet available.</p>
5.10.5	<p data-bbox="405 836 1965 938">Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring is required after the first five years following the end of construction.</p> <p data-bbox="405 954 993 982">Activities Undertaken to Comply with condition:</p> <p data-bbox="405 998 1927 1063">The need for additional monitoring after the first five years following the end of construction will be determined, in consultation with ECCC, CH and the MECP. The time period for this review to occur has not yet been met; construction did not occur in 2021.</p>

Condition Number	Condition
Groundwater (5.11 to 5.13)	
5.11	<p>The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to maintain baseline groundwater flow and prevent the preferential movement of groundwater along servicing alignments.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>To inform detailed design, CN retained Aecom to prepare a technical memo that describes the measures that have been integrated into the design of the Project to maintain baseline groundwater flow and prevent the preferential movement of groundwater along its servicing alignments. The memo includes i) an analysis to determine if anti seepage collars/cut-off collars are required and ii) a description of additional measures that will be undertaken if required. The memo has been circulated to MECP and CH for review. No comments were received from these parties to be considered in finalizing or adjusting the designs. Details of the consultation efforts are outlined in Appendix 2a. Final design requirements have been specified in the contract agreement. The memo was provided to IAAC on December 1, 2021.</p>
5.12	<p>The Proponent shall estimate, prior to construction, the dewatering requirements of the Designated Project and shall provide that information to the Agency prior to construction. In the event that the Proponent determines that construction of the Designated Project requires dewatering in excess of 50,000 litres/day, the Proponent shall implement a dewatering system to dissipate the energy and reduce the sediment content of discharging water during construction.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>A dewatering assessment was completed in 2020. The contractor agreement includes requirements for implementation of measures to dissipate energy and reduce sediment content in discharging water from dewatering, if required. The Dewatering Assessment Report and preliminary Dewatering Plan were provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
5.13	<p>The Proponent shall develop, prior to construction and in consultation with Natural Resources Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to groundwater quality and quantity attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for groundwater quality and quantity. The Groundwater FUP has been provided to Natural Resources Canada, MECP, and CH for review, and all views or information received from these parties has been considered by CN in finalizing this FUP. Details on the input received and how it was considered can be found in Appendix 3a. Construction did not occur in 2021. Implementation will occur during construction and operation. The Groundwater FUP was provided to IAAC on December 1, 2021.</p>
5.13.1	<p>Monitor, during construction and for a minimum of one year following the end of construction, groundwater levels and quality within the Designated Project Development Area and at private wells to which the Proponent is granted access located within the Local Assessment Area defined by the Proponent on figure 6 of the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In the event that the Proponent determines that construction dewatering is required pursuant to condition 5.12, the Proponent shall also monitor wells located within the projected dewatering cone of depression and to which the Proponent is granted access to determine the potential for drawdown interference; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>This condition will be addressed in the next Annual Report (for 2022).</p>
5.13.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.13.1 demonstrate that modified or additional measures are required to maintain groundwater quantity and quality as predicted by the Proponent as part of the environmental assessment in the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If the monitoring results referred to in conditions 5.13.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>

Section 6: Terrestrial Environment

Condition Number	Condition
General (6.1 to 6.10)	
6.1	<p>The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and maintain, throughout operation, 7.1 hectares of replacement online and offline wetlands within the Designated Project Development Area in a manner that supports the maintenance of ecological functions in the Bronte Creek watershed and that enhances wetland habitat for turtle and breeding opportunities for wetland-dependent birds. In doing so, the Proponent shall establish the constructed riparian wetlands with locally-occurring native emergent and riparian vegetation. The Proponent shall construct the replacement wetlands before removing the existing wetlands, unless not technically feasible.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In conjunction with the natural channel design, CN completed the design of restoration and naturalization areas on site, including the creation of 7.1 ha of wetland. These wetland areas are identified in the design drawings for the Project, which were submitted to DFO, ECCC, CH, the MCFN and the Six Nations for review and feedback. All views or information received from these parties regarding the drawings, including enhanced wetland habitat for turtle and breeding opportunities for wetland-dependent birds, has been considered and incorporated into the final plans as appropriate. Details on this input and how it was considered can be found in Appendix 3a.</p> <p>The Wetland FUP was developed to verify the accuracy of the EA and monitor the extent of wetlands within the PDA, and to comply with condition 6.3 of the Decision Statement. The Natural Channel Design Plans were provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
6.1.1	If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.
	<p>Activities Undertaken to Comply with Condition:</p> <p>While wetlands will be removed prior to all replacement wetlands being constructed, this is because of the overlapping areas of existing wetlands and replacement wetlands. All wetlands will be created and functioning by the end of construction. A memo summarizing the rationale explaining why it is not technically feasible to construct the replacement wetlands before removing the existing wetlands was submitted to IAAC on November 26, 2021.</p>
6.2	<p>The Proponent shall design, in consultation with Conservation Halton, and maintain, throughout operation, drainage features around Designated Project components, including culverts beneath the mainline, to maintain baseline drainage and inflows and outflows to and from any pre-existing wetland that are retained within the Designated Project Development Area following construction. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Channel realignments of Tributary A and Indian Creek, as well as culverts to convey Tributaries A and C beneath the terminal and CN mainline, have been designed to maintain flows. Culvert designs were completed for all replacement and new culverts for the mainline. Aecom was retained to design the culverts, including determining the size of culverts and flow volumes calculated to inform the design. Stantec was retained to design the channel realignments and riparian wetlands that would rely on the surface flows being conveyed. Culverts and channel realignment plans, as well as the <i>Indian Creek Tributary A and C Crossing Report</i> (Aecom, 2020), were submitted to CH for review. No views or information were received from CH regarding the design plans and report prior to finalization of the design and report. Details of CN's outreach with CH can be found in Appendix 2a. The culvert and channel realignment designs are part of the contractor agreement.</p>

Condition Number	Condition
6.2.1	<p>Conduct, prior to construction and in consultation with Conservation Halton, a feature-based water balance analysis for all wetlands with drainage areas that may be affected by the Designated Project to understand the hydrological impacts of site alteration (including water inflows and outflows) on all wetlands located within the Designated Project Development Area and to mitigate the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the consultation, the Proponent shall consult Conservation Halton regarding about the types, frequency and timing of measurements used when conducting the analysis;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to complete a feature-based water balance analysis for all existing wetlands located within the Designated Project Development Area. This analysis was provided to CH for review; however, no comments were received from CH regarding the analysis. The feature-based water balance analysis was provided to IAAC on November 26, 2021. Details of CN's outreach with CH can be found in Appendix 2a.</p>
6.2.2	<p>Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design and maintenance of the replacement wetlands referred to in condition 6.1;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As part of the Feature-based water balance analysis, culverts were designed with sufficient hydraulic capacity so as to not affect the drainage pattern of the tributary, which will allow for the same pre-construction and post-construction conditions. The culvert design is part of the contractor agreement. A Wetland FUP will be implemented to monitor the establishment and maintenance of created wetlands at the Designated Project.</p>
6.2.3	<p>Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design of the stormwater management system; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The feature-based water balance analysis results provided to IAAC on November 26, 2021 informed the design of the SWM system.</p>
6.2.4	<p>Submit to the Agency, prior to construction, the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 and how the Proponent took into account these results pursuant to conditions 6.2.2 and 6.2.3.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The feature-based water balance analysis was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
6.3	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for wetlands and wetland functions. The Wetlands FUP has been provided to ECCC, CH and the MECP for review, and all views or information received from these parties has been considered by CN in finalizing this FUP. Details on this input and how it was considered can be found in Appendix 3a.</p> <p>The implementation of the Wetlands FUP will be post construction of the wetlands. The Wetlands FUP was provided to IAAC on November 26, 2021.</p>
6.3.1	<p>Monitor, for at least five years following the end of construction, the areal extent, encroachment by invasive vegetation species and success of native vegetation planting for all retained and constructed wetlands located within the Designated Project Development Area;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the Designated Project Development Area will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).</p>
6.3.2	<p>Monitor, for at least five years following the end of construction, water level fluctuations in all retained and constructed wetlands located within the Designated Project Development Area and compare monitoring results against baseline fluctuations;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Water level fluctuations within both retained and created wetlands will be monitored. Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of five years post construction.</p>

Condition Number	Condition
6.3.3	<p data-bbox="453 302 1850 440">Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.3.1 or 6.3.2 demonstrate that modified or additional mitigation measures are required such that the total areal extent of wetlands within the Designated Project Development Area is maintained or increased over time and retained and constructed wetlands maintain their functions over time; and</p> <p data-bbox="453 464 1045 496">Activities Undertaken to Comply with Condition:</p> <p data-bbox="453 513 1896 643">Wetland boundaries will be flagged and marked with a submeter Global Positioning System (GPS), to provide an accurate measurement of wetland size. In the event that the channel design does not perform as intended, resulting in wetland not achieving predicted areal extent or water levels, remedial actions will be recommended and completed as part of the SWQQ FUP.</p>
6.3.4	<p data-bbox="453 678 1875 816">Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 6.3.1 and 6.3.2, if additional monitoring is required after the first five years following the end of construction, including the duration of that additional monitoring.</p> <p data-bbox="453 841 1045 873">Activities Undertaken to Comply with Condition:</p> <p data-bbox="453 889 1864 954">Based on the results of the monitoring from the first five years post construction, as referred to in conditions 6.3.1 and 6.3.2, and in consultation with ECCC and CH, CN will determine if additional monitoring is required and for how long.</p>
6.4	<p data-bbox="453 987 1881 1084">The Proponent shall establish and maintain, during all phases of the Designated Project, a buffer of undisturbed vegetation around all retained and constructed wetlands and along riparian areas located within the Designated Project Development Area. In doing so, the Proponent shall:</p> <p data-bbox="453 1109 1045 1141">Activities Undertaken to Comply with Condition:</p> <p data-bbox="453 1157 1881 1222">Vegetation buffers have been identified and are included in the construction contract drawings to be maintained during construction and throughout operation of the Project.</p>

Condition Number	Condition
6.4.1	<p>Determine the width of the buffer(s) prior to construction, in consultation with relevant authorities, and shall provide that information to the Agency prior to construction; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Specific protections and setbacks from natural features have been established in accordance with Condition 6.4.1 of the Decision Statement. Setbacks vary depending on i) the extent of the existing vegetation around retained wetlands, and riparian areas; ii) the limits of construction required for the contractor to operate based on establishment of restricted access (limited access) or no permitted access; and (iii) up to 50 m setback from existing habitat, natural features, or wildlife nesting areas to be retained during construction and operations. A copy of the memo identifying where and how the buffer has been identified was provided to IAAC on November 26, 2021.</p>
6.4.2	<p>Conduct work or activity within the buffer only to the extent necessary to meet engineering requirements for safe railway and facility operation, to install and maintain erosion or sediment control measures and to conduct channel realignment, restoration and naturalization work.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Pre-construction activities including field delineated limits of construction (i.e., area within which the contractor is permitted to operate) were established to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. The limits are based on establishing areas where no encroachment will be permitted, and areas where only temporary access to complete specific tasks will be permitted subject to confirmation from the Independent Environmental Monitor (EM). Permanent and temporary areas were marked in November and December of 2021, continuing in January 2022 in the field using a combination of stakes, flagging and construction fencing.</p>
6.5	<p>The Proponent shall delineate, prior to construction, areas on the ground within which construction will take place. The Proponent shall not undertake any construction activity outside of these areas, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Pre-construction activities began in November 2021 and continued into January 2022 to establish the limits of construction (i.e., area within which the contractor is permitted to operate) to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. The limits are based on establishing areas where no encroachment will be permitted, and areas where</p>

Condition Number	Condition
	<p>only temporary access to complete specific tasks will be permitted subject to confirmation from the EM. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been established for implementation during construction. The Contractor will be contractually required to maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase. These areas have been delineated in conjunction with the EM in accordance with the plans developed through detailed design.</p>
6.6	<p>The Proponent shall minimize soil disturbance and shall retain vegetation, including wildlife trees, within and around the Designated Project Development Area, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As part of the contractor agreement, design drawings defining the extent of grading and construction activities required to construct the Project were provided to the construction contractor. The contractor agreement includes requirements for the contractor to retain and protect vegetation, including wildlife trees, to the extent possible. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been established for implementation during construction. The Contractor will be contractually required to maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase. These areas have been delineated in conjunction with the EM in accordance with the plans developed through detailed design. The limits of construction were field delineated starting in November 2021 and continued into January 2022.</p>

Condition Number	Condition
6.7	<p>The Proponent shall handle and store soils during construction in a manner that protects soil quality for re-use. In the event that the Proponent encounters contaminated soils during construction, the Proponent shall determine the suitability of re-using that soil before re-using it. The Proponent shall dispose of any soil not suitable for re-use according to proper screening and disposal requirements, taking into account Ontario's Management of Excess Soil - A Guide for Best Management Practices.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Aecom to prepare a Soil Management Plan (SMP) to describe how the contractor is to handle and store soils during construction in a manner that protects soil quality for re-use and the measures to be implemented in the event that the Contractor encounters contaminated soils during construction. No off-site soil transportation or disposal is planned in relation to the Project. In the event excess soils cannot be re-used or disposed of on site, off-site transportation and disposal may be considered, taking into account Ontario's Management of Excess Soil - A Guide for Best Management Practices. The Soil Management Plan was provided to IAAC on November 26, 2021.</p>
6.8	<p>The Proponent shall implement measures, during construction, to avoid the introduction or spread of invasive vegetation within the Designated Project Development Area, including from equipment brought on-site from other worksites and from imported fill. In doing so, the Proponent shall take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The retained contractor is contractually required to implement measures during construction to avoid the introduction or spread of invasive vegetation within the PDA, including from equipment brought on-site from other worksites and from imported fill, and is required to take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry. Specific measures for the equipment cleaning are also identified in the EPP.</p>

Condition Number	Condition
6.9	<p>The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project. The Proponent shall use native Ontario groundcover species and nurse crops when conducting progressive reclamation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The Progressive Reclamation Program, provided to IAAC on November 26, 2021, outlines the FUP for progressive reclamation of areas disturbed in relation to construction of the Project. The plan indicates that once an area has been disturbed and is no longer being actively worked for construction, all areas conducive to revegetation will be seeded or hydroseeded by the contractor, as directed under the contractor’s ESC plan. The plan also specifies that seed cover must include Ontario groundcover species and nurse crops as appropriate for progressive reclamation.</p>
6.10	<p>The Proponent shall develop, prior to construction and in consultation with Conservation Halton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to progressive reclamation of the Designated Project Development Area conducted pursuant to condition 6.9, including the establishment of native Ontario groundcover species and nurse crops. As part of the development of the follow-up program, the Proponent shall identify objectives that shall be used by the Proponent to evaluate the effectiveness of the progressive reclamation. The Proponent shall implement the follow-up program once progressive reclamation is completed and shall continue to implement the follow-up program until the Proponent has determined, in consultation with Conservation Halton and other relevant authorities, that the objectives have been met.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for progressive reclamation of the PDA conducted pursuant to condition 6.9, including the establishment of native Ontario groundcover species and nurse crops. The Progressive Reclamation FUP has been provided to ECCC, MECP and CH for review, and all views or information received from these parties has been considered by CN in finalizing this FUP (See Appendix 3). The implementation of the Progressive Reclamation FUP will occur once construction begins in 2022. The Progressive Reclamation FUP was provided to IAAC on November 26, 2021.</p>

Section 7: Fish and Fish Habitat

Condition Number	Condition
General (7.1 to 7.12)	
7.1	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, and implement, during all phases of the Designated Project, measures to protect fish and fish habitat when conducting any Designated Project activity in or near water not already approved under the Fisheries Act and its regulations, taking into account Fisheries and Oceans Canada's Measures to protect fish and fish habitat.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to prepare the Letter of Intent (LOI) and supporting offsetting plan, which was submitted to DFO in December 2016 in support of the <i>Fisheries Act</i> Authorization (FAA) application. An Updated LOI was submitted to DFO in March 2020 to reflect design refinements made during the EA and detailed design process. The Updated LOI and supporting design drawings were also provided to CH and were shared with the MCFN, Six Nations and MNO by DFO. CN provided a memo summarizing the proposed offsetting plan to these Indigenous groups in November 2020. Details on the correspondence, comments received and how they were incorporated can be found in Appendix 2a. Mitigation measures that are described in the LOI and have been incorporated into the design drawings and contract package for implementation by the contractor will mitigate effects of construction activities on fish and fish habitat within and downstream of the PDA. A Final LOI and copies of detailed design drawings were submitted to DFO in May 2021 in support of the FAA application. The DFO Authorization was received on July 23, 2021.</p> <p>Additional measures for the protection of fish and fish habitat not included under the FAA are included in the SWM Report, the ESC plans, and design drawings for implementation during construction.</p> <p>A memo providing a compilation of proposed measures to protect fish and fish habitat when conducting Project activities in or near water, including those not already approved under the <i>Fisheries Act</i> and taking into account <i>Fisheries and Oceans Canada's Measures to Protect Fish and Fish Habitat</i> was provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
7.2	<p>The Proponent shall have a qualified individual, who is an aquatic biologist, salvage and relocate fish prior to conducting any Designated Project activity requiring the removal of fish habitat, including dewatering, culvert installations, channel realignment or any construction work undertaken by a contractor associated with the Designated Project, in a manner that is consistent with any authorization issued under the Fisheries Act and its regulations. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition: CN will retain qualified professional services to conduct fish rescues throughout construction prior to any in-water work.</p>
7.2.1	<p>Salvage and relocate fish to the satisfaction of Fisheries and Oceans Canada;</p> <p>Activities Undertaken to Comply with Condition: CN will retain qualified professional services to conduct fish rescues to the satisfaction of DFO.</p>
7.2.2	<p>Give preference to relocating fish within the same waterbody, outside of the work area; and</p> <p>Activities Undertaken to Comply with Condition: Preference for relocating fish will be to the same waterbody, adjacent to the work where possible or downstream within the same waterbody.</p>
7.2.3	<p>If relocating fish within the same waterbody is not technically feasible, relocate fish within the same watershed where suitable habitat exists, outside of the work area.</p> <p>Activities Undertaken to Comply with Condition: Preference for relocating fish will be to the same waterbody, adjacent to the work where possible or downstream within the same waterbody, when fish salvage is completed.</p>

Condition Number	Condition
7.3	<p>The Proponent shall design, install and operate the water and pump intake structures located in fish-bearing water within the Designated Project Development Area in a manner that mitigates the incidental capture of fish by entrainment and impingement and is consistent with the Fisheries Act and its regulations. In doing so, the Proponent shall use an appropriately sized fish screen, taking into account Fisheries and Oceans Canada’s Freshwater Intake End-of-Pipe Fish Screen Guideline and Interim code of practice: end-of-pipe fish protection screens for small intakes in freshwater, and shall not disturb the bed of the waterbody.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The design of the fish screen size for use during pumping or water intakes has been informed by the DFO commitments and Freshwater Intake End-of-Pipe Fish Screen Guideline and interim code of practice. Installation of the pumps into water will be monitored during construction to confirm size and placement are completed by the contractor appropriately.</p>
7.4	<p>The Proponent shall conduct any in-water construction activity, including any activity associated with the realignment of Indian Creek and Tributary A, outside of restricted activity timing windows for fish species defined for the Southern Region by Ontario Ministry of Natural Resources and Forestry, unless otherwise permitted by relevant authorities.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In water construction activities will be scheduled to be completed outside of the restricted activity timing windows for fish species located within the watershed, which restricts in-water work between March 15 and June 30 unless a variance has been received from DFO and CH. Activities for creation of new channels will be scheduled to occur offline, prior to realignment and bringing the new channels online.</p>
7.4.1	<p>If the Proponent must conduct any in-water construction activity during the restricted activity timing windows, the Proponent shall develop and implement additional mitigation measures, in consultation with Fisheries and Oceans Canada, Conservation Halton and other relevant authorities, to protect fish during sensitive life stages, including migration and spawning. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In the event that any work is required during the restricted access period, CN would consult with DFO and CH prior to such work occurring. IAAC will be informed of any mitigation measures to work within the restricted access period for in-water works, prior to it occurring.</p>

Condition Number	Condition
7.5	<p>The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and CH, and implement an offsetting plan in relation to fish and fish habitat. The Proponent shall submit the approved offsetting plan to the Agency prior to implementation.</p> <p>Activities Undertaken to Comply with Condition: The approved offsetting plan, letter of intent and FAA application were provided to IAAC on December 1, 2021.</p>
7.5.1	<p>Delineate existing and future fish habitat, including riparian buffers; and</p> <p>Activities Undertaken to Comply with Condition: Detailed design drawings for the channel realignment that includes the removal of fish habitat and the creation of fish habitat and riparian buffers have been completed and provided to DFO as part of the FAA application. Detailed design drawings and FAA application were provided to IAAC on December 1, 2021.</p>
7.5.2	<p>Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.</p> <p>Activities Undertaken to Comply with Condition: The offsetting plan included in the FAA application includes this description. The FAA application was provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
7.6	<p>The Proponent shall advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and Conservation Halton on how the views and information they provided to the Proponent as part of the development of the offsetting plan referred to in condition 7.5 have been considered by the Proponent, including a rationale for why the views and information have, or have not, been integrated, prior to submitting the final offsetting plan to Fisheries and Oceans Canada for approval. The Proponent shall submit that rationale to the Agency prior to implementing the approved offsetting plan.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The offsetting plan has been developed in consultation with DFO and is based on information received by CN throughout the EA process, which includes consideration of information received from DFO, CH and affected Indigenous communities (see Appendices 2 and 3). DFO has also consulted with each of these parties separately as part of their review of CN's FAA application, and it is understood that DFO has also considered any feedback from those parties in its development of the FAA. A memo explaining how the views and information provided as part of the development of the offsetting plan referred to in Condition 7.5 have been considered by CN in finalizing the offsetting plan, ultimately approved by DFO, was provided to IAAC on December 1, 2021.</p>
7.7	<p>The Proponent shall, for any fish habitat offsetting measure proposed in the approved offsetting plan referred to in condition 7.5 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has not proposed any fish habitat offsetting measures that may cause adverse environmental effects that were not otherwise considered in the environmental assessment.</p>
7.8	<p>The Proponent shall fell trees away from waterbodies and shall immediately remove trees, debris or soils inadvertently deposited in any location within the Designated Project Development Area that may cause a loss of flood storage.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Trees will be felled away from waterbodies and immediately removed during site clearing. As well, any trees, debris or soils inadvertently deposited in the floodplain of Indian Creek that may cause a loss of flood storage will be immediately removed.</p>

Condition Number	Condition
7.9	The Proponent shall apply, in consultation with Conservation Halton, natural channel design principles when realigning Indian Creek and Tributary A. In doing so, the Proponent shall incorporate natural bed morphology and planform geometry to the realigned channels in a manner that promotes natural sediment transport processes and such that the realigned channels:
	<p>Activities Undertaken to Comply with Condition:</p> <p>Natural channel design principles have been used to finalize the channel realignment design. As part of the EIS, a Channel Realignment Technical Data Report was completed to document how the natural channel design principles have been implemented and to provide the details regarding the design of the Tributary A and Indian Creek realignment, which includes consideration of natural bed morphology and planform geometry in a manner that promotes natural sediment transport processes. A Channel Realignment Addendum was prepared and submitted to CH along with the channel design drawings in July 2020 (See Appendix 2).</p> <p>A copy of the Channel Realignment Addendum (Stantec 2020) was provided to IAAC on December 1, 2021.</p>
7.9.1	<p>Do not excessively aggrade or degrade;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The final design as presented in the channel realignment drawings is intended to address the required realignment of Indian Creek and Tributary A as part of the proposed terminal construction works while improving fish and riparian habitat diversity, providing fish passage, and providing a geomorphically stable channel (avoiding excessive aggradation or degradation).</p>
7.9.2	<p>Convey baseline flow levels;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Hydrologic analysis has been updated as part of the Channel Realignment Addendum and detail design drawings confirming that baseline flows will be conveyed.</p>
7.9.3	<p>Maintain baseline bankfull frequency;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The planform has been slightly modified for the final design and has been updated as part of the Channel Realignment Addendum and detail design drawings and will maintain baseline bankfull frequency.</p> <p>A copy of the Channel Realignment Addendum (Stantec 2020) was provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
7.9.4	<p>Do not alter downstream channel morphology; and</p> <p>Activities Undertaken to Comply with Condition: Design of the realigned channels has been completed to maintain flow volumes and velocities such that downstream channel morphology will not be adversely affected by the realignments.</p>
7.9.5	<p>Provide fish habitat features and allow for fish migration and passage.</p> <p>Activities Undertaken to Comply with Condition: The channel realignments for Tributary A and Indian Creek, as well as the culverts proposed beneath the terminal (Culverts 2A/2B) and CN Mainline (Tributary C), have been designed to provide fish habitat features and allow for fish migration and passage. Design refinements implemented through detailed design incorporate an increase in habitat area being created to offset the effects of the channel realignments, and to align the channel design with other site features such as culverts and SWM facilities.</p>
7.10	<p>The Proponent shall realign Indian Creek and Tributary A in a manner that minimizes the extent and duration of flow diversions in existing channels, including by:</p> <p>Activities Undertaken to Comply with Condition: Channel realignment construction planning has been completed to minimize the extent and duration of flow diversions in existing channels.</p>
7.10.1	<p>Constructing the realigned channels offline;</p> <p>Activities Undertaken to Comply with Condition: This condition will be addressed in the next Annual Report (for 2022).</p>
7.10.2	<p>Siting the realigned channels predominantly outside of the existing channels;</p> <p>Activities Undertaken to Comply with Condition: The new channels that will be realigned are predominantly located outside of the existing channels (except for where they connect), as indicated in the channel realignment drawings and discussed through the EA process.</p>

Condition Number	Condition
7.10.3	<p data-bbox="485 266 1822 331">Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and</p> <p data-bbox="485 363 1075 391">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 407 1801 509">Commissioning of new channels or channel segments will not occur until the newly created channel or channel segment has been constructed and planting has been completed and allowed to stabilize, as per the channel realignment drawings.</p>
7.10.4	<p data-bbox="485 537 1871 639">Leaving earthen plugs in the connection points with the existing channels until such time that the realigned channels are vegetated and the Proponent commissions the realigned channels or channel segments pursuant to condition 7.10.3.</p> <p data-bbox="485 672 1075 699">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 716 1881 850">Earthen plugs (i.e., 15 m long at either end of the offline channel) will be retained to separate new channels from the existing channels until such time that offline channels have been constructed and planting has been completed and allowed to stabilize. These earthen plugs and the process for their removal are identified on the Channel Realignment drawings.</p>
7.11	<p data-bbox="485 870 1881 1040">The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada and Conservation Halton, and implement, during operation, measures to mitigate increased temperature in water discharged from the stormwater management system such that collected overland runoff flows at a temperature no higher than baseline conditions, taking into account Ontario's Stormwater Management Planning and Design Manual. As part of these measures, the Proponent shall:</p> <p data-bbox="485 1073 1075 1101">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 1117 1892 1289">The final SWM Report includes measures to mitigate increased temperature in water discharged from the SWM system, including below-grade pipes within the terminal, vegetated grassed swales, and SWM ponds that are vegetated and incorporate bottom draw outlets. DFO and CH were consulted on the report and views and information received were considered in the finalization (See Appendix 2 and Appendix 3). The final SWM Report and associated design drawings for SWM Ponds were provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
7.11.1	<p>Maintain vegetated edges and berms around the wet ponds and along the outlet channel;</p> <p>Activities Undertaken to Comply with Condition: Vegetation and plantings throughout the berms and pond embankments will provide shading of the water and reduce warming from the sun, as included in the SWM plan detailed design drawings. These plantings will be maintained throughout operations of the facility.</p>
7.11.2	<p>Maintain grassed swales; and</p> <p>Activities Undertaken to Comply with Condition: Grassed swales are included as part of the SWM system to convey flows from the terminal to the SWM ponds, as identified and described in the final SWM Report and detailed design drawings.</p>
7.11.3	<p>Install below-grade pipes and bottom draw outlet pipes.</p> <p>Activities Undertaken to Comply with Condition: The design of the SWM system requires installation of below-grade pipes and bottom draw outlet pipes. These are shown in the drawings included in the SWM Plan.</p>
7.12	<p>The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Conservation Halton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse environmental effects on fish and fish habitat attributed to the Designated Project. The Proponent shall implement the follow-up program at least until the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition: CN prepared a FUP for fish and fish habitat. The Fish and Fish Habitat FUP was included in the initial LOI submitted to DFO in 2016 and the updated LOI in 2020 and 2021. The Fish and Fish FUP has been provided to DFO, CH, MCFN and the Six Nations for review, and any views or information received from these parties has been considered by CN in finalizing this FUP (See Appendix 3). Implementation will occur during construction and operation. The Fish and Fish Habitat FUP was provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
7.12.1	<p>Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;</p> <p>Activities Undertaken to Comply with Condition: As part of the Fish and Fish Habitat FUP, the effectiveness of offsetting measures will be monitored.</p>
7.12.2	<p>Monitor channel stability throughout the Designated Project Development Area, including channel cross-sections, bed substrate, bed morphology and detailed longitudinal profiles, to track channel migration. In doing so, the Proponent shall:</p>
7.12.2.1	<p>Conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and</p> <p>Activities Undertaken to Comply with Condition: As part of the Fish and Fish Habitat FUP, in-stream structures will be monitored during the spring post construction through visual assessment and photo documentation.</p>
7.12.2.2	<p>Conduct fall monitoring of stream characteristics (including profile, pattern, dimensions, and pebble counts);</p> <p>Activities Undertaken to Comply with Condition: As part of the Fish and Fish Habitat FUP, stream characteristics will be monitored in the fall post construction.</p>
7.12.3	<p>Monitor water temperature of the overland runoff flows from the stormwater management system;</p> <p>Activities Undertaken to Comply with Condition: As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction.</p>

Condition Number	Condition
7.12.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.12.1, 7.12.2 or 7.12.3 demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on fish and fish habitat attributed to the Designated Project, including fish and fish habitat downstream of the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Fish and Fish Habitat (Appendix E.4) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57); and</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>
7.12.5	<p>Before the end of the fifth year of operation, determine, in consultation with Fisheries and Oceans Canada and Conservation Halton and based on the results of the monitoring referred to in conditions 7.12.1, 7.12.2 and 7.12.3, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with DFO and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>

Section 8: Wildlife

Condition Number	Condition
Migratory Birds (8.1 to 8.4)	
8.1	<p>The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's Avoidance Guidelines to reduce risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall be in compliance with the Migratory Birds Convention Act, 1994, the Migratory Birds Regulations and with the Species at Risk Act.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during construction of the Project, which will limit the disturbance to migratory birds that may be within the limits of construction. Restricted timing windows related to migratory birds was provided to the Contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the Wildlife Management Connectivity Plan (WMCP) (as described in conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, and 8.33).</p>
8.2	<p>The Proponent shall ensure that vegetation in migratory bird habitat located within the Designated Project Development Area remains undisturbed during the breeding season for migratory birds. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during construction of the Project, which will limit the disturbance to migratory birds that may be within the limits of construction. Restricted timing windows related to migratory birds was provided to the Contractor in the EPP and the contract, after consultation with ECCC regarding the WMCP.</p>
8.2.1	<p>Determine the dates of the breeding season, in consultation with Environment and Climate Change Canada, for any year that vegetation clearing shall occur; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Breeding bird season dates were determined in consultation with ECCC and are specified in the WMCP, with which the construction contractor will be required to comply. The WMCP and EPP, including vegetation clearing dates, were provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
8.2.2	<p>If vegetation clearing outside of the breeding season is not technically feasible during any year, develop and implement additional mitigation measures, in consultation with Environment and Climate Change Canada, to avoid effects on migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Measures describing vegetation clearing outside of the breeding season is included in the EPP. The WMCP and EPP, including measures for vegetation clearing outside of the breeding season, were provided to IAAC on November 26, 2021.</p>
8.3	<p>The Proponent shall design and maintain, throughout operation, buildings associated with the Designated Project in a manner that minimizes the risk of avian collisions, taking into account the City of Toronto's Bird Friendly Development Guidelines.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As committed to during the EA process, buildings associated with the Project will be designed to the City of Toronto's Bird Friendly Development Guidelines, such that they minimize the risk of avian collisions. Vegetation planting plans for surrounding the buildings will also be developed to minimize avian collision potential. No construction occurred in 2021.</p>
8.4	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests, including the mitigation measures implemented pursuant to conditions 8.1 to 8.3, 8.12 and 8.23. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for migratory birds. The WMCP was provided to ECCC for review, and all views or information received from ECCC has been considered by CN in finalizing this FUP. Details of their input and how it was considered can be found in Appendix 3a. Implementation will occur during construction and operation. The WMCP was provided to IAAC on November 26, 2021 and includes all of the various FUPs relating to wildlife, including for migratory birds (see Section 5.1 of the WMCP).</p>

Condition Number	Condition
8.4.1	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the follow-up program demonstrate that modified or additional mitigation measures are required to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>No construction occurred in 2021. If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>
8.4.2	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7. No operation or construction occurred in 2021.</p>
Listed Species at Risk (8.5 to 8.33)	
8.5	<p>The Proponent shall conduct, prior to carrying out any physical activity associated with the Designated Project in areas of suitable habitat for western chorus frog (<i>Pseudacris triseriata</i>) identified during the environmental assessment within the Designated Project Development Area and the Local Assessment Area (as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57)), springtime surveys of these areas to identify the presence or absence of western chorus frog (<i>Pseudacris triseriata</i>) and breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>). In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. Habitat surveys were completed in the PDA in 2020, to augment the previous auditory surveys completed in 2015 and 2017. Information regarding areas of suitable habitat for western chorus frog was provided to ECCC in September 2020, which included results of auditory surveys completed in March 2020.</p>

Condition Number	Condition
8.5.1	<p data-bbox="443 302 1871 440">Submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada and determine, in consultation with Environment and Climate Change Canada, if additional surveys are required for the purpose of implementing conditions set out in this Decision Statement in relation to western chorus frog (<i>Pseudacris triseriata</i>);</p> <p data-bbox="443 456 1031 483">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 500 1885 634">Condition fulfilled. CN provided to ECCC on September 18, 2020, the methods and results of western chorus frog surveys conducted at the CN Milton Logistic Hub in the spring of 2020. In discussion with ECCC, CN completed surveys in March 2021 outside of the PDA to find potential habitat for compensation and enhancement for western chorus frogs within the local area. No other surveys were determined to be necessary through discussions with ECCC.</p>
8.5.2	<p data-bbox="443 667 1906 805">Identify, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, connectivity between all habitat necessary to support the annual life cycle of western chorus frog (<i>Pseudacris triseriata</i>), including breeding and hibernating sites (residences) identified through the surveys; and</p> <p data-bbox="443 821 1031 849">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 865 1871 927">Connectivity between habitat necessary to support the annual life cycle of western chorus frog will be identified prior to construction in the vicinity of identified habitat.</p>
8.5.3	<p data-bbox="443 963 1881 1166">Develop, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, and implement modified or additional mitigation measures, including measures to maintain or enhance habitat connectivity, to mitigate adverse environmental effects attributed to the Designated Project on western chorus frog (<i>Pseudacris triseriata</i>) and/or its breeding or hibernating sites (residences) (including connectivity between these sites) during any phase of the Designated Project. The Proponent shall take into account Conservation Halton's Road Ecology Quick Reference Guide when developing and implementing these measures.</p> <p data-bbox="443 1182 1031 1209">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1226 1892 1398">CN has identified the location and preliminary design of the replacement habitat for western chorus frogs. Taking into consideration the lack of available land in proximity to the known locations of western chorus frog, and the existing and ongoing impacts to western chorus frog habitats as a result of urban development by others, CN has identified an appropriate area for the creation of breeding and upland habitats to support Western Chorus Frog through consultation with ECCC. No other parties responded to requests to consult on this matter, see detailed outreach efforts in Appendix 2a.</p>

Condition Number	Condition
	CN developed a conceptual design of the habitat and shared that with ECCC. The detailed design is ongoing and will be submitted in the coming months.
8.6	<p>The Proponent shall install, prior to construction and during the breeding season for western chorus frog (<i>Pseudacris triseriata</i>), exclusion fencing to prevent western chorus frog (<i>Pseudacris triseriata</i>) from entering construction areas. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Prior to construction starting in the area along the CN ROW between Britannia Rd and Louis St. Laurent Ave, wildlife exclusion fencing will be installed to prevent western chorus frog from entering construction areas, as directed by a qualified wildlife biologist, as directed in the EPP and the contractor agreement.</p>
8.6.1	<p>Determine the dates of the breeding season, based on ambient temperatures and in consultation with Environment and Climate Change Canada, for any year that construction shall occur; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Based on consultation with ECCC, the breeding season dates for Western Chorus Frogs for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area. Once exclusion fencing is installed, it will remain in place until construction is completed between Britannia Rd and Louis St. Laurent Ave.</p>
8.6.2	<p>Ensure, based on the results of the surveys conducted pursuant to condition 8.5, that construction areas do not contain western chorus frog (<i>Pseudacris triseriata</i>) breeding sites (residences) prior to installing exclusion fencing.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Construction in the WCF area has not started. Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA.</p>

Condition Number	Condition
8.7	<p>The Proponent shall install, prior to construction and before the breeding season determined for that year pursuant to condition 8.6.1, exclusion fencing between the railway tracks located within the Designated Project Development Area and breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction.</p> <p>Activities Undertaken to Comply with Condition: Construction in the WCF area has not started. Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from pertinent construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA. Exclusion fencing will be inspected and maintained throughout construction by the EM.</p>
8.8	<p>The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog (<i>Pseudacris triseriata</i>) determined pursuant to condition 8.6.1.</p> <p>Activities Undertaken to Comply with Condition: Construction along the mainline between Britannia Rd and Louis St. Laurent, including the replacement of culverts will be scheduled outside of the breeding season for wester chorus frog.</p>
8.9	<p>If any hibernating site (residence) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5 will be temporarily or permanently affected by any activity associated with the Designated Project, the Proponent shall replace the affected site (residence) with at least a one-to-one ratio of restored habitat suitable for western chorus frog (<i>Pseudacris triseriata</i>) in location(s) determined in consultation with Environment and Climate Change Canada, Conservation Halton and the Town of Milton. The Proponent shall restore the habitat as soon as technically feasible after any hibernating site (residence) has been affected by the Designated Project and shall maintain the restored habitat throughout all phases of the Designated Project.</p> <p>Activities Undertaken to Comply with Condition: Construction in the WCF area has not started and is not scheduled to occur until the WCF habitat compensation has been determined in consultation with ECCC.</p>

Condition Number	Condition
8.10	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog (<i>Pseudacris triseriata</i>) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Work in areas adjacent to the Western Chorus Frog habitat is not proposed until the second phase of construction, which is anticipated to commence in 2023. CN prepared a FUP for western chorus frog (<i>Pseudacris triseriata</i>), including mitigation measures to be implemented pursuant to conditions 8.5 to 8.9. The Western Chorus Frog FUP, as part of the WMCP, has been developed in consultation with ECCC and provided to CH, for review. All views or information received have been considered by CN in finalizing this FUP as outlined in Appendix 3a. Efforts to engage with CH can be found in Appendix 2a. Implementation of the FUP will occur during construction and operation. The WMCP provided to IAAC on November 26, 2021, includes all of the various FUPs relating to wildlife, including for Western Chorus Frog (see Section 5.2).</p>
8.10.1	<p>Monitor the use by western chorus frog (<i>Pseudacris triseriata</i>) individuals of the habitat restored pursuant to condition 8.9;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Use of restored habitat by western chorus frog will be monitored once it has been completed.</p>
8.10.2	<p>Monitor the use by western chorus frog (<i>Pseudacris triseriata</i>) individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Use of any implemented measure to maintain or enhance habitat connectivity will be monitored.</p>

Condition Number	Condition
8.10.3	<p>Report the results of all monitoring conducted as part of the implementation of the follow-up program to Environment and Climate Change Canada and Conservation Halton pursuant to condition 2.6.2 to inform future regional habitat creation and restoration efforts; and</p> <p>Activities Undertaken to Comply with Condition: All western chorus frog monitoring results will be reported to ECCC and CH.</p>
8.10.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.10.1 or 8.10.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on western chorus frog (<i>Pseudacris triseriata</i>) individuals attributed to the Designated Project; and</p> <p>Activities Undertaken to Comply with Condition: If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>
8.10.5	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and Conservation Halton and based on the results of the monitoring referred to in condition 8.10.1 or 8.10.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>

Condition Number	Condition
8.11	<p>The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) in areas identified by the Proponent as habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) on figure 5 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during that phase of the Project, which will limit the disturbance to habitat areas for eastern meadowlark and bobolink that may be within the limits of construction. Restricted timing windows related to all migratory birds has been provided to the Contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the WMCP.</p>
8.12	<p>The Proponent shall cause to be established and maintained, during construction and operation, 40.7 hectares of suitable replacement grassland habitat (containing hay and meadow fields) in the Luther Marsh Wildlife Management Area to compensate for the loss of suitable habitat for eastern meadowlark (<i>Sturnella magna</i>), bobolink (<i>Dolichonyx oryzivorus</i>) and monarch butterfly (<i>Danaus plexippus</i>) within the Designated Project Development Area. The Proponent shall cause the suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has entered into an agreement with Ducks Unlimited Canada (DUC) to create off-site habitat within the Luther Marsh Wildlife Management Area. The off-site grassland habitat will be managed by DUC for a period of 20 years, starting with the seeding that occurred in spring 2019. This will include a minimum of five maintenance cycles over the 20-year period.</p>

Condition Number	Condition
8.13	<p>The Proponent shall cause to be developed, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and cause to be implemented a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the replacement grassland habitat established pursuant to condition 8.12. As part of the development of the follow-up program, the Proponent shall cause to be identified indicators that shall be considered to determine the suitability of the replacement grassland habitat. As part of the implementation of the follow-up program, the Proponent shall cause to:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for the replacement grassland habitat established pursuant to condition 8.12. The WMCP has been provided to ECCC for review, and any views or information received from ECCC was considered in the finalization of the FUP, see how their comments were incorporated in Appendix 3a. CN has retained Ducks Unlimited Canada to implement this section of the FUP, which will occur during construction and operation. The WMCP provided to IAAC on November 26, 2021 includes all of the various FUPs relating to wildlife, including for grassland bird habitat (Section 5.1.3.1). . Bluestem Consulting and Ducks Unlimited Canada completed grassland bird surveys and habitat assessment in June 2021, the results of which are summarized in Section 4.2.12 of the annual report for 2021.</p>
8.13.1	<p>Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Eastern meadowlark and Bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2021, the results of which are summarized in Section 4.2.12 of the annual report for 2021.</p>

Condition Number	Condition
8.13.2	<p data-bbox="443 302 1906 440">Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) attributed to the Designated Project; and</p> <p data-bbox="443 467 1031 493">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 513 1885 610">If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP. The monitoring carried out in 2021 did not demonstrate that any modified or additional mitigation measures are required.</p>
8.13.3	<p data-bbox="443 641 1915 992">Develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures and/or additional follow-up requirements if after 20 years following the establishment of the replacement grassland habitat, the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that the replacement grassland habitat is not functioning as predicted during the environmental assessment as a replacement habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>). The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be implemented until such time that monitoring results indicate that the replacement grassland habitat is functioning as predicted during the environmental assessment. The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be submitted to the Agency prior to them being implemented.</p> <p data-bbox="443 1019 1031 1045">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1065 1915 1276">Monitoring results for 20 years following the establishment of the replacement grassland habitat will be evaluated and if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replacement habitat for eastern meadowlark and bobolink, modified or additional mitigation measures and/or additional follow-up requirements will be developed and implemented in consultation with ECCC and other relevant authorities as per the adaptive management section of the FUP. Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.</p>

Condition Number	Condition
8.14	<p>The Proponent shall identify, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, foraging, nesting and overwintering habitat for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) within the Designated Project Development Area and within the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Foraging, nesting, and overwintering habitat for snapping turtle and midland painted turtle have been identified throughout the EA process. Areas that will be removed and replaced are identified in the WMCP and included in the detailed design drawings for the channel realignment. These documents have been provided to ECCC, MCFN and Six Nations, as required by condition 8.14, for comment. Any feedback received was considered for incorporation into the WMCP as outlined in Appendix 3a. The finalized FUP was provided to IAAC on November 26, 2021.</p>
8.15	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, Conservation Halton and the Six Nations of the Grand River, habitat enhancement features (including nesting mounds) for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Habitat enhancement features for turtles are identified in the WMCP and included in the detailed design drawings for the channel realignment including the location of nesting mounds and planned maintenance requirements. These documents have been provided to DFO, ECCC, CH, MCFN and Six Nations for comment. Any feedback received from these parties was considered for inclusion in the WMCP as outlined in Appendix 3a.</p>
8.15.1	<p>Locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Nesting mounds and nesting habitat have been identified within the channel realignment drawing package as part of the habitat restoration creation. Areas are identified including location, separation, vegetation planting specific to turtle nesting mounds and nesting habitat and construction instructions for the contractor.</p>

Condition Number	Condition
8.15.2	<p>Maintain the habitat enhancement features functional during operation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Habitat enhancement features will be monitored as part of the WMCP FUP to ensure the features are created and functional during the 5 years post construction. Ongoing habitat features beyond the 5 years post construction are anticipated to be stable and ongoing maintenance will not be required. Habitat enhancement features will remain in place in perpetuity.</p>
8.16	<p>The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (<i>Chelydra serpentina</i>) (October 1 to April 30), unless not technically feasible. If the Proponent must conduct in-water construction activities within the overwintering period, the Proponent shall have a qualified individual, who is a biologist, relocate snapping turtles (<i>Chelydra serpentina</i>) observed within in-water construction areas to an accredited facility for the duration of the overwintering period, prior to conducting any in-water construction activity.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The methods for relocation of snapping turtles observed within in-water construction areas are provided in the WMCP, which was provided to IAAC on November 26, 2021.</p>
8.17	<p>The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (<i>Chelydra serpentina</i>) from entering construction work areas. The Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14 when installing the exclusion fencing.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Exclusion fencing has been installed to isolate the active construction zones and areas where turtles may be present to maintain separation and avoid interaction between wildlife and construction zones. Installation of exclusion fencing has been completed under the direction and observation of the EM. Construction exclusionary fencing has been installed based on where turtle habitat (nesting, foraging and overwintering) has been identified and where construction activities are planned. Section 3.4 of the WMCP, which was provided to IAAC on November 26, 2021, provides information on wildlife exclusion fencing, while Figures 5, 6 and 7 of the WMCP indicate the locations of temporary and permanent fencing.</p>

Condition Number	Condition
8.18	<p>The Proponent shall install, prior to operation, and maintain, throughout operation, exclusion fencing between the habitat enhancement features constructed pursuant to condition 8.15 and roads located within the Designated Project Development Area. In doing so, the Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14.</p> <p>Activities Undertaken to Comply with Condition: Permanent exclusion fencing will be installed once construction of the realigned channels is completed, and vegetation has been installed. Maintenance and monitoring of the exclusion fencing will be completed by CN throughout operation of the Designated Project.</p>
8.19	<p>With respect to all exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18, the Proponent shall:</p>
8.19.1	<p>Install and maintain all exclusion fencing taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario; and</p> <p>Activities Undertaken to Comply with Condition: Methods for installation of exclusion fencing have followed and/or will follow the Species at Risk Branch Best Practices Technical Note: Reptile and Amphibian Exclusion Fencing (MNR 2013). Temporary exclusion fencing referred to in conditions 8.6, 8.7, 8.17, and 8.18 will be inspected by a qualified biologist prior to initiating construction, as directed by the recommended guidance documents. Monitoring will be implemented during construction to confirm the temporary exclusion fence remains intact and functional by the EM, at least monthly or directly following a heavy rain event or during construction activities in close proximity to the fencing.</p>
8.19.2	<p>Inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly.</p> <p>Activities Undertaken to Comply with Condition: Exclusion fencing will be inspected regularly (monthly) or directly following a heavy rain event or during any construction activity in close proximity by the EM. Areas where fencing breaches have been previously identified or repaired will be monitored more frequently by the EM as well.</p>

Condition Number	Condition
8.20	<p>The Proponent shall install and maintain, during all phases of the Designated Project, signs to notify drivers of the risk of turtle collisions along any temporary and permanent road located within the Designated Project Development Area. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario when installing the signs.</p> <p>Activities Undertaken to Comply with Condition: Signs along construction routes through the PDA and along roadways during operations will be installed and maintained to highlight the risk of turtle collisions.</p>
8.21	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.15 to 8.20. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition: CN prepared a FUP for on snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>), including mitigation measures implemented pursuant to conditions 8.15 to 8.20. The WMCP was provided to ECCC, MCFN, and Six Nations, and CH for review. Any views or information received from these parties was considered by CN in finalizing this FUP, see Appendix 2a for the consultation record and Appendix 3a for details on how comments were incorporated. Implementation will occur during construction. The WMCP includes all of the various FUPs relating to wildlife, including the Snapping Turtle & Midland Painted Turtle FUP (Section 5.4). This plan was provided to IAAC on November 26, 2021.</p>
8.21.1	<p>Monitor, during the time that the Proponent shall maintain the exclusion fencing referred to in condition 8.17, the effectiveness of the fencing in preventing snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) from entering in-water construction work areas;</p> <p>Activities Undertaken to Comply with Condition: The effectiveness of exclusion fencing in preventing snapping turtle and midland painted turtle from entering in-water construction work will be monitored once construction begins.</p>

Condition Number	Condition
8.21.2	<p data-bbox="443 302 1866 363">Monitor, during all phases of the Designated Project, roads located within the Designated Project Development Area for turtle crossings and/or turtle collisions with vehicles; and</p> <p data-bbox="443 396 1031 423">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 443 1814 542">Wildlife training has been prepared for the contractor. The training will be completed prior to construction for all equipment operators and staff to highlight protocol for identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction.</p> <p data-bbox="443 561 1902 691">Once construction begins, areas where turtle crossings or collisions have been identified will be monitored by the EM and additional exclusionary fencing will be installed. Exclusionary fencing will be monitored during construction and post permanent fencing installation to evaluate the effectiveness of the fencing and to determine if adjustments are required to minimize turtle interactions with operation of the terminal, as outlined in the WMP and FUP.</p>
8.21.3	<p data-bbox="443 727 1908 927">Develop and implement modified or additional mitigation measures, taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles.</p> <p data-bbox="443 959 1031 987">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1006 1839 1068">If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>
8.22	<p data-bbox="443 1104 1902 1198">The Proponent shall submit all sightings of turtles within the Designated Project Development Area during any phase of the Designated Project in a timely manner to the Natural Heritage Information Centre of Ontario Ministry of Natural Resources and Forestry.</p> <p data-bbox="443 1230 1031 1258">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1278 1892 1443">Wildlife training has been provided to the contractor and equipment operators to highlight protocol for identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction. During operations, turtle sightings will be recorded. Annual reporting of turtle sightings within the Terminal will be made to the Natural Heritage Information Centre of Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF).</p>

Condition Number	Condition
8.23	<p>The Proponent shall implement measures, during all phases of the Designated Project and in consultation with Environment and Climate Change Canada, to mitigate the adverse environmental effects on barn swallow (<i>Hirundo rustica</i>) and bank swallow (<i>Riparia riparia</i>) attributed to the Designated Project. As part of these measures, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on barn swallow and bank swallow attributed to the Project. The WMCP, which includes these measures, has been provided to ECCC for review, and all views or information received from ECCC were considered by CN in finalizing mitigation measures. Details can be found in Appendix 3a.</p>
8.23.1	<p>Maintain and keep accessible nesting habitat for barn swallow (<i>Hirundo rustica</i>) located in the barn identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939);</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The heritage barn identified by CN on figure U24-1 in response to Undertaking 24 during the Panel hearing will remain, undisturbed by construction within the PDA, for use as nesting habitat for barn swallow. The barn will be surveyed annually for three years (duration of construction) to document nesting activity and use of the barn, starting in 2022. In each year of construction, one round of surveys will be completed by a qualified ecologist, during the core breeding period for the species (i.e., June). Given the barn’s low ceilings and high density of nests, the barn will not be entered during the surveys to avoid the risk of disturbance to Barn Swallows.</p>

Condition Number	Condition
8.23.2	<p data-bbox="443 302 1913 472">Install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (<i>Hirundo rustica</i>) located in the shed identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939). The Proponent shall install the artificial nesting structures before removing the shed and shall maintain the structures during all phases of the Designated Project;</p> <p data-bbox="443 500 1031 529">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 548 1913 646">In addition to the barn, two artificial nesting structures have been designed and included in the contractor agreement, to be installed in the restoration area of Indian Creek, adjacent to the on-site wetlands. These are anticipated to provide ideal foraging habitat for Barn Swallows. These nesting structures will be constructed prior to the removal of the shed.</p>
8.23.3	<p data-bbox="443 678 1860 740">Manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (<i>Riparia riparia</i>) from nesting in the stockpiles; and</p> <p data-bbox="443 768 1031 797">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 816 1902 914">The Contractor will be required (through the contract documents, including the EPP) to implement measures to discourage Bank Swallows from nesting in temporary banks during construction, including reducing slopes to 70 degrees or less from April 15th to July 15th or implementing exclusion techniques such as tarping of slopes.</p>
8.23.4	<p data-bbox="443 951 1902 1081">Establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (<i>Hirundo rustica</i>) or bank swallow (<i>Riparia riparia</i>) nest during the removal of a culvert during any phase of the Designated Project. The Proponent shall maintain the buffer zones and setback distances at least until all young have visibly left the nest permanently.</p> <p data-bbox="443 1109 1031 1138">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1157 1881 1219">The EM will establish and maintain buffer zones and setback distances if, during construction, barn or bank swallow nests are identified during the removal of culverts.</p>

Condition Number	Condition
8.24	<p>The Proponent shall compensate for the loss of monarch butterfly (<i>Danaus plexippus</i>) habitat attributed to the Designated Project by establishing, in consultation with Environment and Climate Change Canada, 18.8 hectares of replacement open habitat within the Designated Project Development Area. The Proponent shall maintain the replacement habitat throughout operation. The Proponent shall incorporate vegetation species in the replacement habitat that provide breeding and nectaring functions for monarch butterfly (<i>Danaus plexippus</i>).</p> <p>Activities Undertaken to Comply with Condition:</p> <p>On-site habitat replacement requirement for monarch butterfly habitat creation (including breeding and nectaring functions) has been identified in the planting plan, included in the contract documents for construction by the contractor.</p> <p>Off-site habitat enhancement is described in relation to condition 8.12 above. The native seed mix that is being used for the Luther Marsh habitat replacement for grassland habitat, was also designed for Monarch, including common milkweed (larval host plant) and a variety of nectaring wildflowers for adult butterflies. The Monarch Habitat Compensation plan was provided to IAAC on November 26, 2021.</p>
8.24.1	<p>The Proponent shall limit the use of chemical herbicides and pesticides in the replacement habitat established pursuant to condition 8.24.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The use of chemical herbicides and pesticides in the replacement habitat shall be limited to only what is absolutely necessary and outlined in the maintenance plan for the created habitat that will be developed by CN prior to operation of the Designated Project.</p>

Condition Number	Condition
8.25	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.12 and 8.24. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for monarch butterfly (<i>Danaus plexippus</i>), including the mitigation measures to be implemented pursuant to conditions 8.12 and 8.24. The WMCP has been provided to ECCC for review, and any views or information received from ECCC have been considered by CN in finalizing this FUP. Details of comments and how they were incorporated can be found in Appendix 3a.</p> <p>Implementation of the FUP will commence during construction. The Monarch Butterfly FUP, as part of the WMCP (Section 5.5) was provided to IAAC on November 26, 2021. Bluestem Consulting and Ducks Unlimited Canada completed adult Monarch surveys and habitat assessment in July 2021, the results of which are summarized in Section 4.2.14 of the annual report for 2021.</p>
8.25.1	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement grassland habitat (including any breeding habitat) established pursuant to condition 8.12;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Monitoring of Monarch use at the Luther Marsh was completed in July 2021 and is summarized in Section 4.2.14. Construction has not begun for the on-site Monarch habitat. Once complete, monitoring per the FUP will begin.</p>
8.25.2	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement habitat established pursuant to condition 8.24;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Monitoring of Monarch use at the Luther Marsh was completed in July 2021 and is summarized in Section 4.2.14. Construction has not begun for the on-site Monarch habitat. Once complete, monitoring per the WMCP FUP will begin.</p>

Condition Number	Condition
8.25.3	<p data-bbox="443 302 1898 440">Develop and implement modified or additional mitigation if the results of the monitoring referred to in condition 8.25.1 or 8.25.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project; and</p> <p data-bbox="443 467 1031 493">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 513 1919 610">If the monitoring results referred to in conditions 8.25.1 or 8.25.2 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>
8.25.4	<p data-bbox="443 643 1898 773">Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.25.1 or 8.25.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p data-bbox="443 808 1031 834">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 854 1908 951">Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>
8.26	<p data-bbox="443 984 1898 1114">The Proponent shall conduct pre-construction surveys of eastern milksnake (<i>Lampropeltis Triangulum</i>) in Tributary A and in wooded areas near where Indian Creek intersects the railway tracks. The Proponent shall develop the methodology for the surveys in consultation with Environment and Climate Change Canada and other relevant authorities and shall take into account Ontario's Survey Protocol for Ontario's Species at Risk Snakes when developing the methodology.</p> <p data-bbox="443 1149 1031 1175">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1195 1919 1357">Pre-construction surveys of eastern milksnake were conducted along Tributary A and in the wooded area along Indian Creek in the fall of 2021. Survey methods followed those previously developed with ECCC for 2017 snake surveys in the PDA. These methods were consistent with Ontario's Survey Protocol for Ontario's Species at Risk Snakes. Throughout the ten surveys, no eastern milksnake were observed within the PDA. The results of these surveys are documented in Section 3.3 of the WMCP, which was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
8.27	<p>If the presence of eastern milkshakes (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area is confirmed through the surveys conducted pursuant to condition 8.26, the Proponent shall, in consultation with Environment and Climate Change Canada and other relevant authorities:</p> <p>Activities Undertaken to Comply with Condition: Throughout the surveys, no eastern milksnake were observed within the PDA.</p>
8.27.1	<p>Implement, prior to construction, a snake capture and relocation program to remove eastern milkshakes (<i>Lampropeltis Triangulum</i>) from the Designated Project Development Area and relocate them in accordance with wildlife care protocols to suitable habitat, identified by the Proponent based on known habitat requirements of eastern milkshakes (<i>Lampropeltis Triangulum</i>), within the Local Assessment Area, as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). As part of the program, the Proponent shall implement measures to prevent relocated snakes from returning to the removal site(s);</p> <p>Activities Undertaken to Comply with Condition: A capture and relocation program has been conducted prior to construction and installation of exclusion fencing. Using snake capture and relocation methods consistent with Ontario’s Survey Protocol for Ontario’s Species at Risk Snakes, snake relocation surveys were completed September 2021 as required. No milkshakes were captured, however two common Eastern Garter snakes were found, and one was captured and relocated as part of the surveys.</p>
8.27.2	<p>Develop, prior to construction, measures to mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, in addition to the snake capture and relocation program referred to in condition 8.27.1. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them; and</p> <p>Activities Undertaken to Comply with Condition: General wildlife mitigation measures that will be implemented during construction and which will serve to mitigate effects on eastern milksnake are documented in the WMCP (Section 4.1) and will be implemented by the construction contractor and the EM. Wildlife sensitivity training has begun and will be completed by all onsite personal at the beginning of construction and wildlife education information will be posted in the construction office for all construction phases.</p>

Condition Number	Condition
8.27.3	<p>Determine, prior to construction, if any of the exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18 can mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project. If the Proponent determines that the exclusion fencing implemented for other listed species at risk cannot effectively mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>), the Proponent shall develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures for eastern milksnake (<i>Lampropeltis Triangulum</i>), which may include appropriately adapting any existing exclusion fencing.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Fencing is specifically intended for turtles and snakes (including eastern milksnake) but would also form a barrier for other small wildlife (e.g., small mammals and amphibians). While the intent is to exclude all wildlife from the facility and the SWM ponds, the fencing layout has been designed to avoid restricting wildlife movement through natural features in the local landscape.</p>
8.28	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for eastern milksnake (<i>Lampropeltis Triangulum</i>), including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. The WMCP has been provided to ECCC for review, and any views or information received from ECCC have been considered by CN in finalizing this FUP. Details of the input received and how it was incorporated can be found in Appendix 3a. Implementation will occur during construction. The Eastern Milksnake FUP, as part of the WMCP (Section 4.2) was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
8.28.1	<p>Monitor sightings of eastern milksnake (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area during any phase of the Designated Project;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Sightings of eastern milksnake within the PDA will be monitored by the EM and all employees on site (as per the wildlife training plan) during construction and until at least the end of the fifth year of operation.</p>
8.28.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.28.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If the monitoring results referred to in conditions 8.28.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>
8.28.3	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.28.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>

Condition Number	Condition
8.29	<p>The Proponent shall conduct, prior to construction in the area of Indian Creek, surveys for little brown myotis (<i>Myotis lucifugus</i>) habitat in thicket communities along Indian Creek and in the coniferous plantation and deciduous woodland fragment west of the railway tracks. The Proponent shall submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada. If the results of the surveys indicate the presence of little brown myotis (<i>Myotis lucifugus</i>) habitat, the Proponent shall develop, in consultation with Environment and Climate Change Canada and other relevant authorities, mitigation measures to protect or replace the surveyed habitat. The Proponent shall submit the results of the surveys and the identified mitigation measures, if any, to the Agency prior to construction.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Pre-construction surveys for Little Brown Myotis were completed in thicket communities along Indian Creek and in the coniferous plantation and deciduous woodland fragment west of the railway tracks within the PDA. Survey methods were developed with ECCC and followed <i>Bats and Bat Habitats: Guidelines for Wind Power Projects (MNR 2011)</i> (the MNR Guidelines). Creation of wetland habitat within the PDA will enhance the existing foraging and drinking habitat for Little Brown Myotis. Surveys results are included in the WMCP (Section 3.2), which was provided to IAAC on November 26, 2021.</p>
8.30	<p>The Proponent shall provide regular awareness training about actions to take to protect wildlife to all employees and contractors associated with the Designated Project who may encounter wildlife within the Designated Project Development Area.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Prior to the start of construction (or construction phases), the EM will deliver an Environmental Orientation to the Contractor, Project Manager and Construction Manager. Specialists in archaeology and wildlife management have developed a training video for all contractors and equipment operators to review prior to the start of construction. CN will provide the contractor and EM with relevant results of preconstruction surveys to identify known locations of environmentally sensitive features (e.g., rare plants and animals, nests, dens, heritage structures, archaeological sites).</p>

Condition Number	Condition
8.31	<p>The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, and maintain throughout operation, a system of ecopassages within the Designated Project Development Area, including through the mainline embankment and associated roadways, to retain habitat connectivity for terrestrial and aquatic species expected to be present within the Designated Project Development Area, including listed species at risk, while meeting engineering requirements for safe railway and facility operation. The Proponent shall design and maintain all ecopassages taking into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The design of ecopassages has considered the Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario (MNR 2015) and CH's Road Ecology Quick Reference Guide (2018). Discussion on the proposed ecopassages is provided in Section 5.6.1 of the WMCP, which was provided to ECCC, Halton Region, CH and MECP for review and comment. Details of the consultation outreach can be found in Appendix 2a, and comments received and how they were incorporated is available in Appendix 3a. The finalized WMCP FUP was provided to IAAC on November 26, 2021.</p>
8.32	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on habitat connectivity attributed to the Designated Project, including the effectiveness of ecopassages installed pursuant to condition 8.31. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide when developing the follow-up program. The Proponent shall implement the follow-up program until at least the end of the fifth year following the installation of all ecopassages. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for habitat connectivity, including the effectiveness of ecopassages installed pursuant to condition 8.31. The WMCP has been provided to ECCC, MECP, Halton Region, and CH for review. Details of the consultation outreach can be found in Appendix 2a, and comments received and how they were incorporated is available in Appendix 3a. Any views or information received from these parties have been considered by CN in finalizing this FUP. Implementation will occur during construction. The Ecopassage FUP, as part of the WMCP (Section 5.6) was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
8.32.1	<p data-bbox="443 302 1913 440">Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the implementation of the follow-up program, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on habitat connectivity; and</p> <p data-bbox="443 467 1031 493">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 513 1839 574">If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.</p>
8.32.2	<p data-bbox="443 609 1906 776">Before the end of the fifth year following the installation of all ecopassages, determine, in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities and based on the results of the monitoring conducted as part of the follow-up program if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p data-bbox="443 803 1031 829">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 849 1902 950">Before the end of the fifth year of operation, it will be determined, in consultation with ECCC, Halton Region, CH and MNRF (now MECP) and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>
8.33	<p data-bbox="443 987 1913 1154">The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and other relevant authorities, a wildlife management and connectivity plan that takes into account the final detailed design of the Designated Project. The Proponent shall implement the plan according to the timelines established in the Plan. The plan shall include:</p> <p data-bbox="443 1182 1031 1208">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1227 1839 1360">The WMCP provided to IAAC on November 26, 2021 includes the use of habitat within the PDA and its connectivity to adjacent key features of the area. The channel realignment and habitat enhancement areas were designed to improve wildlife use of the natural corridor that Indian Creek provides through the PDA. An EPP was also prepared to describe wildlife and wildlife habitat mitigation measures for implementation by the contractor during construction.</p>

Condition Number	Condition
8.33.1	<p data-bbox="443 302 1915 435">Mapping of wildlife habitat, travel patterns and existing and planned wildlife corridors within the Regional Assessment Area, defined by the Proponent in section 3.3 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), based on publicly available information;</p> <p data-bbox="443 467 1031 493">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 513 1915 646">Habitat connectivity within the Regional Assessment Area (RAA) was reviewed to assess where and how the PDA will remain connected to the surrounding region once the Project is built. The review included an assessment of Halton Region’s Regional Natural Heritage System (RNHS) approach, as well as consideration for the biological diversity and ecological function within the RAA.</p> <p data-bbox="443 672 1902 769">The Key Features of Halton Region’s RNHS were identified and capture wildlife habitat in the RAA. These also include linkages between the natural features through agricultural fields. Regional floodplain areas associated with permanent and intermittent streams were included in the RNHS mapping.</p> <p data-bbox="443 779 1881 912">The existing conditions in the RAA provide a fragmented landscape of wildlife habitats (e.g., woodlands, wetlands and watercourses), separated by agricultural fields, residences, roads and urban development. Identification of movement corridors through this fragmented landscape considered the movement habits of different groups of wildlife that occur in the PDA.</p> <p data-bbox="443 932 1898 1101">With consideration of the movement habitats and the different groups of wildlife in the PDA, movement corridors within and between Key Features were delineated, which included Indian Creek and Tributary A enhancement areas within the PDA, the agricultural areas around the east side of the mainline and south of the PDA and Tributary D west of the PDA where it connects into Indian Creek and passes through the PDA. Wildlife corridors and ecopassages are outlined on Figure 8 of the WMCP, provided to IAAC on November 26, 2021.</p>
8.33.2	<p data-bbox="443 1133 1902 1266">details on how the Proponent shall maintain habitat connectivity for terrestrial species during all phases of the Designated Project, including how the Proponent has considered the role of open agricultural lands and wildlife travel patterns and existing and planned wildlife corridors across the Regional Assessment Area and in adjacent lands within Region of Halton's Natural Heritage System during detailed design of the Designated Project;</p> <p data-bbox="443 1299 1031 1325">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1344 1898 1442">Wildlife corridors were planned and designed to maintain connectivity based on the wildlife expected to be present within the PDA and with consideration of buffers. Proposed habitat enhancements within the PDA along Indian Creek and Tributary A will be connected to habitats in the RAA and adjacent lands though connectivity with the Indian Creek corridor.</p>

Condition Number	Condition
	<p>The planned enhancements to the portion of the Indian Creek corridor within the PDA is anticipated to improve opportunities for wildlife movement. Improved aquatic, reptile and amphibian habitats are not only anticipated to support more abundant wildlife populations than existing conditions, but they will also facilitate movement along the Indian Creek corridor. Areas of connectivity and ecopassage are outlined and discussed in the WMCP and detailed design drawings as part of the Channel Realignment Addendum (Stantec 2020), as provided to IAAC on November 26 and December 1, 2021.</p>
8.33.3	<p>Details on how the Proponent has considered terrestrial and aquatic species expected to be present within the Designated Project Development Area when designing, installing and maintaining all travel corridors (including ecopassages referred to in condition 8.31) and when establishing the dimensions of buffers in the Designated Project Development Area;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Wildlife connectivity along the Indian Creek corridor will be maintained during construction by using a phased approach. During Phase 1, temporary wildlife exclusion fencing will be erected between the existing creek to allow wildlife to continue to move along Indian Creek while construction of the realigned creek and created habitat enhancements take place. Once the realigned creek and habitat enhancements have been installed, Phase 2 wildlife exclusion fencing will be installed between the enhanced habitat and other construction activities for the Project. The Phase 1 fencing will then be removed, allowing wildlife to access the newly created and enhanced Indian Creek corridor.</p> <p>The on-site habitat enhancements will be connected to off-site portions of the Indian Creek corridor by existing crossings under Tremaine Road (outside of the Project). Both Indian Creek crossings on Tremaine Road consist of a bridge, which achieve the design considerations of both aquatic and terrestrial ecopassages. These bridges provide open, sunlit crossings, with natural substrate and vegetation, as well as dry benches at the sides of the creek for terrestrial species. Permanent wildlife exclusion fencing, as discussed in Section 3.4, will be installed blocking wildlife from crossing Tremaine Rd. and funnel them towards the bridges to use as an ecopassage.</p> <p>Aquatic ecopassages are proposed along Tributary A beneath the Project’s pad and tracks (culverts 2A and 2B). These culverts have been redesigned to consider the passage of fish. The design option of a single culvert (as opposed to the originally planned set of smaller twin culverts) was selected. The proposed culvert will be countersunk with natural substrate, resting pools and current breaks to provide opportunities for fish movement. Aquatic corridors and ecopassages are outlined in the Culvert 2A and 2B design drawings, provided to IAAC on November 26, 2021,</p>

Condition Number	Condition
8.33.4	<p data-bbox="443 302 1822 363">Details on how the Proponent shall design and operate the Designated Project's truck entrance on Britannia Road to mitigate adverse environmental effects on Halton Region's Natural Heritage System;</p> <p data-bbox="443 396 1031 425">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 441 1919 683">A wildlife passage along Tributary A is proposed for the Project's truck entrance off Britannia Road. This ecopassage will comprise a culvert with a natural substrate base. The proposed culvert is 20m in length, approximately 8 m wide and 1.5 m tall, providing an openness ratio of approximate 0.5. Permanent wildlife exclusion fencing will be used to block wildlife from crossing the truck entrance road and funnel them into the ecopassage. This ecopassage will be immediately downstream of a proposed ecopassage under Britannia Road, to be installed by the Region, facilitating movement of wildlife between the PDA and wildlife habitats in the RAA. Aquatic corridors and ecopassages are outlined in the Culvert 1 design drawings, provided to IAAC on November 26, 2021,</p>
8.33.5	<p data-bbox="443 714 1919 959">All measures to be implemented by the Proponent to mitigate the adverse environmental effects of the Designated Project on wildlife during any phase of the Designated Project, including the mitigation measures set out in this Decision Statement as it pertains to listed species at risk and migratory birds. In doing so, the Proponent shall describe how these measures give preference to avoiding adverse environmental effects on wildlife over minimizing adverse environmental effect on wildlife, to minimizing adverse environmental effects on wildlife overcompensating for adverse environmental effects on wildlife and, if minimizing adverse environmental effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife; and</p> <p data-bbox="443 987 1031 1016">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1032 1877 1203">Measures to be implemented for the Project to mitigate adverse environmental effects of the Project on wildlife during construction and operation phase of the Project are described in the WMCP for listed species at risk and migratory birds. Measures were developed to first avoid adverse effects, if possible, second minimize adverse effects. Compensation of permanent adverse effects is planned only where avoidance and minimization measures are not possible, as described in the WMCP provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
8.33.6	<p>The information referred to in condition 2.7 for each follow-up program to be implemented by the Proponent to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to wildlife, including listed species at risk and migratory birds.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for wildlife, including listed species at risk and migratory birds. The WMCP, which contains this FUP, has been provided to the ECCC, CH, the MECP, the Town of Milton, and Halton Region for review, and all views or information received from these parties have been considered by CN in finalizing this FUP. Details of the consultation efforts can be found in Appendix 2a, and comments received and how they were incorporated can be found in Appendix 3a. Implementation will occur during construction and operation. The WMCP was provided to IAAC on November 26, 2021.</p>

Section 9: Human Health

Condition Number	Condition
General (9.1 to 9.3)	
9.1	<p>The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects on human health caused by changes in concentrations of contaminants of potential concern in country foods attributed to the Designated Project. The Proponent shall implement the follow-up program during construction and for at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for human health specifically in relation to potential effects caused by changes in concentrations of contaminants of potential concern in country foods attributed to the Designated Project. The Country Food FUP has been provided to HC, for review. CN received feedback from HC, which has been incorporated into the Country Food FUP. Their comments and how they were incorporated is found in Appendix 3a. Pre-construction samples were collected in 2020, which will be used for comparison against the samples to be collected during construction. The Country Food FUP was provided to IAAC on December 1, 2021.</p>
9.1.1	<p>Monitor concentrations of benzo(a)pyrene in soils within the Local Assessment Area, as defined by the Proponent in figure 1 of the document entitled Technical Data Report Human Health Risk Assessment (Appendix E.7) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), and compare monitoring results against modelling predictions estimated by the Proponent during the environmental assessment, as referred to by the Proponent in table IR8.3-1 submitted in response to Information Request 8.3 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 714); and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Concentrations of B(a)P will be monitored in soils within the LAA, and results will be compared to modeling predictions estimated during the EA, as outlined in the FUP.</p>

Condition Number	Condition
9.1.2	<p data-bbox="485 266 1850 440">Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 9.1.1 demonstrate that modified or additional mitigation measures are required to ensure that concentrations of contaminants of potential concern in soils attributed to the Designated Project are below the Canadian Council of Ministers of the Environment's Soil Quality Guidelines for the Protection of Environmental and Human Health.</p> <p data-bbox="485 467 1073 496">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 513 1881 613">If the monitoring results referred to in conditions 9.1.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as discussed in the Adaptive Management section of the FUP.</p>
9.2	<p data-bbox="485 646 1887 992">The Proponent shall conduct, prior to construction and in consultation with Health Canada, a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events. If the results of this evaluation demonstrate that nighttime noise events attributed to the Designated Project may exceed 60 dBA Lmax outdoors more than 10 times per night, at any point of reception identified by the Proponent on figure 3 of the Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), the Proponent shall develop, in consultation with Health Canada, and implement, prior to construction, modified or additional mitigation measures to ensure that nighttime noise events attributed to the Designated Project do not exceed 60 dBA Lmax outdoors more than 10 times per night at any point of reception. The Proponent shall submit the results of the analysis and any modified or additional mitigation measure to the Agency prior to implementing them.</p> <p data-bbox="485 1019 1073 1049">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 1065 1839 1166">CN conducted a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events. The report does not identify any required modification or addition mitigation measures. A copy of the Sleep Disturbance Analysis (Aecom, 2021) was provided to IAAC on December 1, 2021.</p>

Condition Number	Condition
9.3	<p>The Proponent shall develop, prior to operation and in consultation with Health Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on human health caused by nighttime noise events attributed to the Designated Project during operation, including any modified or additional mitigation measure developed and implemented pursuant to condition 9.2. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN prepared a FUP for human health related to potential effects caused by nighttime noise events attributed to the Designated Project during operation, including any modified or additional mitigation measure developed and implemented pursuant to condition 9.2. The Noise FUP has been provided to HC for review. CN received feedback from HC, which has been incorporated into the Noise FUP (provided to IAAC on December 9, 2021). Details of the comments received and how they were incorporated is found in Appendix 3a.</p> <p>Implementation will occur during operation.</p>
9.3.1	<p>monitor, for at least two years following the start of operation, nighttime noise events attributed to the Designated Project, at the same points of reception considered in the sleep disturbance analysis conducted pursuant to condition 9.2;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Nighttime noise events attributed to the Project will be monitored at the same points of reception considered in the sleep disturbance analysis (per condition 9.2) for at least two years following the start of operation.</p>
9.3.2	<p>develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project experienced at any point of reception exceed 60 dBA Lmax outdoors more than 15 times per night, so that nighttime noise events attributed to the Designated Project experienced at any point of reception do not exceed 60 dBA Lmax outdoors more than 15 times per night;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If the monitoring results referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project exceed 60 dBA Lmax outdoors more than 15 times per night at any point of reception, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.</p>

Condition Number	Condition
9.3.3	<p data-bbox="485 266 1793 331">Compile the results of the monitoring referred to in condition 9.3.1 on a monthly basis and make these results available upon request; and</p> <p data-bbox="485 363 1073 396">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 412 1885 477">Once operation begins and the FUP is implemented, the results of this monitoring will be compiled on a monthly basis and made available upon request.</p>
9.3.4	<p data-bbox="485 505 1892 639">Before the end of the second year following the start of operation, determine, in consultation with Health Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p data-bbox="485 672 1073 704">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 721 1871 818">Once operation begins and the FUP is implemented, the results of this monitoring will be reviewed with Health Canada before the end of the second year to determine if any additional monitoring is required. If so, the FUP will be updated accordingly and implemented.</p>

Section 10: Socioeconomic Effects

Condition Number	Condition
General (10.1)	
10.1	<p>The Proponent shall provide additional agricultural lease opportunities or rehabilitate or improve agricultural lands under the care and control of the Proponent within properties adjacent to the Designated Project Development Area in consultation with Halton Region, the Town of Milton and representatives of local farmers and farming organizations, including the Halton Region Federation of Agriculture and until such time that the Proponent has determined other non-agricultural uses for these areas.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>All agricultural lands inside and outside of the PDA were extended agricultural land leases in 2021, and all lands outside of the PDA will be extended leases for 2022, and into the future. Moving forward, CN will continue to provide additional agricultural lease opportunities until such time as CN has determined an alternate use for these lands. These lands are already in production as agricultural lands and little opportunity exists to rehabilitate or improve these lands (i.e., creation of more agricultural land, improved drainage). Expansion of agricultural uses on CN owned properties adjacent to the PDA would require the conversion of natural areas into agricultural fields, which would be contrary to the protection of these natural areas.</p>

Section 11: Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance

Condition Number	Condition
Cultural Heritage (11.1 to 11.6)	
11.1	<p>The Proponent shall assess, prior to construction, the condition of each cultural heritage resource under the care and control of the Proponent identified by the Proponent in table 6.4 of the document entitled Technical Data Report Cultural Heritage Assessment (Appendix E.3) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) using photographic records.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to assess the condition of each cultural heritage resource under the care and control of the Proponent identified in table 6.4 of the Technical Data Report Cultural Heritage Assessment (Appendix E.3). Four properties were identified as being under the care and control of CN (4393 Tremaine Rd, 5193 Tremaine Road, 6269 Tremaine Road, and 5381 Tremaine Road). A photographic record and assessment of the properties was completed in 2020. Copies of the 4 reports were provided to the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) and the Town of Milton in June 2020. Appendix 2a outlines the consultation for these reports and Appendix 3a outlines the views and information received and how they were incorporated into the final reports. The finalized reports were provided to IAAC on November 26, 2021.</p>
11.2	<p>The Proponent shall have a qualified individual document the land use history and construction details of the shed located at 5269 Tremaine Road to provide an understanding of the use, context and relationship of the shed in relation to the surrounding buildings, prior to removing the shed. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to document the land use history and construction details of the shed located at 5269 Tremaine Road to provide an understanding of the use, context and relationship of the shed in relation to the surrounding buildings, prior to removing the shed. The requirement for salvage and removal of the shed has been incorporated into the contractor agreement. The Shed Salvage Report, entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton Ontario</i> was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
11.2.1	<p data-bbox="443 302 1839 363">Make a photographic record of the shed and salvage any component of the building in which there is public or private interest; and</p> <p data-bbox="443 396 1031 425">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 441 1839 610">The report entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario</i> (Stantec, 2020) provides a photographic record of the shed located at 5269 Tremaine Road, Milton. As part of the contractor agreement, the Contractor will be required to retain a salvage company to remove the shed and to prepare a detailed list of materials salvaged from the shed, which may include wood windows, original hardware, ventilators, lightning rods, and metal roofing.</p>
11.2.2	<p data-bbox="443 643 1887 737">Submit a report containing the land use history, construction details and photographic record made pursuant to condition 11.2.1 to the Agency and potentially affected parties. The Proponent shall also make the information available to a local library or museum.</p> <p data-bbox="443 769 1031 799">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 815 1887 876">The report entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario</i> (Stantec, 2020) was submitted to IAAC on November 26, 2021. A copy of this report will be made available to a local library or museum.</p>
11.3	<p data-bbox="443 914 1871 1044">The Proponent shall not carry out any construction activity associated with the Designated Project within 50 metres of any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, unless required for construction or to meet engineering requirements for safe railway and facility operation. If the Proponent must carry out any construction activity within 50 metres of a cultural heritage resource, the Proponent shall:</p> <p data-bbox="443 1076 1031 1105">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1122 1887 1330">As part of the contractor agreement, restrictions will be in place to prevent construction activities within 50 metres of any cultural heritage resource under the care and control of CN unless required for construction. Where construction within 50 m of any cultural heritage resource is required, such as in association with SWM Pond #2, realignment of Tributary A or CN mainline work south of Lower Base Line, specific measures are included in the contract identifying mitigation measures and methods for protecting cultural heritage resource structures, including delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment and monitoring.</p>

Condition Number	Condition
11.3.1	<p>Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If the Contractor must carry out any construction activity within 50 m of a cultural heritage resource, CN will engage qualified personnel to determine the maximum acceptable vibration levels that should not be exceeded to protect the resource. The results of this study, if required, will be provided to IAAC under separate cover. The maximum acceptable levels will also be communicated to the Contractor and referenced during the vibration monitoring activities where construction occurs within 50 m of a cultural heritage resource.</p>
11.3.2	<p>Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If construction activity must occur within 50 m of a cultural heritage resource, CN will retain qualified personnel to conduct continuous monitoring of vibration levels at the resource.</p>
11.3.3	<p>Develop and implement modified or additional mitigation measures, which may include temporarily ceasing any construction activity causing vibration for any given cultural heritage resource until modified or additional mitigation measures are implemented, if the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1 to ensure that vibration levels remain below acceptable levels. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented and the Proponent shall submit a detailed description of these measures to the Agency within 7 days of their implementation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If monitoring is required, the monitoring results will be compared to the maximum acceptable vibration levels identified pursuant to condition 11.3.1 to determine compliance. If the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1, modified or additional mitigation measures will be developed and implemented to ensure that vibration levels remain below acceptable levels. The contractor agreement includes a requirement for contractor to abide by the results of the vibration monitoring where exceedances are identified and to implement other appropriate mitigation, as necessary, to avoid exceedances or impacts on cultural heritage resource structures (adaptive management). IAAC will be notified within 24 hours of any modified or additional mitigation measure being implemented and a detailed description of these measures will be submitted to IAAC within 7 days of their implementation.</p>

Condition Number	Condition
11.4	<p>The Proponent shall inspect each cultural heritage resource under the care and control of the Proponent referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 metres pursuant to condition 11.3 as soon as practical after construction in the vicinity of each resource has ended. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN will retain a qualified individual to conduct an updated assessment of each cultural heritage resource referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 m pursuant to condition 11.3. Each structure will be inspected as soon as practical, if required, after construction in the vicinity of each resource has ended.</p>
11.4.1	<p>Compare the condition of the resource before and after construction, based on the photographic records made pursuant to condition 11.1, to determine if any vibration-related damage has occurred as a result of construction;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>To determine if any vibration-related damage has occurred as a result of construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN would retain a qualified individual to conduct an updated assessment of each cultural heritage resource structure and to compare the before and after construction condition of each structure based on photographic records made pursuant to condition 11.1.</p>
11.4.2	<p>Have a qualified individual make any repair necessary to maintain the heritage integrity of the damaged resource in a timely manner if an inspection demonstrates that vibration-related damage has occurred; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In the event that damages are encountered as a result of vibration-related damage, CN would retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.</p>

Condition Number	Condition
11.4.3	<p data-bbox="443 302 1856 402">Submit the results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, to the Agency and potentially affected parties within 30 days of the Proponent completing all inspections.</p> <p data-bbox="443 431 1031 456">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 480 1877 610">The results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. It is anticipated that potentially affected parties would be limited to owners of the property in which damage has occurred, which are likely those already owned by CN.</p>
11.5	<p data-bbox="443 643 1885 846">The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties, a cultural heritage property maintenance and re-use plan in relation to each cultural heritage resource under the control of the Proponent referred to in condition 11.1. The Proponent shall implement the plan throughout all phases of the Designated Project for each resource, unless the Proponent determines pursuant to condition 11.6 that any given resource is to be relocated or demolished. As part the plan, the Proponent shall set out:</p> <p data-bbox="443 878 1031 902">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 927 1877 1057">CN retained Stantec to develop cultural heritage property maintenance and re-use plans for each cultural heritage resource under the control of CN referred to in condition 11.1. These plans have been provided to MHSTCI and the Town of Milton for review as detailed in Appendix 2a, and any views or information provided in regard to the maintenance and re-use of these heritage structure has been considered as outlined in Appendix 3a.</p> <p data-bbox="443 1081 1877 1211">CN will implement the measures outlined in these plans throughout construction and operation, until such time as these structures are relocated or demolished in accordance with condition 11.6. These Cultural Heritage Property Maintenance and Re-use Plans (CHR-1 - 4393 Tremaine Road; CHR-3 - 5193 Tremaine Road; CHR-4 - 5269 Tremaine Road; CHR-5 - 5381 Tremaine Road) were provided to IAAC on November 26, 2021.</p>
11.5.1	<p data-bbox="443 1243 1482 1268">How the Proponent shall preserve the heritage value of each cultural heritage resource;</p> <p data-bbox="443 1300 1031 1325">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1349 1829 1406">The cultural heritage property maintenance and re-use plan sets out how the heritage value of each cultural heritage resource will be preserved.</p>

Condition Number	Condition
11.5.2	<p>How the Proponent shall secure all cultural heritage resources, prior to construction, and inspect and maintain them in working order, during all phases of the Designated Project, or until such time any viable adaptive re-use is identified for any given resource; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The cultural heritage property maintenance and re-use plan sets out how the cultural heritage resources will be secured, inspected, and maintained in working order during construction and operation, or until such time any viable adaptive re-use is identified for any given resource.</p>
11.5.3	<p>The criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The cultural heritage property maintenance and re-use plan sets out the criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.</p>
11.6	<p>If, for any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, the Proponent has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, the Proponent shall conduct, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region and the Town of Milton, a Heritage Impact Assessment to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. The Proponent shall submit the results of the Heritage Impact Assessment to the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties within 30 days of the Heritage Impact Assessment being completed.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>In the event that CN has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, CN will retain a qualified individual to complete a Heritage Impact Assessment (HIA) to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. This study would be completed in consultation with the MHSTCI, Halton Region and the Town of Milton, with the results to be submitted to these parties within 30 days on the HIA being completed.</p> <p>Construction and operation have not begun.</p>

Condition Number	Condition
11.6.1	<p>The Proponent shall consider, as part of the Heritage Impact Assessment, removal or demolition of any cultural heritage resource under the care and control of the Proponent only if no other options for re-use are technically and economically feasible.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>If CN conducts a HIA pursuant to condition 11.6, it will consider removal or demolition of any cultural heritage resource only if no other options for re-use are technically and economically feasible.</p>
Archaeology (11.7 to 11.11)	
11.7	<p>The Proponent shall have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct any controlled salvage excavation of archaeological resources required for the Designated Project during any phase of the Designated Project in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and taking into account Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. CN retained Stantec to conduct Stage 3 archaeological investigations and Stage 4 mitigation (controlled salvage excavation) of archaeological resources required to construct the Project, as identified in the EIS and in response to information requests from the Panel (specifically IR4.32). These field studies were conducted under the direction of licensed archaeologists licensed to practice archaeology in Ontario in consultation with the MCFN, the Six Nations and the Huron-Wendat in 2017 to 2018 taking into account the MHSTCI's Standards and Guidelines for Consultant Archaeologists.</p> <p>The results of the Stage 3 and 4 archaeological studies were submitted to each of the indigenous communities for review and input. The finalized Stage 3 report was then submitted to the MHSTCI in 2017 and the Stage 4 report submitted in 2018. Copies of the confirmation letters from MHSTCI were provided to the Panel (CIAR# 632).</p> <p>CN retained Stantec to conduct supplemental archeological investigations for any lands where construction activity is now proposed for which no archaeological investigation was previously completed. Field investigations were completed in October and November 2020 in consultation with the MCFN, the Six Nations and the Huron Wendat (although MCFN and Six Nations did not participate due to COVID 19 restrictions). The results of the Stage 1 and 2 AA investigations did not identify any further areas where controlled salvage excavation of archaeological resources would be required. These reports were provided to the MCFN, the Six Nations and the Huron Wendat for review in January 2021 and final versions provided to MHSTCI in June 2021.</p>

Condition Number	Condition
11.8	<p>The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, an archaeological and cultural resources protection plan to mitigate adverse environmental effects on any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the plan, the Proponent shall set out:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained Stantec to complete an Archaeological and Cultural Resource Protection Plan (ACRPP). This plan was developed in consultation with the MCFN, the Six Nations, the Huron Wendat, and the MHSTCI. Only minor comments were received and incorporated into the final version of the plan that was submitted to MHSTCI in June 2021. The ACRPP was provided to IAAC on November 26, 2021.</p>
11.8.1	<p>How the Proponent shall notify in advance the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of any Designated Project construction activity (including any soil disturbance activity) that may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the Designated Project Development Area;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The ACRPP identifies how CN will notify the MCFN, the Six Nations and the Huron Wendat in advance of any construction activity (i.e., soil disturbance activity) that may result in the discovery of any previously unidentified resources.</p>
11.8.2	<p>How the Proponent shall allow the participation of the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The ACRPP identifies how CN will allow the participation of the MCFN, the Six Nations and the Huron Wendat in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1.</p>

Condition Number	Condition
11.8.3	<p>How the Proponent will apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered within the Designated Project Development Area by the Proponent or brought to the attention of the Proponent by another party during any phase of the Designated Project. As part of the chance find procedure, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The ACRPP identifies how CN will apply a chance find procedure in the event that previously unidentified resources are discovered within the PDA or brought to the attention of CN or the Contractor by another party during construction.</p>
11.8.3.1	<p>Immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The chance find procedure included in the ACRPP includes a procedure to immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery.</p>
11.8.3.2	<p>Delineate an area of at least 20 metres around the discovery as a no-work zone;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The chance find procedure included in the ACRPP includes a procedure to delineate an area of at least 20 metres around the discovery as a no-work zone.</p>
11.8.3.3	<p>Inform the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The chance find procedure included in the ACRPP includes a procedure to inform IAAC, the MHSTCI, Halton Region, the MCFN, the Six Nations and the Huron Wendat (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the MCFN, the Six Nations and the Huron Wendat to monitor archaeological works at the location of the discovery.</p>

Condition Number	Condition
11.8.3.4	<p data-bbox="443 302 1879 363">Have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct an assessment at the location of the discovery; and</p> <p data-bbox="443 394 1031 423">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 440 1782 505">The chance find procedure included in the ACRPP includes a requirement to have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct an assessment at the location of the discovery.</p>
11.8.3.5	<p data-bbox="443 537 1894 704">Apply, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.</p> <p data-bbox="443 735 1031 764">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 781 1850 878">The chance find procedure included in the ACRPP applies all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.</p>
11.9	<p data-bbox="443 914 1894 1081">The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remains (including any ossuary) discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the procedure, the Proponent shall:</p> <p data-bbox="443 1112 1031 1141">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1157 1797 1291">The ACRPP includes a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remain (including any ossuary) discovered within the PDA. This plan was developed in consultation with MCFN, the Six Nations, the Huron Wendat and has been provided to the MHSTCI and to IAAC on November 26, 2021.</p>

Condition Number	Condition
11.9.1	<p data-bbox="443 302 1822 367">Immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery;</p> <p data-bbox="443 396 1031 423">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 443 1892 508">The ACRPP includes a procedure to immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery.</p>
11.9.2	<p data-bbox="443 537 1388 565">Delineate an area of at least 20 metres around the discovery as a no-work zone;</p> <p data-bbox="443 594 1031 621">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 641 1808 669">The ACRPP includes a procedure to delineate an area of at least 20 metres around the discovery as a no-work zone.</p>
11.9.3	<p data-bbox="443 699 1892 906">Inform appropriate local, municipal and provincial authorities as it pertains to the handling of human remains (including any authority that has a responsibility under Ontario's Funeral, Burial, and Cremation Services Act) as soon as possible, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery;</p> <p data-bbox="443 935 1031 963">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 982 1892 1149">The ACRPP includes a procedure to inform appropriate local, municipal and provincial authorities as it pertains to the handling of human remains as soon as possible, as well as the MCFN, the Six Nations and the Huron Wendat (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery. The procedures allow the MCFN, the Six Nations and the Huron-Wendat to monitor archaeological works at the location of the discovery.</p>

Condition Number	Condition
11.9.4	<p data-bbox="443 302 1866 435">Have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act and who has education, experience and knowledge as it pertains to ossuaries, conduct an assessment at the location of the discovery, subject to the requirements of Ontario's Funeral, Burial, and Cremation Services Act. The Proponent shall choose the qualified individual in consultation with the Huron-Wendat Nation and the Six Nations of the Grand River;</p> <p data-bbox="443 467 1031 492">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 513 1885 646">The ACRPP includes a procedure to have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act and who has education, experience, and knowledge as it pertains to ossuaries, conduct an assessment at the location of the discovery, subject to the requirements of <i>Ontario's Funeral, Burial, and Cremation Services Act</i>. CN has agreed to choose the qualified individual in consultation with the Huron-Wendat and the Six Nations.</p>
11.9.5	<p data-bbox="443 678 1824 776">In the event that there is any indication that the discovered human remains may be an ossuary, leave the area permanently undisturbed, unless an agreement is reached with the Huron-Wendat Nation and the Six Nations of the Grand River to take an alternative action; and</p> <p data-bbox="443 808 1031 833">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 854 1877 951">The ACRPP includes a procedure, in the event that there is any indication that the discovered human remains may be an ossuary, to leave the area permanently undisturbed, unless an agreement is reached with the Huron-Wendat and the Six Nations to take an alternative action.</p>
11.9.6	<p data-bbox="443 987 1877 1044">Not recommence work within the no-work zone referred to in condition 11.9.2, unless authorized by relevant authorities and subject to the requirement of condition 11.9.4.</p> <p data-bbox="443 1076 1031 1101">Activities Undertaken to Comply with Condition:</p> <p data-bbox="443 1122 1885 1187">The ACRPP includes a procedure to not recommence work within the no-work zone referred to in condition 11.9.2, unless authorized by relevant authorities and subject to the requirement of condition 11.9.4.</p>

Condition Number	Condition
11.10	<p>The Proponent shall require all employees and contractors associated with the Designated Project to undertake, before they conduct any construction activity within the Designated Project Development Area, an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 11.8 and the procedures related to the discovery and protection of human remains referred to in condition 11.9. As part of the awareness training program, the Proponent shall include information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the Designated Project Development Area.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>As part of the contractor agreement, the contractor is required to have all employees attend an Environmental Orientation meeting that includes an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 11.8 and the procedures related to the discovery and protection of human remains referred to in condition 11.9. The awareness training program was developed by Stantec in conjunction with CN and includes information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the PDA.</p>
11.11	<p>The Proponent shall facilitate discussions between the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return of artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction to the communities for preservation and interpretation. The Proponent shall seek consent from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Any artifacts encountered by a licensed archaeologist becomes the responsibility of that licensed archaeologist to curate indefinitely. However, agreements can be reached with responsible parties, such as Indigenous communities, to take responsibility for the preservation and protection of these resources. Through on-going consultation with the MCFN, the Six Nations and the Huron-Wendat, CN will arrange discussions with the licensed archaeologists about opportunities to return artifacts of Indigenous origin excavated as part of the EA or discovered during construction to the communities for preservation and interpretation. CN will seek consent from the MCFN, the Six Nations and the Huron-Wendat before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions. No such discussions have occurred in 2021. Construction has not yet commenced. Discussions will be facilitated in 2022.</p>

Section 12: Effects of the Environment on the Designated Project

Condition Number	Condition
General (12.1)	
12.1	<p>The Proponent shall develop, prior to construction, and implement an infrastructure protection plan that describes how the Proponent shall maintain Designated Project infrastructures, keeping them secure and in good working order during all phases of the Designated Project and how the Proponent shall restore any damaged infrastructure and prevent future damages, including in the event of a flooding, freezing rain, ice storm or another extreme weather event and if erosion beyond acceptable levels occurs within the Designated Project Development Area, to mitigate adverse environmental effects of the environment on the Designated Project. As part the implementation of the plan, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>An infrastructure protection plan that meets these requirements has been developed by the contractor and approved by CN and will be implemented by the contractor during construction. The Infrastructure Protection Plan for Phase 1 of construction was provided to IAAC on November 26, 2021. A separate Infrastructure Protection Plan will be prepared for future construction phases, as well as for operations.</p>
12.1.1	<p>Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Contractor and Environmental Monitor are required to be monitoring a local meteorological app to track and monitoring severe weather conditions. The Independent EM will also be monitoring a weather app to time site visits accordingly.</p>
12.1.2	<p>Regularly inspect all erosion and sediment control devices installed within the Designated Project Development Area, including following rainfall events, and repair any defective or damaged device in a timely manner;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>All ESC devices installed within the PDA will be regularly inspected by the contractor and the EM, including following rainfall events, and any defective or damaged device will be repaired in a timely manner.</p>

Condition Number	Condition
12.1.3	Report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2; and
	<p>Activities Undertaken to Comply with Condition:</p> <p>Any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2 will be included as part of the annual report referred to in condition 2.11.</p>
12.1.4	Backfill all open excavations in a timely manner during construction, unless not technically feasible.
	<p>Activities Undertaken to Comply with Condition:</p> <p>During construction, and through the contractor agreement, the contractor will be required to backfill open excavations in a timely manner during construction, unless not technically feasible.</p>

Section 13: Independent Environmental Monitor

Condition Number	Condition
General (13.1 to 13.4)	
13.1	<p>The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring in Ontario, to independently observe and record on the implementation of the conditions set out in this Decision Statement during construction and to report findings to the Proponent and the Agency.</p> <p>Activities Undertaken to Comply with Condition: CN has retained Stantec to act as a third-party independent EM to independently observe and record on the implementation of the conditions set out in this Decision Statement during construction and to report findings to the Proponent and IAAC.</p>
13.2	<p>The Proponent shall require the independent environmental monitor to report to the Proponent, in writing, about the implementation of any condition set out in this Decision Statement during construction. The Proponent shall also require the independent environmental monitor to recommend to the Proponent, in writing, which action(s) in their view should be taken by the Proponent in respect to the implementation of condition set out in this Decision Statement during construction.</p> <p>Activities Undertaken to Comply with Condition: Through the EM contract with Stantec, CN has required the independent EM to report to CN, in writing, about the implementation of any condition set out in the Decision Statement during construction and will also recommend which action(s) in their view should be taken by CN or any retained contractor with respect to the implementation of conditions set out in the Decision Statement during construction.</p>

Condition Number	Condition
13.3	<p>The Proponent shall require the independent environmental monitor to provide to the Agency, at a frequency to be determined in consultation with the Agency, the information reported to the Proponent pursuant to condition 13.2 at the same time that the Proponent receives that information.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Through the EM contract with Stantec, CN has required the independent EM to provide to IAAC, the information reported to the Proponent pursuant to condition 13.2 at the same time that the Proponent receives that information. CN will be discussing the scope, expectations and frequency of the Independent EM to confirm these details prior to construction. The frequency discussed has been determined to be monthly, to be adjusted if/as necessary as determined by IAAC and the independent EM.</p>
13.4	<p>The Proponent shall require the independent environmental monitor to retain the information reported to the Proponent pursuant to condition 13.2 for five years following submission to the Agency pursuant to condition 13.3.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Through the EM contract with Stantec, CN has required the independent EM to retain the information reported to CN pursuant to condition 13.2 for five years following submission to IAAC pursuant to condition 13.3.</p>

Section 14: Accidents and Malfunctions

Condition Number	Condition
General (14.1 to 14.6)	
14.1	<p>The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur. In doing so, the Proponent shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN has prepared the Accident & Malfunction (A&M) Response Plan – Construction while the A&M Response Plan – Operation will be developed prior to operation. They will outline procedures, including design features, that include measures to prevent incidents from happening. The A&M Response Plan for construction will be implemented by the contractor via their contractual obligations. CN or a CN representative will be ensuring the A&M Response Plan is being implemented appropriately by the Contractor during construction. CN will develop and implement the A&M Response Plan before operation begins. The A&M Operation Plan will include routine A&M prevention, inspection, and operation of the Designated Project. Designated areas will be identified for storage of hazardous material, bulk quantities of combustible and flammable materials, and spill kits.</p> <p>CN will communicate with shippers their expectations for safe loading of materials in storage containers. The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.</p>
14.1.1	<p>Store hazardous materials in designated areas with proper primary and secondary containment and in accordance with appropriate federal, provincial and municipal safety procedures and requirements;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Hazardous materials will be stored in designated areas with proper primary and secondary containment and in accordance with appropriate federal, provincial and municipal safety procedures and requirements.</p>

Condition Number	Condition
14.1.2	<p data-bbox="428 302 1801 363">Store bulk quantities of combustible and flammable materials in designated areas at least six metres away from the Designated Project's property line;</p> <p data-bbox="428 393 1020 422">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 441 1839 503">No construction occurred in 2021. Bulk quantities of combustible and flammable materials will be stored in designated areas at least six metres away from the Designated Project's property line.</p>
14.1.3	<p data-bbox="428 537 1251 566">Provide information to shippers regarding safe loading practices; and</p> <p data-bbox="428 596 1020 625">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 644 1671 673">CN will communicate with shippers their expectations for safe loading of materials in storage containers.</p>
14.1.4	<p data-bbox="428 699 1818 761">Place spill containment kits in designated locations within the Designated Project Development Area where there is a higher risk of spills.</p> <p data-bbox="428 790 1020 820">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 839 1751 868">Spill containment kits will be placed in designated locations within the PDA where there is a higher risk of spills.</p>
14.2	<p data-bbox="428 898 1860 992">The Proponent shall consult, prior to construction, with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 14.1.</p> <p data-bbox="428 1021 1020 1050">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 1070 1871 1242">The measures to be implemented to prevent accidents and malfunctions during construction are specified in the A&M Response Plan - Construction, prepared pursuant to condition 14.3, which was developed by CN and the retained Contractor(s). A draft version of the A&M Response Plan was provided to the MCFN, the Six Nations, Town of Milton, and Halton Region for review. Consultation efforts are outlined in Appendix 2a while views or information provided are provided in Appendix 3a and were considered by CN in finalizing the A&M Response Plan.</p> <p data-bbox="428 1261 1451 1291">The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
14.3	<p>The Proponent shall develop, prior to each applicable phase of the Designated Project and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities, an accident and malfunction response plan in relation to each phase of the Designated Project. The accident and malfunction plan shall include:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>An A&M Response Plan - Construction was developed by CN and the retained Contractor(s). A separate A&M Response Plan – Operation will be developed for the operational phase of the Terminal and will be completed in consultation with the MCFN, Six Nations, Town of Milton, Halton Region and IAAC closer to the time of operation. The A&M Response Plan for construction was provided to IAAC on November 26, 2021.</p>
14.3.1	<p>A description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including accidents and malfunctions considered in section 13 of the Joint Review Panel Report (Canadian Impact Assessment Registry Reference Number 80100, Document Number 985) and accidents and malfunctions within the Designated Project Development Area which may adversely affect area(s) outside of the Designated Project Development Area;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan includes a description of the types of accidents and malfunctions considered in section 13 of the Joint Review Panel Report for A&M within the PDA that may result in adverse effects from the project outside of the PDA.</p>
14.3.2	<p>The measures, including management and organizational procedures, under the care and control of the Proponent to be implemented by the Proponent in response to each type of accident and malfunction referred to in condition 14.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction. These measures shall include:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan includes management and organizational procedures to be implemented by the Contractor or CN during construction or by CN during operations for each type of accident and malfunction included in the Plan itself. The A&M Response Plan – Construction has been completed and provided to IAAC on November 26, 2021. The A&M Response Plan – Operation will be developed by CN prior to operation.</p>

Condition Number	Condition
14.3.2.1	<p data-bbox="428 302 1877 363">Measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies, as required;</p> <p data-bbox="428 393 1016 422">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 441 1860 574">The A&M Response Plan - Construction includes measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies. Such measures include having spill kits on site, maintaining a clean work area, limiting speed of equipment working on site, training in emergency response, secondary containment for fuels and other hydrocarbons.</p> <p data-bbox="428 594 1894 760">The A&M Response Plan – Operation, once developed, will include measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies. Such measures including reduced speed of trains and trucks entering and exiting the terminal, proper loading and unloading of containers within the terminal, adherence to safe driving practices by transport vehicles within and outside of the Terminal, setbacks of container handling within the pad areas of the terminal and natural areas and general operations within the terminal.</p>
14.3.2.2	<p data-bbox="428 795 1890 889">Measures to manage the stormwater management system to prevent contaminated water from flowing downstream in case of a spill and, if a spill adversely affects a stormwater management pond, measures to deter birds from using the pond until water quality is restored;</p> <p data-bbox="428 919 1016 948">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 967 1848 1062">The A&M Response Plan – Construction has provisions and protocols to implement in the event a spill occurs within the construction site. This includes locating spill kits where there is the greatest potential for a spill, maintaining fueling and hazardous material storage away from watercourses, spill response training.</p> <p data-bbox="428 1081 1885 1321">The A&M Response Plan - Operation will be developed prior to operation to include provisions to implement in the event a spill occurs. This will include the SWM ponds being equipped with shut-off valves to prevent contaminated water from flowing downstream in case of a spill. The system includes multiple oil and grit separators and grassy swales to prevent contaminated water from entering the overall SWM system. Water spill kits will be kept onsite, and water will not be released from the SWM ponds if the water quality does not meet quality guidelines for release to the natural environment (Indian Creek). Deterrent devices will be temporarily deployed if a spill that is potentially harmful to birds or wildlife occurs and enters the SWM ponds.</p>

Condition Number	Condition
14.3.2.3	<p>Measures to identify any sensitive habitats where response efforts shall be prioritized; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan – Construction has spill response planning that includes provisions and protocols to implement in the event a spill occurs within the construction site, including the protocol to identify any sensitive habitats where response efforts should be applied.</p> <p>The A&M Response Plan – Operation, to be developed prior to operation, will include provisions and protocols to implement in the event a spill occurs within the Terminal, including the protocol to identify any sensitive habitats where response efforts should be applied.</p>
14.3.2.4	<p>Measures to reduce fire hazard and enhance fire preparedness;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Measures to reduce fire hazard have been considered as part of the development of the A&M Response Plan - Construction. Measures to reduce fire hazard and enhance fire preparedness will be included in the A&M Response Plan – Operation once it is developed prior to operation.</p> <p>Such measures include: appropriate separation of designated materials that are flammable; elimination of ignition sources; safe distances between ignition sources and areas of high spill potential; appropriate flammable containers and storage; regular equipment maintenance and inspection protocols; inspection of suitability of shipping containers including the heater and refrigeration units; fire suppression units built into the mechanics of the reach stackers; maintenance of access to all containers within the terminal; limiting container stack heights to 3 for loaded containers and 4 for empty containers.</p>
14.3.3	<p>The locations of spill containment kits within the Designated Project Development Area; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The site (during construction and operations) will have spill containment kits present on site in designated locations where there is an increased risk of spill (e.g., refueling areas).The A&M Response Plan identifies these designated locations.</p>

Condition Number	Condition
14.3.4	<p>A description of how the Proponent will evacuate its property and participate in coordinated evacuation procedures with relevant authorities in the case of an accident or malfunction requiring evacuation.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan - Construction includes procedures for a coordinated evacuation in the case of an accident and malfunction requiring evacuation. These measures will be included in the A&M Response Plan – Operation once it is developed prior to operation of the terminal.</p>
14.4	<p>The Proponent shall maintain the accident and malfunction response plan referred to in condition 14.3 up-to-date during all phases of the Designated Project so that it remains consistent with the Proponent's Network Operations Emergency Response Plan. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to relevant authorities involved in its implementation within 30 days of the plan being updated.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plans will be updated during construction and operation of the terminal. The plans will be updated if procedures are identified that require amendments or changes based on regulation changes, procedure changes or personnel changes that necessitate updates. CN shall submit an updated plan to IAAC, and relevant authorities involved with the implementation within 30 days of the plan being updated.</p>
14.5	<p>In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or malfunction referred to in 14.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any appropriate measure referred to in condition 14.3.2, and shall:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan - Construction provides guidance to CN personnel and the critical information necessary to take action in an emergency. The A&M Response Plan – Operation will include these components once it's developed prior to operation.</p>

Condition Number	Condition
14.5.1	<p>Implement the communication plan referred to in condition 14.6 as it relates to accidents and malfunctions;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>An A&M Communication Plan outlines the external communication process for accidents and malfunctions that may result in an adverse environmental effect in relation to the construction phase of the Milton Logistics Hub Project. This plan has been developed pursuant to conditions 14.5 and 14.6 and provided to IAAC on November 26, 2021.</p>
14.5.2 (and all sub-conditions 14.5.2.1 to 14.5.2.3)	<p>Notify, as soon as possible and pursuant to the communication plan referred to in condition 14.6, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, potentially affected parties and the Agency, the Proponent shall specify:</p> <ul style="list-style-type: none"> • 14.5.2.1 – the date when and location where the accident or malfunction occurred; • 14.5.2.2 – a summary description of the accident or malfunction; and • 14.5.2.3 – a list of any substance potentially released into the environment as a result of the accident or malfunction. <p>Activities Undertaken to Comply with Condition:</p> <p>Notifications will be carried out in accordance with the A&M Communication Plan and will include the information specified in the Plan, including the information required by the sub-conditions.</p> <p>No accidents or malfunctions occurred in 2021.</p> <p>Information to be provided during the initial notification period shall include:</p> <ul style="list-style-type: none"> • The date when and location where the applicable accident or malfunction occurred • A summary description of the applicable accident or malfunction • A list of any substance potentially released into the environment as a result of the applicable accident or malfunction • A high-level overview of the initial response to address and remediate the incident.

Condition Number	Condition
14.5.3	<p data-bbox="428 302 1885 402">Notify the Town of Milton, Halton Region and other relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislated and regulatory requirements and existing protocols;</p> <p data-bbox="428 431 1020 457">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 477 1738 539">No accidents or malfunctions occurred in 2021 that required reporting to these parties as outlined in the A&M Communication Plan:</p> <ul data-bbox="428 561 1381 626" style="list-style-type: none"> <li data-bbox="428 561 945 587">• is or results in a reportable release; and <li data-bbox="428 597 1381 626">• CN requests emergency response such as Police, Fire or Ambulance services.
14.5.4 (and all sub-conditions 14.5.4.1 to 14.5.4.5)	<p data-bbox="428 659 1869 721">Submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:</p> <ul data-bbox="428 740 1877 1091" style="list-style-type: none"> <li data-bbox="428 740 1709 766">• 14.5.4.1 - a detailed description of the accident or malfunction and of its adverse environmental effects; <li data-bbox="428 776 1818 837">• 14.5.4.2 - a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction; <li data-bbox="428 847 1877 948">• 14.5.4.3 - any view from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects; <li data-bbox="428 958 1877 1019">• 14.5.4.4 - a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and <li data-bbox="428 1029 1877 1091">• 14.5.4.5 - details concerning the implementation of the accident or malfunction response plan referred to in condition 14.3. <p data-bbox="428 1127 1020 1153">Activities Undertaken to Comply with Condition:</p> <p data-bbox="428 1172 1856 1273">No accidents or malfunctions occurred in 2021. If an accident or malfunction should occur that requires reporting as outlined in the A&M Communication Plan, CN will submit a written report to IAAC no later than 30 days after the day on which the applicable accident or malfunction occurred. The report shall include:</p> <ul data-bbox="428 1282 1835 1451" style="list-style-type: none"> <li data-bbox="428 1282 1734 1308">• A detailed description of the applicable accident or malfunction and of any adverse environmental effects; <li data-bbox="428 1318 1726 1344">• A description of the measures that were taken by CN to mitigate any such adverse environmental effects; <li data-bbox="428 1354 1835 1451">• Any written comments provided by the MCFN, Six Nations, Huron-Wendat and potentially affected neighbors; and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by CN to mitigate those adverse environmental effects;

Condition Number	Condition
	<ul style="list-style-type: none"> • A description of any residual adverse environmental effect and any modified or additional measures required by CN to mitigate residual adverse environmental effects; and • Details concerning the implementation of the accident and malfunction response plan referred to in condition 14.3.
14.5.5	<p>Submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 14.5.4. The report shall include all additional views from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 14.5.4.3 were received by the Proponent</p> <p>Activities Undertaken to Comply with Condition:</p> <p>No accidents or malfunctions occurred in 2021. If an accident or malfunction should occur that requires reporting as outlined in the A&M Communication Plan, CN will submit a written report to IAAC no later than 90 days after the day on which the applicable accident or malfunction occurred. This report will include all the information required as per condition 14.5.5.</p>
14.6	<p>The Proponent shall develop, in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project, including accidents and malfunctions occurring within the Designated Project Development Area which may affect area(s) outside of the Designated Project Development Area. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Communications Plan has been developed and made available to all the specified parties for consultation as outlined in Appendix 2a. Any views and information received from the parties has been considered and incorporated into the A&M Communications Plan if and as appropriate as outlined in Appendix 3a. The A&M Communications Plan will be implemented and updated throughout the Project. The A&M Communications Plan was provided to IAAC on November 26, 2021.</p>

Condition Number	Condition
14.6.1	<p>The types of accidents and malfunctions requiring the Proponent to notify the parties referred to in condition 14.6;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The A&M Communications Plan has been developed and made available to all the specified parties for consultation. Any views and information received from the parties were considered by CN in finalizing this plan as detailed in Appendix 3a. The A&M Communications Plan will be implemented and updated throughout the Project.</p>
14.6.2	<p>The manner by which the parties referred to in condition 14.6 shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>The notifications and reporting process will be determined by the cause and severity of the incident, as outlined in the A&M Communications Plan.</p>
14.6.3	<p>The contact information of the representatives of the Proponent that the parties referred to in condition 14.6 may contact and of the representatives of the respective parties referred to in condition 14.6 to which the Proponent shall provide notification.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Contact information is included in the A&M Communication Plan and will be updated when or if notification by the parties included in the contact list have changed.</p>

Section 15: Schedules

Condition Number	Condition
General (15.1 to 15.4)	
15.1	<p>The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities Undertaken to Comply with each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.</p> <p>Activities Undertaken to Comply with Condition: This report has been prepared presenting the schedule for all conditions set out in the Decision Statement and was first submitted to IAAC on July 30, 2021.</p>
15.2	<p>The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each construction phase, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.</p> <p>Activities Undertaken to Comply with Condition: A report has been prepared presenting a schedule outlining all activities required to carry out all phases of the Designated Project and was first submitted to IAAC on July 30, 2021. The level of detail and timing for the implementation of specific activities are provided to the extent possible. The schedule was subsequently updated and submitted to IAAC on March 31, 2022.</p>
15.3	<p>The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 15.1 and 15.2 every year no later than March 31.</p> <p>Activities Undertaken to Comply with Condition: An update to the schedules referred to in conditions 15.1 and 15.2 will be submitted to IAAC every year no later than March 31. Revised 15.1 and 15.2 Schedules were submitted to IAAC on March 31, 2022.</p>

Condition Number	Condition
15.4	<p>The Proponent shall provide the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, potentially affected parties, the Town of Milton, Halton Region and Conservation Halton with the schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 at the same time the Proponent provides these documents to the Agency.</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>The schedules referred to in conditions 15.1 and 15.2 were provided to the MCFN, the Six Nations, the HURON-WENDAT, potentially affected parties, the Town of Milton, Halton Region, CH, and IAAC were provided on July 30, 2021 (all at the same time). The revised 15.2 schedule was circulated to these groups on March 31, 2022.</p> <p>The 15.1 and 15.2 Schedules for 2022 were submitted to these groups on March 31, 2022.</p>



Section 16: Record Keeping

Condition Number	Condition
General (16.1 to 16.3)	
16.1	<p>The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.</p> <p>Activities Undertaken to Comply with Condition: Records relevant to the implementation of the conditions set out in the Decision Statement will be maintained. Upon request, records will be provided to IAAC.</p>
16.2	<p>The Proponent shall retain all records referred to in condition 16.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained and shall provide to the Agency the address of the new location.</p> <p>Activities Undertaken to Comply with Condition: All records referred to in condition 16.1 will be retained in Canada at CN’s headquarters office: 935 rue de la Gauchetiere West, Montreal, QC. H3B 2M9 IAAC will be notified if there is a change to the physical location of the facility retaining the records 30 days prior to any change, and the new address will be provided to IAAC.</p>
16.3	<p>The Proponent shall notify the Agency of any change to the contact information of the Proponent included in the Decision Statement.</p> <p>Activities Undertaken to Comply with Condition: No changes to the contact information occurred in 2021. IAAC will be notified if there is a change to the contact information of the Proponent.</p>

**APPENDIX 2A
RECORD OF CONSULTATION
AGENCIES**



CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
FEDERAL AGENCIES				
Impact Assessment Agency of Canada (IAAC)				
02/10/2020	Meeting	Steve Chapman Paul Schafer	Darren Reynolds (CN) Luanne Patterson (CN) France Moreau (CN) Celesa Horvath (Ventus)	Meeting between CN and IAAC in Ottawa to discuss process and next steps, as well as opportunities for future consultation and engagement with CN, during the Ministerial review process. IAAC advised that the process would include drafting of conditions, with agency input, public comment period for review and Ministerial review.
02/17/2020	Email – Outgoing	Steve Chapman	Darren Reynolds France Moreau	CN requested a point of contact at IAAC.
02/18/2020	Email - Incoming	Steve Chapman Julie Mailloux	Darren Reynolds France Moreau	IAAC responded to CN's email on February 17, 2020 with a contact for coordination going forward.
07/02/2020	Email – Incoming	Julie Mailloux Sarah Devin	Darren Reynolds France Moreau	IAAC provided CN with draft potential conditions should the Minister of Environment and Climate Change issue a decision statement. IAAC noted that the potential conditions are open for public comment as of July 2, 2020. IAAC asked for CN's comments by August 21, 2020. IAAC asked for CN to provide comments on the impacts the Project may have on regional planning frameworks and possible mitigation measures for the impacts. IAAC requested CN to comment on the impact the Project may have on municipal development charges and possible mitigation measures. IAAC also requested information on CN's plans for future Project expansions and land use surrounding the Project development area. Attachment: - Draft potential conditions
08/21/2020	Letter – Outgoing	Julie Mailloux Sarah Devin	Darren Reynolds Sean Finn (CN) Mark Lerner (CN) Luanne Patterson	CN provided a submission for consideration by IAAC and the Minister of Environment and Climate Change in decision-making regarding CN's proposed Milton Logistics Hub Project. The submission includes Annex 1: Comments on the Draft Potential Conditions, Annex 2: Summary of Discrepancies in the Description of the Designated Project, and Annex 3: Response to IAAC's Requests for additional information.
05/27/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
05/27/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
06/10/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
07/08/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson	Bi-weekly meeting to review and discuss conditions of approval
07/22/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval

CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
08/05/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
08/19/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
09/02/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
10/14/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
10/28/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
12/09/2021	Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
12/15/2021	Site Meeting	Steve Fraser Carl Johansson	Darren Reynolds Luanne Patterson Chris Powell (Stantec)	Pre-construction site meeting with agency staff from IAAC, DFO, ECCC and the CTA to review existing site conditions and discuss plans for construction.
01/11/2022	Email – Incoming	Carl Johansson Steven Fraser	Darren Reynolds	IAAC provided CN with comments on the documents submitted to IAAC on November 26, 2021. Attachments: - Letter – Milton Plan and FUP Submission 1 Comments – 2022-01-11
01/20/2021	Meeting	Carl Johansson	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Bi-weekly meeting to review and discuss conditions of approval
Canadian Transportation Agency (CTA)				
11/23/2021	Email – Outgoing	Marc Thomson (CTA) Luc Chamberland (CTA) Jason Tsang (CTA)	Eric Harvey	CN introduced the Project to the CTA and provided the CTA with the Noise Follow-up Program for their comment and review.
12/07/2021	Email – Incoming	Marc Thomson Luc Chamberland Jason Tsang	Eric Harvey	CTA responded to CN's email on November 23, 2021 and noted that they had no comments to provide pertaining to the Noise Follow-up Program.



CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
Department of Fisheries and Oceans Canada (DFO)				
11/7/2019	Meeting – Conference call	Tara Schweitzer (DFO)	Chris Powell Sheldon Smith Sean Geddes Heather Amirault France Moreau	Conference call with Stantec, DFO, and CN related to Fisheries Act authorization for the proposed channel realignment occurring as a part of the CN Milton Hub project. Information discussed included CN's anticipated project schedule, the status of CN's Fisheries Act Authorization application, and information required to complete the application which included the outstanding Letter of Credit. Information requirements for authorization were also discussed, including the habitat compensation plan, design report, erosion control plan, monitoring plan, and the Minister's decision.
11/27/2019	Email - Incoming	Tara Schweitzer	Chris Powell Sheldon Smith Sean Geddes Heather Amirault France Moreau	Email from DFO responding to Stantec's email from November 7, 2019. The November 7 email requested clarification regarding the implications of the new Fisheries Act for this project. Stantec sought clarification as to whether the project fell under transition policies or whether it would be processed under the new Fisheries Act. DFO responded that they are waiting on guidance from the National Policy Group as to how the Fisheries Act transitional provisions apply to this project.
01/15/2020	Email - Outgoing	Tara Schweitzer	Chris Powell Nancy Harttrup Luanne Patterson France Moreau	Stantec requested clarification regarding the requirements for the Letter of Credit required by DFO as a part of the proposed channel realignment occurring as a part of the CN Milton project. Specifically, Stantec required clarification as to the named beneficiary, duration of the term of the Letter of Credit, and any other information that DFO requires included on the Letter of Credit. Stantec noted that this information combined with the cost estimate will allow CN to procure the necessary internal approvals to have the Letter of Credit issued.
01/20/2020	Email – Incoming	Tara Schweitzer	Chris Powell Nancy Harttrup Luanne Patterson France Moreau	DFO responded to Stantec's email from January 15 which requested additional information regarding the correct format for a letter of credit. DFO responded with the document "Proponent guidance to Letter of Credit" and "Applicant's Guide to Submitting an Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act". DFO requested that a draft of the Letter of Credit be provided prior to issuing to ensure that the information is correct.
01/20/2020	Documents – Incoming	Tara Schweitzer	Chris Powell Nancy Harttrup Luanne Patterson France Moreau	As a part of their response to Stantec's January 15, 2020 email, DFO provided the following documents via email: <ul style="list-style-type: none"> - An Applicant's Guide to Submitting an Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act - Proponent Guidance to Letter of Credit - Two Sample Budgets for a Letter of Credit - Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting
02/04/2020	Letter	Stephanie Martens (DFO) Tara Schweitzer	Chris Powell France Moreau	DFO sent a letter to CN regarding their Application for a Paragraph 35(2)(b) Fisheries Act Authorization (submitted December 22, 2016) noting that the application was incomplete. DFO requires CN to provide an irrevocable letter of credit issued by a recognized Canadian financial institution to cover the costs of implementing the offsetting plan by February 23, 2020.
02/04/2020	Email - Incoming	Tara Schweitzer	Darren Reynolds Chris Powell Luanne Patterson France Moreau	DFO sent an email to CN with an attached letter outlining the requirement for a letter of credit. DFO reviewed the provided cost estimate and breakdown for the line of credit and found it appropriate for the current offsetting plan. DFO noted that if the offsetting plan changes substantially, the letter of credit may need to be amended.
02/11/2020	Email - Outgoing	Tara Schweitzer	Chris Powell Nancy Harttrup Luanne Patterson France Moreau	CN sent an email to DFO with the draft Letters of Credit attached. CN asked for clarification regarding the issuance date DFO would like on the Letters of Credit.

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02/12/2020	Email - Incoming	Tara Schweitzer	Chris Powell Nancy Harttrup Luanne Patterson France Moreau	DFO responded to CN's February 11, 2020 email. DFO confirmed that the language in the draft Letters of Credit was acceptable. DFO recommended an expiry date of 2023 for the Letters of Credit in case the project start date is delayed. DFO clarified that the issuance date should be the date the Letter of Credit is issued by the financial institution.
02/19/2020	Email - Incoming	Shayla Tramel (MUFG)	Samia Zghidi Chris Powell Luanne Patterson	MUFG sent an email to CN confirming that the Letters of Credit were mailed out on February 19, 2020.
02/21/2020	Email - Outgoing	Erin Sawatzky (DFO)	Luanne Patterson	CN emailed a digital copy of the Letters of Credit to DFO.
02/21/2020	Email – Outgoing	Tara Schweitzer Erin Sawatzky	Luanne Patterson France Moreau Chris Powell	CN emailed DFO to confirm that the Letters of Credit had been sent via email and were sent in hardcopy to the incorrect DFO office. The Letters of Credit were re-sent to the correct office and were to arrive on February 21.
02/21/2020	Email – Incoming	Erin Sawatzky Tara Schweitzer	Luanne Patterson France Moreau Chris Powell	DFO acknowledged receipt of CN's email re: the Letters of Credit on February 21.
02/25/2020	Email - Incoming	Tara Schweitzer Shayla Tramel	Luanne Patterson France Moreau Chris Powell	DFO emailed two acknowledgements of receipt for the Letters of Credit. The official receipt date of the Letters of Credit is February 20, 2020. DFO will be sending further correspondence regarding the Application for Fisheries Act Authorization process.
02/25/2020	Email – Incoming - attachment	Tara Schweitzer	Luanne Patterson France Moreau Chris Powell	DFO emailed an acknowledgement of receipt for Irrevocable Standby Letter of Credit No. S300205T
02/25/2020	Email – Incoming - attachment	Tara Schweitzer	Luanne Patterson France Moreau Chris Powell	DFO emailed an acknowledgement of receipt for Irrevocable Standby Letter of Credit No. S300206T
03/05/2020	Email – Incoming - attachment	Tara Schweitzer Stephanie Martens (DFO)	Luanne Patterson France Moreau Chris Powell	DFO emailed two letters: <ul style="list-style-type: none"> - A letter confirming that DFO has received the outstanding documents (the Letters of Credit) for the Fisheries Act Authorization for the Project. CN's proposal will now be reviewed and CN will be notified within 60 days as to whether or not the application is complete - A letter from DFO confirming that CN's application is complete but the time limit for a decision has not yet been initiated. Two conditions must be met before the time limit applies: a decision must be made or conditions must be met under CEAA 2012 and consultation is required with Indigenous groups who would potentially be impacted by the issuance of an authorization.
04/16/2020	Meeting	Tara Schweitzer	Luanne Patterson France Moreau Chris Powell Sheldon Smith Nancy Harttrup	Meeting between CN and DFO via teleconference to discuss detailed design and DFO authorization for the Project. The agenda included a Project update, discussion of the Review Panel recommendations for DFO consultation, an update on CN's Letter of Intent, and a review of outstanding information. Outstanding information includes the design report, culvert design drawings for Tributary A, and the detailed construction sequencing plan.

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06/05/2020	Email - Outgoing	Tara Schweitzer	France Moreau	CN provided DFO with the following documents electronically: <ul style="list-style-type: none"> - Draft of the standalone Fish and Fish Habitat Follow-up and Monitoring Program - Copy of the Channel Realignment Addendum - Copy of the Culvert 1 General Arrangement drawing - Copy of the updated Construction Staging Plan - Copy of the Erosion and Sediment Control Plan <p>The information was provided to supplement CN's updated Letter of Intent.</p>
07/17/2020	Email - Outgoing	Tara Schweitzer	France Moreau	CN provided DFO with a revision to the Culvert 2A Upstream Resting Pool Design. Attachment: <ul style="list-style-type: none"> - Culvert 2A Upstream Resting Pool Design
09/16/2020	Meeting	Tara Schweitzer	Luanne Patterson France Moreau Chris Powell Sheldon Smith Sean Geddes	Meeting between CN and DFO via teleconference to discuss the pending decision by IAAC regarding the environmental assessment and a plan for next steps in regard to the process for review and issuance of DFO Authorization (if approved).
09/30/2020	Email -Outgoing	Tara Schweitzer	Luanne Patterson France Moreau Chris Powell Sheldon Smith Sean Geddes	Stantec on behalf of CN provided minutes from the September 16 meeting with DFO. Stantec also provided the draft Stormwater Management (SWM) Report which includes design details for the outlet structure of the SWM ponds. This information is being provided to DFO for consultation. Stantec also provided the draft Surface Water Follow-up Program which incorporates relevant components from the Fish and Fish Habitat Follow-Up Program that was previously provided to DFO. Stantec requested that DFO provide their technical questions in regard to their ongoing review via email when available. Attachments: <ul style="list-style-type: none"> - September 16 meeting minutes - draft Stormwater Management Report (via FTP) - draft Surface Water Follow-up Program (via FTP)
10/07/2020	Email – Incoming	Tara Schweitzer	France Moreau Chris Powell	DFO thanked Stantec for the information and noted that they will be responding with their technical questions in the next few weeks.
11/17/2020	Email -Outgoing	Tara Schweitzer	France Moreau Chris Powell	Stantec followed up on DFO's October 7 email to ask if DFO had compiled their questions regarding the CN Milton submission.
11/18/2020	Email – Incoming	Tara Schweitzer	France Moreau Chris Powell	DFO noted that they would provide their questions by the end of the week.
11/20/2020	Email – Incoming	Tara Schweitzer Rick Kiriluk (DFO)	France Moreau Chris Powell	DFO provided CN with a list of information that will be required in anticipation of reviewing the Project's Application for a Fisheries Act Authorization: <ul style="list-style-type: none"> - What is the anticipated time between construction of the new realignments of Tributary A and Indian Creek and when the flows will be introduced? - When will fish salvages take place in the existing portions of the channels? - DFO requested that CN forward design drawings as they are completed once a decision statement has been rendered. - DFO provided a comment regarding CN's post-construction monitoring sequence. - DFO requested that CN indicate how the views and information provided by Indigenous groups were integrated into the proposal.

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01/07/2021	Email – Outgoing	Tara Schweitzer Rick Kiriluk	France Moreau Chris Powell Sheldon Smith	Stantec on behalf of CN responded to DFO's November 20 th email. <ul style="list-style-type: none"> - Stantec noted that while the lag time between constructing the new channels and re-introduction of flows has not been finalized, the intention is to allow the channels to stabilize and vegetate before new flows are introduced. The realignment of Tributary A and Indian Creek are planned to be completed independently of one another according to the overall construction schedule. - The timing of fish salvage activities will depend on the overall construction schedule and corresponding switchovers of the waterways. It will occur during the fisheries timing window and outside of the Restricted Activities Period. - All current drawings have been provided to DFO. Revisions to the design, if required, will be provided to DFO. - CN has no objection to monitoring in year 5 and will update the Fish and Fish Habitat Follow-Up Plan for the Project. - Stantec provided an overview of CN's consultation with Indigenous communities to date. Ongoing consultation has occurred with Six Nations of the Grand River, Mississaugas of the Credit First Nation, Huron Wendat Nation, and the Métis Nation of Ontario. Stantec provided a link to a summary of how CN used or was informed by the views and information provided by Indigenous groups. <p>Stantec noted that they would follow up if needed with any new information as it becomes available.</p>
02/22/2021	Letter - Incoming	Rick Kiriluk Tara Schweitzer	France Moreau Chris Powell	DFO notified CN that their application for an authorization under paragraph 35(2)(b) of the Fisheries Act has resumed on January 22, 2021. DFO will inform CN of its decision by April 21, 2021.
03/30/2021	Email - Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the final version of the drawings for the channel realignment and culvert designs via the CN Consultation SharePoint site. CN noted that the designs include refinements based on detailed design work and further details on construction sequencing. The designs are generally consistent with information previously presented to DFO. CN noted that a revised construction schedule will be provided to DFO once it has been confirmed.
04/01/2021	Email - Incoming	Tara Schweitzer	France Moreau Chris Powell	DFO responded to CN's March 30, 2021 email noting that they cannot access the SharePoint site and requested that CN send the link again.
04/01/2021	Letter – Incoming (via email)	Tara Schweitzer Brianna Wyn (DFO)	France Moreau Chris Powell	DFO notified CN that the time limit for the review of their application for an authorization under paragraph 35(2)(b) of the Fisheries Act no longer applies as consultation is required with Aboriginal groups potentially affected by DFO's decision. DFO will notify CN once the consultation is complete. DFO noted that the 90-day period begins again on the date of resumption, however, the Program will try to ensure timely issuance of the authorization.
04/15/2021	Email - Incoming	Tara Schweitzer	France Moreau	DFO provided CN with responses related to the table of conditions entries where DFO was mentioned. Attachment: - DFO Response March 2021 Conditions that include DFO
05/27/2021	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with a link to the Letter of Intent, Fish Follow-up Program, and the final channel and culvert drawings. CN also indicated that they had a call with MNO, and that MNO had no further questions regarding the DFO authorization.
05/28/2021	Email – Incoming	Tara Schweitzer Brianna Wyn	France Moreau Chris Powell	DFO acknowledged receipt of information pertaining to MNO in CN's May 27, 2021, email. DFO indicated that once DFO receives confirmation from MNO (by June 9, 2021), DFO will re-start the Authorization process.
06/22/2021	Email – Incoming	Tara Schweitzer Brianna Wyn Stephanie Martens Zachary Laframboise (DFO)	France Moreau	DFO informed CN that it would be providing an additional two weeks to MNO and SNGR to respond to DFO's intent to deem consultation complete with regards to the Milton Logistics Hub project.
06/25/2021	Email – Incoming	Tara Schweitzer Brianna Wyn	France Moreau	DFO clarified that the new deadline for the MNO and SNGR to respond is July 5, 2021. DFO noted that it will restart the clock for the Authorization following that, and stated that review and sign off can take 2 to 3 weeks.

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07/07/2021	Letter – Incoming (via email)	Brianna Wyn Tara Schweitzer Stephanie Martens	France Moreau Chris Powell	DFO notified CN, further to DFO's April 1, 2021 letter, that the processing of CN's application for an authorization under 35(2)(b) of the Fisheries Act has resumed as of July 6, 2021, following the completion of consultation with Indigenous groups potentially affected by DFO's decision. DFO will inform CN of their decision by October 3, 2021.
07/23/2021	Letter – Incoming (via email)	Thomas Hoggarth (DFO) Brianna Wyn Tara Schweitzer	France Moreau Chris Powell	DFO issued CN with a paragraph 35(2)(b) Fisheries Act authorization. Attachment: - Fisheries Act Authorization
Environment and Climate Change Canada (ECCC)				
03/16/2020	Email - Outgoing	Rob Dobos	Chris Powell	Stantec followed up on two voice mail messages left regarding the CN Milton Project. Stantec would like to discuss the Review Panel recommendations regarding consultation between CN and Environment and Climate Change Canada. Stantec would specifically like to discuss the recommended pre-construction surveys for Western Chorus Frog as the season is beginning soon. Stantec is looking to determine the correct point of contact regarding these surveys.
03/25/2020	Email - Outgoing	Sheryl Lusk (ECCC) Rob Dobos Burke Korol	Chris Powell Andrew Taylor	Stantec followed up on early emails and voice mail messages to Rob Dobos and Burke Korol at ECCC. Stantec on behalf of CN would like to clarify how ECCC would like to be consulted regarding the Joint Review Panel's recommendations. Stantec would like to discuss the logistics of this consultation and requested that Sheryl from ECCC follow up or provide the appropriate contact at ECCC.
03/26/2020	Email - Incoming	Sheryl Lusk	Chris Powell	ECCC acknowledged Stantec's email from March 25 and is discussing a response internally.
04/02/2020	Email – Incoming	Sheryl Lusk	Chris Powell	ECCC responded to Stantec's email from March 25. All correspondence regarding the Project should be directed to Sheryl Lusk as lead coordinator on the file. ECCC will then ensure the appropriate technical experts are engaged. ECCC noted that their response does not presuppose a decision on the Project.
04/08/2020	Email - Outgoing	Sheryl Lusk	Chris Powell	Stantec acknowledged ECCC's April 4, 2020 email confirming their approach to consultation on the Project and requested a call to discuss the logistics of connecting ECCC's technical experts with Stantec's technical leads.
04/09/2020	Meeting	Sheryl Lusk	Chris Powell	Meeting via teleconference to discuss next steps regarding the Project. Stantec provided a project update and reviewed the Review Panel recommendations for consultation with ECCC. Stantec will follow up with an email outlining when deliverables can be provided to ECCC for review and ECCC to follow up with technical teams regarding workload and availability for a call.
04/24/2020	Email – Outgoing	Sheryl Lusk	Chris Powell	Stantec followed up on the April 8 teleconference with ECCC. Stantec provided timelines for project deliverables related to wildlife and wetlands, water, air quality, and light in order to coordinate consultation with ECCC. Stantec proposed a schedule of submissions and follow-up calls for ECCC's review.
04/27/2020	Email – Incoming	Sheryl Lusk	Chris Powell	ECCC acknowledged receipt of Stantec's April 24, 2020 email and is coordinating a response internally.
05/06/2020	Email – Outgoing	Sheryl Lusk Paul Watton (ECCC) John Brett (ECCC)	Chris Powell Andrew Taylor Luanne Patterson France Moreau	Stantec provided ECCC with meeting request for May 8, 2020 to discuss survey protocols for bats and spring results for Western Chorus Frog surveys. Preservation and creation of Western Chorus Frog habitat will also be discussed. Attachments: - Figure 1 from the Terrestrial TDR showing existing natural features - Tertiary Plan for the Boyne Survey developments to the north of Britannia
05/07/2020	Email – Incoming	Sheryl Lusk Paul Watton John Brett	Chris Powell Andrew Taylor Luanne Patterson France Moreau	ECCC provided Stantec with a guidance document for bats and bat habitats. Attachment: - -Bats and Bat Habitats: Guidelines for Wind Power Projects written by the Ontario Ministry of Natural Resources

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05/07/2020	Email – Outgoing	Sheryl Lusk Paul Watton John Brett	Chris Powell Andrew Taylor Luanne Patterson France Moreau	Stantec acknowledged receipt of the guidelines and noted that they were used during habitat assessments conducted in support of the TDR in 2015. Stantec attached a memo presenting the results of Stantec's spring 2020 Western Chorus Frog surveys. Attachment: - CN Milton Logistic Hub Western Chorus Frog surveys – Spring 2020
05/08/2020	Meeting	Sheryl Lusk Paul Watton John Brett	Chris Powell Andrew Taylor Luanne Patterson France Moreau	CN/Stantec met with subject-matter experts at ECCC regarding ECCC consultation on Western Chorus Frogs and bat surveys. Meeting discussion included pre-construction surveys proposed for Little Brown Myotis to be conducted in 2020 and the results of Western Chorus Frog surveys. Habitat mitigation for the Western Chorus Frog was also discussed.
05/22/2020	Email – Outgoing	Sheryl Lusk Paul Watton John Brett	Chris Powell Andrew Taylor Luanne Patterson France Moreau	Stantec provided ECCC with the meeting notes from the May 8 th , 2020 call regarding bats and chorus frogs for the CN Milton project. Additional details regarding the proposed bat surveys based on discussion during the call to clarify how the guidelines would be implemented were included.
06/24/2020	Meeting	Sheryl Lusk Anita Li (ECCC) Francois Nzokou Tanekou (ECCC) Tara Schweitzer (DFO)	Sheldon Smith Chris Powell Bill Trenouth Aws Nabeel Luanne Patterson Manan Raval Aaron Stadnyk	Meeting between CN, ECCC, and DFO to discuss ECCC and DFO consultation on stormwater management for the CN Milton project. An overview of the review panel recommendations and residual ECCC concerns was provided. CN committed to monthly surface water and stormwater monitoring. The requirements to monitor aluminum and agricultural contaminants was discussed. CN presented their stormwater management approach and preliminary design including water quantity control and criteria and their approach to thermal mitigation.
06/26/2020	Email - Outgoing	Sheryl Lusk Anita Li Francois Nzokou Tanekou Tara Schweitzer Trisha Ralph-Coffey (ECCC)	Sheldon Smith Chris Powell Bill Trenouth Aws Nabeel Luanne Patterson Manan Raval Aaron Stadnyk Darren Reynolds	Stantec provided ECCC and DFO with meeting minutes from their June 24, 2020 meeting. CN also provided: - Copies of the presentations provided by Stantec and AECOM at the meeting - Attachment IR16-1 that was provided in response to CEAA IR16-1, which includes the results of the Rail Sector Infrastructures/Facility Water Quality Literature Review - Response to IR7.3, which includes the rationale for the excluding Nitrogen compounds, Organic Pathogens and Herbicides/Pesticides as COPCs Stantec noted that the information provided by ECCC and DFO during the June 24 meeting will be taken into consideration during detailed design and when preparing the surface water monitoring program and stormwater management report. Stantec requested that ECCC provide suggestion for COPC monitoring parameters by July 6,
06/29/2020	Email – Incoming	Sheryl Lusk Anita Li	Chris Powell	ECCC responded to Stantec's June 26 email and noted that a response by July 6 was not possible. ECCC noted that they would provide a response the following week.
07/15/2020	Email – Outgoing	Sheryl Lusk Anita Li	Chris Powell	Stantec followed up on ECCC's June 29 email and enquired as to whether they had reviewed information provided as follow-up to the June 24 meeting regarding surface water.
07/17/2020	Email – Incoming	Sheryl Lusk Anita Li Francois Nzokou Tanekou Tara Schweitzer Trisha Ralph-Coffey Wesley Plant (ECCC) Shawn Michajluk (ECCC)	Sheldon Smith Chris Powell Bill Trenouth Aws Nabeel Luanne Patterson Manan Raval Aaron Stadnyk Darren Reynolds France Moreau	ECCC responded to Stantec's July 15 email. ECCC reviewed the minutes from the June 24 meeting and provided revisions. ECCC noted that they will review the rationale provided in regard to COPCs but require other relevant authorities including Conservation Halton participate in discussion before ECCC provides recommendations on water quality monitoring parameters. Attachment: - Minutes from the June 24 meeting with ECCC revisions

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07/23/2020	Email - Outgoing	Sheryl Lusk Anita Li Francois Nzokou Tanekou Tara Schweitzer Trisha Ralph-Coffey Wesley Plant Shawn Michajluk	Sheldon Smith Chris Powell Bill Trenouth Aws Nabeel Luanne Patterson Manan Raval Aaron Stadnyk Darren Reynolds France Moreau	CN provided ECCC with a copy of the revised meeting minutes from the June 24 meeting reflecting ECCC's requested changes. CN agreed with ECCC on the importance of providing all relevant agencies the opportunity to comment on the Project. CN noted that they have made significant effort to engage CH both pre- and post-hearing without meaningful progress. CN requested a discussion with ECCC regarding a process that would achieve ECCC's consultation objective without compromising the Project schedule. Attachment: - Minutes from the June 24 meeting with ECCC revisions
08/10/2020	Email - Outgoing	Sheryl Lusk	Darren Reynolds France Moreau Luanne Patterson Elaine Little Chris Powell	CN provided ECCC with a copy of the following follow-up programs for review by ECCC: - The Wildlife Management Plan - The Wetlands Follow-up Program - The Air Quality Adaptive Management and Follow-up Program - The Groundwater Follow-up Program - The Noise Follow-up Program - The Surface Water Monitoring Plan and Follow-up and Monitoring Program CN provided an overview of the sources used to develop the follow-up programs. CN requested that ECCC review the programs concurrently with other relevant parties. CN noted that once all comments have been received and the final conditions have been issued, the follow-up programs will be re-sent to ECCC for final review and implementation.
08/10/2020	Email - Incoming	Sheryl Lusk	Elaine Little Chris Powell	ECCC acknowledged receipt of CN's request for review of the six draft follow-up programs. ECCC noted that they will not review the noise or groundwater follow-up programs as they fall outside of ECCC's mandate.
09/15/2020	Email – Outgoing	Sheryl Lusk	Luanne Patterson Elaine Little Chris Powell Andrew Taylor	Stantec on behalf of CN noted that plans are underway to complete a fall Eastern Milksnake relocation survey. Stantec noted that the draft conditions require confirmation and consultation on the methodologies used for this survey and requested that ECCC provide comments on the methodology by phone or email prior to sending their comments and feedback on all of CN's follow-up programs. Stantec extracted the proposed protocols from the Wildlife Management Plan sent to ECCC to facilitate review of the Eastern Milksnake relocation surveys. Attachment: - CN Milton Logistics Hub Wildlife Management Plan – Eastern Milksnake section
09/16/2030	Email - Incoming	Sheryl Lusk	Luanne Patterson Elaine Little Chris Powell Andrew Taylor	ECCC noted that they cannot comment on the Eastern Milksnake methodology until the week of September 28th at the earliest. ECCC noted that section 4.0 appears to be missing from the Wildlife Management Plan document and requested that CN send a revised version with this section included.
09/22/2020	Email - Outgoing	Sheryl Lusk	Luanne Patterson Elaine Little Chris Powell Andrew Taylor	Stantec on behalf of CN provided ECCC with the Western Chorus Frog Memo, Revised Wildlife Management Plan, and Environmental Protection Plan for the Construction of the CN Milton Logistics Hub. Stantec noted that the Environmental Protection Plan does not require specific comment from ECCC. Attachments: - Document 1: Western Chorus Frog Memo – in draft form for discussion next week. - Document 2: Revised Wildlife Management Plan with the section 4.0 Construction Wildlife Management Plans - Document 3: Environmental Protection Plan (draft) for the Construction of the CN Milton Logistics Hub.

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09/28/2020	Email – Incoming	Sheryl Lusk	Elaine Little	ECCC noted that they need to postpone the meeting scheduled for September 29 to sometime the following week. ECCC proposed October 5 for the meeting.
10/05/2020	Meeting	Sheryl Lusk Paul Watton John Brett (CWS)	France Moreau Luanne Patterson Elaine Little Chris Powell Andrew Taylor	A conference call was held between CN and ECCC to discuss ECCC Western Chorus Frog Consultation. Topics of discussion included an overview of the WCF 2020 spring survey results and potential offsetting options, Eastern Milksnake coverboard surveys, bat surveys, ECCC’s review of the follow-up programs, and a review of next steps.
10/09/2020	Email – Outgoing	Sheryl Lusk Paul Watton John Brett	France Moreau Luanne Patterson Elaine Little Chris Powell Andrew Taylor Darren Reynolds	Stantec provided ECCC with a copy of the draft minutes from the October 5 meeting along with a list of plans and draft conditions that have been identified for consultation by CN on the project. Attachments: <ul style="list-style-type: none"> - ECCC draft conditions consultation - Meeting minutes from the October 5, 2020, meeting with ECCC
10/21/2020	Email – Outgoing	Sheryl Lusk	Elaine Little France Moreau Luanne Patterson Chris Powell	Stantec noted that ECCC had not previously received the Stormwater Management (SWM) Plan. The SWM Plan was provided via FTP for review and comment. Attachment: <ul style="list-style-type: none"> - Stormwater Management Plan (via FTP)
01/13/2021	Email – Outgoing	Sheryl Lusk	Chris Powell Andrew Taylor France Moreau Luanne Patterson	Stantec on behalf of CN provided documents to ECCC as per a call between Stantec, CN, and ECCC on January 13. Once ECCC has reviewed the provided documents, the information will be updated in the Wildlife Management Plan and corresponding follow-up programs. Stantec noted that a fourth memo will be provided to ECCC as a follow up to the discussion on Western Chorus Frog compensation habitat rationale and location. Attachments: <ul style="list-style-type: none"> - Draft Condition 8.29 (Myotis) - Draft Condition 8.26 and 8.27 (Snakes) - Draft Condition 8.31 and 8.33 (Corridors / Ecopassages)
01/29/2021	Email - Outgoing	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Taylor France Moreau	CN stated that with the release of the Milton Logistics Hub Decision Statement they are looking forward to progressing work on the Project with ECCC. CN noted that there are a number of items that require consultation with ECCC and provided a table that outlines the final conditions and the current status of each item. CN also provided a memo regarding the Western Chorus Frog surveys from 2020 and additional rationale regarding the proposed restoration habitat as per condition 8.9. CN requested that ECCC review the memo and note whether they agree with CN’s proposed location. CN noted that the Western Chorus Frog Memo and Channel Realignment Addendum have been uploaded to CN’s Consultation SharePoint site. CN noted that the conditions recommend 15 business days for consultation and requested that feedback be provided on the Western Chorus Frog memo so that compensation designs can be progressed. Attachments: <ul style="list-style-type: none"> - Western Chorus Frog Habitat Memo - -ECCC Consultation Tracking per Final Conditions
02/02/2021	Email - Incoming	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Taylor France Moreau	ECCC acknowledged receipt of the supplemental WCF information for ECCC’s review, as well as the Consultation Tracker. ECCC enquired as to whether the SharePoint folder link they received is a link to the CN Consultation SharePoint site.

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02/02/2021	Email – Outgoing	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Taylor France Moreau	Stantec on behalf of CN confirmed that the folder is the CN Consultation SharePoint site. Stantec noted that rather than the temporary FTP sites that were shared previously, a SharePoint site with agency specific folders has been created to provide available information. All previously provided information was added into folders according to the dates they were sent. Stantec noted that this approach is being used with other agencies, with similar relevant information being loaded there for their review.
02/26/2021	Email – Outgoing	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Taylor France Moreau Louis-Alexandre Lanthier (CN) Elaine Little	CN followed up on their January 29, 2021, email noting that information pertaining to the Project was circulated to ECCC on January 29 for their review. CN noted that the Conditions require CN to provide information relevant to the subject matter of the consultation and with a period of time not less than 15 days for ECCC review and provide their comments. CN noted that they are proceeding with the detailed design of the Project and requested ECCC's feedback no later than March 15 so that it can be taken into consideration during design.
03/05/2021	Phone call - Outgoing	Sheryl Lusk	Luanne Patterson	CN called ECCC and left a voicemail message at 11:43 Pacific looking for an update on ECCC's review.
03/09/2021	Email - Incoming	Sheryl Lusk Paul Watton John Brett Ewen Eberhardt (ECCC) SCF-EE-RCN / CWS-EA-NCR (ECCC) Wesley Plant (ECCC)	Luanne Patterson France Moreau Andrew Taylor Chris Powell	ECCC notified CN that they reviewed the Western Chorus Frog – Survey Results and Habitat Compensation memo (dated January 29, 2021), and in general, supports the direction of the compensation plan for the western chorus frog, with the understanding that this memo is in draft form for discussion purposes only, and ECCC considers its advice to be preliminary. ECCC noted there has been no indication that CN is engaging with other agencies as required by the Project's approval conditions. ECCC provided comments on the following memo sections: Methods, Habitat Survey Results, Western Chorus Frog Habitat Enhancement Options, Table 3: Western Chorus Frog (WCFR) Habitat Enhancement Options, and Analysis of the technical constraints preventing the preservation of the Western Chorus Frog habitat along the proposed works on CN Railway corridor.
03/15/2021	Email - Incoming	Sheryl Lusk Wesley Plant	Luanne Patterson Chris Powell Andrew Taylor France Moreau Louis-Alexandre Lanthier Elaine Little	ECCC responded to CN's February 26, 2021 email noting that due to competing priorities at present, ECCC is unable to meet the stated deadline of March 15th to provide feedback on the consultation items identified by CN and will provide comments for consideration as soon as possible.
03/15/2021	Email – Outgoing	Sheryl Lusk Wesley Plant	Luanne Patterson Chris Powell Andrew Taylor France Moreau Louis-Alexandre Lanthier Elaine Little	CN responded to ECCC's March 15 email confirming receipt of ECCC's comments on the Western Chorus Frog memo. CN enquired as to whether ECCC is able to provide an expected time period for receipt of ECCC's remaining comments. CN noted that comments could be sent on completed sections as they are done if it would be beneficial. CN noted that they would appreciate the remaining comments shortly in order to make necessary modifications to the Project's design and/or programs.

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
03/26/2021	Email - Outgoing	Sheryl Lusk Wesley Plant	Luanne Patterson Chris Powell Andrew Taylor Louis-Alexandre Lanthier Elaine Little	CN responded to ECCC's March 15 email to check in on the status of ECCC's review. CN noted that they will circulate a memo to update the Western Chorus Frog spring breeding period and requested a meeting with ECCC on April 14 or 15, 2021 in order to discuss Western Chorus Frog consultation. CN noted that ECCC had made note of CN's consultation with other agencies in their previous correspondence. CN stated that they have prioritized consultation with relevant federal authorities and CN intends to address feedback from relevant federal authorities where practical. CN noted that they have advanced consultation with other relevant provincial and municipal authorities. CN stated that as per the Province of Ontario's preference for a single window for consultation, CN is in the process of establishing one point of contact for the conditions attached to the federal Decision Statement. CN stated that they have attempted to engage CH throughout the environmental assessment process and began soliciting their feedback on specific measures, plans, and programs in early 2020. CH has declined to provide feedback on the technical information provided. CN intends to circulate the remaining document to CH with a final request for review once feedback from relevant federal authorities has been incorporated. CN noted that they also reached out to Halton Region and the Town of Milton, but both have declined to engage. CN will circulate the remaining documents as required by the conditions for their review once feedback from relevant federal authorities has been incorporated. CN noted that there is a substantial amount of material before ECCC for review. CN noted that they are in the final stages of detailed design and requested ECCC's comments by April 16, 2021.
03/29/2021	Email - Incoming	Sheryl Lusk Wesley Plant	Luanne Patterson Chris Powell Andrew Taylor Louis-Alexandre Lanthier Elaine Little	ECCC responded to CN's March 26 email. ECCC noted that while they appreciate the urgency to which CN and Stantec have attributed to finalizing the consultation documents, ECCC cannot fully assign resources prior to a determination by the Canadian Transportation Agency. ECCC understands that an approval under section 98 of the Canada Transportation Act is required for the project to proceed. ECCC will continue to review the provided consultation items and provide comments for consideration as soon as possible. ECCC noted that they intend to provide comments on the following documents: <ol style="list-style-type: none"> 1. CN_MLH_AQMAMP_draftv4_20200625 (as per Condition 4.21); 2. CN_MLH_SWMAMP_draft_20200609 and RPT-2020-09-04-Draft-Milton Hub_60579933 - With Appendices (as per Condition 5.10); 3. CN_MLH_Wetland FUP_draft_20200731 and rpt_Channel_Realignment_Addendum_202000521 (as per Condition 6.3) 4. CN_MLH_WMP_draft_20200922 (plus three inserts) (as per Conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28 and 8.32) ECCC noted that they do not intend to provide comments on design specifications of water conveyance and storage infrastructure. ECCC noted that they are available to discuss Western Chorus Frog compensation the morning of April 14 or all day April 15.
05/28/2021	Email – outgoing	Sheryl Lusk Paul Watton John Brett Ewen Eberhardt Wesley Plant SCF-EE-RCN	Luanne Patterson France Moreau Andrew Taylor Chris Powell	CN responded to ECCC's comments on the Western Chorus Frog memo and requested a call with ECCC to discuss the item. CN also noted that a number of documents had been added to the SharePoint folder for ECCC's review. Attachments: <ul style="list-style-type: none"> - Memo to ECCC WCF May 21 2021 - ECCC Consultation Tracking per Final Conditions 20210527

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05/31/2021	Email – incoming	Sheryl Lusk IAAC Compliance Wesley Plant Donna Dafoe	Luanne Patterson France Moreau Andrew Taylor Chris Powell Louis-Alexandre Lanthier Elaine Little	ECCC provided CN with its comments on the following draft consultation documents: 1. Air Quality Monitoring and Adaptive Mitigation Plan Follow-up Program (dated June 25, 2020); 2. Surface Water Monitoring Plan (dated June 9, 2020); 3. Draft Stormwater Management Report (dated September 2020); 4. Follow-up Program for Wetlands Program (dated July 31, 2020); 5. Channel Realignment (dated May 21, 2020); 6. Wildlife Management Plan (with updated inserts)(dated June 15, 2020); and, 7. Environmental Protection Plan for Construction (dated May 4, 2020). Attachments: - ECCC Review Comments on Various Draft FUPs for Milton Logistics Hub – 31 May 2021
09/29/2021	Email – outgoing	Sheryl Lusk Wesley Plant Donna Dafoe	Luanne Patterson France Moreau Chris Powell Elaine Little	CN acknowledged ECCC's participation in the consultation process for the Project and provided responses to ECCC's comments on the Air Quality Follow-up Program. Attachments: - ECCC AQFUP May 31 Response 20210922
Health Canada (HC)				
06/30/2020	Email - Outgoing	Kitty Ma (HC)	Loren Knopper Chris Powell	Stantec noted that the review panel recommended that CN consult with Health Canada about a food and soil monitoring program and health effects of the project related to noise. Stantec provided HC with copies of CN's follow-up programs for both topics. Attachments: - CN Milton Logistics: Follow-up Program for Noise - CN Milton Logistics: Country Foods Follow-up Program
07/15/2020	Email - Incoming	Kitty Ma Julie M Boudreau (HC) Dae Young Lee (HC)	Loren Knopper Chris Powell	HC acknowledged receipt of the draft noise and country foods follow-up programs for the Project and noted that they have begun their review. HC intends to provide their comments by the end of August 2020.
08/17/2020	Email - Incoming	Chantal Roberge (HC) Suzanne Leppinen (HC) Kitty Ma Kathleen Buset (HC) Kyla McCandie Glustien (HC) Antara Kabir (HC) Dae Youg Lee Aurelia Thevenot (HC) Alexandra Illiescu (HC) Ellen Travis (HC) Umme Akhtar (HC) Owais Khurshid (IAAC) Jason Boisvert (IAAC)	Loren Knopper Chris Powell	HC provided feedback on CN's noise and country foods follow-up programs. Attachments: - Health Canada's Feedback on Follow Up Program (FUP) – Noise - Health Canada's Feedback on Follow Up Program (FUP) – Country Food
08/27/2020	Email – Outgoing	Kitty Ma Dae Young Lee	Loren Knopper Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits	Stantec provided HC with the proposed follow up program for air quality for review by Health Canada. Stantec noted that ECCC requires that HC review this program. Attachment: - CN Milton Logistics: Follow-up Program for Air Quality

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08/27/2020	Email - Incoming	Kitty Ma Dae Young Lee	Loren Knopper Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits	HC acknowledged receipt of the draft air quality follow-up program for the Project and noted that they will provide comments to CN once their review is complete.
10/14/2020	Email – Outgoing	Kitty Ma Dae Young Lee	Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits	Stantec on behalf of CN contacted HC to get a status update on their review of the Air Quality Follow-up Program. Stantec prepared an attached list of documents and conditions that were identified in the draft conditions that require consultation with HC or where CN thought HC may be classified as “other relevant authorities”. Attachment: - HC Draft Conditions Consultation 20201019
11/04/2020	Telephone - Outgoing	Kitty Ma	Chris Powell	Stantec placed a call to Kitty Ma as follow-up to an email from Elaine Little on October 14, 2020 seeking an updated on the status of the Air Quality Follow-up Program. The voice mail message indicated that she will be away from the office until March 17, but for urgent matters to follow-up with Cecilia Tolley at 647-954-3146. A call to Cecilia was not answered and no voice mail has been set-up for this number.
11/04/2020	Telephone - Outgoing	Dae Young Lee	Chris Powell	Stantec placed a call to Dae Young Lee as follow-up to an email from Elaine Little on October 14, 2020 seeking an updated on the status of the Air Quality Follow-up Program. He advised that he understood that the comments had been provided to CN. He had completed his review but could not share those comments over the phone and would instead have to come from his manager. He indicated that those comments would have to come from Kitty Ma as the coordinator of the file. When questioned why Stantec / CN would have to wait until March, he indicated that he would follow-up with his manager on how to proceed and that someone from the provincial (Toronto) or federal office (Ottawa) would send those comments out shortly.
11/04/2020	Email – Outgoing	Kitty Ma Dae Young Lee	Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits Loren Knopper	Stantec thanked Dae Young for taking their call regarding the status of the Air Quality Follow-up Program for the CN Milton project. Stantec noted that as Kitty will be out of the office until March 17, Dae Young will be following up with his manager to determine the status of HC's review. Stantec noted that CN is moving forward with preparations regarding detailed design and planning for construction in the event that the Project is approved. CN looks forward to HC's comments so that the Air Quality Follow-up Program can be adjusted as required. Stantec requested that Dae Young follow up when he has received clarity as to when CN can expect HC's comments.
11/04/2020	Email – Incoming	Kitty Ma Dae Young Lee	Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits Loren Knopper	Kitty Ma responded to Stantec's November 4 email and requested follow-up via phone.

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11/04/2020	Email – Outgoing	Kitty Ma Dae Young Lee	Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits Loren Knopper Darren Reynolds	Chris Powel (Stantec) thanked Kitty for taking his call regarding the status of the Air Quality Follow-up Program for the CN Milton Project. Stantec noted that HC has completed their review and have prepared draft comments on the Air Quality Follow-up Program but they have not undergone senior review. Stantec noted that this review has been delayed by internal discussions within HC regarding the status of the draft conditions. Through discussions with IAAC it has been determined that HC will not provide any comments until the draft conditions are finalized. Stantec noted that this was new information and it was not consistent with HC's email from August 27. CN looks forward to receiving HC's input for consideration if or when HC is able to release the comments. Stantec noted that CN had hoped to utilize this time while the Project is under consideration to consult with HC on the draft Air Quality Follow-up Program in order to progress planning for program implementation if or when the Project is approved.
11/05/2020	Email – Incoming	Kitty Ma Dae Young Lee	Chris Powell Elaine Little France Moreau Luanne Patterson Allan Prits Loren Knopper Darren Reynolds	HC responded to Stantec's November 4 email to clarify that HC has developed some draft comments for the Air Quality FUP, however, they have not completed their review yet.
01/20/2021	Email – Outgoing	Kitty Ma hc.ia-on-ie-on.sc@canada.ca Chantal Roberge (HC) Kathleen Buset (HC) Kyla McCandie Glustien (HC) Suzanne Leppinen (HC) Antara Kabir (HC) Dae Young Lee Aurelia Thevenot (HC) Alexandra Iliescu (HC) Ellen Travis (HC) Umme Akhtar (HC) Owais Khurshid (IAAC) Jason Boisvert (IAAC)	Chris Powell France Moreau Luanne Patterson Loren Knopper	Stantec on behalf of CN followed up on HC's review of the draft Follow-up Program for Air Quality for the Project that was circulated in August 2020. Stantec noted that design continues to progress in the event that the Project receives approval in the near future. Any comments from HC would be considered in finalizing the follow-up program. Stantec attached CN's response to HC's comments on the draft Follow-up Programs for Noise and Country Foods. Attachment: - Response to Health Canada re: draft Follow-up Programs for Noise and Country Foods

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01/22/2021	Email – Incoming	Kitty Ma hc.ia-on-ie-on.sc@canada.ca Chantal Roberge Kathleen Buset Kyla McCandie Glustien Suzanne Leppinen Antara Kabir Dae Young Lee Aurelia Thevenot Alexandra Iliescu Ellen Travis Umme Akhtar Owais Khurshid Jason Boisvert	Chris Powell France Moreau Luanne Patterson Loren Knopper	HC responded to Stantec's January 20 email. HC noted that they will commence their review of the Air Quality Follow-Up Program now that a decision has been announced for the Project. HC will contact Stantec upon completion of their review. HC noted that they will continue to participate in the federal process for the Project upon request.
02/09/2021	Email - Outgoing	Kitty Ma hc.ia-on-ie-on.sc@canada.ca Chantal Roberge Kathleen Buset Kyla McCandie Glustien Suzanne Leppinen Antara Kabir Dae Young Lee Aurelia Thevenot Alexandra Iliescu Ellen Travis Umme Akhtar Owais Khurshid Jason Boisvert	Chris Powell France Moreau Luanne Patterson Loren Knopper	CN followed up on HC's January 22, 2021 email in order to determine the status of HC's review of the follow-up programs for Noise and Country Foods. CN noted that they are looking forward to progressing the file as the Decision Statement has been released. CN provided a tracking table that shows the final Conditions that require consultation with HC and the current status of each item. Attachment: - HC Consultation Tracking per Final Conditions
02/26/2021	Email - Outgoing	Kitty Ma hc.ia-on-ie-on.sc@canada.ca Chantal Roberge Kathleen Buset Kyla McCandie Glustien Suzanne Leppinen Antara Kabir Dae Young Lee Aurelia Thevenot Alexandra Iliescu Ellen Travis Umme Akhtar Owais Khurshid Jason Boisvert	Chris Powell France Moreau Luanne Patterson Loren Knopper	CN followed up on their February 9, 2021 email to note that they circulated information pertaining to the Milton Logistics Hub project as required by the Decision Statement and associated Conditions dated January 21, 2021. CN noted that the Conditions require CN to provide a period of time not less than 15 days for review and comments. CN requested HC's feedback as soon as possible and no later than March 15 so that it can be taken into consideration during design. Attachment: - HC Consultation Tracking per Final Conditions - Feb 26 2021

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03/05/2021	Phone call - Outgoing	Dae Young Lee	Luanne Patterson	CN called HC and left a voicemail for Dae Young Lee at 11:54 Pacific requesting an update on HC's review.
03/12/2021	Email – Incoming	Kitty Ma Kathleen Buset Ninon Lyrette (HC) Alexandra Lliescu Ora Artzy (HC) hc.ia-ei.sc@canada.ca Dae Young Lee Umme Akhtar Chantal Roberge Suzanne Leppinen	Luanne Patterson Mark Raizenne (RSI)	HC noted that they indicated in their Written Submission to the Review Panel on the Project that given the emissions associated with the project would primarily result from diesel powered engines, the environmental assessment should acknowledge and address the carcinogenicity of diesel exhaust. HC recommended that a quantitative assessment using the California EPA diesel particulate matter unit risk factor be used or a robust qualitative assessment be conducted. HC noted that the RSI assessment does not implement the approach HC recommended. HC noted that CN is required to conduct a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the project. HC noted that CN is required to update the 2015-2016 air quality baseline information provided as part of the environmental assessment and revise, as required, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Project. HC noted that Condition 4.21 indicates that CN shall consult with HC, amongst others, when developing and implementing the follow-up program. HC is looking forward to participating in this exercise and requested that CN and RSI reach out if they have questions or comments.
03/15/2021	Email – Incoming	Antara Kabir Kitty Ma Dae Young Lee Umme Akhtar	Chris Powell Luanne Patterson	HC responded to Stantec's January 20, 2021 email. HC provided its comments on CN's Response to Health Canada's Comments on the Milton Follow Up Programs for Noise and Country Foods. Attachment: - Milton Health Canada comment CN response to HC comments Noise CF FUPs – March 15 2021
04/26/2021	Email - Outgoing	Antara Kabir Kitty Ma Dae Young Lee Umme Akhtar	Luanne Patterson Chris Powell	CN responded to HC's March 15, 2021 email. CN responded with how they would incorporate HC's comments into the draft acoustic, air quality, and country foods follow-up programs. CN has requested to set up a call between Stantec's technical lead and HC to further discuss HC's request to further contribute to the draft Air Quality Follow-up Program.
04/30/2021	Email - Incoming	hc.ia-ei.sc@canada.ca Kitty Ma Dae Young Lee Umme Akhtar	Luanne Patterson Chris Powell	HC responded to CN's April 26, 2021 email and noted that HC has developed preliminary comments for the draft Air Quality Follow-up Program and intends to have a technical meeting with ECCC following CTA's approval of the Project. HC's goal for the meeting with ECCC is to reduce any inconsistencies or contradictions between their and ECCC's comments. HC stated that they will provide CN with their comments following the meeting with ECCC and after they have completed internal reviews/approvals.
05/07/2021	Email – incoming	Kitty Ma Dae Young Lee Umme Akhtar	Luanne Patterson France Moreau Andrew Taylor Chris Powell Louis-Alexandre Lanthier Elaine Little	HC provided CN with comments on the Air Quality Monitoring and Adaptive Mitigation Plan Follow-up Program. Attachments: - Milton Follow-up Program AQMAMP Health Canada comments final
09/29/2021	Email – outgoing	Kitty Ma Dae Young Lee Umme Akhtar Hc.ia-ei.sc@canada.ca	Luanne Patterson France Moreau Chris Powell Darren Reynolds	CN acknowledged the HC's participation in the consultation process for the Project and provided responses to HC's comments on the Air Quality Follow-up Program. Attachments: - HC AQFUP Jun 6 Response 20210922
10/29/2021	Email – Outgoing	Kitty Ma Dae Young Lee Hc.ia-ei.sc@canada.ca	Luanne Patterson Chris Powell France Moreau Elaine Little	CN provided a digital copy of the Phase 1 Sleep Disturbance Assessment for the Project to HC for their review and comments. CN noted that the Sleep Disturbance Analysis will be updated and submitted to HC prior to confirming the night-time construction activities schedule. Attachments: - MEM 60579933 CN MLH Ph1 Sleep Disturbance 20211015

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11/02/2021	Email – Incoming	Kitty Ma Dae Young Lee Hc.ia-ei.sc@canada.ca	Luanne Patterson Chris Powell France Moreau Elaine Little	HC acknowledged the receipt of CN's October 29, 2021 email. HC stated that the document will be reviewed and comments provided by November 12, 2021.
11/12/2021	Email – Incoming	Kitty Ma Dae Young Lee Hc.ia-ei.sc@canada.ca iaac.compliance-confirmie.aeic@canada.ca (IAAC) Julie M. Boudreau (HC)	Luanne Patterson Chris Powell France Moreau Elaine Little Andrew Taylor	HC noted that they had reviewed the Phase 1 Sleep Disturbance Analysis for the Project and provided a table of comments for CN's review.
12/01/2021	Email – outgoing	Hc.ia-ei.sc@canada.ca Kitty Ma Daeyoung Lee Julie M. Boudreau	Luanne Patterson France Moreau Chris Powell Elaine Little	CN thanked HC for participating in the consultation process for the Project. CN provided HC with responses to their comments provided on November 12, 2021. CN noted that a final copy of the Sleep Disturbance Analysis would be provided to IAAC once HC's comments had been incorporated. Attachments: - HC Sleep Disturbance Comments – 20211126
Labour Canada (LC)				
01/27/2021	Email - Outgoing	Brenda.Baxter (LC) Frances McCormick (LC) Guy Morissette (LC)	Eric Harvey	CN thanked LC for attending the call on January 22, 2021. CN noted that they are proposing to construct and operate the Milton Logistics Hub Project (the Project) and that a federal environmental assessment of the project was carried out by an independent Joint Review Panel. CN noted that on January 21, 2021, the Minister of Environment issued a Decision Statement which includes over 300 conditions under which the project is allowed to proceed. CN noted that Condition 4.4 requires CN to evaluate the technical and economic feasibility of installing amber-coloured outdoor light fixtures for the Project. CN has been carrying out detailed design and studies and they have carried out the required evaluation of amber-coloured lighting including retaining AECOM Canada Ltd. to undertake a comparative analysis of amber light against the white light originally proposed for the Project. CN's evaluation has determined that, while amber lighting appears to be technically and economically feasible, and is not expected to be harmful to wildlife, amber light would not substantially reduce sky glow or glare and will not meet all engineering requirements for safe railway operations. CN is required to consult with relevant authorities on Condition 4.4 and is requesting LC's review and feedback on the draft documentation of the evaluation of amber lighting. CN noted that the report will be updated to reflect any feedback received from LC. Attachments: - MLH - Lighting Comparison Study - Milton Logistics Hub - 2020-10-01.pdf - Draft Final Cover letter to IAAC re Amber Light Evaluation.docx - 2021-01-21_Decision Statement.pdf
04/12/2021	Email – Outgoing	Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	CN followed up on their January 27, 2021 email regarding LC's review of an Amber Light report prepared for the Project. CN requested a call with LC to discuss next steps.
04/13/2021	Email – Incoming	Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	LC responded to CN's April 12, 2021 email. LC stated that an expert from their Ontario Region would contact CN to discuss next steps.

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04/19/2021	Email – Outgoing	Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	CN responded to LC's April 13, 2021 email to note that they had not heard from LC's Ontario Region. CN requested the contact information of LC's expert in the Ontario Region.
05/04/2021	Email - Outgoing	Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	CN followed up to their April 19, 2021 email to note that they had not heard from LC's Ontario Region. CN requested the contact information of LC's expert in the Ontario Region.
05/05/2021	Email – Incoming	Tara Withers (LC) Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	LC responded to CN's May 4, 2021 email to schedule a call on May 6, 2021 with CN to discuss the Project.
05/06/2021	Email – Incoming	Tara Withers (LC) Guy Morissette Frances McCormick Brenda Baxter	Darren Reynolds Eric Harvey	LC thanked CN for attending the call on May 6, 2021. LC noted that they reviewed the documentation CN provided in their January 27, 2021 email. LC is of the opinion that Part 6 (lighting requirements in federally regulated workplaces) and Part 19 (employer obligations to assess and mitigate workplace risks to employees) of the <i>Canada Occupational Health and Safety Regulations</i> (Regulations) would apply for the Project. LC noted that Part 6 of the Regulations does not address amber lights. LC stated that they have nothing further to add to the Lighting Comparison Study if CN adheres to the requirements outlined in Part 6 and Part 19 of the Regulations for the Project.
Natural Resources Canada (NRC)				
09/14/2020	Email – Outgoing	John Clarke (NRC)	Chris Powell Elaine Little France Moreau Luanne Patterson Darren Reynolds Grant Whitehead	Stantec on behalf of CN provided NRC with the Groundwater Monitoring Follow-up Program for the CN Milton Logistics Hub project for review and comment. Stantec noted that they would be happy to answer any questions or comments from NRC and requested acknowledgement of receipt of the file. Attachment: - CN Milton Logistics Hub Groundwater Monitoring Follow-up Program
10/19/2020	Email – Outgoing	John Clarke	Chris Powell Elaine Little France Moreau Luanne Patterson Darren Reynolds Grant Whitehead	Stantec followed up on their September 14 email regarding the Groundwater Monitoring Follow-up Program for the CN Milton Logistics Hub Project. Stantec enquired as to whether NRC had a timeline on when CN could expect comments back and whether NRC had any questions regarding the review.
11/09/2020	Email – Incoming	Kathy McPherson (NRC) Jason Boisvert (IAAC) John Clarke Carl Johansson (IAAC) Julie Mailloux (IAAC)	Elaine Little	NRC noted that they have completed their review of the Groundwater Monitoring Follow Up Program and found that the plan includes all recommendations. NRC noted that two tasks were not clearly defined and will require updates. NRC provided suggested language for further clarification of these two items.
01/07/2021	Email - Outgoing	Kathy McPherson Jason Boisvert John Clarke Carl Johansson Julie Mailloux	Elaine Little Chris Powell France Moreau Luanne Patterson Grant Whitehead	Stantec on behalf of CN responded to NRC's comments provided on November 9, 2020. Stantec noted that the Groundwater Monitoring Follow Up Program will be updated to clearly define that standard operating practice for all groundwater monitoring includes manual measurements at each visit for all wells. The text will also be revised to include specifics on the depth of monitoring wells and reference to the current geological unit each well is installed to.

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09/01/2021	Email – outgoing	Kathy McPherson John Clarke	Luanne Patterson France Moreau Chris Powell Elaine Little	CN requested comments from NRC on the technical information presented in CN's groundwater flow and pathways document. Attachment: - Groundwater Flow & Pathways – Condition 5.11
09/29/2021	Email – outgoing	Kathy McPherson John Clarke	Luanne Patterson France Moreau Chris Powell Elaine Little	CN followed-up with NRC regarding the Groundwater Flow and Pathways Plan sent to NRC on September 1, 2021, to clarify whether NRC would be providing input on the plan. Attachment: - Groundwater Flow & Pathways – Condition 5.11
10/05/2021	Email – Incoming	Kathy McPherson John Clarke David Laurence (NRC)	Luanne Patterson	NRC provided comments on the Groundwater Flow Plan – Condition 5.11.
10/19/2021	Email – Outgoing	Kathy McPherson John Clarke David Laurence	Luanne Patterson	CN acknowledged the receipt of NRC's October 5, 2021 comments and provided responses to NRC's requested clarifications.
Transport Canada (TC)				
11/26/2020	Email - Outgoing	Michael DeJong (TC)	Eric Harvey (CN)	CN noted that they are proposing to construct and operate the Milton Logistics Hub Project (the Project) and that a federal environmental assessment of the project was carried out by an independent Joint Review Panel. CN noted that IAAC has prepared potential draft conditions for the Project if it is allowed to proceed. CN noted that Potential Condition 4.4 would require CN to evaluate the technical and economic feasibility of installing amber-coloured outdoor light fixtures for the Project. CN has been carrying out detailed design and studies in the event that the Project is approved. CN noted that they have carried out the required evaluation of amber-coloured lighting including retaining AECOM Canada Ltd. to undertake a comparative analysis of amber light against the white light originally proposed for the Project. CN's evaluation has determined that, while amber lighting appears to be technically and economically feasible, and is not expected to be harmful to wildlife, amber light would not substantially reduce sky glow or glare and will not meet all engineering requirements for safe railway operations. CN is required to consult with relevant authorities on Potential Condition 4.4 and is requesting TC's review and feedback on the draft documentation of the evaluation of amber lighting. CN noted that the report will be updated to reflect any feedback received from TC. Attachments: - MLH - Lighting Comparison Study - Milton Logistics Hub - 2020-10-01 .pdf - Draft Final Cover letter to IAAC re Amber Light Evaluation.docx
01/20/2021	Email - Incoming	Michael DeJong	Eric Harvey	TC responded to CN's November 26 th email regarding the colour of outdoor lighting fixtures for the Project. TC noted that they do not have any comments regarding the safety implications of amber versus white light and noted that given CN is responsible for the health and safety of its employees, the company must take all measures it determines are necessary to ensure their safety, including providing sufficient lighting. TC suggested consulting with Brenda Baxter, Director General, Workplace Directorate at Labour Canada on this matter to see whether they have access to expertise in lighting who may be able to comment on the safety implications of amber versus white light.
09/02/2021	Email – Outgoing	Michael DeJong	Eric Harvey	CN requested comments from TC pertaining to the technical information within CN's Ambient Lighting Follow-up Program within 30 days.

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09/22/2021	Email – Incoming	Stephanie Lines (TC) Michael DeJong Sean Rogers (TC) Bryan Dreika (TC) Michael McNeely (TC)	Eric Harvey	TC stated that, provided that CN complies with the minimum lux requirements for illumination found in the schedules of the <i>On-Board Trains Occupational Health and Safety Regulations</i> , and the <i>Canadian Occupational Health and Safety Regulations</i> based on activity at this location, Transport Canada would not take exception to the current proposal.
11/03/2021	Email - Outgoing	Michael DeJong	Eric Harvey Luanne Patterson	CN provided TC with the Accident and Malfunctions 0020b v Response Plan for TC's review. CN requested that TC provide feedback on the document within the next 15 days. Attachments: - AM Plan – Construction – Final Draft Oct 29 2021
12/01/2021	Letter – Incoming (via email)	Stephanie Lines	Eric Harvey	TC provided CN with comments pertaining to the Accident and Malfunctions 0020b v Response Plan.
12/17/2021	Email – Outgoing	Stephanie Lines	Eric Harvey	CN notified TC that the follow-up programs required for construction have been finalized and filed with IAAC, and that final versions of the FUPs have been posted on the Project website. CN noted that the FUPs would be implementing during construction and summaries will be provided as part of the annual report submitted to IAAC. CN stated that TC would be notified of any updates to the FUPs within 30 days.
PROVINCIAL AGENCIES				
Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)				
06/07/2021	Email – Outgoing	Zach Potashner (OPO)	Darren Reynolds Catherine Fremont Ken Boessenkool Laryssa Waler	CN provided the MHSTCI with a letter from Sean Finn regarding CN's document review request related to the Project. Attachments: - 04-06-2021 Final HUB DS CN Letter to Zach Potashner Office of the Ontario Premier - MHSTCI Consultation Tracking per Final Conditions 07062021 - MECP Consultation Tracking per Final Conditions 12052021
06/08/2021	Email – Outgoing	Karla Barboza (MHSTCI) Zach Potashner Dan Milkin	Darren Reynolds Luanne Patterson Ken Boessenkool Laryssa Waler	CN provided the MHSTCI with a letter requesting a technical review on materials pertaining to the Project. Attachments: - MHSTCI Consultation Tracking per Final Conditions 07062021 - 07-06-2021 Final HUB CN letter to Karla Barboza MHSTCI
08/13/2021	Letter (via email) – incoming	Karla Barboza James Hamilton (MHSTCI) Dan Minkin (MHSTCI) Shari Prowse (MHSTCI)	Darren Reynolds Luanne Patterson Ken Boessenkool Laryssa Waler	MHSTCI responded to CN's June 8, 2021 letter with a letter outlining MHSTCI's technical comments and recommendations on the following documents: - The draft CN Milton Logistics Hub Archaeological and Cultural Resources Protection Plan (dated March 9, 2021, prepared by Stantec); - The draft Cultural Heritage Property Maintenance and Reuse Plans (dated June 2, 2021, prepared by Stantec) - Stage 1 archaeological assessment report for the Lower Base Line Improvements (Project Information Form PIF# P256-0652-2020); and - Stage 2 archaeological assessment report for the Milton Logistics Hub supplemental parcels (PIF# P256-0649-2020).

CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
12/07/2021	Email – Outgoing	Karla Barboza Shari Prowse Dan Minkin James Hamilton Zach Potashner	Darren Reynolds Ken Boessenkool Laryssa Waler Daniel Salvatore	CN acknowledged receipt of the technical feedback provided by MHSTCI on August 13, 2021, and provided a summary of how CN has considered the feedback provided.
Ministry of Natural Resources and Forestry (MNR)				
05/04/2020	Email – Outgoing	Fish & Wildlife License Application, Ontario	Nancy Harttrup Marc Faiella	Stantec submitted an application for a Licence to Collect Fish for Scientific Purposes for the Project. The Licence is required to collect pre-construction baseline data in June of 2020. Attachment: Request for Licence to Collect Fish for Scientific Purposes – Canadian National Railway Milton Logistics Hub
05/12/2020	Email - Outgoing	Scientific Collection Permits for the MNR Aurora Office	Nancy Harttrup Marc Faiella Chris Powell Sean Geddes	Stantec followed up on their May 4, 2020 email to confirm receipt of the fish licence application and request an update regarding the status of the license.
05/12/2020	Email - Incoming	Scientific Collection Permits for the MNR Aurora Office	Nancy Harttrup	MNR responded confirming receipt of the application and noted that application processing is delayed as staff are currently working from home due to COVID-19.
Ministry of the Environment, Conservation and Parks (MECP)				
06/07/2021	Email – Outgoing	Zach Potashner (OPO)	Darren Reynolds Catherine Fremont Ken Boessenkool Laryssa Waler	CN provided the MECP with a letter from Sean Finn regarding CN's document review request related to the Project. Attachments: - 04-06-2021 Final HUB DS CN Letter to Zach Potashner Office of the Ontario Premier - MHSTCI Consultation Tracking per Final Conditions 07062021 - MECP Consultation Tracking per Final Conditions 12052021
06/08/2021	Email – Outgoing	Steven Allingham (MECP) Zach Potashner	Darren Reynolds Luanne Patterson Ken Boessenkool Laryssa Waler	CN provided the MECP with a link to the SharePoint site in accordance with CN's technical review request on materials pertaining to the Project.
07/22/2021	Letter (via email) – Incoming	Andrew Evers (MECP) Zach Potashner	Darren Reynolds Luanne Patterson Ken Boessenkool Laryssa Waler	The MECP provided a letter to CN with comments in response to CN's request to provide a technical review of the draft documents prepared by CN to fulfill the Final Conditions. The MECP's comments pertain to the draft Air Quality Follow-up Program, the draft Groundwater Follow-up Program, the draft Surface Water Follow-up Program, the draft Stormwater Management Report, the draft Wildlife Management and Connectivity Plan, and the draft Acoustic Environment Follow-up Program.
09/29/2021	Email – outgoing	Sarah Robicheau (MECP) Andrew Evers Kathleen O'Neill (MECP)	Luanne Patterson France Moreau Chris Powell Elaine Little Darren Reynolds	CN acknowledged the MECP's participation in the consultation process for the Project and provided responses to MECP's comments on the Air Quality Follow-up Program. Attachments: - MECP AQFUP Jul 22 Response 20210922
12/07/2021	Email – Outgoing	Andrew Evans (MECP) Andrew Evers Kathleen O'Neill Zach Potashner Sarah Robicheau	Darren Reynolds Daniel Salvatore Ken Boessenkool Laryssa Waler	CN acknowledged receipt of the MECP's July 22, 2021 comments on the draft documents prepared by CN to fulfill the Final Conditions, and provided an summary of how CN has considered the feedback provided.

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
MUNICIPALITIES				
Town of Milton (ML)				
06/04/2021	Letter – Outgoing (via email)	Andrew Siltala (ML) Barb Koopmans (ML) Rodney Northey (counsel)	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson Daniel Salvatore Catherine Fremont Dennis Mahony Celesa Horvath France Moreau Chris Powell Elaine Little	CN provided ML with a letter requesting a technical review of draft documents pertaining to the Project. Attachments: - LTR Milton 2021-06-04 - Town Milton Table 2021-06-04
06/10/2021	Email - Incoming	Barb Koopmans Andrew Siltala (ML)	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson Daniel Salvatore Catherine Fremont Dennis Mahony Celesa Horvath France Moreau Chris Powell Elaine Little	ML acknowledged the receipt of CN's June 4, 2021 letter, but noted that they could not access the documents provided through Stantec's SharePoint site.
06/10/2021	Email – outgoing	Barb Koopmans Andrew Siltala (ML)	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson Daniel Salvatore Catherine Fremont Dennis Mahony Celesa Horvath France Moreau Chris Powell Elaine Little	CN noted ML's technical issues and stated that they have been provided access.
07/06/2021	Email – Outgoing	Andrew Siltala Barb Koopmans Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson	CN followed up on their June 4, 2021 letter requesting technical feedback on several documents related to the Project. CN acknowledged that ML was unable to access the files until June 11, 2021, and therefore understands the delay. CN requested that ML advise if ML will be able to provide feedback by July 9, 2021.

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07/15/2021	Letter – Incoming (via email)	Barb Koopmans Andrew Siltala Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson	ML provided its response to CN's request for technical feedback on several documents related to the Project.
07/19/2021	Letter – Incoming (via email)	Barb Koopmans Troy Hare Bob Gray Jody Johnson (Halton Region)	Kristina Boka Eric Harvey	ML notified CN of the proposed relocation of a hydro line at Lower Base Line. ML requested that no communication be sent directly to Milton Hydro. ML also requested that no field work commence prior to CN acquiring approval from the CTA to construct the grade separations at Lower Base Line and the Project. ML noted that the relocation of a hydro pole line should require municipal consent approval and a road occupancy approval from ML.
08/03/2021	Letter – outgoing (via email)	Barb Koopmans Andrew Siltala Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson Kristina Boka	CN provided its response to ML's July 15, 2021 letter and a July 19, 2021 letter addressed to Kristina Boka. Attachments: - Town Milton Consultation Tracking per Final Conditions 20210727 - REV LTD Milton 2021-08-03
10/29/2021	Email – Outgoing	Barb Koopmans Andrew Siltala Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson Kristina Boka	CN provided the Accidents and Malfunctions Response Plan for ML's review. CN also followed-up on CN's August 3, 2021 correspondence. Attachments: - Town Milton Consulting Tracking per Final Conditions 20211029 - AM Plan – Construction – Final Draft Oct 29 2021
12/23/2021	Letter – Outgoing (via email)	Andrew Siltala Barb Koopmans Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein	CN notified ML that CN is considering an adjustment to the Sun Canadian Pipeline reconfiguration aspect of the Project and notified ML of the opportunity to present their views and information regarding this potential change, in accordance with condition 2.16 of the federal Decision Statement. CN noted that the comment period would extend until January 18, 2022. Attachments: - LTR Milton SC 2021-12-23 - LTR Fig 01 SCP Original 2021-12-23 - LTR Fig 02 SCP Proposed 2021-12-23
Halton Region (HR)				
03/26/2021	Letter – outgoing (via email)	Jane MacCaskill (HR) Rodney Northey (counsel)	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	CN provided HR with a record of correspondence pertaining to a letter received from Gowling WLP LLP sent on behalf of HR on February 24, 2021.
04/19/2021	Email – outgoing	Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	CN followed up on their March 26, 2021 email. CN extended the offer to meet virtually with HR.
04/29/2021	Email – incoming	Bob Gray (HR) Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	HR responded to CN's April 19, 2021 email and requested that CN provide a proposed meeting agenda for their review.

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
05/17/2021	Email – outgoing	Bob Gray Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	CN responded to HR's April 29, 2021 letter stating that the purpose of the meeting is to review how CN and HR can work together to constructively to facilitate HR's substantive input on various matters related to the Project. CN provides a proposed agenda for the meeting, and noted that the next week CN will initiate consultation on the draft Community Liaison Communication Process.
05/27/2021	Email – incoming	Bob Gray Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	HR responded to CN's May 17, 2021 email with two questions: <ul style="list-style-type: none"> - Clarification that as this meeting is to obtain input from the Region, it is with the Region only and will not include Town of Milton or CH; - A confirmation that it is CN's intent to use this meeting to consult Halton Region on the matters contemplated in the Federal Decision Statement. The Decision Statement demands consultation with Halton Region expressly and with "relevant authorities." Halton Region fits within the definition of "relevant authorities" on many matters, therefore requesting CN's confirmation that this High level overview will include not just the matters where the Decision Statement references Halton Region, but also the matters where Halton Region counts as one of the "relevant authorities" referenced in the Decision Statement on the basis of its expertise and/or regulatory responsibilities over a "matter."
06/02/2021	Email – outgoing	Bob Gray Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	CN responded to HR's May 27, 2021 questions as follows: <ul style="list-style-type: none"> - The proposed meeting is with the Halton Region only. This is a follow-up to the request made originally by Sean Finn in his email to Gary Carr on February 11. - One of the aims of the meeting is to discuss the consultation with the Region, as contemplated in the federal Decision Statement. We will be corresponding with the Region in that regard in the near future, as well as to solicit feedback on topics the Region may be a relevant authority.
06/04/2021	Email – Incoming	Bob Gray Jane MacCaskill Rodney Northey	Darren Reynolds Sean Finn Eric Harvey Andrew Bernstein	HR acknowledged receipt of CN's June 2, 2021 email and stated that they would be in touch to schedule the meeting.
06/04/2021	Letter – Outgoing (via email)	Bob Gray (HR) Jane MacCaskill Curt Benson (HR) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Luanne Patterson	CN provided HR with a letter requesting a technical review of draft documents pertaining to the Project. Attachments: <ul style="list-style-type: none"> - LTR Halton 2021-06-04 - Halton Region Table 2021-06-04
06/29/2021	Email – Outgoing	Bob Gray Jane MacCaskill Curt Benson Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Michael Vallins (CN) Kristina Boka (CN)	CN acknowledged the meeting between CN and HR that occurred on June 21, 2021 to review Project planning steps. CN stated that they understood that HR did not intend to provide CN with technical feedback on the information provided to HR on June 4, 2021. CN stated that they would continue to provide HR with relevant information as it becomes available in accordance with the conditions.
06/29/2021	Email – Incoming	Bob Gray Jane MacCaskill Curt Benson Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Michael Vallins Kristina Boka	HR acknowledged the June 21, 2021 meeting and provided meeting minutes. HR clarified that they are of the opinion that any discussion of matters pursuant to the Decision Statement were pre-mature, given the status of various legal matters. HR further stated that they would provide technical review of CN's documents once they have received the appropriate applications.
07/15/2021	Email – Outgoing	Bob Gray Jane MacCaskill Curt Benson Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Michael Vallins Kristina Boka	CN provided HR with comments on the draft meeting minutes provided by HR on June 29, 2021.

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11/01/2021	Email – Outgoing	Bob Gray Jane MacCaskill Curt Benson Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein Michael Vallins Kristina Boka	CN provided HR with a digital copy of the Accidents and Malfunctions Response Plan for HR's review. CN also indicated that they have not yet received a final version of the meeting minutes from the June 21, 2021 meeting. Attachments: <ul style="list-style-type: none"> - AM Plan – Construction – Final Draft Oct 29 2021 - Halton Region Consultation Tracking per Final Conditions 2021/10/29 - 2021/06/29 June 21 Meeting Minutes Final CN Comments
12/23/2021	Letter – Outgoing (via email)	Bob Gray Jane MacCaskill Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein	CN notified HR that CN is considering an adjustment to the Sun Canadian Pipeline reconfiguration aspect of the Project and notified HR of the opportunity to present their views and information regarding this potential change, in accordance with condition 2.16 of the federal Decision Statement. CN noted that the comment period would extend until January 18, 2022. Attachments: <ul style="list-style-type: none"> - LTR Halton SCP 2021-12-23 - LTR Fig 01 SCP Original 2021-12-23 - LTR Fig 02 SCP Proposed 2021-12-23
UTILITIES				
Milton Hydro				
04/02/2020	Meeting	Linda Lundstrom-Collins (Milton Hydro) Cordelia Rustenburg (Milton Hydro)	Manan Raval Aihua Zhang Niket Shah Simran Brahmhatt Martita Mullen	CN, AECOM, and Milton Hydro held a meeting to discuss coordination for the Project. The following items were discussed: Overview of the project, potential power feed to the project, hydro meter location and cabinet size, a review of the Project's Customer's Responsibility for Service Form, a review of the Project's Electrical Requirement Summary Form, relocation of poles along the lower baseline road, electrical load, submission review turnaround timeframe and schedule, and action items going forward for Milton Hydro.
06/11/2021	Meeting	Linda Lundstrom-Collins Cordelia Rustenburg Jeff Mills (Milton Hydro)	Christopher Hungerbuhler (CN) David Howett (CN) Kristina Boka (CN) John Hasterlo (CN) Ayhem Sadie (Aecom) Manan Raval Niketkumar Shah Maryam Raad (Aecom)	CN, Aecom, and Milton Hydro held a meeting to discuss hydro pole line relocation and service loads for CN Milton Logistics Hub project. Discussions included the hydro pole relocation design status, updated load summary and new demand load discussion, and action items going forward for CN, Aecom, and Milton Hydro.
07/12/2021	Email – Incoming	Linda Lundstrom-Collins Cordelia Rustenburg Diana Jiona	Kristina Boka	Milton Hydro provided an update on the hydro pole relocation design submission from ML's consultant, and noted that ML would need to coordinate works with ML.
CONSERVATION AUTHORITY				
Conservation Halton (CH)				
02/05/2020	Email - outgoing	Barbara Veale Jonathan Pounder (CH)	Darren Reynolds France Moreau Luanne Patterson	Email to CH regarding the Independent Review Plane's Environmental Assessment Report for the Milton Hub. The Report recommended that CN and CH enter into an agreement related to ongoing dialogue about understanding and addressing technical concerns. CN expressed an interest in resuming engagement with CH promptly for technical advice related to flooding and erosion hazards, watercourse alterations and the potential effects on fish and their habitat, wetlands, and the natural heritage system in the Indian Creek watershed. CN requested a meeting within the next two weeks to begin the review process while the agreement is finalized.



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02/06/2020	Email - Incoming	Barbara Veale Jonathan Pounder Peter Pickfield (Garrod Pickfield, Counsel for CH)	Luanne Patterson	Email from CH to CN confirming receipt of email from February 4. CH will review the request and proposed agreement and provide a formal response.
02/14/2020	Email - Outgoing	Barbara Veale Jonathan Pounder	Darren Reynolds France Moreau Luanne Patterson	CN followed up on their February 5 th email to resume engagement with CH promptly for technical advice related to flooding and erosion hazards, watercourse alterations and the potential effects on fish and their habitat, wetlands, and the natural heritage system in the Indian Creek watershed. CN requested meeting dates in late February or early March with CH's technical staff.
02/24/2020	Letter – Outgoing (via email)	Barbara Veale Jonathan Pounder	Luanne Patterson	CN followed up on their February 5 th and 14 th emails with a letter requesting a meeting with CH technical staff as the detailed design process for the Project is underway. CN noted that the Review Panel recommended ongoing dialogue between CN and CH, particularly during the detailed design stage of the Project. CN requested meeting dates in early March where CH's technical staff would be available and said they would also welcome a meeting regarding advancing the agreement between CN and CH.
02/24/2020	Email – Outgoing	Ms. McCormack (CH) Ms. Caissie (CH)	Luanne Patterson	CN forwarded their letter dated February 24, 2020 to two additional contacts at CH due to the departure of Jonathan Pounder.
02/24/2020	Email – Incoming	Barbara Veale	Luanne Patterson	CH responded to CN's email stating that they would provide a formal response on February 25 or 26.
02/26/2020	Letter – Incoming (via email)	Barbara Veale Hassaan Basit (CH)	Luanne Patterson	CH responded to CN's requests for resumed engagement with CH. CH stated that their understanding of CN's request was that CH is being asked to provide technical review and advice during the detailed design stage of the Project and that CN and CH execute an agreement to govern this participation. CH stated that it is premature to engage with CN regarding the detailed design because: the project hasn't been approved under the CEAA Act, CH is of the view that the project will likely require Cabinet approval, and CH is of the view that CN has not recognized their statutory approval powers under the Conservation Authorities Act. CH proposed that if CN wishes to work on detailed design prior to CEAA Act approval they should file permit applications pursuant to the Conservation Authorities Act which would trigger a consultation and technical review process. CH stated that any technical comments during the permit process would be provisional and subject to change pending CEAA approval.
02/28/2020	Letter – Outgoing (via email)	Barbara Veale Hassaan Basit	Mark Lerner Darren Reynolds France Moreau Luanne Patterson	CN responded to CH's letter dated February 26, 2020. CN provided an excerpt from the review panel hearing in the summer of 2019 where CH said they would be willing and able to work with CN in an advisory context. CN noted that it was because of this exchange that the Review Panel recommended that CN and CH enter into an agreement to facilitate ongoing dialogue. CN outlined the need to begin working on detailed design immediately and asked CH to reconsider their position. CN stated that if CH begins providing practical input soon there is a high degree of likelihood that it can be fully reflected in the final project design.
03/03/2020	Email – incoming	Barbara Veale Hassaan Basit	Mark Lerner Darren Reynolds France Moreau Luanne Patterson	CH confirmed receipt of CN's letter and request dated February 28, 2020.
03/16/2020	Letter – Incoming (via email)	Barbara Veale Hassaan Basit	Luanne Patterson	CH responded to CN's letter and request dated February 28, 2020. CH stated that all submissions to the Hearing Review Panel emphasized CH's position that CN is subject to CH's approval authority under the Conservation Authorities Act. CH provided further context for their submission to the Review Panel regarding entering into an agreement with CN to provide technical advice during detailed design. CH outlined their requirements for an agreement to commence a CH review of the detailed design of the Project. CH noted that their proposed approach is consistent with the approach CH would take to a permit application for any development proposed within a regulated area within its geographic jurisdiction. CH proposed a meeting between CH staff and the CN project team and said they can prepare a first draft of the agreement. CH attached a document that lists the information required to complete its review. Attachment: Conservation Halton Information Requirements - Review of Proposed CN Mobility Hub Project – Detailed Design Stage.

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04/07/2020	Letter – Outgoing (via email)	Barbara Veale Hassan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	<p>CN responded to CH's letter dated March 16, 2020. CN provided context and clarification regarding the purpose and nature of the proposed engagement between CN and CH as framed by the Review Panel. The purpose of engagement would be to understand and address technical concerns regarding flood and erosion risks brought forward by CH. The engagement would be non-regulatory, advisory, and voluntary in nature. CN has already provided much of the information requested in CH's March 16 letter and would like the focus of ongoing engagement to be new information that arises during detailed design. CN provided a revised draft of the MOU provided to CH on February 5, 2020. The revised MOU addresses points raised by CH in their March 16 letter. CN noted that reimbursement for CH's time would be limited to the review of new information as CH has been compensated for time spent reviewing information provided by CN during the federal EA process. CN agreed that a meeting is appropriate for advancing technical engagement and suggested a teleconference during the weeks of April 20th or April 27th. CN will share relevant design information with CH as design advances.</p> <p>Attachments:</p> <ul style="list-style-type: none"> - Review Panel Recommendations for Consultation with Conservation Halton for the CN Milton Logistics Hub - Draft MOU between CN and CH
05/05/ 2020	Letter – Incoming (via email)	Barbara Veale	Luanne Patterson	<p>CH responded to CN's letter dated April 7, 2020. CH provided edits to CN's draft MOU and suggested a virtual meeting with CN to discuss advancing the MOU. CH noted that they will consult with legal counsel regarding the contents of the MOU going forward and that signing the MOU requires the approval of the CH board of directors.</p> <p>Attachments:</p> <ul style="list-style-type: none"> - Draft MOU between CN and CH
06/09/2020	Email - Incoming	Barbara Veale Hassan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	<p>CH noted that they reviewed the edits to the MOU between CN and CH. CH requested changes to clauses No. 5 and No. 19.</p>
06/11/2020	Email - Outgoing	Barbara Veale Hassan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	<p>CN suggested a few additional changes to the MOU for CH's review.</p>
06/11/2020	Email - Incoming	Barbara Veale Hassan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	<p>CH acknowledged receipt of CN's June 11 email and noted a response will follow shortly.</p>
06/17/2020	Email - Outgoing	Barbara Veale	Luanne Patterson	<p>CN enquired as to whether CH had submitted the MOU for Board review and signature or if there were additional revisions to be made to the MOU.</p>
06/19/2020	Email - Incoming	Barbara Veale	Luanne Patterson	<p>CH noted that they had additional revisions to the MOU and therefore it would not be reviewed at the June Board meeting. CH noted that they may call a special Board meeting over the summer to review the MOU.</p>
07/13/2020	Email - Outgoing	Barbara Veale	Luanne Patterson Darren Reynolds	<p>CN requested CH's edits to the MOU as noted in their June 19 email. CN also enquired as to whether a special Board meeting can be called to formally sign the MOU before the September 2020 Board meeting.</p>

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07/29/2020	Letter – Outgoing (via email)	Barbara Veale	Luanne Patterson Darren Reynolds	CN provided CH with a history of their previous attempts at technical engagement of CH regarding the proposed Milton Logistics Hub. CN noted that they originally contacted CH with a MOU on February 5 and have made repeated attempts to engage with CH during the intervening period. CN expressed their concern at the length of time it has taken to reach an agreement regarding CH's technical engagement on the project. CN attached a link to an FTP site which contains relevant technical information on the project for CH's review, including: <ul style="list-style-type: none"> - Relevant sections of the EIS, TDRs, IR responses and undertakings - Detailed design elements, including channel realignment drawings and addendum, culvert designs, dewatering plan, erosion control plans, Geotech and HydroG reports, and a copy of the updated DFO letter of intent (offsetting plan and monitoring) - Copies of digital models
07/30/2020	Email – Incoming	Barbara Veale Hassaan Basit Peter Pickfield Adriana Birza (CH)	Luanne Patterson Darren Reynolds	CH acknowledged receipt of CN's formal letter and noted they would respond next week.
07/31/2020	Email – Outgoing	Barbara Veale	Luanne Patterson Darren Reynolds	CN provided CH with the file transfer site link noted in their July 29 letter. The file transfer site provides the technical information to be reviewed by CH. CN also attached a concordance table and follow-up letter requesting CH's review of the provided material along with a discussion with CN's technical experts the week of August 17, 2020. Attachments: <ul style="list-style-type: none"> - CH Detailed Design Concordance Table July 31 2020 - CH Letter July 31 2020
08/06/2020	Letter – Incoming (via email)	Barbara Veale	Luanne Patterson	CH acknowledged receipt of CN's letter dated July 29. CH provided additional context regarding CN's history of engagement attempts with CH. CH noted that additional revisions to the MOU are currently undergoing review by CH's legal counsel and will be provided as soon as possible. CH noted that they will bring the MOU forward for approval at their September 24 Board of Directors meeting. CH noted that they would engage staff to review the project in advance of this meeting if CN provides written confirmation that they will execute the forthcoming MOU and cover staff costs for time spent on the review prior to the execution of the MOU. CH noted that staff have begun a preliminary review of technical information provided on July 29. CH noted that the technical review would take at least six weeks and CH will advise on any additional information required within the next two weeks.
08/11/2020	Email - Incoming	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CH provided a redlined and clean version of their proposed edits to the CN-CH MOU. CH noted that once there is mutual agreement about edits to the MOU, CH staff will present the agreement to the CH Board of Directors for approval at the September 24, 2020 board meeting. CH confirmed that staff are reviewing the information submitted by CN for completeness in the meantime.
08/20/2020	Email – Outgoing	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CN provided CH with an updated redlined and clean version of the MOU and accompanying letter. CN also provided a refreshed link to the FTP site provided on July 29.
08/20/2020	Email – Incoming	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson (CH) Yves Scholten (CH)	Luanne Patterson	CH acknowledged receipt of CN's correspondence on August 20. CH noted that they had not reviewed the updated materials CN had provided for technical review. CH reviewed the listed materials and attached notes detailing additional materials they would like CN to provide. CH noted that they have concerns about providing technical review comments by September 20, 2020. CH noted that they have a heavy workload and have been focused on responding to the IAAC draft conditions. CH intends to present the MOU to the CH Board of Directors during the September 24, 2020 Board meeting. Attachment: <ul style="list-style-type: none"> - CH Detailed Design Concordance Table

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
08/27/2020	Email - Incoming	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson Yves Scholten	Luanne Patterson Darren Reynolds	<p>CH provided a response to CN's August 20, 2020 correspondence. CH provided further edits to the MOU. In the attached letter, CH noted that they agree with CN's changes to the MOU with two exceptions: CH cannot meet the September 20, 2020 deadline for comments on the proposed detailed design and CH believes that CN's request to add wording to paragraph 18 is unnecessary. CH noted that they will undertake a full review of the proposed detailed design and provide comments within six weeks at a minimum and no later than eight weeks following receipt of the requested information from CN.</p> <p>Attachments:</p> <ul style="list-style-type: none"> - CH response letter dated August 27 - Updated MOU - Redline version of the MOU
09/04/2020	Email - Outgoing	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson Yves Scholten	Luanne Patterson Darren Reynolds	<p>CN responded to CH's August 27 email with an attached letter, concordance table, the previously circulated FTP site link, and both a clean and redline version of the MOU. In the attached letter, CN noted that they have reviewed CH's list of additional information requests and all outstanding information is now included on the FTP site. CN provided an overview of how and where the information requested is addressed in existing or new information on the FTP site. CN also noted that CH had previously indicated that a typical substantive review takes approximately six weeks. CN's September 30th deadline for feedback is eight weeks from the commencement of CH's preliminary review the week of August 5. CN amended the deadline in the MOU to reflect this previous review timeline.</p> <p>Attachments:</p> <ul style="list-style-type: none"> - CN response letter dated September 4 - Concordance table - Updated MOU - Redline version of the MOU <p>FTP site included:</p> <ul style="list-style-type: none"> - Crossing Report - Existing conditions compilation (creek alignments, floodplain, slope setbacks, utilities, ditches, infrastructure, etc.) - SWM Report - Wetland Water Balance
09/09/2020	Email - Incoming	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson Yves Scholten	Luanne Patterson Darren Reynolds	<p>CH responded to CN's September 4 email noting that CH is amenable to the removal of item 18 in the draft MOU. CH proposed October 16, 2020 as the due dates for comments as CH cannot meet the September 30th deadline.</p>
09/10/2020	Email - Outgoing	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson Yves Scholten	Luanne Patterson Darren Reynolds	<p>CN accepted CN's suggested revision to change the date in the MOU to October 16. CN noted that they will take the final agreement to their executive team for signature while CH presents the agreement to their Board of Directors. CN noted that they look forward to receiving CH's comments as soon as possible, with all comments being received by October 16.</p>
09/10/2020	Email - Incoming	Barbara Veale Hassaan Basit Peter Pickfield Sabrina Fischer-Patterson Yves Scholten	Luanne Patterson Darren Reynolds	<p>CH noted that they would inform CN of the decision of their Board of Directors. CH will reach out to CN if they have substantive comments.</p>

CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
09/28/2020	Email - Incoming	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CH informed CN that their Board of Directors met on September 24, 2020 to consider execution of the draft MOU. The draft MOU was presented to the Board with a recommendation from staff to authorize signing. The Board decided to defer their decision. CH noted that in the meantime staff will continue their review, but comments cannot be released until the CH board has authorized the execution of the agreement.
09/30/2020	Email - Outgoing	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CN thanked CH for their feedback. CN noted their disappointment that the CH Board of Directors did not accept the CH staff recommendation to accept the MOU, which was developed over 8 months in collaboration with CH. CN appreciates that CH staff will continue to review the detailed design materials, but expressed concern that CN and CH's collaborative efforts weren't acknowledged or reciprocated at the Board level. CN noted that they must progress the detailed design of the project without the benefit of CH's suggestions. CN requested that CH let them know when the Board will be making a decision and asked for an explanation of the deferral.
10/09/2020	Email – Outgoing	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CN followed up on their email on September 30 requesting a response as soon as CH is able. CN also enquired as to whether CH had sought and received authorization from the CH Board of Directors to release their feedback. CN noted that the agreement in principle contemplated delivering the feedback to CN by the end of next week.
10/16/2020	Email – Outgoing	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CN followed up on their email on October 9. CN noted that they had not received CH's comments despite the earlier agreement in principle. CN requested an explanation as to why the CH Board had deferred considering the agreement between CN and CH and when CN can anticipate it will be put on the Board's agenda.
10/23/2020	Email – Incoming	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CH responded to CN's October 16 email. CH provided a resolution passed by their Board of Directors which stated that CH will only consider entering into an MOU with CN following a decision by the Federal Government on whether or not the project should proceed.
10/30/2020	Email – Outgoing	Barbara Veale Hassaan Basit Peter Pickfield	Luanne Patterson Darren Reynolds	CN acknowledged receipt of CH's October 23 email. CN noted that while they had acknowledged the agreement was subject to final approval by the CH Board of Directors, CN did not view revisiting the issue of prematurity as reasonable given that it was already discussed. CN noted that this issue was initially raised by CH more than 8 months ago but CH subsequently reconsidered and decided to proceed with the MOU. CN had hoped to implement the Joint Panel's suggestion of entering into a collaborative relationship with CH through an MOU. CN noted that the Board's resolution clarified that entering into an MOU with CH is not an option at this time despite the commitment CH made during the hearing to do so. CH will be able to provide input through any forthcoming Federal approval process and comments made through that process will be given due consideration.
03/15/2021	Email - Outgoing	Barbara Veale Hassaan Basit Rodney Northey (Gowling WLG)	Luanne Patterson Darren Reynolds	CN provided CH with a letter via email regarding consultation. Certain conditions require CN to consult with CH on matters that pertain to Project design and the development of mitigation measures, follow-up programs, and management plans. CN provided a list of the conditions that require consultation with CH. CN noted that much of the technical information pertaining to these matters was provided to CH on July 22, July 31, and September 4, 2020. CN provided a table that summarizes the conditions requiring consultation with CH, the information that has been provided to CH to address those conditions, the dates on which the information was provided, and the status of information development and/or review. CN requested CH's review of available information by March 30, 2021 in accordance with condition 2.4.2. Attachments: - Letter to Conservation Halton - CH consultation tracking as per final conditions
03/29/2021	Letter – Incoming (via email)	Barbara Veale Hassaan Basit Rodney Northey	Darren Reynolds	CH noted they received CN's March 15, 2021 letter. CH is of the opinion that the Conservation Authorities Act and attendant regulations, specifically Ontario Regulation 162/06, apply to the Project. CH would be willing to provide comments on conditions directly related to their regulatory responsibilities upon receipt of permit applications, including fees. CH noted that CN can arrange a pre-consultation meeting to discuss permitting requirements, by contacting Barbara Veale.

CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
04/14/2021	Letter – outgoing (via email)	Hassaan Basit Barbara Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	CN provided CH with a letter in response to CH's March 29, 2021 letter.
06/10/2021	Letter – Incoming (via email)	Hassaan Basit Barbara Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	<p>CH provided CN with a letter in response to CN's April 14, 2021 letter. CH stated that they are willing to engage with CN concerning the Project, provided that a number of conditions are met: CH requested that CN agree that neither CN nor its counsel will attempt to rely upon the content of the proposed dialogue with CH to challenge positions taken and claims made by CH and its partner Halton Municipalities in legal proceedings; CH noted that it would approach discussions with CN in the same way that CH would approach similar discussions with other proponents of projects and further noted that the Consultation Tracking Table provided to CH on March 15, 2021 was therefore incomplete as it did not include all matters related to CH's regulatory responsibilities; and CH requested that CN acknowledge and agree that CH will keep detailed meeting minutes and may rely upon them in legal proceedings.</p> <p>Attachments: - Letter to Milton Hub CN Response CH HB 10062021</p>
06/29/2021	Email – Outgoing	Hassaan Basit Barb Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	<p>CN responded to CH's June 10, 2021 letter. CN acknowledged CH's request for a meeting without prejudice with respect to the Project. CN stated that both CN and CH could take meeting minutes, and jointly agree on a set of minutes following the meeting. Furthermore, CN stated that while they did not intend to apply for a permit from CH, they would consider CH's requests for additional information. CN noted that they have uploaded a number of follow-up programs and design reports to the SharePoint site for CH's review.</p> <p>Attachments: - CH Consultation Tracking per Final Conditions 28 Jun 2021</p>
07/28/2021	Email – Incoming	Hassaan Basit Barb Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	CH responded to CN's June 29, 2021 email with available dates for a meeting, and noted who from CH would be in attendance. CH requested that CN send the items that would be discussed in the meeting.
08/03/2021	Email – Outgoing	Hassaan Basit Barb Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	CN responded to CH's July 28, 2021 email. CN stated that they are seeking feedback for the technical documents sent to CH in the March 15, 2021 correspondence. CN requested that the upcoming meeting be a coordination discussion to establish follow-up calls with CH's technical team, and provided a draft agenda and a list of attendees.
08/16/2021	Meeting – Conference call	Hassaan Basit Barb Veale	Darren Reynolds Luanne Patterson France Moreau Chris Powell (Stantec)	Call held to provide an update on the status of the project, including progress on detailed design and planning for the start of construction, as well as to seek and encourage technical input from CH on the various documents submitted for their review.
10/08/2021	Email – Outgoing	Hassaan Basit Barb Veale Rodney Northey	Darren Reynolds Luanne Patterson Andrew Bernstein	CN responded to CH's July 28, 2021 email. CN stated that they are seeking feedback for the technical documents sent to CH in the March 15, 2021 correspondence. CN requested that the upcoming meeting be a coordination discussion to establish follow-up calls with CH's technical team, and provided a draft agenda and a list of attendees.

CN MILTON LOGISTICS HUB – CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
12/23/2021	Letter – Outgoing (via email)	Hassaan Basit Rodney Northey	Darren Reynolds Andrew Bernstein	<p>CN notified CH that CN is considering an adjustment to the Sun Canadian Pipeline reconfiguration aspect of the Project and notified CH of the opportunity to present their views and information regarding this potential change, in accordance with condition 2.16 of the federal Decision Statement. CN noted that the comment period would extend to January 18, 2022.</p> <p>Attachments:</p> <ul style="list-style-type: none"> - LTR CH SC 2021-12-23 - LTR Fig 01 SCP Original 2021-12-23 - LTR Fig 02 SCP Proposed 2021-12-23

**APPENDIX 2B
RECORD OF CONSULTATION
INDIGENOUS GROUPS**



ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
Huron-Wendat Nation (HWN)				
10/22/2020	Email - Outgoing	Maxime Picard (HWN)	Parker Dickson (Stantec) Chris Powell (Stantec) Doug Devlin (CN) Leslie Hobson-Wilson (CN) France Moreau (CN) Darren Reynolds (CN) Luanne Patterson (CN)	Stantec on behalf of CN noted that they are completing an additional Stage 2 archaeological assessment on lands potentially needed to support construction of CN's Milton Logistics Hub. Stantec requested that representatives from the Huron Wendat Nation join Stantec's archaeological team during field work. Stantec did not have a specific date confirmed but would reach back out once the date has been confirmed.
10/22/2020	Email - Incoming	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN responded that they would be happy to pursue this project with Stantec and CN. HWN requested the Stage 1 Archaeological Assessment Report for review.
10/22/2020	Email - Outgoing	Maxime Picard (HWN)	Parker Dickson (Stantec) Chris Powell (Stantec) Doug Devlin (CN) Leslie Hobson-Wilson (CN) France Moreau (CN) Darren Reynolds (CN) Luanne Patterson (CN)	Stantec noted that the Stage 1 Archaeological Assessment work was captured as part of the previous archaeological work for the Project. Stantec requested the HWN let them know if they need a copy re-sent.
10/22/2020	Email - Incoming	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN confirmed that they have the Stage 1 Archaeological Assessment.
11/04/2020	Email - Incoming	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN enquired as to whether the Stage 2 Archaeological Assessment would proceed next week.
11/04/2020	Email - Outgoing	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec noted that the area has received snow and rain earlier this week and the field where the Archaeological Assessment is to be conducted is therefore too wet to plough. Stantec noted that as soon as the weather is more favourable they will reach out to HWN to confirm a date.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/05/2020	Email - Outgoing	Maxime Picard	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	CN contacted Huron Wendat to prepare for consultation that will be required as a part of the Project's conditions should the project be approved. CN provided a list of conditions where they are required to consult with Huron Wendat based on the draft conditions. CN requested clarification as to who Huron Wendat would like to be contacted when CN sends documents to be consulted on. CN enquired as to whether Huron Wendat would like all of the documents sent at once or one document at a time, and whether Huron Wendat prefers to provide written responses to the documents or a conference call to provide feedback verbally. CN noted that additional conditions may be included in the final approval when the decision is announced. CN noted that these additional conditions will also be included for consultation. CN noted that if there are items related to the approval and design that were not included that Huron Wendat would like to provide feedback on, Huron Wendat can reach out to CN. CN noted that information was previously provided regarding additional Stage 2 Archaeological work proposed for the project.
11/10/2020	Email - Outgoing	Maxime Picard	Chris Powell Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN provided a summary of the proposed offsetting plan and associated figures for the realignment of sections of Indian Creek and Tributary A required as part of the Project. Stantec noted that the provided design is generally in keeping with what was included in the Environmental Impact Statement with further refinements to benefit fish and fish habitat. This information was provided in anticipation of DFO's consultation process under the Fisheries Act but is intended to supplement, not replace, DFO's consultation process. Stantec noted that CN is interested in continuing to provide HWN with the opportunity to express their opinions on the Project in the event that it is approved. CN intends to proceed with construction in 2021 if the Project is approved and subject to receipt of Fisheries Act Authorization and other permits and approvals.
11/12/2020	Email – Incoming	Maxime Picard Julia Brown (OKT Law) Renée Pelletier (OKT Law)	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN responded to CN's November 5 email. HWN noted that the email related only to consultation CN will be directed to undertake in relation to the federal Minister of Environment and Climate Change's conditions for approval of the Project and did not speak to CN's consultation obligations under the Project Specific Agreement HWN has with CN. HWN noted that in addition to the conditions CN included in their email, HWN requires consultation regarding the development of plans including the archaeological and cultural resources protection plan and the plan/procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remains. HWN would also like draft condition 11.8.1.5 to be added to CN's list of conditions that require consultation. HWN noted that CN is obligated to obtain consent from HWN for the excavation of archaeological sites of Huron-Wendat origin under the Specific Project Agreement. HWN also requires that a Liaison Committee is set up as soon as possible. HWN responded to CN's questions noting that Maxime should be contacted when CN has documents for consultation and documents should be sent as they are ready instead of all at once. HWN noted that they will determine whether consultation will be provided in written form or discussion once they have reviewed the documents.
11/12/2020	Email - Incoming	Maxime Picard	Chris Powell Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN responded to Stantec's November 10 email acknowledging receipt and noting that they do not have specific comments on the materials sent to HWN at this time.
11/17/2020	Email - Outgoing	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec followed up on their October 22, 2020 email regarding archaeology. Stantec noted that the field has been ploughed and they would like to begin the Stage 2 archaeological work on November 23. Stantec provided a meeting location and noted that the work will be a mix of pedestrian and test pit surveys. Stantec requested the contact information for the HWN staff attending and noted PPE requirements.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/17/2020	Email - Incoming	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN responded to Stantec's November 17 email noting that the proposed timing works. HWN noted that they will provide the contact information for their archaeological monitor shortly.
11/19/2020	Email - Incoming	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	HWN provided the contact information for their archaeological monitor.
11/20/2020	Email - Outgoing	Maxime Picard	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson Lucas Hillcoat (Stantec)	Stantec followed up on their November 17 email regarding archaeology and requested that the start date be moved out by one day to November 24 to accommodate for wet conditions in the forecast for November 22. Stantec provided the name and contact information for their Field Lead and noted that there would be 4-5 additional Stantec staff on site.
01/28/2021	Email - Incoming	Maxime Picard Simon Picard (HWN) Bruno Deldegan (Groupe DDM)	Doug Devlin Darren Reynolds	HWN sent CN an invitation for the second Liaison Committee meeting scheduled for February 24, 2021. HWN provided a set of action items from the previous meeting.
01/28/2021	Email - Outgoing	Maxime Picard Simon Picard Bruno Deldegan	Doug Devlin Darren Reynolds	CN provided a link to the presentation from the January 27, 2021 meeting with HWN and an operations video for the Project. CN noted that the February 24 meeting date is feasible but requested a different start time. CN noted that they would progress on the action items noted by HWN.
01/28/2021	Email – Outgoing	Maxime Picard	Chris Powell Doug Devlin Darren Reynolds France Moreau Luanne Patterson Parker Dickson	Stantec on behalf of CN acknowledged the call between CN and HWN on January 27, 2021 regarding the liaison committee established between HWN and CN for the Project. CN provided the draft Archaeological Resources Protection Plan for HWN's review and consideration. Attachments: - CN MLH Arch Resources Protection Plan draft 20201203
02/01/2021	Email – Incoming	Maxime Picard Simon Picard Bruno Deldegan	Doug Devlin Darren Reynolds	HWN noted that a revised start time for the February 24, 2021 meeting is acceptable.
02/01/2021	Email - Outgoing	Maxime Picard	Parker Dickson Chris Powell	Stantec on behalf of CN provided HWN with a Stage 1 Archaeological Assessment for a portion of Lower Base Line and a Stage 2 Archaeological Assessment for additional parcels within the Project footprint for review. Attachments: - dft_P256-0652-2020_01Feb2021 - dft_P256-0649-2020_01Feb2021

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
02/01/2021	Email – Incoming	Maxime Picard	Parker Dickson Chris Powell	HWN acknowledged their receipt of the archaeological assessments attached to CN's February 1, 2021 email. HWN stated that they would provide their comments within the next few days.
02/08/2021	Email – Incoming	Maxime Picard	Parker Dickson Chris Powell	HWN responded to CN's February 1, 2021 email. HWN noted that they did not have any specific comments on the provided archeological assessment reports.
02/24/2021	Email - Incoming	Maxime Picard Simon Picard Bruno Deldegan	Doug Devlin Darren Reynolds	HWN noted that they are still finalizing their presentation of the different type of services HWN could provide CN for the Project and it will not be available for the February 24, 2021 meeting.
02/24/2021	Email - Outgoing	Maxime Picard Simon Picard Bruno Deldegan	Doug Devlin Darren Reynolds	CN provided HWN with a list of follow-up and monitoring programs that CN anticipates will be required during construction and/or operations of the Project. CN noted that the construction of the facility will be undertaken by one general contractor that will retain subcontractors. CN noted that archaeological monitoring will also occur. CN provided a proposed agenda for the Liaison Committee: 1) General project update and timeline update 2) Review the list of follow-up programs 3) Discussion on CN procurement process 4) Varia – any other areas of concern
02/24/2021	Email – Incoming	Maxime Picard	Chris Powell Doug Devlin Darren Reynolds France Moreau Luanne Patterson Parker Dickson	HWN responded to CN's January 28, 2021 email with their comments on the draft Archaeological Resources Protection Plan. Attachments: - HWN Comments on Stantec Draft - FINAL
06/09/2021	Email - Outgoing	Lori-Jeanne Bolduc Mario Gros Louis	Danielle Van Huizen (Kirk and Co.)	CN provided copies of the Accidents and Malfunctions Communication Plan and draft Community Liaison Communication Plan seeking input from HWN.
06/16/2021	Email - Incoming	Lori-Jeanne Bolduc Mario Gros Louis	Danielle Van Huizen (Kirk and Co.)	HWN indicated that they have reviewed the Accidents and Malfunctions Communication Plan and draft Community Liaison Communication Plan and do not have any comments or concerns at this point.
Mississaugas of the Credit First Nation (MCFN)				
10/22/2020	Email - Outgoing	Megan DeVries (MCFN) Mark LaForme (MCFN) Joelle Williams (MCFN)	Parker Dickson (Stantec) Chris Powell (Stantec) Doug Devlin (CN) Leslie Hobson-Wilson (CN) France Moreau (CN) Darren Reynolds (CN) Luanne Patterson (CN)	Stantec on behalf of CN noted that they are completing an additional Stage 2 archaeological assessment on lands potentially needed to support construction of CN's Milton Logistics Hub. Stantec requested that representatives from Mississaugas of the Credit First Nation join Stantec's archaeological team during field work. Stantec did not have a specific date confirmed but would reach back out once the date has been confirmed.
10/23/2020	Email – Incoming	Megan DeVries Mark LaForme Joelle Williams Fawn Sault (MCFN)	Doug Devlin	MCFN provided CN with a letter regarding the upcoming assessment for the CN Milton additional lands. MCFN noted that as of this year, their Department of Consultation and Accommodation (DOCA) has introduced charges for technical review of project information. DOCA anticipates that all archaeological review will be undertaken by in-house technical experts but will advise if an outside peer review is necessary. MCFN attached an agreement that covers the technical review and requested that CN fill out the additional required information and return a signed copy. Attachments: - DOCA Project Response Letter re Archaeological Review [2020].pdf - DOCA Project Response Letter re FLR Participation [2020].pdf - MCFN FLR Participation Agreement [2020].docx - DOCA Archaeological Review Agreement [2020].docx - MCFN Standards and Guidelines for Archaeology [2020].pdf

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/05/2020	Email - Outgoing	Mark LaForme	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	CN contacted MCFN to prepare for consultation that will be required as a part of the Project's conditions should the project be approved. CN provided a list of conditions where they are required to consult with MCFN based on the draft conditions. CN requested clarification as to who MCFN would like to be contacted when CN sends documents to be consulted on. CN enquired as to whether MCFN would like all of the documents sent at once or one document at a time, and whether MCFN prefers to provide written responses to the documents or a conference call to provide feedback verbally. CN noted that additional conditions may be included in the final approval when the decision is announced. CN noted that these additional conditions will also be included for consultation. CN noted that if there are items related to the approval and design that were not included that MCFN would like to provide feedback on, MCFN can reach out to CN. CN noted that information was previously provided regarding additional Stage 2 Archaeological work proposed for the project.
11/09/2020	Email - Incoming	Megan DeVries Mark LaForme Fawn Sault	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	MCFN acknowledged receipt of CN's November 5 email. MCFN will review the attached document and respond to CN. MCFN suggested a conference call to discuss these items. MCFN to respond to CN about how best to proceed.
11/09/2020	Email - Outgoing	Megan DeVries Mark LaForme Fawn Sault	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	CN responded to MCFN's November 9 email noting they look forward to hearing about next steps.
11/10/2020	Email - Outgoing	Megan DeVries Mark LaForme Fawn Sault	Chris Powell Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN provided a summary of the proposed offsetting plan and associated figures for the realignment of sections of Indian Creek and Tributary A required as part of the Project. Stantec noted that the provided design is generally in keeping with what was included in the Environmental Impact Statement with further refinements to benefit fish and fish habitat. This information was provided in anticipation of DFO's consultation process under the Fisheries Act but is intended to supplement, not replace, DFO's consultation process. Stantec noted that CN is interested in continuing to provide MCFN with the opportunity to express their opinions on the Project in the event that it is approved. CN intends to proceed with construction in 2021 if the Project is approved and subject to receipt of Fisheries Act Authorization and other permits and approvals.
11/17/2020	Email - Outgoing	Megan DeVries Mark LaForme Joelle Wiliams	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec followed up on their October 22, 2020 email regarding archaeology. Stantec noted that the field has been ploughed and they would like to begin the Stage 2 archaeological work on November 23. Stantec provided a meeting location and noted that the work will be a mix of pedestrian and test pit surveys. Stantec requested the contact information for the MCFN staff attending and noted PPE requirements.
11/17/2020	Email – Incoming	Megan DeVries Mark LaForme Joelle Wiliams	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	MCFN noted that they are awaiting the executed FLR participation agreement and asked that it be received before field work commences.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/20/2020	Email – Outgoing	Megan DeVries Mark LaForme Joelle Williams	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson Lucas Hillcoat (Stantec)	Stantec followed up on their November 17 email regarding archaeology and requested that the start date be moved out by one day to November 24 to accommodate for wet conditions in the forecast for November 22. Stantec provided the name and contact information for their Field Lead and noted that there would be 4-5 additional Stantec staff on site.
11/20/2020	Email – Incoming	Megan DeVries Mark LaForme Joelle Williams	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson Lucas Hillcoat	MCFN requested follow-up regarding the status of a FLR engagement agreement.
11/23/2020	Email – Incoming	Megan DeVries Mark LaForme Joelle Williams	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson Lucas Hillcoat	MCFN noted that as of October 12, 2020 they have discontinued FLR deployment to project worksites located in the GTA due to rising numbers of COVID-19 cases. MCFN requested that the consultant archaeologist submit a daily field report to MCFN using a provided webform instead.
12/17/2020	Email - Outgoing	Mark LaForme	Doug Devlin France Moreau Darren Reynolds Luanne Patterson	<p>CN thanked MCRN for the opportunity to discuss next steps and opportunities for the continued involvement of MCFN in the Project on December 11. CN noted they would like to confirm the following based on this discussion:</p> <ul style="list-style-type: none"> - CN is awaiting a decision by the Federal Minister of the Environment on the Project. CN has continued to progress planning and design work in anticipation of a positive outcome. CN is reaching out to various parties for input to consider in finalizing these plans. - CN will continue to coordinate through MCFN's DOCA team. - CN understands that MCRN has an interest in continuing to participate in the follow-up and monitoring programs that they have engaged with in the past. - CN understands that MCFN has an interest in the environmental aspects of the Project specifically relating to the creek realignments and restoration / naturalization. - CN will provide the following requested documents to MCFN for their review. <ul style="list-style-type: none"> o Channel Realignment Addendum and Stormwater Management Report o Wetland Habitat Replacement and Channel Realignment Drawings o Fish and Fish Habitat Offsetting Plan o Wildlife Management Plan o Archaeological Resources Protection Plan o Follow-up Programs, including: <ul style="list-style-type: none"> ▪ acoustic environment follow-up program ▪ air quality follow-up program ▪ fish and fish habitat follow-up program

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Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
				<ul style="list-style-type: none"> o Additional information to be provided once drafted and available include information pertaining to the following: <ul style="list-style-type: none"> ▪ Community Liaison Process ▪ Results of any supplemental archaeological work (stage 2AA) ▪ Accident and Malfunction Response Plan and associated Accident and Malfunction ▪ Communication Plan <p>CN noted that they look forward to continuing to consult with MCFN. CN stated that any comments provided by MCFN will be considered in updates to the relevant documents and addressed through ongoing discussions as CN prepares for 2021.</p>
01/14/2021	Email – Outgoing	Mark LaForme Megan DeVries Fawn Sault	Chris Powell Doug Devlin France Moreau Luanne Patterson Carol Naylor	CN followed up to its December 17, 2020 email to notify MCFN that new information (channel realignment and stormwater management reports with associated drawings, offsetting plan, wildlife management plan, archaeology protection plan, and the acoustic, air quality, and fish and fish habitat follow-up programs) had been uploaded to the SharePoint site.
02/01/2021	Email - Outgoing	Megan DeVries Mark LaForme	Parker Dickson Chris Powell	Stantec on behalf of CN provided MCFN with a Stage 1 Archaeological Assessment for a portion of Lower Base Line and a Stage 2 Archaeological Assessment for additional parcels within the Project footprint for review. Attachments: - dft_P256-0652-2020_01Feb2021 - dft_P256-0649-2020_01Feb2021
04/01/2021	Email – Incoming	Adrian Blake (MCFN)	Parker Dickson Chris Powell	MCFN responded to Stantec on behalf of CN's email on February 1, 2021. MCFN noted that it had no additional comments for the provided reports.
04/01/2021	Email – Outgoing	Adrian Blake	Parker Dickson Chris Powell	Stantec on behalf of CN acknowledged the receipt of MCFN's April 1, 2021 email.
06/09/2021	Email – Outgoing	Mark LaForme Fawn Sault	Danielle Van Huizen (Kirk and Co) Chris Powell Darren Reynolds	CN provided MCFN with documents for their review and comments as per the Final Conditions. These documents include the Accidents and Malfunctions Communication Plan and the DRAFT Community Liaison Communication Plan. CN sent two follow-up emails pertaining to this email on July 7, 2021, and July 30, 2021.
08/03/2021	Email – Incoming	Mark Laforme Fawn Sault	Danielle Van Huizen Chris Powell	MCFN stated that they had no comments on the two documents that CN provided in their June 9, 2021 email.
10/29/2021	Email – Outgoing	Fawn Sault	Danielle Van Huizen Luanne Patterson	CN provided MCFN with the proposed Accidents and Malfunctions Response Plan for their review and comments. Attachments: - AM Plan – Construction – Final Draft Oct 29 2021
11/16/2021	Email – Outgoing	Fawn Sault Katelyn LaForme	Danielle Van Huizen Luanne Patterson	CN requested a 30-minute meeting with the MCFN to discuss the Accidents and Malfunctions Plan. Following the 30-minute call, CN noted that the MCFN stated that they did not have the technical expertise to comment on the document; however, MCFN did indicate it is important MCFN is notified in the event there are any serious issues throughout construction/post construction. CN proposed a follow-up meeting for a non-technical review of the document.
11/17/2021	Email – Outgoing	Fawn Sault Katelyn LaForme	Danielle Van Huizen Luanne Patterson	CN acknowledged the MCFN's high-level review of the document and stated that CN would notify MCFN of any serious incidents should they occur at the Project.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/29/2021	Conference Call	Fawn Sault Katelyn LaForme	Luanne Patterson Danielle Van Huizen Darren Reynolds Chris Powell Elaine Little France Moreau	CN and MCFN walked through the Accidents and Malfunctions Plan via conference call. CN and MCFN discussed the main topics of the Plan, what each topic meant for the construction phase, and the types of scenarios in which CN would notify MCFN to report an incident. There were no actions as a result of the conference call.
01/04/2022	Letter – Outgoing (via email)	Fawn Sault	Darren Reynolds Danielle Van Huizen	CN provided MCFN with a letter regarding a potential Project component change. Attachments: <ul style="list-style-type: none"> - LTR MCFN SCP 2022-01-04 - LTR Fig01 SCP Original 2021-12-23 - LTR Fig02 SCP Proposed 2021-12-23
Six Nations of the Grand River (SNGR)				
10/22/2020	Email - Outgoing	Tanya Hill-Montour (SNGR) Lonny Bomberry (SNGR) Dawn LaForme (SNGR)	Parker Dickson (Stantec) Chris Powell (Stantec) Doug Devlin (CN) Leslie Hobson-Wilson (CN) France Moreau (CN) Darren Reynolds (CN) Luanne Patterson (CN)	Stantec on behalf of CN noted that they are completing an additional Stage 2 archaeological assessment on lands potentially needed to support construction of CN's Milton Logistics Hub. Stantec requested that representatives from Six Nations of the Grand River join Stantec's archaeological team during field work. Stantec did not have a specific date confirmed but would reach back out once the date has been confirmed.
10/23/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	SNGR responded to Stantec's October 22 email and noted that they had previously sent a monitor agreement to CN but have not received the signed agreement back. SNGR attached the monitor agreement and noted that it needs to be signed and sent back for processing before monitoring can proceed. Attachment: <ul style="list-style-type: none"> - 2020 Arch Monitor Agreement for One Monitor
10/23/2020	Email - Outgoing	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec responded to SNGR's October 23 email and noted they would follow up internally and respond.
11/05/2020	Email - Outgoing	Lonny Bomberry	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	CN contacted Six Nations to prepare for consultation that will be required as a part of the Project's conditions should the project be approved. CN provided a list of conditions where they are required to consult with Six Nations based on the draft conditions. CN requested clarification as to who Six Nations would like to be contacted when CN sends documents to be consulted on. CN enquired as to whether Six Nations would like all of the documents sent at once or one document at a time, and whether Six Nations prefers to provide written responses to the documents or a conference call to provide feedback verbally. CN noted that additional conditions may be included in the final approval when the decision is announced. CN noted that these additional conditions will also be included for consultation. CN noted that if there are items related to the approval and design that were not included that Six Nations would like to provide feedback on, Six Nations can reach out to CN. CN noted that information was previously provided regarding additional Stage 2 Archaeological work proposed for the project.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
11/05/2020	Email - Outgoing	Lonny Bomberry	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	CN provided attachment that was missing from the original email sent earlier today.
11/05/2020	Email - Incoming	Robin Linn (SNGR) Lonny Bomberry	Doug Devlin	SNGR responded to CN's November 5 email noting that they will discuss CN's consultation request during their team meeting on November 13 and respond to CN.
11/10/2020	Email - Outgoing	Robin Linn Lonny Bomberry	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN provided a summary of the proposed offsetting plan and associated figures for the realignment of sections of Indian Creek and Tributary A required as part of the Project. Stantec noted that the provided design is generally in keeping with what was included in the Environmental Impact Statement with further refinements to benefit fish and fish habitat. This information was provided in anticipation of DFO's consultation process under the Fisheries Act but is intended to supplement, not replace, DFO's consultation process. Stantec noted that CN is interested in continuing to provide SNGR with the opportunity to express their opinions on the Project in the event that it is approved. CN intends to proceed with construction in 2021 if the Project is approved and subject to receipt of Fisheries Act Authorization and other permits and approvals.
11/17/2020	Email - Outgoing	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec followed up on their October 22, 2020 email regarding archaeology. Stantec noted that the field has been ploughed and they would like to begin the Stage 2 archaeological work on November 23. Stantec provided a meeting location and noted that the work will be a mix of pedestrian and test pit surveys. Stantec requested the contact information for the SNGR staff attending and noted PPE requirements.
11/17/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	SNGR acknowledged receipt of Stantec's November 17 email.
11/17/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	SNGR requested that Stantec/CN follow up with the signed Archaeology Monitor Agreement provided by SNGR.
11/20/2020	Email - Outgoing	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec followed up on their November 17 email regarding archaeology and requested that the start date be moved out by one day to November 24 to accommodate for wet conditions in the forecast for November 22. Stantec provided the name and contact information for their Field Lead and noted that there would be 4-5 additional Stantec staff on site.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
			Lucas Hillcoat (Stantec)	
11/20/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson	SNGR stated that the new date worked, and that they would confirm that the Archaeology Monitor Agreement is in place.
11/20/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson	SNGR noted that they are awaiting the signed Archaeology Monitor Agreement.
11/20/2020	Email – Outgoing	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec noted that they understand from CN that an agreement is in place or will be in place to support the work. Stantec included the project team in order to confirm this.
11/20/2020	Email - Incoming	Tanya Hill-Montour Lonny Bomberry Dawn LaForme	Parker Dickson Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	SNGR thanked Stantec for their response.
12/03/2020	Email - Outgoing	Robin Linn Lonny Bomberry	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN followed up to determine the outcome of the Consultation and Accommodation Team meeting on November 13. Stantec noted that they could provide a Project update and discuss possible next steps. Stantec noted that CN has progressed the design details of the Project, including follow-up and monitoring programs that will be put in place. Stantec also wanted to confirm that SNGR was able to access the summary of the offsetting plan for the works in Indian Creek and Tributary A provided on November 10 and enquired as to whether the team had any questions.
12/03/2020	Email - Incoming	Robin Linn Lonny Bomberry Phil Monture (SNGR) Jen Mt.Pleasant (SNGR) Tanya Hill-Montour Dawn Russell	Chris Powell Doug Devlin Leslie Hobson-Wilson France Moreau Darren Reynolds Luanne Patterson	SNGR confirmed that they received the information regarding the offsetting plan for the works in Indian Creek and Tributary A. SNGR requested that all correspondence be directed to Robin Linn who will follow up with the Consultation and Accommodation Team as needed. SNGR noted that they will discuss matters as a team unless they feel a meeting is needed with CN. SNGR noted that a project update meeting can be held in the new year.
01/14/2021	Email – Outgoing	Robin Linn Lonny Bomberry Phil Monture Jen Mt.Pleasant Tanya Hill-Montour Dawn Russell	Chris Powell Doug Devlin France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN followed up on SNGR's December 3 rd email in order to arrange a Project update meeting. Stantec noted that the purpose of the call would be to discuss next steps and a method for sharing information with SNGR in accordance with the potential conditions of approval for the Project and as part of on-going consultation between CN and SNGR. Stantec suggested several meeting dates and requested SNGR respond with the time that works best for them.

ABORIGINAL COMMUNITY CORRESPONDENCE – POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
01/15/2021	Email - Incoming	Robin Linn Lonny Bomberry Phil Monture Jen Mt.Pleasant Tanya Hill-Montour Dawn Russell	Chris Powell Doug Devlin France Moreau Darren Reynolds Luanne Patterson	SNGR responded that as the Project has not been approved by the Federal Minister of the Environment, the update meeting should be with Robin Linn who will then take any information that needs a decision to the Consultation and Accommodation team as necessary.
01/15/2021	Email - Outgoing	Robin Linn Lonny Bomberry Phil Monture Jen Mt.Pleasant Tanya Hill-Montour Dawn Russell	Chris Powell Doug Devlin France Moreau Darren Reynolds Luanne Patterson	Stantec on behalf of CN responded that they will send a meeting invitation so that Robin Linn, Chris Powell, and Doug Devlin can have an update call on January 18.
01/15/2021	Email - Outgoing	Robin Linn	Chris Powell Doug Devlin	Stantec on behalf of CN sent a conference call meeting invitation for January 18. Stantec noted that the call's purpose is to discuss a Project update, next steps, and a method for sharing information with SNGR in accordance with potential conditions for the Project and as a part of ongoing consultation between CN and SNGR.
02/01/2021	Email - Outgoing	Tanya Hill-Montour	Parker Dickson Chris Powell	Stantec on behalf of CN provided SNGR with a Stage 1 Archaeological Assessment for a portion of Lower Base Line and a Stage 2 Archaeological Assessment for additional parcels within the Project footprint for review. Attachments: - dft_P256-0652-2020_01Feb2021 - dft_P256-0649-2020_01Feb2021
02/05/2021	Email – Incoming	Tanya Hill-Montour	Parker Dickson Chris Powell	SNGR responded to Stantec's February 1 st email confirming receipt of the CN Archaeology 2020- CN Milton Hub stage 1 and stage 2 reports with no additional comments or concerns at this time.
02/23/2021	Email - Outgoing	Robin Linn Lonny Bomberry	Doug Devlin	CN thanked SNGR for the opportunity to meet on January 18, 2021 and discuss the project. CN noted that since the meeting, the Minister of the Environment approved the Project along with a set of conditions. CN noted that design work has continued, and CN has initiated discussions with various parties, including SNGR, to share information. CN noted that SNGR has an interest in continuing to participate in archaeological monitoring programs along with follow-up programs related to the protection of air quality and the natural environment. CN noted that Stantec is available to review and summarize any materials provided and clarify as needed. Documents have been uploaded to a SharePoint site so that SNGR can download information for review. Additional information will be provided once drafted related to the community liaison process, results of supplemental archaeological work, and the accident and malfunction response plan.
03/08/2021	Email – Outgoing	Robin Linn Lonny Bomberry	Chris Powell Doug Devlin	CN followed up to its February 23, 2021 email to notify SNGR that new information (channel realignment and stormwater management reports with associated drawings, offsetting plan, wildlife management plan, archaeology protection plan, and the acoustic, air quality, and fish and fish habitat follow-up programs) had been uploaded to the SharePoint site.
10/29/2021	Email – Outgoing	Robbin Vanstone	Danielle Van Huizen Luanne Patterson	CN provided SNGR with the proposed Accidents and Malfunctions Response Plan for their review and comments. Attachments: - AM Plan – Construction – Final Draft Oct 29 2021
01/04/2022	Letter – Outgoing (via email)	Robbin Vanstone	Darren Reynolds Danielle Van Huizen	CN provided SNGR with a letter regarding a potential Project component change.
01/07/2022	Email – Incoming	Robbin Vanstone	Darren Reynolds Danielle Van Huizen	SNGR indicated that the information in the letter was sufficient and are pleased the pipeline reconfiguration results in less impacts. SNGR reiterated their interest in being notified if any issues arise, particularly with any archaeological finds.

**APPENDIX 3A
CONSIDERATION OF VIEWS AND
INFORMATION RECEIVED**

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 3.1: Communication List			
Public	May 26 to June 30, 2021	<p><i>CN requested confirmation of which groups should be added or confirmed in the list of Potentially Affected Parties, which included:</i></p> <p>confirmed in the list of Potentially Affected Parties:</p> <ul style="list-style-type: none"> • <i>Halton Environmental Network and Sustainable Milton</i> • <i>All local school boards including Halton District School Board and the Halton Catholic District School Board</i> • <i>Local elected officials of all levels of government</i> • <i>Milton Transit and local cycling groups</i> • <i>Milton Chamber of Commerce and Milton's Downtown Business Improvement Area (BIA)</i> • <i>Milton Says No and Milton Residents Against Intermodal Lines (RAIL)</i> 	Based on input from the community, the identified groups were added or confirmed in the list of Potentially Affected Parties.
Condition 3.2: Community Liaison Communication Process			
Public	May 26 to June 30, 2021	<p><i>During the posted consultation period for the Community Liaison Communication Process, 69 responses were received based on the objections of the process, and were grouped into the following:</i></p> <ol style="list-style-type: none"> 1. <i>Input from the community supported sharing information and providing feedback by email (2.2.1 c), through independent third-party facilitation of information and feedback exchange (Appendix 2), through engagement with local government officials (2.2.1 f), via fact sheets and other notices (2.2.1 a), through direct social media engagement (2.2.2 g), through direct door-to-door engagement (2.2.1 e), and online via the project website at CNMilton.ca (2.2.1 a).</i> 2. <i>Some feedback also suggested translating materials into other languages commonly used in the Milton area.</i> 3. <i>Input from the community supported documenting and addressing feedback by email and newsletters and with social media engagement.</i> 4. <i>Expanding the definition of the scope of the Committee to include the members' role in facilitating ongoing dialogue between the community and local organizations and interest groups and CN.</i> 	<ol style="list-style-type: none"> 1. This is consistent with the approach being proposed in this section. 2. CN considered this input and has added making information about key documents available in other languages commonly used in the community into this plan. CN will share information with Parties and the wider community in a number of ways. Recognizing that some methods will be more effective for sharing certain kinds of information, and may be more accessible to some parties than others, CN will discuss appropriate methods for information-sharing with the Community Consultation Committee. Information about key documents will be available in other languages commonly used in the community. 3. CN is committed to sharing its regular reports, including how feedback has been considered and addressed, online and by email to the project email list. This is consistent with the written process. 4. Extending the term limit for community members to two years, with reappointment at the discretion of the Co-Facilitators. Consideration of the carbon footprint associated with the work in order to become as waste free and carbon neutral as possible.
MCFN	August 3, 2021	<i>No comments or concerns with the material.</i>	

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 4.4: Amber-Coloured Light Feasibility			
TC1	January 20, 2021	<p><i>The subject of lighting is an occupational health and safety matter regarding railway employees who will be working at the proposed logistics hub. Lighting requirements for these employees are set out in the On Board Trains Occupational Health and Safety Regulations (overseen by Transport Canada on behalf of Labour Canada) and the Canada Occupational Health and Safety Regulations, both of which fall under the Canada Labour Code, Part II. These regulations describe the minimum levels of lighting but do not address the matter of color.</i></p> <p><i>Transport Canada has nil comment on the safety implications of amber versus white light. In reviewing the consultant's report, we have no reason to question the validity of their conclusions with respect to the colour of lighting used in the yard. Given CN is responsible for the health and safety of its employees, the company must take all measures it determines are necessary to ensure their safety, including providing sufficient lighting.</i></p> <p><i>Finally, as Labour Canada is responsible for the content of these regulations, you may wish to consult with Brenda Baxter, Director General, Workplace Directorate at Labour Canada on this matter to see whether they have access to expertise in lighting who may be able to comment on the safety implications of amber versus white light. She can be reached at 819-654-4410 or brenda.baxter@labour-travail.gc.ca</i></p>	<p>CN scheduled a call with Brenda Baxter from Labour Canada on January 22, 2021 to discuss the amber light report and recommendation by Transport Canada to seek their input on this issue.</p>
LC1	May 6, 2021 (phone call)	<p><i>Through our review of the documentation submitted, Part 6 and Part 19 of the Canada Occupational Health and Safety Regulations (Regulations) would apply for this circumstance. Part 6 speaks to the lighting requirements in federally regulated workplaces and Part 19 speaks to the employers obligations to assess all hazards in the work place and mitigate all risks to employees. Unfortunately, Part 6 of the COHSR does not address amber lighting or speak to the employers requirement to evaluate amber lighting. Section 6.10 speak to the requirements for Emergency Lighting. Canada Occupational Health and Safety Regulations (justice.gc.ca). I have attached a link to this section of the Regulations so that you can confirm that the project meets the minimum standards of lighting and standards for emergency lighting. Section 6.11 speaks to the minimum levels of lighting and Schedule I at the end of this part outlines the minimum levels of lighting for various areas including service areas, warehouses, manufacturing and processing areas, building exteriors etc. Please review these sections to ensure that the lighting requirements meet these standards to ensure compliance with the Canada Labour Code (CLC) and Regulations.</i></p> <p><i>Section 19.4 specifically requires CN to identify and assess all hazards in the work place, with consultation from the health and safety representative, committee or policy committee. Canada Occupational Health and Safety Regulations (justice.gc.ca). Section 19.5 of the Regulations speaks to the employers requirement to implement preventative measures to mitigate the risk to employees.</i></p> <p><i>As long as CN has assessed all hazards associated with the CN Milton Project with consultation from the health and safety representative or committee, has subsequently put preventative measures in place to address all risks and reduce the likelihood of injury or illness to employees, then CN would be in compliance with Part 19 of the Regulations. Similarly, as long as CN ensures that the minimum levels of lighting specific in Part 6 are adhered to and that all emergency lighting standards prescribed in Part 6 are met, then CN would be in compliance with this part of the Regulations.</i></p> <p><i>The lighting comparison study completed by Aecom Canada is very detailed. This is confirmation that the Labour Program has nothing further to add to this report. As long as the requirements outlined in Part 6 and Part 19 of the Regulations are adhered to, then CN would be in compliance with the Regulations for the CN Milton Project.</i></p>	<p><u>Response provided to LC on May 6, 2021 (phone call):</u></p> <p>CN confirmed that they have assessed all of the hazards associated with the Milton Project and the assessment was completed with consultation from the health and safety committee.</p> <p>CN will comply with the Canada Occupational Health and Safety Regulations and the Canada Labour Code as required through design and operations of the Terminal.</p>

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 4.5: Ambient Light Follow-up Program			
TC2	September 22, 2021	<i>Provided CN Rail complies with the minimum lux requirements for illumination found in the schedules of the On-Board Trains Occupational Health and Safety Regulations, and the Canadian Occupational Health and Safety Regulations based on activity at this location, Transport Canada would not take exception to the current proposal.</i>	Noted.
Milton	-	<i>No comments / response received.</i>	
Condition 4.7: Noise Communication Protocol			
Milton	-	<i>No comments / response received.</i>	
Public		<i>No comments related to the Noise Communication Protocol received via the website posting/request for input.</i>	
CCC-03		<i>Has the placement of berms changed from the 2015 initial renderings that showed them surrounding the site? If so, why? Can the placement of berms be reconsidered to mitigate against noise and visual impacts?</i>	<u>Response provided to CCC on December 2, 2021:</u> The placement and design of noise barriers, including noise berms and walls, has been refined during the detailed design process and will be located where necessary to ensure noise from the Designated Project meets the thresholds specified in the conditions of approval in the federal Decision Statement. A noise follow-up program will be undertaken, as per the conditions, to evaluate the effectiveness of the mitigation. The noise barriers will also serve to mitigate visual effects, as assessed during the environmental assessment (EA).
CCC-04		<i>Does it make sense to include a CCC email under 3d) that members of the public could use to provide feedback to us.</i>	<u>Response provided to CCC on December 2, 2021:</u> Community members are welcome to share concerns of any type with CCC members. An email has been set up: contactmiltonccc@gmail.com With respect to noise, CN is required to respond to noise concerns within 48 hours, it is important that communication on noise topics be directed to CN as soon as possible so we can start the review process quickly.
CCC-05		<i>Under point 7 (Reporting Feedback), although the info will be accessible to the CCC on the CN website, could the CCC receive those reports directly, just as the Town, the IAAC and other "potentially affected parties" are?</i>	<u>Response provided to CCC on December 2, 2021:</u> CN will update the CCC regarding reportable incidents at each CCC meeting.
CCC-06		<i>What is the process once all CN's follow-up and mitigation efforts have been implemented and the community is dissatisfied and whether there is a mechanism or agency to hold CN accountable to reconcile community concerns.</i>	<u>Response provided to CCC on December 2, 2021:</u> CN to reach out to IAAC for information on compliance requirements that can be shared with the CCC. Per the Minister's Decision Statement, CN is legally required to meet all conditions, including the noise thresholds of no greater than 1 to 5 change in dB as well as no greater than 6.5% change in %HA. CN takes these conditions seriously and intends to meet all conditions and are working with design team to ensure the structures function as intended. CN is required to submit documentation to IAAC to demonstrate compliance with conditions. The implementation of follow-up programs may entail further adaptive management, including adding or adjusting measures in operation to remain compliant. CN is working to be compliant with all conditions on the Project, working with stakeholders and this Committee. With respect to fines/actions for non-compliance, IAAC should speak to that and can address those questions and concerns at a future meeting.

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
CCC-07		<p><i>Is the three strike policy for the truck , the driver or both? So the financial burden and responsibility to enforce safety with the truck will be address by CN on the yard but the Town and Region will burden the costs associated. Will CN contribute to the police to add staff?</i></p> <p><i>Slide 2: That would be the 20% that CN owns and not the 80% by private trucks which very likely clearly have significant impact. Will CN take responsibility mitigate those issues?</i></p>	<p><u>Response provided to CCC on December 2, 2021:</u></p> <p>The three strikes policy applies to both the driver and the truck. CN does monitor the trucking firm as well. If there are consistent issues or concerns with a particular fleet, CN can work with that organization to address those issues. CN works with its trucking partners to minimize impacts on the community. We meet with our trucking partners on a regular basis and ensure they are aware of specific local protocols. All trucks are required to abide by the road rules in place, such as speed limits, use of engine brakes, etc. Rules and procedures will be in place within the terminal and all trucks must abide by the rules within our facility and our employees/CN Police will monitor this behavior. We have cameras, inspection portals with emissions monitoring to monitor the condition of equipment/trucks coming in/out of the property.</p> <p>A future meeting could cover the process of trucks and driver activity on site. Participants on the October 23 tour had a firsthand look at our Brampton facility.</p> <p>Outside the facility, enforcement of provincial and municipal legislation and regulation on provincial and municipal roads is the responsibility of those levels of government. Project-related traffic will comprise a relatively small (0.75 to 1.5% increase in heavy vehicles) number of the total vehicles added to local roads. In their report, the Review Panel noted that a maximum of 800 trucks entering and exiting the facility per day is a small percentage compared to the several thousand vehicles per hour currently on Milton roads.</p> <p>CN has contributed \$6.5 million in property taxes over the past 20 years and will contribute approximately \$1 million per year in property taxes (and attract development that would generate \$130-213 million in property taxes and \$36-74 million in development charges). The Project itself will use limited municipal services and infrastructure.</p> <p>CN works with local EMS training and equipment and in the event that local EMS is required to respond to an accident or malfunction on the project site, CN is committed to cover these costs as they do across their entire network.</p>
CCC-08		<p><i>Slide 3 (and relates to 4): Are generators required or can solar technology be used to power the equipment to reduce emissions and noise?</i></p>	<p><u>Response provided to CCC on December 2, 2021:</u></p> <p>Generators are important components of maintaining the integrity of goods being transported in heated or cooled containers. These generators are efficient and work to maintain critical temperatures of many containers as they plug into these generators to prevent each container from having to run their own engines while awaiting pickup at the Terminal. These generators must also have a noise output of 107 dBA or less as per CN's commitment during the Panel hearing to reduce the noise levels. The concept of solar technology is a good point, and while it is not feasible to integrate on the generators, it is an element that CN can/will incorporate into the building with rooftop solar panels.</p>
CCC-09		<p><i>Perhaps arrangements for families to relocate during these times may be necessary. Will CN absorb the cost for this as required?</i></p> <p><i>There are numerous examples where residents have complained about noise issues from rail yard activity and residents were ignored.</i></p> <p><i>Why not be proactive and set something up ahead of time to avoid the stress and conflict.</i></p>	<p><u>Response provided to CCC on December 2, 2021:</u></p> <p>The mitigation measures planned during the construction phase will meet noise thresholds as required by the Conditions. If they do not, CN will implement adaptive management strategies to ensure the noise levels are maintained within the specified thresholds.</p>

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
CCC-10		<i>Slide 6: What is the time frame expected between the first 4 weeks and operation at full capacity? If it will be an extended or considerable time, perhaps continuous monitoring should be enforced to show increase or changes in disturbance levels.</i>	<u>Response provided to CCC on December 2, 2021:</u> The time between facility opening and operating at full capacity is unknown, however CN will be ensuring the noise monitoring is completed in compliance with the Conditions. Since CN is required to track the number of trucks and containers utilizing the facility, we will know when full capacity is reached or approaching those levels and will be able to implement the monitoring frequency and timing as required.
Condition 4.9: Noise Complaints Protocol (as outlined in the Noise Communication Protocol)			
Milton	-	<i>No comments / response received.</i>	
Public		<i>No comments related to the Noise Complaints Protocol received via the website posting/request for input. It was also circulated to the Community Consultation Committee</i>	
Condition 4.10: Acoustic Follow-up Program			
ECCC1	August 10, 2020	<i>Please note that ECCC will not be reviewing the draft FUP on noise as these subjects do not fall under ECCC's mandate.</i>	Noted.
HC-AC-01	August 17, 2020	<i>The proponent requested a review on the Follow Up Program (FUP) even if the minister's decision on the project is pending. Health Canada suggests that the proponent consider the following responsibility: The proponent is responsible for ensuring that the FUP meets the requirements of the final environmental assessment (EA) conditions should the project proceed.</i>	<u>Response provided to HC on January 20, 2021:</u> CN acknowledges that they are responsible for meeting the requirements of the final EA conditions once issued, should the project be approved. CN will consider the comments provided by Health Canada in updating the Follow-up Program for Noise in this regard.
HC-AC-02	August 17, 2020	<i>To calculate the rated Ldn and a change in %HA, it is recommended that all relevant noise adjustments (e.g., tonal and/or impulsive noise, time of day, quiet rural area, etc.) be applied in baseline and future predicted noise levels. Health Canada suggests that the proponent consider the following revision: Apply any applicable noise adjustments as per ISO 1996-1:2016 and Health Canada's guidance (2017). International Organization for Standardization. 2016. ISO 1996-1:2016 Acoustics — Description, measurement and assessment of environmental noise — Part 1: Basic quantities and assessment procedures. Health Canada. 2017. Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE</i>	<u>Response provided to HC on January 20, 2021:</u> No additional baseline data collection is required. CN will be conducting monitoring in the field during both construction and operation to verify the predictions made during the completion of the EIS and subsequent information request responses (for which adjustments were applied). The proposed monitoring will measure the actual acoustic levels in the field for comparison against the predictions, and as a result, no penalties will need to be applied per ISO 1996-1:2016 and Health Canada's guidance (2017).

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HC-AC-03	August 17, 2020	<p><i>Community annoyance and sleep disturbance will be assessed based solely on the measured sound levels and noise criteria identified in Sections 3.1 and 4.1 of the FUP. It remains unclear whether community complaints will be considered as a supplementary noise criterion and whether the proponent's "complaint response protocol" will include additional monitoring and mitigation measures.</i></p> <p><i>Health Canada also recommends that the proponent engage the community in advance of any particularly noisy activities, especially if they are expected to occur during the evening or overnight hours. It's recommended that the proponent include a plan to engage the community, to provide information to the public and to provide a venue to receive and respond to any public concerns.</i></p> <p><i>Health Canada expects that all municipal and provincial noise guidelines/by-laws will be respected with this project and that the appropriate authorities have been consulted and are in concurrence with the expected increases in noise levels during construction, operation, decommissioning and post-project phases as described in the EIS Environmental Impact Statement and supporting documentation.</i></p> <p><i>Health Canada suggests that the proponent consider the following revisions:</i></p> <p><i>a) Include noise complaints as a supplementary criterion to the estimated magnitude of complaints (e.g., calculated change in %HA) to develop additional monitoring and mitigation measures, should annoyance and sleep-related complaints be received.</i></p> <p><i>b) Develop a noise communication plan as part of community engagement to inform the community of potential project activities that may cause annoyance and sleep disturbance, and to receive public concerns. Ensure that project activities are in compliance with all municipal and provincial noise guidelines/by-laws.</i></p>	<p><u>Response provided to HC on January 20, 2021:</u></p> <p>a) As noted in the FUP for Noise, CN will monitor and document any noise complaints received during construction and will respond in accordance with their complaint response protocol. Such complaints will be used to target further review of noise levels and corresponding construction activities to explore whether such activities are responsible for specific exceedances. The monitoring is proposed during construction and operation, and will be used to inform a determination on the effectiveness of mitigation measures and need for on-going monitoring on a case by case basis. The results of the FUP will be compared against the federal Health Canada and FTA guidance as presented during the EA process. Verification against these criteria will be completed as part of the FUP.</p> <p>To clarify, the FUP for Noise will be updated to include recognition that community complaints will be considered during the analysis of monitoring results.</p> <p>The complaint response protocol, which is separate from the FUP for Noise (i.e., pertains to all aspects of the Project, not just noise) will function in parallel (and will inform) to the monitoring program. The complaints response protocol will be developed as per the conditions of approval. Community complaints relating to noise will be documented, considered and addressed through the Community Liaison Communication (CLC) Process (Section 3 of the draft conditions).</p> <p>While not specifically listed in the draft conditions, CN will include Health Canada on the correspondence regarding development of the CLC process should you wish to advise.</p> <p>b) A communication protocol is proposed during the construction stage of the project, which will be developed as part of the CLC process in accordance with Draft Condition 4.7. This includes communication in regard to the overall construction schedule (4.7.1), and specifically regarding proposed night-time activities (4.7.2). As noted, CN will include Health Canada on correspondence regarding development of the CLC process.</p>
HC-AC-03	March 15, 2021	<p>In response to CN's response to HC-AC-03</p> <p><i>To address potential adverse noise effects on receptors along haul routes, Health Canada recommends the proponent consider the following technical guidance:</i></p> <p><i>In the event of recurrent public complaints at receptor locations along the haul route, traffic counts at the truck entrance/exit of the project site may be considered as a means to investigate noise impacts of the project-associated truck traffic. The duration of traffic counts should be no less than 24 hours, and should be representative of the project-phase(s) when both day and night traffic volumes are expected to be highest. This information would be useful to determine whether noise complaints are linked to project-related truck traffic, and if necessary, assist in the implementation of additional mitigation measures to reduce annoyance and complaints along the haul routes. Mitigation for haul road traffic may include (to the extent possible), changing truck traffic schedules, avoiding truck traffic on nights and weekends, and posting recommended preferred traffic routes for trucks that are exiting the facility. In addition, the proponent is also encouraged to cooperate with the City of Milton and local police to identify any preferred truck routing to minimize noise-related impacts for those receptors along haul routes.</i></p>	<p><u>Response provided to HC on Apr 26, 2021:</u></p> <p>As required to demonstrate compliance with Decision Statement condition 4.20.1, daily truck counts will be undertaken for the Project during operations. This information will be utilized, as identified in the Adaptive Management sections of the Acoustic Environment Follow-up program, to identify additional mitigation measures, as applicable, as part of the noise compliant resolution process.</p> <p>Section 2.0 Program Design Considerations of the Acoustic Environment Follow-up Program has been revised to include reference to consultation through the community liaison communication process to address any concerns related to noise raised by the local community.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HC-AC-04	August 17, 2020	<p>Noise monitoring locations for construction and operations include the ten locations identified in the Noise Baseline Technical Data report (EIS Appendix E.9). However, these noise monitoring locations do not comprise receptors along the haul routes. Health Canada recommends the inclusion of receptors along haul routes in the follow-up monitoring to evaluate annoyance and potential sleep impacts, as well as in the complaints resolution process.</p> <p>Health Canada suggests that the proponent consider the following revision: Include receptors along haul routes in the noise monitoring and complaints resolution process.</p>	<p><u>Response provided to HC on January 20, 2021:</u> While an assessment of potential noise effects along haul routes was completed and provided to the Panel as information, the haul routes and associated truck traffic are not considered part of the Project. The FUP for Noise is intended to address the effects of the Project as defined, specifically based on noise that is attributed to the Project components and activities (i.e., terminal construction and operation). It is not designed nor intended to monitor noise levels along the various haul routes.</p> <p>Trucks moving to and from the Project location along these routes would be following existing public roadways that are designed to accommodate all road traffic, including trucks. Project-related vehicles would comprise only a small proportion of the total traffic on these roads. Distinguishing between Project and non-Project related vehicles and corresponding noise levels along these routes would not be feasible. Further, with the exception of CNTL trucks, these vehicles would be operating outside the care and control of CN for which the ability to implement additional mitigation to address road noise would be limited. As such, while consideration has been given to this suggestion, no additional monitoring locations are proposed.</p>
HC-AC-04	March 15, 2021	<p>In response to CN's response to HC-AC-04</p> <p>The Decision Statement Condition 3.2 requires that the proponent develop a community liaison communication (CLC) process as a means to identify and address potential impacts of truck traffic on the community.</p> <p>Health Canada reiterates its recommendation to include receptors along haul routes in the noise monitoring. Health Canada is still of the view that this approach can serve as one of the most effective ways to address potential noise impacts of the Project-associated truck traffic on all potentially affected human receptors.</p> <p>Alternatively, Health Canada recommends the proponent consider the truck traffic counts and additional mitigation measures as part of the CLC and noise complaint resolution processes as per the guidance provided in Health Canada's response above (HC-AC-03).</p>	<p><u>Response provided to HC on April 26, 2021:</u></p> <p>As part of the noise compliant process, identification information specific to the offending truck(s) (identification number, licence plate number, trailer number, etc.) will be requested to be provided as part of the noise compliant report, to provide a mechanism by which truck noise could be attributed to the Project. The noise compliant process will be communicated through the community liaison communication process.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HC-AC-05	August 17, 2020	<p><i>It is unclear how the results of the four consecutive weeks of monitoring during construction and operations will be evaluated in consideration of seasonal differences of weather conditions (e.g., temperature, wind speed, wind direction, snow cover, etc.) that may have substantial effects on the monitoring outcomes.</i></p> <p><i>It also remains unclear how the "one-minute noise levels" will be obtained. Depending on how the one-minute noise levels are obtained, the measurements may not accurately capture specific short-term (i.e. less than one minute) impulsive or highly impulsive sounds, and therefore the "trigger level" may not be exceeded. In this situation, the community may experience annoyance and/or sleep disturbance, however, the proponent would not be required to provide further monitoring or additional mitigation measures based on the proposed methods.</i></p> <p><i>Health Canada suggests that the proponent consider the following revisions:</i></p> <p><i>a) Revise the FUP in consideration of potential uncertainties associated with seasonal weather differences.</i></p> <p><i>b) Clarify how the "one-minute noise levels" will be obtained and whether the measured levels can accurately capture short-term impulsive and highly impulsive sounds.</i></p>	<p><u>Response provided to HC on January 20, 2021:</u></p> <p>a) With respect to seasonality and the potential uncertainties associated with seasonal weather differences, we suggest that such differences are negligible. During construction, the FUP for Noise is designed to target the busiest period of activity during each of the different phases of construction, with the intent of measurements be taken during the worst operable times during construction (i.e., highest activity periods). It is anticipated that seasonality would have less of an effect on observed noise levels using this approach. During operations, the 4 week period of monitoring could be scheduled during the winter months to address this suggestion; however, it is expected that there would be less representative data during the winter months due to increased occurrences of inclement weather and less construction activity. If the highest activity period of one of the phases of construction occurs during the winter months, the FUP would allow for this monitoring to occur at this time. As such, rather than amending the FUP for Noise to target monitoring activities during the winter months, we propose that the FUP for Noise remain flexible to target the highest activity periods regardless of when they occur as this will provide a more representative account of the effects of the project relative to ambient conditions.</p> <p>b) In regard to the one-minute noise levels, the FUP for Noise will use monitoring equipment that, on a one-minute basis, will capture the noise level during that period (Leq 1min dBA), as well as statistical noise levels (L90, L10, Lmin, Lmax, dBAI) and any audio that goes above a specified trigger level. With this one-minute data set, we expect to capture any impulsive or highly impulsive sounds and identify them with the audio capture and identify their specific impacts with the supporting statistical noise levels (Lmax, dBI).</p> <p>Though shorter timeframes are possible (i.e., down to 1-second captures), our experience on other long-term monitoring projects of this type suggests that the additional data collection and corresponding analysis does not provide an improvement in data quality or results. The proposed method will capture impulsive noise events and highly impulsive sounds. However, if during the monitoring process it is found that additional refinement of the monitoring time is required, this can be accommodated with the equipment used for the follow up program.</p>
MECP-35	July 22, 2021	<p><i>The noise report incorporated the noise criteria of the US Federal Transit Administration (Transit Noise and Vibration Impact Assessment, 2006) and Health Canada (Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise, 2017. Healthy Environments and Consumer Safety Branch, Health Canada). The noise criteria of these authorities are not comparable to the Provincial noise criteria in Publications NPC-115 / NPC-118 (construction noise) and Publication NPC-300 (operation noise). Therefore, compliance with the Provincial noise criteria is not established for this project.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As required by Condition 4.6 of the federal decision statement for the project, the Designated Project shall manage noise throughout all phases to change less than one to five decibels, as set out in the U.S. Federal Transit Administration's <i>Transit Noise and Vibration Impact Assessment Manual</i>, and the level of highly annoyed to change by no more than 6.5%, as set out in Health Canada's <i>Guidance for Evaluating Human Health Impacts for Environmental Assessment: NOISE</i>.</p>
Milton	-	No comments / response received.	
CTA	December 7, 2021	Further to our discussion, we have reviewed CN's noise follow-up program as it relates to Condition 4.10 of the Decision Statement and have no comments to provide.	
MCFN		No comments on the Noise FUP	
Six Nations		No comments on the Noise FUP	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 4.16: Air Pollutant Emissions Reduction Plan - Trucks			
ECCC-T-01	May 31, 2021	<p><i>Air Quality Follow-up Program Section 5.3.3 Terminal Entry Gate Truck High Emissions Screening, Page 17:</i></p> <p><i>The purpose of Condition 4.16 of the Decision Statement is to develop and implement "an air pollutant and greenhouse gas emissions reduction plan to encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the Designated Project."</i></p> <p><i>Remove Section 5.3.3 from this follow-up program and include in the draft reduction plan required under Condition 4.16.</i></p>	<p><u>Response provided to ECCC on XXXX, 2021:</u></p> <p>The references to the Terminal Entry Gate Truck High Emissions Screening, as was included in the previous Section 5.3.3, will be removed from the Air Quality Follow-up Program.</p>
TC			
Condition 4.17: Air Pollutant Emissions Reduction Plan - Locomotives			
ECCC			
TC			
Condition 4.18: Air Pollutant and Greenhouse Emissions Reduction Plan 5 years post Operation			
ECCC			
TC			
Condition 4.21: Air Quality Follow-up Program			
HC-AQ-01	March 12, 2021	<p><i>Condition 4.21 of the decision statement for the Project, released in January 2021, requires the proponent to conduct a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the project. Condition 4.21.1 further specifies that the Proponent shall update the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment and revise, as required, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Project. Condition 4.21 indicates that the Proponent shall consult with Health Canada, amongst others, when developing and implementing the follow-up program. Health Canada is looking forward to contributing to this exercise.</i></p>	<p><u>Response provided to HC on April 26, 2021:</u></p> <p>CN provided HC with a draft of the Follow-up Program for Air Quality for review and comment on August 27, 2020, which outlines CN's approach for addressing Recommendation 5.3 of the Joint Review Panel's EA Report, which is now Condition 4.21 of the Decision Statement. To date, we have not received comments from HC in regard to this follow-up program but would appreciate and consider any comments you may be able to provide.</p> <p>In regard to the pre-construction baseline update, CN is in the process of establishing the air quality monitoring stations at the site, one of which will be used to collect updated baseline information. We are also identifying and collecting relevant baseline information that may exist for this area that has been collected since 2016. Our air quality technical lead from Stantec will be in contact with you to discuss the proposed update. Please confirm who at Health Canada they should reach out to in this regard.</p>

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ECCC-AQ-01	May 31, 2021	<p><i>Revise the draft air quality follow-up program in order to be consistent with the requirements stipulated under Condition 4.21 of the Decision Statement, issued under Section 54 of the Canadian Environmental Assessment Act, 2012, dated January 21, 2021.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The Air Quality Follow-up Program was initially drafted in 2020, prior to the issuance of the Decision Statement in January 2021; the FUP has now been updated to reflect the conditions attached to the Decision Statement. As such, the following information was revised to be consistent with the requirements stipulated under Condition 4.21:</p> <ul style="list-style-type: none"> • agencies, municipalities and indigenous communities to be consulted in the development of the Air Quality Follow-up Program • methods used to collect air quality data • air quality contaminants of concern to be collected prior to and during construction • adaptive management procedures, and • reporting requirements for the results of the Air Quality Follow-up Program <p>Further details on these revisions are provided below.</p> <p>In regard to those consulted on development of the Air Quality Follow-up Program, the following was added:</p> <p>The air quality monitoring program presented below, and the associated monitoring details have been developed to comply with the Minister's conditions of the Decision Statement issued January 21, 2021. Specifically, this program has been developed to comply with condition 4.21 of the Decision Statement and has been developed in consultation with Environment and Climate Change Canada (ECCC), Health Canada, the Ontario Ministry of the Environment, Conservation and Parks, the Region of Halton, the Town of Milton, the Mississaugas of Credit First Nation and Six Nations of the Grand River. Draft versions of this document were circulated to these agencies occurred between August 2020 and June 2021. Comments received have been considered and incorporated in this document. Any revisions and manner by which comments were addressed, including corresponding rationale, were communicated to those who responded to CN's request for input.</p>
ECCC-AQ-02	May 31, 2021	<p><i>Section 2.0 Program Design Considerations, Page 3:</i></p> <p><i>"The program will consist of three components..."</i></p> <p><i>Revise to reflect the requirements stipulated under Condition 4.21 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Section 2.0 has been rewritten to be consistent with Decision statement section 4.21. References to the subsections of 4.21 were specifically included. It is no longer organized on the same "three components" as the initial description, and the number of components is no longer applicable.</p>
ECCC-AQ-03	May 31, 2021	<p><i>Section 3.0 Air Quality Pre-construction Baseline Update, Page 5:</i></p> <p><i>"An update of the air quality baseline data prior to construction is proposed to confirm the local air quality baseline information and to reflect any changes in the air shed since the last baseline monitoring program update in 2016."</i></p> <p><i>As stated under Condition 4.21.1 of the Decision Statement, clarify to what extent the 2015 - 2016 air quality baseline information will be updated by conducting pre-construction monitoring and/or by compiling publicly available data.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The following information was added to the Air Quality Follow-up Program to be consistent with the requirements stipulated under Condition 4.21.1:</p> <p>"This section has been updated to reflect the specific list of air quality contaminants of concern identified in Condition 4.21.1 in the Decision Statement (January 21, 2021)."</p> <p>Section 3.3 Method has also been amended to include the following information. "An onsite monitoring station was commissioned to collect baseline information starting in May 2021 after receipt of the Decision Statement. The station will collect baseline information until construction commences. The balance of information to have a nominal one year of pre-construction baseline monitoring will be developed by compiling publicly available data to have a minimum one year pre-construction baseline. "</p>

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ECCC-AQ-04	May 31, 2021	<p>Section 3.1 Air Quality Criteria, Page 5: "During the pre-construction phase, the following criteria will be measured ..."</p> <p>Revise to reflect the requirements stipulated under Condition 4.21.1 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The following information was added to the Air Quality Follow-up Program to be consistent with the requirements stipulated under Condition 4.21.1:</p> <p>"During the pre-construction phase, an update to the 2015-2016 air quality baseline information provided by CN as part of the environmental assessment by conducting pre-construction monitoring and/or by compiling publicly available data will be completed regarding the following air quality contaminants of concern:</p> <ul style="list-style-type: none"> • Total suspended particulate (TSP) • PM2.5 • PM10 • Benzene as a surrogate for VOCs • B(a)P as a surrogate of total PAHs • Nitrogen dioxide (NO2) • Sulphur dioxide (SO2) • Carbon Monoxide (CO) • Ozone (O3) • 1,3-butadiene"
ECCC-AQ-05	May 31, 2021	<p>Section 3.2 Locations, Page 5: The proposed location for the pre-construction monitoring program is adjacent to Tremaine Road. This location differs from the 2015 - 2016 on-site air quality monitoring program.</p> <p>Provide a rationale for proposing a monitoring location adjacent to Tremaine Road instead of at the original 2015 - 2016 location.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Information was added to Section 3.2 providing rationale for the revised baseline update station location. The former baseline station location (i.e., used during development of the Environmental Impact Statement and responses to Information requests during the EA process) was located in an area within where active construction will occur, so the station would need to be relocated once construction commences; this would result in an inconsistent and interrupted data stream if this station location would have been reactivated for the purpose of updating baseline information. The First Line station now being used for the baseline update will stay in place to continue to provide a downwind data stream through all phases of the project allowing identification of any Project related effects. A wind rose based on recent Milton Ontario wind data is also provided in section 3.2, which demonstrates that the First Line station now being used is located generally downwind of the terminal, considering prevailing or predominant wind patterns.</p>
ECCC-AQ-06	May 31, 2021	<p>Table 1: Air Quality Monitoring Criteria Equipment Description and Sampling Frequency – Pre-Construction, Page 7:</p> <p>Revise Table 1 to reflect the requirements stipulated under Condition 4.21.1 of the Decision Statement.</p> <p>For VOC (Benzene) and PAH (B(a)P), follow the National Air Pollution Surveillance Program (NAPS) schedule (i.e., an air sample collected over a 24-hour period (midnight to midnight) once every six days).</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Table 1 of the Air Quality Follow-up Program was modified to be consistent with the requirements stipulated under Condition 4.21.1.</p> <p>For VOC (Benzene, 1,3-butadiene) and PAH (B(a)P), the NAPS schedule of collecting a sample over a 24-hour (midnight to midnight) period once every six days has been specified in Table 1 and will be followed.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-AQ-07	May 31, 2021	<p>Section 3.4 Reporting, Page 7</p> <p><i>"The results of the pre-construction baseline monitoring proposed as part of the follow-up program will be reviewed and analyzed to document any changes in baseline conditions for these specific criteria since the supplement update in 2016. These results will also be used to compare monitoring data collected during the construction and operational air quality monitoring follow-up programs."</i></p> <p>Revise to reflect the requirements stipulated under Condition 4.21.1 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Section 3.4 Preconstruction reporting has been revised to be consistent with the requirements of 4.21.1.</p> <p>An update to the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment will be provided by conducting pre-construction monitoring and/or by compiling publicly available data (as described above in response to ECCC-AQ-03) and CN will revise, as required based on updated baseline information, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Project (including particulate matter, fine particulate matter, coarse particulate matter, ozone, nitrogen dioxide, sulphur dioxide, benzene, 1,3-butadiene, benzo(a)pyrene and carbon monoxide). The Proponent shall submit the updated baseline information and the revised predictions to the Agency prior to construction</p>
ECCC-AQ-08	May 31, 2021	<p>Section 4.1 Criteria, Page 9:</p> <p>Station 1 is proposed to monitor PM_{2.5}, PM₁₀, NO₂, VOC (Benzene) and PAH (B(a)P), whereas Station 2 is proposed to monitor PM_{2.5} and PM₁₀.</p> <p>Revise to reflect the requirements stipulated under Condition 4.21.2 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>During construction, both upwind and downwind stations will monitor TSP, PM_{2.5} and NO₂. VOC (Benzene) and PAH (B(a)P) will have an air sample collected over a 24-hour period (midnight to midnight) once every six days at both stations. Meteorological conditions will be recorded at each station. This is consistent with the requirements stipulated under Condition 4.21.2 of the Decision Statement.</p>
ECCC-AQ-09	May 31, 2021	<p>Section 4.2 Locations, Page 10:</p> <p>For clarity, provide a wind rose and a table summarizing the wind data used to support the selection of the proposed upwind and downwind monitoring locations.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The wind rose and a table summarizing the wind data used to support the selection of the upwind and downwind monitoring locations is provided in section 3.2. Note that the overall site conditions such as locations of available power utilities, trees and other wind disturbing topography, as well as proposed site access locations with localized traffic, also influenced the final monitoring station location choices. The two stations located each side of the Project are generally "upwind" and "downwind".</p>
ECCC-AQ-10	May 31, 2021	<p>Section 4.3 Method, Page 11:</p> <p><i>"Continuous data (i.e., PM_{2.5}, PM₁₀, NO, meteorological conditions) will be recorded hourly."</i></p> <p>Revise to reflect the requirements stipulated under Condition 4.21.2.1 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Continuous data will be recorded minutely, and reported as hourly averages. This has been revised in Section 4.3 and is consistent with Condition 4.21.2.1.</p>
ECCC-AQ-11	May 31, 2021	<p>Section 4.3 Method, Page 11:</p> <p><i>"VOC and PAH criteria will be measured via 24-hour samples collected once every twelve days."</i></p> <p>Revise to reflect the requirements stipulated under Condition 4.21.2.2 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Section 4.3 of the FUP has been revised to indicate that VOC (Benzene) and PAH (B(a)P) will be measured via 24-hour samples collected once every six days, consistent with Condition 4.21.2.2 of the Decision Statement.</p>
ECCC-AQ-12	May 31, 2021	<p>Table 3: Air Quality Monitoring Criteria Equipment Description and Sampling Frequency – Construction, Page 12:</p> <p>Station 1 is proposed to monitor PM_{2.5}, PM₁₀, NO₂, VOC (Benzene) and PAH (B(a)P), whereas Station 2 is proposed to monitor PM_{2.5} and PM₁₀.</p> <p>Revise to reflect the requirements stipulated under Condition 4.21.2 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Per revisions to Table 3 of the FUP, Station 1 and Station 2 have been modified and each will monitor TSP, PM_{2.5}, and NO₂ continuously, while VOC (Benzene) and PAH (B(a)P) will be measured via 24-hour samples collected once every six days. This is consistent with Condition 4.21.2 of the Decision Statement.</p>

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ECCC-AQ-13	May 31, 2021	<p>Section 4.4 Adaptive Management, Page 12:</p> <p><i>“Adaptive management for fugitive dust emissions above acceptable guidelines will be employed in a staged manner, based on activities occurring onsite and investigation as to why exceedances are occurring.”</i></p> <p><i>Revise to reflect the requirements stipulated under Condition 4.21.5 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The following information was added to the Air Quality Follow-up Program to be consistent with the requirements stipulated under Condition 4.21.5:</p> <p>“A regular review of PM monitoring data will be used to inform the construction team of effectiveness of control measures and allow them to adjust activities accordingly to maximize dust control. CN will monitor and document any dust complaints received during construction and will respond in accordance with their complaint response protocol. Such complaints will be used to target further review of dust levels and corresponding construction activities to explore whether such activities are responsible for specific exceedances, or if additional actions can be taken in conjunction with the contractor to reduce dust levels. Implementation of targeted mitigation measures to address specific complaints at specific locations or associated with specific activities will be considered.”</p>
ECCC-AQ-14	May 31, 2021	<p>Section 4.5 Reporting, Page 13</p> <p><i>“The results will be provided to IAAC, ECCC, MECP, Halton Region, and the Town of Milton.”</i></p> <p><i>Revise to reflect all of the parties involved in the development of the follow-up program, as identified under Condition 4.21 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>The following information was added to the Air Quality Follow-up Program to be consistent with the requirements stipulated under Condition 4.21:</p> <p>“The results will be provided to ECCC, Health Canada, MECP, Halton Region, the Town of Milton, Mississaugas of Credit First Nation and Six Nations of the Grand River and included as a component of the annual report to IAAC.”</p>
ECCC-AQ-15	May 31, 2021	<p>Section 5.0 Air Quality Follow-up Program – Operations, Page 15:</p> <p><i>“The monitoring and reporting contemplated in this phase of the program shall continue for a period of five years of operation, at which point the need for and extent of a further monitoring and reporting period will be determined in consultation with ECCC and the Agency.”</i></p> <p><i>Revise to reflect the requirements stipulated under Condition 4.21.3 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>To incorporate the requirements of Condition 4.21.3, this has been revised as follows: “The monitoring and reporting contemplated in this phase of the program shall continue for a period of five years of operation, or until the end of the third year during which the Project operates at its full operational capacity, whichever comes later, at which point the need for an extension of further monitoring and reporting period will be determined in consultation with ECCC and the Agency.”</p>
ECCC-AQ-16	May 31, 2021	<p>Section 5.3 Method, Page 16:</p> <p><i>“The operations monitoring program will begin upon start-up operations of the Terminal and will continue for one full year after the Terminal reaches full operations.”</i></p> <p><i>Revise to reflect the requirements stipulated under Condition 4.21.3 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>Section 5.3 has also been revised to be consistent with Condition 4.21.3. The text of Section 5.3 now includes the same text from Condition 4.21.3 as also provided in the response above to ECCC-AQ-15.”</p>
ECCC-AQ-17	May 31, 2021	<p>Section 5.3.4 Supplemental Follow-up Monitoring, Page 17:</p> <p><i>Revise to reflect the requirements stipulated under Condition 4.21.3 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on September 29, 2021:</u></p> <p>With the requested deletion of the Terminal Entry Gate Truck High Emissions Screening from this program (formerly Section 5.3.3 of the Air Monitoring FUP), per ECCC’s comment ECCC-AQ-01 above, this section “Supplemental Follow-up Monitoring” is redundant and it has been deleted. As stated in ECCC-AQ-01, the TEGT Emissions Screening will be included in the air pollutant and greenhouse gas emissions reduction plan for operations.</p>

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ECCC-AQ-18	May 31, 2021	<p>Section 5.4 Adaptative (sic) Management, Page 18: Revise to reflect the requirements stipulated under Condition 4.21.5 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u> This has been revised as follows to be consistent with 4.21.5. "If air quality results exceed the applicable standard or predicted levels on more than one day per month, CN will investigate the source(s) of the problem. If the exceedance(s) have occurred as a result of terminal operations, the need for additional mitigation measures will be explored, and additional mitigation implemented if required. Identification of the cause of exceedances, and investigation of suitable mitigation measures for addressing consistent exceedances attributable to the terminal operations will be done in consultation with the parties involved in the development of the follow-up program."</p>
ECCC-AQ-19	May 31, 2021	<p>Section 5.5 Reporting, Page 18: "... a report will be prepared annually with the results provided to IAAC, ECCC, MECP, Halton Region, the Town of Milton, and the Community Working Group ..." Revise to reflect all of the parties involved in the development of the follow-up program, as identified under Condition 4.21 of the Decision Statement.</p>	<p><u>Response provided to ECCC on September 29, 2021:</u> The following information was added to the Air Quality Follow-up Program to be consistent with the requirements stipulated under Condition 4.21: "A report will be prepared annually with the results provided to IAAC, ECCC, MECP, Halton Region, the Town of Milton, Mississaugas of Credit First Nation, Six Nations of the Grand River, and the Community Working Group and also made public through the CN website."</p>
HC-AQ-01	June 7, 2021	<p>3.1 Air Quality Criteria; 3.3 Method: <i>The proposed air quality monitoring plan for the pre-construction baseline levels does not adequately consider potential impacts of the COVID-19 pandemic, include certain air contaminants specified in the Decision Statement Conditions, or clearly identify the location of the monitoring station.</i></p> <p>a) <i>The proponent is planning to update the pre-construction baseline air quality data to reflect any changes since the last baseline air quality monitoring in 2015-2016 [Section 3.0 of the Air Quality Monitoring and Adaptive Mitigation Plan (AQMAMP)]. The pre-construction monitoring is anticipated to start in July 2020 and continue through until the start of construction. However, it is unclear whether the proposed monitoring would reflect the most representative baseline air quality for the region. Considering potentially diminished air contaminant emissions in the study areas due to the COVID-19 pandemic, the pre-construction air survey may place the baseline air contaminant concentrations at unusually low levels.</i></p> <p>b) <i>The monitoring plan does not include certain air contaminants specified in the Decision Statement Condition 4.21.1, such as particulate matter (PM), ozone (O3), sulfur dioxide (SO2), 1,3-butadiene, and carbon monoxide (CO).</i></p> <p>c) <i>There are inconsistencies regarding the location of the pre-construction baseline data monitoring station. In Section 3.2 of the AQMAMP, a monitoring station on First Line was described, whereas another station on Tremaine Road was identified in Figure 1 (Appendix A). Additionally, the locations of either stations are different from the location of the station used in the 2015-16 baseline air quality monitoring (Attachment IR3.1-1, Figure 2-1) [CEAR#613].</i> <i>CEAR#613. 2017. CN Response to the Review Panel's Information Request 3. Available at: https://www.ceaa.gc.ca/050/documents/p80100/120380E.pdf</i> <i>Health Canada recommends the proponent consider the following revisions:</i></p> <p>a) <i>In order to get a more accurate representation of pre-construction conditions, use air quality data collected prior to the pandemic (e.g., year 2019) from monitoring station(s) located near the</i></p>	<p><u>Response provided to HC on September 29, 2021:</u></p> <p>A) The pre-construction baseline update monitoring was initiated May 2021 after receipt of the Decision Statement. Data collection will continue until the project construction starts. Current plans are for construction to start late fall 2021. At the present time the only readily available data set for Air Quality in Ontario is for the year 2018. The subsequent air quality data and reporting is undergoing regulatory review, and with the pandemic circumstances, timing for more recent data release is also uncertain. Collected data from the station will be reviewed, and compared with the most recent available data sets publicly available to establish an update of the baseline conditions on a seasonally adjusted basis. While we acknowledge that the data during pandemic influenced times may indeed be low based on other pandemic related observations, we also have some data from pre-pandemic times. Until such time that data is collected, reviewed and summarized, it is premature to develop any further conclusions or strategies. Data from the pre-pandemic period will be reviewed and used as appropriate.</p> <p>B) Pre-construction monitoring will include TSP, O3, SO2, CO and 1,3-butadiene as per the Decision Statement Condition 4.21.1.</p> <p>C) The pre-construction monitoring station is located at First Line. The original 2015 – 2016 baseline station had been decommissioned. The original baseline station was no longer deemed to be the best choice of location for a station for several reasons. A station in that location would only be temporarily available as it would be directly in an early active onsite and construction zone, and would need to be relocated once construction starts, this would result in an unwanted interruption and inconsistency in data. The original 2015-2016 baseline station was not predominantly upwind or downwind (based on windrose data for Milton). The First Line location was chosen for several reasons: it is located generally downwind of the terminal, considering prevailing or predominant wind patterns, based on information available at the time of site selection it is expected to remain operational for the</p>

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		<p><i>project. If another year/dataset is used, provide rationale as to how the select data set will be representative of the site conditions under non-pandemic circumstances.</i></p> <p><i>b) Include PM, O3, SO2, 1,3-butadiene, and CO in the list of air contaminants for the pre-construction air quality monitoring, as per the Decision Statement Condition 4.21.1.</i></p> <p><i>c) Clarify whether the monitoring station on First Line or Tremaine Road will be used to collect pre-construction ambient baseline air quality data. Provide rationale for relocating the baseline air monitoring station given the Review Panel's recommendation that CN establish an updated baseline by repeating the local air monitoring survey conducted in 2015-2016.</i></p>	<p>duration of the Project monitoring, and it meets other siting criteria such as access, utility availability, and appropriate separation. Note that baseline update will involve the monitoring station data as well as the publicly available data.</p>
HC-AQ-02	June 7, 2021	<p>4.1 Criteria; 4.3 Method; 5.3 Method:</p> <p><i>The proposed locations and sampling methods in the follow-up air quality monitoring plan are not compliant with the Decision Statement Conditions and may not adequately protect the health of sensitive receptors</i></p> <p><i>a) During construction, nitrogen dioxide (NO2), benzene and benzo(a)pyrene [B(a)P] will be monitored at a single location (Figure 2 and Section 4.1 of the AQMAP), whereas coarse particulate matter (PM10) and fine particulate matter (PM2.5) will be monitored at both upwind and downwind locations of the project site. The project-associated air pollutant emissions, especially diesel exhaust emissions, may contribute considerably to elevated levels of NO2, benzene and B(a)P in air. The Decision Statement Condition 4.21.2 requires PM, PM2.5, NO2, benzene and B(a)P to be monitored at both upwind and downwind locations of the project site.</i></p> <p><i>b) During the construction and operation phases, a single sample of benzene and B(a)P will be collected for 24-hours once every 12 days as surrogates of volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs), respectively. However, the 12-day sampling interval is too long to monitor temporal changes in the contaminant levels. The Decision Statement Conditions 4.21.2.2 and 4.21.3.2 requires benzene and B(a)P to be monitored once every six days.</i></p> <p><i>c) The proposed follow-up air quality monitoring is anticipated to occur at two monitoring stations located at north and south ends of the property boundary, or upwind and downwind locations of the project site, during construction and operations (AQMAP, Figure 2). However, it is unclear whether air quality data collected from the proposed monitoring stations can represent the worst-case exposure scenario for sensitive receptors in the nearby residential areas as these stations are more than 1 km away from the nearest residential areas on Tremaine Road and Britannia Road. Although the Decision Statement Conditions 4.21.2 and 4.21.3 specify the locations of two monitoring stations at or near the Project Development Area boundary, the proponent is encouraged to monitor air quality contaminants at an additional location, or relocate one of the proposed monitoring stations to a new location, to sufficiently protect sensitive receptors in the community.</i></p> <p><i>Health Canada recommends the proponent consider the following revisions:</i></p> <p><i>a) Monitor ambient concentrations of NO2, benzene and B(a)P during construction at both upwind and downwind locations of the project site as per Decision Statement Condition 4.21.2.</i></p> <p><i>b) Monitor ambient levels of benzene and B(a)P non-continuously every 6 days during construction and operations at both upwind and downwind locations of the project site as per the Conditions 4.21.2.2 and 4.21.3.2</i></p> <p><i>c) Monitor all air quality contaminants described in the Decision Statement Condition 4.21.2 at an additional location, or relocate one of the proposed monitoring stations to a new location, where</i></p>	<p><u>Response provided to HC on September 29, 2021:</u></p> <p>A) Monitoring will be consistent with the Decision Statement 4.21.2. During construction, TSP (PM), PM2.5, NO2, benzene and B(a)P will be monitored at both stations. See Section 4.0 Air Quality Follow-up Program of AQMAP.</p> <p>B) Monitoring will be consistent with Decision Statement conditions 4.21.2.2 and 4.21.3.2. For Construction and Operations, Benzene and B(a)P will be sampled for 24 hours midnight to midnight every six days, consistent with NAPS timing and CCME and MECP guidance documents at both monitoring stations. Table 3: Air Quality Monitoring Criteria, Equipment Description and Sampling Frequency -Construction will be followed as referred to in Section 4.3 (Construction) and Section 5.3 (Operations).</p> <p>C) The two stations representing upwind and downwind locations have been selected using multiple year wind data for Milton; a wind rose reflecting these data has been added to the site location Ssection 3.2 in the AQMAP document. These proposed locations are generally up- and downwind of the Project and would fulfill Condition 4.21.2 in that regard.</p> <p>The station locations were also chosen as they are close to the Project boundaries, as required by Condition 4.21.2. Proximity to the Project boundaries was specified because that is where the dispersion modelling of Project emissions carried out during the EA identified the potential for some future emission exceedances to which the Project may contribute. In contrast, the predicted exceedances identified in the Boyne subdivision across Britannia Road from the Project location were determined during the EA to be the result of the already compromised air quality resulting from high background or baseline values for some contaminants, and those exceedances would exist with or without the Project. Locating a Project monitoring station there would not facilitate the identification of a Project effect.</p> <p>To effectively monitor air emissions impacts from the Project, it makes most sense to monitor in locations close to where modelling has already identified potential concerns related to Project emissions and where Project contributions may be detected. Since the proposed monitoring station locations have limited separation distance from the Project, these locations will be more likely to identify project contributions in the cumulative values that will be measured. This will allow any potential emissions exceedances attributable to the Project to be identified and facilitate adaptive management action to be implemented in a timely manner. Since monitoring at the more distant residential area does not meet either the technical requirements for an effective monitoring location to identify changes attributable to the Project, or the clear requirements of the Decision Statement to locate monitoring stations "at or near the (Project) property line", it does not make sense based</p>

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		<p><i>sensitive receptors in the community, including receptors of future housing development on Britannia Road, may experience the worst-case exposures.</i></p>	<p>on the information available at this time to locate either an extra monitoring station or to move one of the required monitoring stations to the location suggested.</p>
HC-AQ-03	June 7, 2021	<p>5.3 Methods; 5.3.2 Operations at Capacity:</p> <p><i>The proposed follow-up air quality monitoring period during the operation phase is not compliant with the Decision Statement Conditions</i></p> <p><i>The proponent anticipates that the air quality monitoring will last for the maximum duration of five years during operations. However, according to the Decision Statement Condition 4.21.3, the air quality monitoring may last for a period greater than five years depending on when the Designated Project begins operating at its full operational capacity.</i></p> <p><i>Additionally, the proponent added a new definition of Full Operational Capacity based on operational period (i.e., one year after opening of the terminal), in addition to the one based on the annual throughput of goods containers. It is unclear how the new definition was developed as it had not been discussed during the EA process and is different than the one in the Decision Statement. The new definition may also result in a monitoring period that is not compliant with the Decision Statement Condition 4.21.3.</i></p> <p><i>Health Canada recommends the proponent consider the following revision:</i></p> <p><i>a) Revise the follow-up air quality monitoring period during operations as per Decision Statement Conditions 1.19 and 4.21.3.</i></p> <p><i>b) Revise the definition of Full Operational Capacity as per the Decision Statement Condition 1.19.</i></p>	<p><u>Response provided to HC on September 29, 2021:</u></p> <p>A) The duration of monitoring has been revised to be consistent with Decision Statement Condition 4.21.3.</p> <p>B) The following text has been added to section 5.0 of the AQ FUP to be consistent with section 4.21.3.</p> <p>The monitoring and reporting contemplated in this phase of the program shall continue for a period of five years of operation, or until the end of the third year during which the Project operates at its full operational capacity, whichever comes later, at which point the need for an extension of further monitoring and reporting period will be determined in consultation with ECCC and the Agency.</p> <p>Further the air quality follow up program section 5.3.2 Has been revised to read as follows:</p> <p>This phase of the operations monitoring program will start once the terminal reaches full operating capacity as defined in Condition 1.19. CN will determine when this threshold is reached.</p>

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<p>HC-AQ-04</p>	<p>June 7, 2021</p>	<p>4.4 Adaptive Management; 5.4 Adaptive Management; 5.5 Reporting:</p> <p><i>The proposed air quality monitoring data review, investigation and report plan may not adequately protect human health from potential exposures to air contaminants at elevated levels</i></p> <p><i>While the Decision Statement Conditions 2.6, 2.6.2 and 4.21.5 do not stipulate the frequency and timeframe for the proponent's review and reporting of the follow-up air quality monitoring results, Health Canada recommends the following issues be properly addressed in the FUP:</i></p> <p><i>a) It is inappropriate to delay the air quality monitoring data review and subsequent investigation and reporting of an exceedance until the end of the designated reporting period (i.e., the end of a reporting month, quarter and/or year). It would be prudent to provide a timely review, investigation and report of an exceedance case for certain contaminants (e.g., NO2 and PM2.5) as their levels will be monitored continuously and in order to mitigate potential adverse health effects associated with short-term exposure (e.g., 1-hr or 24-hr) for these pollutants.</i></p> <p><i>b) It remains unclear whether mitigation measures will be developed only after an exceedance occurs, or if pre-identified potential mitigation measures will be established in advance to minimize the response time. Timely implementation of mitigation measures could be facilitated by having response policy and procedures in-place should exceedances occur.</i></p> <p><i>c) It is unclear why the proposed criterion (i.e., the monitored air contaminant levels are above the air quality standards or predicted levels on more than one day per month) was selected as a trigger for the exceedance source investigation, regardless of the contaminant, averaging time, baseline levels and modelling results. The selected trigger levels should be useful from an air quality management perspective and allow rapid actions to avoid any deterioration of air quality relative to pre-project pollution levels.</i></p> <p><i>d) The proponent should also investigate the source(s) of any exceedances in consultation with the parties involved in the development of the follow-up program as per the Decision Statement Condition 4.21.5.</i></p> <p><i>Health Canada recommends the proponent consider the following revisions in the FUP Report:</i></p> <p><i>a) Provide further description of (i) how often the monitored air quality data will be reviewed to determine any exceedances of the air quality criteria specified in the Decision Statement Conditions 4.21.4.1 and 4.21.4.2 and to identify the sources and potential mitigation measures in a timely fashion, and (ii) how soon the results will be reported to the community and other stakeholders.</i></p> <p><i>b) Clarify whether pre-planned mitigation measures for potential exceedance scenarios will be included in the proposed Air Quality Management Plan. If not, consider developing such mitigation measures in advance of the follow-up air quality monitoring.</i></p> <p><i>c) Provide detailed rationale on how the proposed criterion for an exceedance source investigation (i.e., an exceedance on more than one day per month), as well as the revised air quality data review and reporting plan, can adequately protect human health from potential exposures to elevated levels of air contaminants.</i></p> <p><i>d) Provide further detail on how the proponent will consult with the parties involved in the development of the follow-up program to determine the source(s) of an exceedance of the air quality criteria as per the Decision Statement Conditions 4.21.5.</i></p>	<p>Response provided to HC on September 29, 2021:</p> <p>A) The Decision Statement sets the requirements for formal reporting, and these have been included in Condition 2.11. (aka., consistent with the Decision statement – ensure with project team this reference is still valid and appropriate for overall reporting condition).</p> <p>The collection of the scientifically rigorous and representative air quality data necessary to meet Conditions 4.21.1, 4.21.2 and 4.21.3 that each refer to “monitoring” require following accepted monitoring guidance (such as CCME “Ambient Air Monitoring and Quality Assurance/Quality Control Guidelines” and Ontario Ministry “Operations Manual for Air Quality Monitoring in Ontario”). Implementing the necessary rigour to ensure that the data is being collected with the appropriate review and quality assurance requires time to ensure valid data is used. Data collection for some emissions species such as NO2 may be gathered continuously and minutely from analyzers, but for data to be considered valid, ongoing verification of the analyzer equipment calibrations, and the meteorological (weather, wind) conditions at time of sample collection at the monitoring station must be reviewed. Analyzer results are recorded frequently to data logging systems, but it is common for analyzers over time to drift in calibration, and only subsequent calibrations can quantify if such drift has occurred. Further, the Canadian Ambient Air Quality Standards (CAAQS) criterion for NO2 are not established on the minutely data intervals of continuous analyzer collection, but on 1-hour values (3-year average of the annual 98th percentile of the daily maximum 1-hour average concentrations), or annual values (the average over a single calendar year of all 1-hour average concentrations). Processing the valid data to be able to correctly compare to the criterion requires valid data collected over the correct time interval. Other emissions such as Benzo (a) Pyrene and Benzene are collected every six days in special sample containers that require subsequent laboratory analysis to determine the measured airborne concentrations. Laboratory processing and reporting time, in addition to sample collection, must be considered before results are available. The criteria that monitored values are compared to in the case of Benzo (a) Pyrene and Benzene are both 24-hour average values and annual average values. This rigor follows the guidance necessary for generating monitoring results and allows determining valid data for comparison to the applicable ambient air quality criteria.</p> <p>While the monitoring rigor is necessary, it is also important to note that the data will be under scrutiny, review and being processed regularly to ensure that quality assurance is taking place. This will allow informed decision making about data trending, and the identification of data streams that require scrutiny. If data illustrate trends or excursions that are outside of expectations, this will allow review and identification of any related Project operational anomalies or events that may be occurring and possibly causing concerns. Adopting adaptive management in a timely manner will be introduced with review of data streams.</p> <p>For the first year of both construction and operations monitoring, knowing that many important criteria for air quality are defined on an annual basis for which formal reporting annual is required by Condition 2.11, quarterly review will be carried out and communicated to the CN project team to ensure that any unexpected emissions excursions are identified and addressed with adaptive measures as necessary. By following this method, there will not be inappropriate delay in reviewing or acting upon AQ FUP monitoring data.</p> <p>The CAAQS ambient air quality values consider health effects and are fundamental to the cross Canada Air Quality Management System (AQMS). These ambient air quality values are not to be confused with short term exposure values for direct human breathing zone exposure that govern direct, intense exposure such as in chronic worker exposure. The</p>
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			<p>CAAQS statistical form for reporting values for these ambient air quality values is “The 3-year average of the annual 98th percentile of the NO2 daily-maximum 1-hour average concentrations”, and the ambient air quality purposes of CAAQS values appropriately consider the human health related impacts for ambient air quality values.</p> <p>In closing, the premise of the follow up air monitoring program is that the extensive air emissions analysis and predictions have continued to demonstrate that the expected air emissions associated with the Project will be generally below criteria with few exceptions. The monitoring program is in place to ensure that the Project associated emissions are indeed as predicted, and that if any excursions are identified that are attributable to the Project, adaptive management measures are implemented. Taking the necessary time for collecting data, ensuring that the data is representative and consistent with the necessary data collection methods, and then comparing to the correct guideline and criteria is important to ensure the quality of conclusions presented in the follow up program are indeed valid. In parallel, the focus will be on the identified data streams that represent the sensitive operations associated with emissions that resulted in the already identified exceedances, such as the near fenceline predictions of potential particulate matter exceedances. By focusing on those select particulate matter data streams and related operations, the use of adaptive management and abatement measures previously identified can be applied.</p> <p>B) Section 4.4 Adaptive Management for construction Includes a very important commitment in the AQ FUP about the identification and use of mitigation measures. Adaptive management for fugitive dust emissions are guided by the ECCC March 2005 “Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities “(ChemInfo Services, March 2005), and will be documented in the CN site-specific Air Quality Management Plan which will be prepared by the General Contractor prior to commencing construction activities. This site-specific management plan developed with contractor involvement is the accepted “best practice” in most competent jurisdictions worldwide for the mitigation of the difficult to control “fugitive” emissions associated with construction. Until and unless an exceedance occurs and the source is identified and determined to be attributable to the Project, measures cannot be pre-determined. Measures will depend on what the source is, the nature of the exceedance, and what parameter is exceeding.</p> <p>C) See discussion in a) above. Single excursions above criteria are not indicative of chronic issues or consistent exceedances. They will however be investigated to understand the underlying trends and source emissions linkages. The appropriately averaged results for the averaging period for a given criterion are the basis of CAAQS for ambient air quality, and those consider the appropriate human health exposure criteria.</p> <p>D) See discussion in a) above for how a potential unexpected outcome could trigger ongoing and frequent consultation with the parties involved. Should unexpected air emissions exceedances be identified, CN will in parallel inform the stakeholders through the existing and ongoing liaison and reporting that the Conditions have established, and work with the technical resources that have the relevant expertise to identify emission sources that are responsible for the unexpected cumulative air emissions determined from monitoring. Should the emissions be attributable to the Project activities, adaptive management measures will be adopted as necessary.</p>

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HC-AQ-05	June 7, 2021	<p><i>4.1 Criteria; 5.3 Method:</i></p> <p><i>The proposed maximum predicted air contaminant concentrations for screening of monitored benzene and benzo(a)pyrene levels may not adequately protect human health from the cumulative effects of air quality contaminants.</i></p> <p><i>For contaminants of which baseline levels are already above the applicable air quality criteria [i.e., benzene and benzo(a)pyrene], the monitored concentrations for the construction and operation phases should be compared to the revised maximum predicted ground-level concentrations (Decision Statement Condition 4.21.4.2).</i></p> <p><i>In its final report, the Review Panel recommended the use of the maximum predicted concentrations established in the cumulative effects assessment scenario (i.e., sum of baseline, project alone, project-related off-site truck traffic, and future traffic). However, the AQMAMP currently states that the maximum predicted concentrations will be derived from the air quality modelling predictions used in the EIS, without clarifying which effects assessment scenario (i.e., project effects assessment scenario or cumulative effects assessment scenario) will be considered to establish the maximum predicted concentrations.</i></p> <p><i>Health Canada recommends the proponent consider the following revisions in the FUP Report:</i></p> <p><i>a) Clarify and provide detailed information about what effects assessment scenario will be considered to establish the revised maximum predicted ground-level concentrations of air quality contaminants, as per Decision Statement Condition 4.21.1.</i></p> <p><i>b) Provide rationale on how the use of the maximum predicted ground-level concentrations as proposed in the AQMAMP, can adequately protect human health from the cumulative effects of air quality contaminants.</i></p>	<p><u>Response provided to HC on September 29, 2021:</u></p> <p>A) The decision statement condition 4.21.1 requires an update to the 2015-2016 baseline values. Using data obtained from a monitoring station established May 2021 at the First Line location, data for the air quality contaminants identified in 4.21.1 will be collected until such time that construction commences. To establish the typical one-year baseline update, additional data will also be sourced from publicly available sources. As also discussed in response to HC-AQ-01 above, it is important that these unprecedented pandemic times and their effects be considered. The baseline update will require review of the available data, review of the data itself and once interpreted, a baseline update will be provided to IAAC. At this time, without understanding what data is specifically available, we are not yet in a position to further elaborate on specifics as to the baseline values update. The Project predictions will be updated as required by condition 4.21.1, which specifically refers to emissions “attributed to the Designated Project”</p> <p>B) The predicted concentrations that will be updated includes the sum of baseline, project alone (as predicted at the specific locations of the monitoring stations to allow direct comparison with monitored values), project related off site truck traffic and future traffic. This will be the ground level concentrations expected for the project at the air monitoring stations. The decision statement, and identified ambient air quality limits, targets and criteria provide a regulatory accepted framework for comparison of air quality values. Our approach in the FUP is to verify the predicted concentrations of air quality contaminants of concern attributed to the Project. This is consistent with the requirements of Condition 4.21.1 and is the purpose of the FUP. Further, this approach is appropriate for mitigating the potential effects of the Project on AQ, including the Project's contribution to cumulative effects. It ensures that the conclusions are based on data with that is consistent with the QA/QC rigour associated with the field measurement of ambient air quality values.</p> <p>It is our understanding that the cumulative effects of existing and other future sources of emissions on AQ will be addressed by the Government of Canada and Ontario through the regional airshed strategy announced by the federal Minister in his news release and outlined in the Whole of Government Response to the Panel recommendations, issued at the same time as the Decision Statement.</p>

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MECP-01	July 22, 2021	<p><i>Section 4.2 – Site selection will depend upon the purpose of the monitoring program. If assessing community exposure is one of the objectives of the project, the selection of the monitoring locations should consider the location of identified or suspected sensitive receptors, and the locations where the highest concentrations of air contaminants are anticipated based on Section 1.6 of MECP's Operations Manual for Air Quality Monitoring in Ontario (MECP, 2018) (the Operations Manual): https://www.ontario.ca/document/operations-manual-air-quality-monitoringontario-0</i></p> <p><i>In order to ensure these factors are considered, it is recommended that the air quality monitoring plan include additional rationale and background information for how the location of the proposed new monitoring site (Station 2) was selected. Please refer to Section 5 of the Operations Manual for siting criteria. The plan should also include a description of the prevailing and predominant wind directions.</i></p> <p><i>It is recommended that maps and figures contained within the air quality monitoring plan also be updated to clearly identify the existing and proposed stations and their upwind and downwind designations. The maps should be clearly labelled with a legend and north arrow.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The MECP's Operations Manual (MECP, 2018), along with the CCME Ambient Air Monitoring and Quality Assurance/Quality Control Guideline (NAPS Program), is the basis for station site selection and monitoring methods. Both documents are specifically referred to in Section 4.3 Method of the AQ FUP.</p> <p>As documented in the EIS AQ analysis in Appendix E.1, Air TDR, minor exceedances were predicted for particulate matter (dust) close to the Project fence line at both the "east" and "west" sides of the project. These potential exceedances influenced the selection of locations for station 1 and station 2.</p> <p>The Decision Statement for the Project requires the AQ FUP to monitor emissions to ensure Project emissions are consistent with the predictions made during the environmental assessment process. The proposed monitoring stations have therefore been located where possible predicted exceedances were identified close to the Project fence line, as noted above. Monitoring community exposure is not the purpose of the AQ FUP, and it is known from review of baseline air quality that some airborne contaminants already exceed air quality criteria without the contribution of Project emissions. Further, Project-related exceedances were not predicted at sensitive receptors in the community at a further distance from the Project.</p> <p>In the AQ FUP, Appendix A, Figure 3 a wind rose for Milton is presented based on recent (2017) data; this wind rose is also discussed in Section 3.2 of the AQ FUP. The locations of the stations are shown in the AQ FUP Appendix A, Figure 2, which can be related to the wind rose which is shown in an overlaid thumbnail graphic. The graphics have been updated to include the legend and north arrow.</p>
MECP-02	July 22, 2021	<p><i>Sections 3.4, 4.5, 5.5 – The air quality monitoring plan currently stipulates which agency will receive monitoring results dependent on the project phase. It is recommended that the monitoring results be provided to the same agency distribution list for consistency.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>Reporting requirements related to the AQ FUP are specified in the Decision Statement issued for the Project.</p> <p>As required by Condition 4.21.1 and as stated in section 3.4 of the AQ FUP, the update of the 2015-2016 air quality baseline will be completed and provided to IAAC prior to construction.</p> <p>As required by Condition 4.21.5 and as stated in sections 4.4 and 5.5 of the AQ FUP, the results of the monitoring program will be provided to the list of parties involved in the development of the follow up program for both the construction and operation phase of the project.</p>
MECP-03	July 22, 2021	<p><i>Section 4.1 – Condition 4.21.2 of the approval decision for the project requires the proponent to monitor particulate matter, fine particulate matter, nitrogen dioxide (NO₂), benzene, benzo(a)pyrene (BaP), and meteorological conditions at upwind and downwind monitoring locations during construction. As such, it is recommended that the air quality monitoring plan also include NO₂, benzene, and BaP monitoring at Station 2 during construction. Based on this condition, it would be advisable to update the Program Design Considerations in Section 2.0 of the plan accordingly.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As required by Condition 4.21.2 of the approval, the Air Quality Monitoring Follow up Plan has been updated to clarify that monitoring of conditions at Station 2 will include particulate matter, fine particulate matter, nitrogen dioxide (NO₂), benzene, benzo(a)pyrene (BaP), and meteorological conditions.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-04	July 22, 2021	<i>Section 4.3 – Condition 4.21.2.2 of the approval decision for the project requires VOC and PAH to be collected every six days. Please revise the VOC and PAH collection frequency in the air quality monitoring plan from every twelve days to every six days in paragraph three. It should also be noted that the air quality monitoring plan should reference NO2 throughout, rather than NO for consistency.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As indicated in Table 3 of the AQ FUP, Station 1 and Station 2 have been modified and each will monitor TSP, PM_{2.5}, and NO₂, while VOC (Benzene) and PAH (B(a)P) will be measured via 24-hour samples collected once every six days. This is consistent with Condition 4.21.2 of the Decision Statement.</p>
MECP-05	July 22, 2021	<i>Sections 4.4, 5.4 – Conditions 4.11 through 4.13 of the approval decision for the project note extensive measures to mitigate air emissions and fugitive dust emissions during all phases of the project. It is recommended that the air quality monitoring plan provide further details on how these mitigation measures will be implemented.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The AQ FUP is focused on monitoring of emissions to verify the emission predictions in the environmental assessment.</p> <p>The required mitigation measures related to air quality, including measures to mitigate fugitive dust emissions, will not be in the AQ FUP, however they will be documented separately in the Environmental Protection Plan (EPP). Prior to the start of construction, the Contractor, through preparation of an Air Quality Best Management Practice Plan, will plan how to implement the specific air emissions mitigation measures, in accordance with the EPP. The on-site Environmental Monitor will monitor the implementation of the mitigation measures and compliance with the plans.</p>
MECP-06	July 22, 2021	<i>Section 4.5 – Condition 4.21.4 of the approval decision for the project requires that all monitoring results be compared to applicable air quality standards/criteria or the maximum predicted ground level concentrations during the construction and operation of the project. The first paragraph of Section 4.5 should reflect that the results will also be compared to applicable air quality standards/criteria if required.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As required by Condition 4.21.4 of the approval, the requirements to analyze monitoring results are stated in section 4.1 of the Air Quality Monitoring Follow up Program, as follows:</p> <p>“The monitoring results will be compared to (a) the federal Canadian Ambient Air Quality Standards (CAAQS), or (b) where federal criteria are not available, the Ontario Ambient Air Quality Criteria. Where the existing baseline criteria exceeds standards (e.g., for B(a)P) comparison for these measurements will be made to the predicted levels and calculated as a percentage of total levels, to determine Project contribution.”</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-07	July 22, 2021	<p><i>Sections 4.4, 4.5, 5.4, 5.5 – In order to ensure accountability when either a complaint or an exceedance is identified, it is recommended to include further details on the complaint and exceedance notification procedures within the plan. Please ensure that MECP will be notified immediately should any complaints be received and provide information on how the complaint will be addressed. It may also be beneficial to define trigger and action levels for the implementation of dust mitigation measures within the plan during construction and terminal operations start-up phases (particularly for NOx, PM10, and PM2.5).</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As required by Condition 3.2 of the approval, the method for potentially affected parties to provide feedback to the Proponent on any adverse environmental effect caused by any component of the Designated Project, including the sharing of feedback received and through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow up program requirement(s), is detailed in the community liaison communication process, documented separately from the AQ FUP. This process includes the notification of potentially affected parties. In the event of an air quality complaint, CN will notify the MECP of the complaint and how it is being or has been addressed.</p> <p>As stated in section 4.4 of the Air Quality Monitoring Follow up Program:</p> <p>“CN will monitor and document any dust complaints received during construction and will respond in accordance with their complaint response protocol. Such complaints will be used to target further review of dust levels and corresponding construction activities to explore whether such activities are responsible for specific exceedances, or if additional actions can be taken in conjunction with the contractor to reduce dust levels. Implementation of targeted mitigation measures to address specific complaints at specific locations or associated with specific activities will be considered.”</p> <p>CN will document all complaints, and respond quickly to investigate each. Based on experience and the level of analysis that has been carried out quantifying expected emissions from the Project, we expect that effective adaptive mitigation will be applied and also recorded as successful resolution response to most complaints. Should unexpected, chronic and repeated issues arise that could possibly indicate concerns that the currently contemplated adaptive measures are not able to successfully address, those will be communicated to potentially affected parties, along with the proposed action plan to address them.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-08	July 22, 2021	<p><i>The Canadian Council of Ministers of the Environment (CCME) Ambient Air Monitoring and Quality Assurance/Quality Control Guidelines and MECP's Operations Manual for Air Quality Monitoring in Ontario (2018) provide standard practices regarding instrumentation maintenance, operation, data quality assurance, and data validity review procedures. Please provide further details on how these procedures will be followed in the air quality monitoring plan to ensure quality data is collected. If and how the stations will be audited should also be included in the plan.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The MECP's Operations Manual (MECP, 2018), along with the CCME Ambient Air Monitoring and Quality Assurance/Quality Control Guideline (NAPS Program), is the basis for station site selection and monitoring methods. Both documents are specifically referred to in Section 4.3: Method of the FUP.</p> <p>A standard operating practice (SOP) has been developed for the overall operation of both stations that covers both the non-continuous and continuous monitoring activities. This includes identification of the specific monitoring equipment in use, routine calibration and maintenance visit schedules, review of site-specific station logbooks and information recorded, and sample handling and analysis protocols. Upon start up, an audit to ensure compliance with the SOP will be carried out as part of our quality review initiatives. Future similar independent audits are expected at least annually, or more frequently if results from any audit warrant increased vigilance.</p> <p>Rotek has been retained to supply and support operating the stations; see the schedule of proposed station attendance that is consistent with MECP's operations guidelines in Appendix xx of the SOP. CN's Environmental Monitor is also regularly visiting the station to facilitate collection and analysis of the noncontinuous sampling. During the first quarter of operation for both stations, an initial "independent review" will be conducted by independent senior qualified professionals with expertise in AQ monitoring to confirm operations / quality control are appropriate and consistent with the AQ FUP and detailed SOP.</p>
MECP-09	July 22, 2021	<p><i>Sections 4.0 and 5.0 – It is noted that SO2 monitoring is only proposed during the baseline monitoring phase. In order to ensure consistency, it may be beneficial to maintain SO2 monitoring during both the construction and operational phases of the project.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>Monitoring criteria for the Air Quality Monitoring Follow up Program during the construction and operation phases of the Project will be completed as specified by Conditions 4.21.2 and 4.21.3 of the federal Decision Statement for the Project.</p> <p>Extensive analysis including predictive modelling of SO₂ emissions was completed as part of the EA process; please refer to the EIS, Appendix E.1 Air TDR. The predicted offsite airborne concentrations from the project alone during operation or construction is expected to be less than 1% of applicable criteria (see EIS, Appendix E.1 Air TDR tables 7.10, 7.11, 7.12). It was concluded that the Project is not a substantive source of SO₂ emissions; no SO₂ exceedances are predicted or identified as a result of Project activities.</p> <p>Nevertheless, CN has made corporate-wide commitments to reduce overall diesel-related emissions. Thus, mitigation measures will be implemented to reduce diesel emissions in general with a commitment to increase the use of ultra-low sulfur diesel fuel, which would also reduce SO₂ emissions. We highlight that the conservative nature of the Project air emissions assessment and predictions did not include any future benefits from further mitigation available from the use of low sulfur fuels. It is likely that SO₂ emissions that were predicted to be well below criteria for the Project, will actually be even lower than the predicted values once ultra-low sulfur fuels are used.</p> <p>As a consequence, the decision statement does not require SO₂ monitoring and as such no further SO₂ monitoring is proposed at this time.</p>
Region	-	No comments / response received.	
Milton	-	No comments / response received.	

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MCFN		No comments on the AQFUP	
Six Nations		No comments on the AQFUP	
Condition 5.1: Surface Water			
DFO7	April 14, 2021	DFO reviews for the maintenance of normal downstream flows on all works, undertaking and activities that may impact fish and fish habitat; this is relevant both throughout the duration of construction, as well as the design of the channel realignments. Proposal documents indicate that flow regimes on Indian Creek and Tributary A will be maintained following the channel realignments. A condition of the Fisheries Act Authorization notes normal downstream flows are to be maintained.	Noted
CH		No comments / response received.	
Milton		No comments / response received.	
MCFN		No comments received.	
Six Nations		No comments received.	
Condition 5.2: Stormwater Management System			
DFO8	April 14, 2021	As noted in DFO's submission to the Review Panel, it is DFO's understanding that CN has proposed to follow the provincial design standards and operating procedures for design and operation of the stormwater management (SWM) ponds and systems to ensure that serious harm to fish will not occur. Further, prior to releases to Indian Creek or Tributary A, DFO understands that mitigation measures will be implemented to provide for SWM water quantity controls, water quality controls and to reduce potential thermal impacts on fish and fish habitat downstream of the site. Follow up monitoring will be conducted to determine if adaptive management measures are needed. DFO also notes that ECCC has provided feedback on SWM surface water quality and SWM system monitoring.	Noted
CH		No comments / response received.	
Milton		No comments / response received.	
Condition 5.3: Salt for de-icing or traction control purposes			
CH			
Condition 5.4: Erosion and Sediment Controls			
DFO9	April 14, 2021	CN is responsible for designing and implementing an erosion and sediment control (ESC) plan to be installed, upgraded and maintained throughout all phases of construction, to prevent the release of sediment into any watercourse. This includes environmental monitors, adaptive management strategies and ensuring that ESC measures remain in place until permanent vegetation is established. DFO is satisfied with the Erosion and Sediment Control Plan that has been submitted by CN. Further, conditions in the Fisheries Act Authorization will also require CN to implement ESC throughout the duration of the project.	Noted
CH		No comments / response received.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 5.8: Residual Agricultural Contaminants			
ECCC-CON01	August 25, 2021	<p><i>Proposed Mitigation & Next Steps, Page 4 of 6</i></p> <p><i>"The suggestion of monitoring for chemical pesticides during initial construction works with the potential to remove these parameters later was discussed during the June 2020 meeting (i.e., 6-12 months of monitoring and then revisit to determine if further monitoring is required)."</i></p> <p><i>ECCC would like to note that there was no discussion on the monitoring of chemical pesticides and herbicides during the June 24, 2020 meeting with CN and their consultants (as indicated in our requested revisions to the record of the draft meeting minutes).</i></p>	<p><u>Response provided to the ECCC on Nov 2, 2021:</u></p> <p>During the meeting and presentation to ECCC and DFO on June 24, 2020, the panel recommendations related to surface water and stormwater concerns, including agricultural contaminants were discussed, as presented in the Surface Water and Stormwater Monitoring Presentation given by CN and Stantec. Agricultural contaminants presentation including the panels suggestion and confirmation by CN to monitor TP as a CoPC and to monitor sediment disposal related to decommissioning of the existing online agricultural ponds; the negligible nitrogen sources within the PDA, and therefore the lack of monitoring necessary; and the presence of organic pathogens due to organic manure applied to agricultural fields within the PDA had not occurred since 2017, no opportunity for residual manure-based organic pathogens were present. Based on the lack of chemical pesticides within the PDA to exceed their respective RDL or the CCME Canadian Soil Quality Guidelines, it was requested that nitrogen nutrients, organic pathogens, and chemical pesticides be reconsidered as a CoPC during the drafting and finalizing of the conditions for the Decision Statement.</p>
ECCC-CON02	August 25, 2021	<p><i>Information Requests, Page 3 of 6</i></p> <p><i>Proposed Mitigation & Next Steps, Page 5 of 6</i></p> <p><i>"Prior to construction ground disturbance, the agricultural fields within the PDA will be harvested and planted with an erosion protection and nitrogen scavenging cover crop (e.g., winter wheat, cereal rye, barley) and remain fallow with no active agricultural or construction activities for a minimum six-month fall/winter period."</i></p> <p><i>"To address measures to allow removal of nutrient compounds through plant harvesting, CN has worked with the tenant farmer in the spring of 2021 to plant barley, cereal rye or other plant capable of nitrogen fixing [sic](OMAFRA 2017) in areas located within 30 m of a watercourse or wetland (see attached)."</i></p> <p><i>By leaving the cover crop fallow for a minimum of 6 months, how much nitrogen will be scavenged from the soil? Has an optimal target(s) for nitrogen scavenging been established? If this target(s) is not met, will successive cover crops be planted to achieve the optimal reduction in nitrogen?</i></p>	<p><u>Response provided to the ECCC on Nov 2, 2021:</u></p> <p>Nitrogen compounds from the agricultural fields were identified as having a low potential for entry into watercourses within the PDA with the implementation of the ESC plan during the construction phase (IR7.3). The low-risk potential is also based on the results of the surface water quality baseline study (EIS Appendix E.15) that observed relatively low concentrations (below CCME guideline criteria) for NO₂-N, NH₃-N and NO₃-N in Tributary A and Indian Creek during stormflow and baseflow conditions, except for one Tributary A NO₃-N sample on June 29, 2015. During the baseline monitoring period, agricultural crop fields were actively tilled, disturbing soils, and had fertilizers applied.</p> <p>The nitrogen scavenging cover crops will provide an additional level of mitigation to further lower the identified low risk potential of nitrogen compound transport during the construction phase. Theoretical nutrient removal rates can be estimated for the proposed scavenger cover crops using available cover crop yield information (http://decision-tool.incovercrops.ca/) and a crop nutrient removal calculator (https://www.ipni.net/app/calculator/home). The estimated low yield nitrogen removal rates range from 14.3 kg/ha to 16.7 kg/ha for barley straw and rye straw, respectively. These estimated removal rates are potentially high, as the cover crop would not be receiving fertilizer applications to promote optimal growing conditions. Overall, the harvested scavenger crops are predicted to remove nitrogen compounds from the soils that will be disturbed during construction.</p> <p>An optimal target has not been established for the nitrogen scavenging rate for each cover crop, as the risk potential of nitrogen compound transport during the construction phase is identified as low even without the use of the crop harvesting mitigation measure. Therefore, the actual crop nitrogen removal rates will not be quantified and used to determine whether additional cover crop rotations need to be planted prior to the start of construction. To support assessing effectiveness of the ESC plan measures with respect to reducing nitrogen compound loading into watercourses, the Surface Water FUP will monitor a suite of nitrogen compounds.</p>
CH		No comments / response received.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 5.9: Stormwater Management System Follow-up Program			
DFO10	April 14, 2021	<i>Monitoring of the SWM system is not a condition of the Fisheries Act Authorization as the SWM system and its operation are not expected to result in serious harm to fish. However, monitoring will be conducted to monitor water quality and the effectiveness of thermal mitigation measures to ensure that releases to Indian Creek and Tributary A do not impact fish and fish habitat.</i>	Noted
MECP-27	July 22, 2021	<i>Section 3.4 – The proposed stormwater end-of pipe storage includes two stormwater wet ponds. Condition 5.2.4 of the approval decision for the project requires the proponent to “implement end of pipe storage volumes that take into account Enhanced protection requirements for long-term average suspended solids under Ontario’s stormwater Management Planning and Design Manual”. Both ponds have a drainage area of 50% imperviousness. MECP’s Stormwater Design Manual (Table 3.2) requires a permanent pool volume of 190 m³/ha for 55% imperviousness and 140 m³/ha for 35% imperviousness. Table 7 of the report shows that the permanent pool volume is based on 139.2 m³/ha, which would be undersized as compared to the MECP’s Design Manual. A clarification is recommended.</i>	<u>Response provided to the MECP on December 7, 2021:</u> As noted in the comment, MECP’s SWPDM Table 3.2 provides wet pond storage requirements of 140 m ³ /ha for 35% imperviousness, and 190 m ³ /ha for 55% imperviousness. For the 50% imperviousness at the site, AECOM interpolated this Table for a required wet pond storage volume of 179.2 m ³ /ha using a non-linear regression analysis. Of this predicted total storage volume, 40 m ³ /ha is for extended detention, so the permanent pool volume requirement for Level 1 enhanced treatment is 139.2 m ³ /ha. This is the value presented in Table 7 in Appendix B of EIS Appendix E.15. This value was used to calculate the permanent pool volume requirement of 7,350 m ³ for Pond 1, and 6,933 m ³ for Pond 2. The ponds are therefore not undersized.
MECP-28	July 22, 2021	<i>The SWM report assumes that upstream uncontrolled future flow is to be controlled to the predevelopment conditions. To ensure that the proposed SWM facility works properly as per design, it is recommended that this condition be included in any future land use plan for the Boyne survey area.</i>	<u>Response provided to the MECP on December 7, 2021:</u> EIS Appendix E.15, Appendix B does not assume that upstream uncontrolled future flows will be controlled to pre-development conditions. As per Section 5.6, the replacement culverts (1, 2A and 3) and associated diversion swale will be sized to convey the upstream uncontrolled regional flow and do not assume future flows will be controlled to predevelopment conditions. Additionally, it is up to the local municipalities to impose conditions on future land use plans and development in the Boyne survey area.
MECP-29	July 22, 2021	<i>Section 9.0 – When considering the climate change impact to the proposed SWM facility, the report assumes that the unitary discharge rate provided in the Boyne Survey Secondary Plan Area Functional Stormwater and Environmental Strategy Report has considered the climate change impact. It is recommended that further clarification be required to confirm this assumption.</i>	<u>Response provided to the MECP on December 7, 2021:</u> The unitary discharge rates are reflective of the environmental needs and flow targets of the area (EIS Appendix E.15, Appendix B). Therefore, management of future (climate adjusted) runoff to the allowable discharge rates specified in the Boyne Survey Secondary Plan Area Functional Stormwater and Environmental Management Strategy Report is expected to satisfy climate change-related concerns and considerations.
MECP-30	July 22, 2021	<i>Section 10.1 (pg. 92) – The report states that wastewater and wash-water will be treated to meet the Canadian Council of Ministers of the Environment (CCME) and Canadian Water Quality Guideline criteria (for pH and turbidity only). There is no detailed description of the sources of the wastewater and wash-water. If CN intends to treat the wastewater/wash-water onsite, a detailed wastewater treatment plan should be prepared and provided for the proposed Milton Logistics Hub. Further review could be undertaken when all details about the wastewater and wash-water become available.</i>	<u>Response provided to the MECP on December 7, 2021:</u> Wastewater and wash water generated at the site is proposed to be collected in a sump system at the garage, stored in tanks onsite and subsequently trucked off-site by licensed haulers to be properly disposed of at a licensed wastewater treatment facility.
MECP-31	July 22, 2021	<i>It is MECP’s understanding that an Environmental Compliance Approval (ECA) for the proposed stormwater and wastewater treatment facilities (if any) would be required. If this is the case, it should be noted that further detailed review by MECP will be required during the ECA application process. With regards to the proposed SWM facility, MECP’s approvals review will confirm if the design has met MECP’s design standards to achieve the proposed water quality and quantity design objective. In terms of effluent discharge from the SWM facility, in addition to the thresholds proposed in the report, numeric effluent limits or objectives will be developed and imposed in the ECA for compliance purposes, based on relevant provincial policies and guidelines.</i>	<u>Response provided to the MECP on December 7, 2021:</u> The SWM facility was designed to meet provincial standards. CN would be pleased to meet with the MECP to discuss the design specifics, as well as numeric effluent limits and objectives.

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CH		No comments / response received.	
Milton		No comments / response received.	
Condition 5.10: Surface Water Quality and Quantity Follow-up Program			
DFO11	April 14, 2021	DFO understands that ECCC has provided significant feedback and expertise on water quality parameters to be monitored for surface water quality and quantity. The Fisheries Act Authorization will include monitoring requirements pertaining to the effectiveness of the mitigation measures as well as the effectiveness of the offsetting measures.	Noted
ECCC-SW-01	May 31, 2021	Revise the draft surface water quality and quantity follow-up program in order to be consistent with the requirements stipulated under Condition 5.10 of the Decision Statement, issued under Section 54 of the Canadian Environmental Assessment Act, 2012, dated January 21, 2021.	<p>Response provided to ECCC on Nov 2, 2021:</p> <p>The following information was added to the Surface Water Quality and Quantity Follow-up Program to be consistent with the requirements stipulated under Condition 5.10:</p> <p>“The surface water quality monitoring program presented below, and the associated monitoring details, have been developed to comply with the conditions of approval in the Minister of the Environment’s Decision Statement issued January 21,2021. This program has been developed to comply with Conditions 5.9 and 5.10 of the Decision Statement and has been developed in consultation with Environment and Climate Change Canada (ECCC), Department of Fisheries and Oceans (DFO), the Ministry of the Environment, Climate Change and Parks (MECP), Conservation Halton (CH) and the Town of Milton. Draft versions of this FUP were sent to ECCC on May 31, 2021, DFO on September 30, 2020 and April 14, 2021, CH on July 30, 2020, the MECP on June 7, 2021 and the Town of Milton on June 4, 2021. Comments were received from ECCC, DFO and MECP and have been considered in finalizing this document. Any revisions and manner by which comments were addressed, including corresponding rationale, were communicated to those who responded to CN’s request for input.”</p>
ECCC-SW-02	May 31,2021	<p>Section 2.0 Program Design Considerations, Page 3:</p> <p>“The program will consist of two components...”</p> <p>Revise to reflect the requirements stipulated under Condition 5.10 of the Decision Statement.</p>	<p>Response provided to ECCC on Nov 2, 2021:</p> <p>As is clearly laid out in Condition 5.10, 5.10.1 directs the proponent to monitor surface water quantity, and 5.10.2 directs the proponent to monitor surface water quality. Condition 5.10.3, 5.10.4 and 5.10.5 all reflect back to 5.10.1 and 5.10.2.</p> <p>In accordance with the conditions, the FUP has provided specific monitoring locations, methods and adaptative management strategies for the site stream monitoring component (Tributary A and Indian Creek) as well as the monitoring component associated with the site stormwater management ponds. The site stream monitoring program serves the purpose of monitoring surface water quantity and quality during construction and operation to verify the effects predicted in the EIS and to confirm the effectiveness of mitigation. Conversely, the site stormwater management monitoring component serves the purpose of monitoring stormwater management pond effluent quantity and quality at the pond outlets during construction and operation to monitor the effectiveness of stormwater management infrastructure in improving runoff quality and to assess potential water quality changes within Tributary A and Indian Creek. As such, the FUP monitoring proposed for the stream sites and the stormwater management pond outlets have integrated the entirety of Condition 5.10 in the proposed FUP and the FUP specifically covers every sub-condition.</p> <p>References to the Conditions of Decisions Statement have been made throughout the report to demonstrate how each Condition is met.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-SW-03	May 31,2021	<p><i>Section 4.0 Construction Monitoring, Section 5.0 Operations Monitoring (including all relevant sub-sections):</i></p> <p><i>Revise to reflect the requirements stipulated under Condition 5.10 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Condition 5.10.1 and 5.10.2 both state: “monitor surface water during construction and for at least five years following the end of construction.”</p> <p>As such we have developed a FUP that focuses on Construction phase monitoring in Section 4.0 and Operations Monitoring (which is what happens after Construction is complete) in Section 5.0. The Operations monitoring Program is acknowledged to continue for 5 years, after which the outcome of Condition 5.10.5 will determine subsequent monitoring.</p> <p>References to the Conditions of Decisions Statement have been made throughout the report, to demonstrate how each Condition is met.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-SW-04	May 31,2021	<p><i>Table 1 Routine Water Quality Parameters and Criteria, Pages 8 – 9:</i></p> <ul style="list-style-type: none"> <i>Note that there are also Federal Water Quality Guidelines for the protection of freshwater aquatic life (FWQG-FAL) for dissolved copper and dissolved lead.</i> <i>Provide total and dissolved concentrations for all monitored metals.</i> <i>Note that the Canadian Water Quality Guideline for the Protection of Aquatic Life for freshwater (CWQG-FAL) for dissolved zinc is no longer a set value. The short-term and long-term concentrations are now determined by equations.</i> <i>The 95th Percentile Baseline concentrations for some of the parameters are higher than the maximum concentrations shown in Table G.1 of Appendix G of the Hydrology and Surface Water Quality Baseline Study and Effects Assessment (EIS TDR Appendix E.15). Confirm if local surface water quality analytical results in Appendix G were used to calculate the 95th Percentile Baseline concentrations for Tributary A.</i> <i>Table 1 indicates that certain metals (such as aluminum) that may be present in the effluent of the stormwater management ponds will not be monitored and/or reported. During the meeting on June 24, 2020 between ECCC, DFO, CN, Stantec and AECOM, it was noted that while aluminum would be part of the metals scan, CN would only propose to report on contaminants of concern. However, given the already high concentrations of aluminum in the surface water of both Tributary A and Indian Creek (as noted in Appendix G of EIS TDR Appendix E.15), the complete metal scan analytical results for all surface water samples should be made available for review.</i> <i>Append the complete metal scan analytical results for all surface water samples to the annual Surface Water Monitoring reports submitted to Environment and Climate Change Canada, Conservation Halton and other relevant authorities.</i> 	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Pursuant to Condition 5.10, the water quality parameters required to be monitored as part of the Surface Water Follow-Up Program include the effluent contaminants of concern identified in Table 7.4-1 submitted in response to Information Request 7.4. In some cases, CN has agreed to add parameters to the monitoring program as described below:</p> <ol style="list-style-type: none"> Water quality discussions throughout the environmental assessment have been focused on the CCME CQWG-FAL and they remain the focus of discussions specifically around copper and lead. Total and dissolved concentrations will be analyzed for the monitored metal parameters; however, the water quality exceedance thresholds are only relevant to total metal concentrations. The laboratory certificate of analysis will be provided in the Annual Surface Water Monitoring Report. It is understood that the short-term and long-term CCME CWQG-FAL for zinc were revised in 2018 and are no longer set values but rather calculate the dissolved zinc threshold using an equation; however, the Project was completed and approved using the total zinc CWQG-FALs (short-term guideline = no value, long-term guideline = 30 ug/L). As such, baseline conditions for zinc will continue to be compared to the total zinc values collected during baseline conditions for the Project. Note that supplemental water quality monitoring was undertaken subsequent to submission of the baseline report. Supplemental surface water samples were collected in Indian Creek and Tributary A from October 2015 to April 2016, with additional samples for Indian Creek collected in May and June 2016. The results of this supplemental sampling were provided in response to IR1.2, specifically within the Hydrology and Surface Water Quality Baseline Study Update provided as Attachment 2 (CEAR #561), and results were further discussed in IR4.4. As described in IR1.2, revised minimum, mean and maximum water quality parameter concentrations were calculated based on the supplemental monitoring data. It was concluded that the additional sampling results were comparable to the previous water quality sampling results from June 2015 to September 2015 and did not warrant any alteration to the conclusions, effects predictions, or planned mitigation measures documented in the EIS. 95th% were calculated from the entire water quality dataset and thus include both sources referenced above. As such, the 95th% does not exceed the maximum observations from the entire data set, including the data provided in the supplemental data (IR1.2). Noted. FUP has been revised to include the complete metals scan analytical results. Noted. As indicated in 5., the complete metals scan analytical results will be appended to the annual Surface Water Monitoring report
ECCC-SW-05	May 31,2021	<p><i>Table 3 Continuous Water Quality Parameters, Page 10:</i></p> <p><i>Ensure collection of the water quality parameters necessary to determine the CWQG-FALs and the FWQG-FALs for the relevant monitored parameters.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Please refer to Response 1. To ECCC-SW-04 regarding FWQG-FAL. CWQG-FALs are applicable, have formed the basis of all water quality discussions and CN commitments.</p> <p>We confirm that supporting parameters such as temperature, pH and hardness necessary to determine CWQG-FALs will be collected as part of the Surface Water Quality FUP.</p>
ECCC-SW-06	May 31,2021	<p><i>Section 4.4.1.1 Trigger Thresholds, Pages 11 – 12 and Section 5.4.1.1 Trigger Thresholds, Pages 17 – 18:</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Threshold 1 has been revised as follows:</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
		<p><i>"Threshold 1 for stormwater pond effluent is defined as four consecutive monthly parameter concentration exceedances 25% above the maximum predicted annual average pond effluent range or five-times the detection limit."</i></p> <ul style="list-style-type: none"> <i>The maximum predicted annual average pond effluent concentration for some metals already exceed their respective CWQG-FALs and could potentially have adverse effects on the receiving environment. In the case of iron, the predicted annual average pond effluent concentration exceeds its CWQG-FAL long-term concentration by more than 10 times. Condition 5.7 of the Decision Statement requires the proponent to collect and treat all wastewaters and wash waters, taking into account the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life, before discharging them in any wetland or waterbody. Furthermore, Condition 5.10.4 of the Decision Statement requires the proponent to mitigate adverse changes to surface water quality attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards. Therefore, the proposed trigger threshold does not meet Condition 5.7 nor Condition 5.10.4.</i> <p><i>"The value of 5 times detection limits is often used in water chemistry for QA/QC control. This threshold is based on the Practical Quantitation Limit defined by the US EPA and takes into account the potential for reduced accuracy when concentrations approach DLs (USEPA 2000; AENV 2006; Clark 2003)."</i></p> <ul style="list-style-type: none"> <i>ECCC was unable to locate the reference to detection limits or Practical Quantitation Limit in the USEPA 2000 document. Clearly indicate where these terms are referenced in the USEPA document.</i> <p><i>Ensure the detection limit for all of the monitored parameters is provided.</i></p>	<p><i>"Threshold 1 for stormwater pond effluent is defined as:</i></p> <ul style="list-style-type: none"> <i>Predicted effluent concentration range parameter - Four consecutive monthly parameter concentration exceedances 25% above the maximum predicted annual average pond effluent range and five-times the detection limit.</i> <i>No predicted effluent concentration range parameter - Four consecutive monthly parameter concentration values at or above the respective CWQG-FAL and five-times the detection limit (DL)."</i> <p>Condition 5.7 refers to all wastewaters and wash waters before discharging them into any wetland or waterbody. Stormwater is not wastewater or wash water and is addressed by other conditions (e.g., Conditions 1.35, 5.2, 5.3) with respect to design, management and monitoring. Wastewater and wash water generated at the site is proposed to be collected and stored in tanks onsite and will subsequently be trucked off-site by licensed haulers to be properly disposed of at a licensed wastewater treatment facility.</p> <p>With respect to Condition 5.10.4, the predicted effluent quality for iron and other contaminants of concern will be assessed and additional mitigation measures applied if monitoring during the construction and operations phases identifies potential adverse effects. The effluent quality ranges predicted in the responses to IR3.37 and IR7.4 are based on study and literature values and represent a conservative estimate. Given the conservative nature of the predicted effluent quality range, adverse effects to aquatic life from the SWM system discharge are not expected to occur.</p> <p>Additionally, the baseline study within the PDA was for a 13-month duration and a longer-term monitoring program as proposed in the FUP will collect additional surface water quality data upstream of the PDA to further define the background range of contaminants of concern, including iron. This additional surface water quality data will be used to more precisely define upstream conditions to improve the ongoing assessment of whether additional mitigation measures are required to improve SWM effluent quality.</p> <p>The discussion of Practical Quantitation Limit is only generically discussed in USEPA (2000). Greater clarity is provided on page 41 of the 2006 Alberta Environment (AENV) document titled 'Guidelines for Quality Assurance and Quality Control in Surface Water Quality Programs in Alberta' where the following definition of the Practical Quantitation Limit is provided: "The Practical Quantitation Limit (PQL) is defined as "the lowest concentration that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions. The PQL is generally 5 to 10 times the MDL, but it may be nominally chosen within these guidelines to simplify data reporting" (Jones and Clarke 2005). The PQL is significant because different laboratories will produce different MDLs even though using the same procedures, instruments and sample matrices. The PQL represents a practical and routinely achievable detection level with a relatively good certainty that any reported value is reliable (Am. Public Health Assn. 2005)."</p> <p>Accessed online here: https://open.alberta.ca/dataset/d5002658-8f53-48c2-9025-8aa3a40a7a79/resource/107d0e52-2cc9-4fea-9201-122c88924a87/download/7739.pdf</p> <p>Where applicable, detection limits for monitored parameters have been added to Tables 4-1 and 4-2 in the FUP.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-SW-07	May 31,2021	<p>Section 4.4.1.2 Action Plan, Page 12 and Section 5.4.1.2 Action Plan, Page 18:</p> <p><i>"If Threshold 1 for the stormwater pond effluent or stream monitoring stations is exceeded, then action will be taken to confirm the result by completing a QA/QC review of the sampling methods, laboratory report, and Chain of Custody. If the original sample is available and within the hold time, the sample will be reanalyzed to determine whether the exceedance was due to a potential laboratory error. In addition, the surface water monitoring station may be resampled within one month of the original exceedance to confirm the indicator parameter concentration."</i></p> <p><i>Provide a rationale for potentially resampling the surface water monitoring station within one month of the original exceedance instead of as soon as the original exceedance is detected.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The approach to verifying whether an actual threshold exceedance has occurred is based on a sequential method of QA/QC, re-analysis, and re-sampling if necessary. The initial step in this procedure would be a QA/QC review of sampling methods, lab reports, and Chain of Custody documentation to determine if the threshold exceedance is the result of a labeling, misidentification, or other administrative error. Subsequently, if no QA/QC errors are determined and if the original sample is still available and within hold times at the lab, then the original sample would be re-analyzed. If re-analysis of the original sample is possible, its results will stand. If re-analysis is not possible, only then would a new sample be collected. The planned re-sampling timeframe of within one month allows for the sequential procedure to be followed, and accommodates any environmental or other conditions that may constrain sample collection.</p> <p>This approach avoids unnecessary time, effort, and costs associated with re-sampling, which may not be necessary, when the result can be confirmed by a QA/QC check or re-analysis of the original submitted sample.</p>
ECCC-SW-08	May 31,2021	<p>Section 5.4 Adaptive Management:</p> <p><i>Revise to reflect the requirements stipulated under Condition 5.10 of the Decision Statement.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The following information was added to the Surface Water Quality and Quantity Follow-up Program to be consistent with the requirements stipulated under Condition 5.10:</p> <p>Adaptive Management is the current and appropriate terminology to describe the requirements of Condition 5.10. 4. The Adaptive management section explicitly covers all the requirements of Condition 5.10.4.</p>
ECCC-SW-09	May 31,2021	<p>Table 4 Surface Water Monitoring Reports, Page 21:</p> <p><i>Under the deliverable, "Water Quality Exceedances", for both the construction and operations phases, report all water quality exceedances to ECCC, IAAC and DFO upon occurrence.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>ECCC has been added as a recipient of the construction and operation phase water quality threshold exceedance reporting.</p>
MECP-21	July 22, 2021	<p>Section 4.3.1 – <i>The baseline water quality statistics show that both Tributary A and Indian Creek have elevated iron levels: 95th iron concentration 4.145 mg/L (Tri A) and 3.413 mg/L (Indian Creek), as compared to the Canadian Water Quality Guidelines for the Protection of Freshwater Aquatic Life (CWQG-FAL) of 0.3 mg/L. No information is provided about the background iron levels at upstream stations. It is recommended the report include the 95th percentile concentrations for all monitoring stations.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>Iron has been identified as a potential containment of concern for the project and will be monitored as part of the project's water quality monitoring program. The three baseline water quality monitoring stations (IC2, IC3 and Trib A) were established as a means to monitor the local baseline water quality prior to the project's construction and implementation. To meet the imposed project conditions, water quality and quantity monitoring stations will be installed at the upstream and downstream extents of the project development area (PDA) boundary where flows enter and exit the PDA. The upstream monitoring sites will be newly established to meet these conditions and do not have existing water quality data available. It is assumed that baseline water quality within the PDA extent has been characterized by the baseline sampling data collected at the three baseline monitoring stations. The 95th percentile baseline concentrations provided in Table 4-1 of the Surface Water Follow-up Program reflect the baseline water quality concentrations for the baseline monitoring stations. The water quality (and quantity) results from the construction/operation surface water monitoring stations will be reported in the annual monitoring report.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-22	July 22, 2021	<p><i>Sections 3.0 and 4.0 – It is recommended that the report include a description of the baseline monitoring program (i.e. when the program started, number of samples collected to date, the sample results/data used to calculate the 95th percentile baseline for Table 4-1, etc.), and also explain how the annual average pond effluent water quality was predicted (Table 4-1).</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The following text has been added to Section 4.1 and 5.1 of the Surface Water FUP:</p> <p>In support of the project, baseline water quality and water quantity monitoring was conducted on site as described in the Technical Data Report - Hydrology And Surface Water Quality Baseline Study And Effects Assessment (EIS Appendix E.15). Supplemental water quality and quantity monitoring was undertaken subsequent to submission of the baseline report as summarized in response to IR1.2, specifically within the Hydrology and Surface Water Quality Baseline Study Update provided as Attachment 2 (CEAR #561). Results and methods further discussed in response to IR3.37, IR4.4, IR7.4, and IR7.5.</p> <p>The 95th percentile baseline water quality concentrations for Tributary A and Indian Creek were calculated from the entire baseline water quality monitoring dataset (June 2015-June 2016). The annual average pond effluent water quality was predicted based on literature value ranges of influent concentrations and removal rates as described in response to IR3.37.</p>
MECP-23	July 22, 2021	<p><i>Section 4.3.1 – Table 4-1 of the report shows that the predicted annual average pond effluent concentration for TSS ranges from 1.30 - 3.76 mg/L while total iron concentration ranges from 0.133 to 4.008 mg/L. It seems that the elevated iron level would come from dissolved iron. A clarification is recommended to explain the possible reasons/sources of the high level of the total iron in the project area as compared to the low TSS level.</i></p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The stormwater management ponds are designed as sedimentation features with a target of 80% removal rate of incoming sediment, while the overall sitewide treatment train system (oil and grit separators, grass swales and stormwater management ponds) is predicted to cumulatively remove 98.0% to 98.5% of suspended sediments. Similarly, the treatment train removal efficiency for metals is predicted to range from 67.5% to 96.2%, as described in the response to CEEA IR16-2, Table 4 (CEAR #375). A range of annual average effluent concentrations were predicted for each contaminant of concern. To estimate the minimum and maximum average annual pond effluent concentrations, the higher removal efficiency was used to predict the minimum effluent concentration, while the lower removal efficiency was used to predict the maximum effluent concentration. As such, the maximum effluent concentration predicted is a conservative estimate.</p> <p>As identified in response to IR16, the primary sources of metals in railway runoff include abrasion processes from braking,</p> <p>wheel/track friction and turning. Iron is the predominant metal related to these processes. Metals generated through these processes are particulate in nature and highly adsorbed to soil and silt particles. Therefore, it is anticipated that the iron influent concentrations will be dominated by suspended particulate forms and will be removed through particle sedimentation in the treatment process.</p> <p>Baseline water quality monitoring analyzed for total iron concentrations and did not assess the dissolved vs total iron relationship. Similarly, total vs dissolved concentrations were not separated as part of the pond effluent concentration assessment. The main reason for the discrepancy between the TSS and total iron effluent concentration ranges is the difference in predicted cumulative contaminant removal rate ranges of 98.0% to 98.5% and 67.5% to 96.2% for TSS and metals, including total iron, respectively. Based on the expected sources of total iron within the PDA, the effluent concentration would not be expected to exceed the TSS effluent concentration. However, as a conservative effluent quality estimation method was applied to predict the maximum metal effluent concentrations, the total iron effluent concentration range will maintain an upper value of 4.008 mg/L.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-24	July 22, 2021	<p>Section 4.3.1.1 – It is recommended that daily turbidity be conducted during construction to confirm the compliance with the CWQG-FAL. In addition, it needs to be clarified how the background turbidity levels (clear flow/high flow or turbid water) will be defined since Tributary A is an intermittent flow watercourse.</p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>Turbidity monitoring will occur regularly (i.e., 2 to 3 times per week) throughout the duration of construction, including daily turbidity monitoring during periods of construction dewatering and when ESC measures are actively discharging.</p> <p>Turbidity cannot be monitored if there is no flow within the watercourse. If no flow is observed at the time of turbidity monitoring, the observed conditions will be documented within the environmental monitoring field notes. To assess background turbidity levels during periods of dry upstream (background) conditions, clear flow conditions will be considered if turbidity monitoring occurs during non-run off conditions or preceding a run-off event. High-flow or turbid water conditions will be considered if turbidity monitoring occurs during or immediately following a run-off event. A baseline of 0 NTUs will be considered as an upstream turbidity level under these conditions should the channel be dry at the upstream (background) monitoring location.</p> <p>These specifics have been included into the FUP document.</p>
MECP-25	July 22, 2021	<p>Sections 4.4.1.1 and 5.4.1.1 – The description for the proposed water quality Trigger Thresholds for pond effluent is not clear. It is recommended that further explanations be provided in the report to clarify:</p> <ul style="list-style-type: none"> a) the rationale of the proposed 25% above the maximum predicted annual average pond effluent range; b) whether it means the maximum predicted average pond effluent range or the maximum predicted average effluent concentration; c) what are the exact trigger thresholds (please clearly add the proposed threshold concentrations in Table 4-1) and; d) sufficiency of the proposed thresholds (pond effluent, Tributary A and Indian Creek) to protect the receiver water quality as compared against CWQG-FAL, especially when receiver total iron levels are already very high. 	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <ul style="list-style-type: none"> a) The stormwater pond effluent quality predictions in the responses to IR3.37 and IR7.4 were normalized across seasons and storm event durations, intensities, and consecutiveness. Therefore, to account for natural seasonality and inter-event variation and its effects on treatment efficiencies, a 25% variance above the predicted water quality value is part of the threshold definition. b) The predicted average pond effluent concentrations are provided as a range (a concentration range). The trigger threshold for pond effluent is proposed to be 25% above the maximum predicted annual average pond effluent concentration (the upper range concentration value). c) Stormwater pond effluent trigger threshold concentrations of 25% above the maximum concentration of the predicted annual average pond effluent have been added into Table 4-1 for the predicted parameters. d) It should be noted that the CWQG-FAL are water quality guidelines and not effluent guidelines. The removal efficiencies and expected effluent quality ranges were submitted as part of the response to IR3.37 in the EA process. Additionally, the SWM system was designed applying the design criteria from the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual (2003), which is based on percent removal of expected contaminants in stormwater, including sediments and metals. Typically, SWM ponds are assessed with respect to their removal efficiencies for these types of contaminants when meeting these design criteria. It is not expected that the Project stormwater discharge will have a negative effect on receiver water quality, including for iron.
MECP-26	July 22, 2021	<p>Sections 4.4.1.2 and 5.4.1.2 – The Action Plan states that “if Threshold 1 for the stormwater pond effluent or stream monitoring station is exceeded, then action will be taken to confirm...”. Since the Threshold is based on four consecutive monthly parameter concentrations, it needs to be clarified whether an action will be taken after four consecutive months of monitoring results or just based on one-month monitoring event.</p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>In order to trigger a Threshold 1 exceedance, four consecutive monthly parameter concentration exceedances are required for a given stormwater pond effluent or stream monitoring station. As such, action will be taken after the result of the fourth consecutive monthly parameter concentration exceedance has been confirmed should CN experience a trigger threshold exceedance.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-SW-10	August 25, 2021	<p>Section 4.2 Location, Page 7</p> <p><i>"CN intends to monitor surface water quality and quantity at each of the seven monitoring locations where:</i></p> <ul style="list-style-type: none"> <i>• flows enter and exit the PDA along Tributary A and Indian Creek (five stations installed during preconstruction); and</i> <i>• at the outlets of the two sedimentation/stormwater ponds (to be installed once ponds are constructed)."</i> <p><i>Confirm that the two sedimentation ponds are the interim measures before the permanent stormwater ponds are operational. Also, indicate if the two sedimentation ponds will be located at the same location as the permanent stormwater ponds. If not, please indicate on a figure the location of the two sedimentation ponds.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The stormwater management ponds will be constructed independent of site grading activities, and there are no separate sedimentation facilities (i.e., these are one and the same). Monitoring at the two stations at the outlets of the stormwater management ponds will be installed/monitored once the ponds are online and operational.</p>
ECCC-SW-11	August 25, 2021	<p>Section 4.3.1 Water Quality Sampling, Page 8</p> <p><i>The proponent commits to detailed water quality sampling every month and during 'high flow' events defined as "46.3 mm of rainfall over a 12-hour period as defined by the 2-year storm event for the site". It is unclear why a 12-hour rainfall event was chosen, as shorter duration events with higher intensity can also cause runoff and entrain the chemical components of concern (Table 4.1). It is also unclear how the proponent will determine if this threshold has been exceeded. If the proponent is not using a precipitation gauge onsite, there is a risk of missing localized convective storms. These storms are likely to cause short duration/high intensity rainfall.</i></p> <p><i>Expand the definition for 'high flow' as any 2-year return period rainfall between 1 and 12-hour duration.</i></p> <p><i>Provide information on the precipitation gauge(s) that will be used to determine if the 'high flow' has been exceeded.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Note that the Intensity-Duration-Frequency (IDF) provided in the FUP was incorrectly taken from the MTO database and has been updated with the information below. In the EIS (TDR Appendix E15), IDF results were presented based on climate data (1950-2014) from Environment Canada's climate station at the Toronto International Airport (Station ID# 6158733). This data identified that the 2-year storm event over a 12hr (720min) duration was associated with 42.0 mm of precipitation (Environment Canada 2014).</p> <p>The project considers high-flow events to be associated with bankfull flow conditions. Bankfull flow is a flow that fills the channel to the level of the active floodplain. The term is strictly applicable only to stable channels and corresponds to the critical channel-forming flow that has a recurrence interval of approximately 1.5 years. Therefore, the 2-year return frequency is the closest return period to this reoccurrence frequency.</p> <p>However, to make the high flow event not so specific to a given rainfall duration, the FUP will be updated to have a slightly lower predicted rainfall threshold amount of 35 mm that is between a 1 and 12-hour duration. This rainfall amount will be expected to cause near bankfull flow conditions within the watercourses at the site. If the actual amount of rainfall is slightly less than the predicted 35 mm amount, there will still be expected substantial flows within the watercourses allowing the event to represent high flow condition.</p> <p>The project will monitor rainfall forecasts to determine when a high flow event may occur, which will then be subsequently monitored. Two potential forecasting tools that will be used are Environment and Climate Change Canada forecasting for their climate station at the Toronto International Airport (Station ID# 6158731, previously station ID# 6158733) (https://weather.gc.ca/city/pages/on-143_metric_e.html) and The Ontario Ministry of Natural Resources and Forestry Flood Forecasting and Warning Program (https://www.gisapplication.lrc.gov.on.ca/webapps/flood/). If either service predicts a precipitation event that is 35 mm or greater, then CN will conduct high flow event monitoring. The precipitation gauge measurement at the Toronto International Airport will be used following the monitoring event to confirm whether the 'high flow' threshold has been exceeded for the monitoring event.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-SW-12	August 25, 2021	<p>Section 4.3.1 Water Quality Sampling, Table 4-1: Routine Water Quality Parameters and Criteria</p> <p>Confirm that the water quality samples will be analyzed for both hexavalent and trivalent chromium.</p> <p>For all parameters that do not have a Canadian Water Quality Guideline for the Protection of Aquatic Life for freshwater (CWQG-FAL) value, consider using Provincial Water Quality Objectives (PWQOs).</p>	<p><u>Response to the ECCC on Nov 2, 2021:</u></p> <p>As per footnote 'b' in Table 4-1, water quality samples will be analyzed for both hexavalent (Cr(VI)) and trivalent (Cr(III)) chromium.</p> <p>Given that the project is a federally regulated initiative, use of the Ontario Provincial Water Quality Objectives (PWQOs) is not relevant to this site. As such, the project will continue to use the Canadian Water Quality Guidelines for the Protection of Aquatic Life for freshwater (CWQG-FAL) as the applicable water quality guidelines.</p>
ECCC-SW-13	August 25, 2021	<p>Section 4.3.1 Water Quality Sampling, Table 4-2: Select Short-Term Water Quality Parameters</p> <ul style="list-style-type: none"> The proponent is proposing to monitor the parameters in Table 4-2 at each of the seven monitoring locations for the first six months of construction. <p>Confirm that monitoring will be conducted monthly and during high flows and upset conditions.</p> <p>Provide these monitoring results to ECCC and other relevant authorities on a monthly basis in order to determine in a timely manner if further monitoring is required beyond the first six months of construction.</p> <ul style="list-style-type: none"> Note that there is a long-term, CWQG-FAL value for total ammonia. <p>List the pesticides and herbicides that will be monitored, and their corresponding CWQG-FALs.</p>	<p><u>Response to the ECCC on Nov 2, 2021:</u></p> <p>The parameters listed in Table 4-2 of the FUP are proposed to be monitored at each of the seven monitoring locations for the first six months of construction. Like the routine water quality monitoring for parameters in Table 4-1, monitoring will be conducted on a monthly basis and during high flows and upset conditions for parameters in Table 4-2.</p> <p>Water quality results of the Table 4-2 parameters monitored for the first six months of construction will be provided to ECCC, DFO and CH on a monthly basis for review to determine if further monitoring is required for these parameters beyond the first six months of construction.</p> <p>A table footnote to describe the long-term CWQG-FAL for total ammonia has been added to Table 4-2.</p> <p>A list of the proposed Organochlorine Pesticides, Organophosphate Pesticides and Phenoxy Acid Herbicides to be monitored during the monthly water quality sampling over the first six months of construction have been included in the Surface Water FUP.</p>
ECCC-SW-14	August 25, 2021	<p>Section 4.3.1.1 In-Situ Water Quality, Page 10</p> <p>In the June 9, 2020 version of the Surface Water Monitoring Plan, CN had indicated that it would be monitoring temperature, conductivity, dissolved oxygen and pH on a continuous basis. However, in the revised monitoring plan, dated April 29, 2021, CN is only proposing to monitor temperature on a continuous basis.</p> <p>Confirm whether CN is still proposing to monitor conductivity, dissolved oxygen and pH, and at what frequency.</p> <p>Ensure the necessary water quality parameters are collected to determine the CWQG-FALs and the FWQG-FALs for the monitored parameters.</p>	<p><u>Response to the ECCC on Nov 2, 2021:</u></p> <p>The federal Decision Statement, issued January 21, 2021, does not specify a requirement for continuous water quality monitoring of selected parameters. For this reason, CN does not propose to monitor conductivity, dissolved oxygen, and pH on a continuous basis. Temperature monitoring of the stormwater management system was specified as a requirement in Condition 7.12.3 of the decision statement and therefore remains as a parameter to be continuously monitored within the FUP. Pond effluent temperature will be monitored using datalogging instrumentation (level loggers) on a continuous basis at the stormwater pond outlet monitoring locations.</p>

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ECCC-SW-15	August 25, 2021	<p>Sections 4.3.2 and 5.3.2 Water Quantity; Appendix A, Figure 1</p> <p>The proponent proposes to monitor surface water quantity at seven monitoring locations shown on Figure 1 in Appendix A to compare with the predictions presented in the EIS report. The station locations are selected to monitor flow entering (Trib-Ain, Trib-Ain2, IC-in) and leaving the PDA (Trib-Aout, IC-out), as well as the outlets of the two sedimentation/stormwater ponds (SWMP-O1, SWMP-O2). Station IC-in, which monitors the flow from Indian Creek entering the PDA, is located downstream of the confluence of Indian Creek with Tributary A. The flow at this station is therefore expected to be affected by the project activities occurring on Tributary A. None of the above-mentioned stations is able to monitor the unaffected flow of Indian Creek upstream of any project activity.</p> <p>A monitoring location is therefore needed on Indian Creek, upstream of the confluence with Tributary A and downstream of the confluence with Tributary D. This station would provide baseline flows and water quality conditions upstream of the project area, and help confirm the absence of adverse water quality and water quantity effects from the Project.</p>	<p><u>Response to the ECCC on Nov 2, 2021:</u></p> <p>Per the project conditions, CN is required to monitor water quality and water quantity at locations where flows enter and exit the PDA as well as the outlets of the two stormwater ponds. The seven proposed monitoring stations identified in the FUP meets this requirement. The proposed locations for the monitoring stations are within CN owned property. CN cannot install monitoring stations in locations beyond the PDA where CN does not have landowner permission.</p> <p>Water quality and water quantity will be monitored at the Tributary A PDA outlet located north-east of Tremaine Rd (Station ID: Trib-Aout) and at the Indian Creek PDA inlet located north-east of Tremaine Rd (Station ID: IC-in). Since both water quality and water quantity will be monitored at these stations, water quality loads can be calculated for each site. Therefore, if necessary, Tributary A flows and water quality load estimates can be separated out from Indian Creek monitoring data to determine the contributions Tributary A has on Indian Creek at the PDA inlet.</p> <p>The water quality and water quantity monitoring program as described above and in the FUP will enable confirmation of potential adverse of potential adverse effects of the project on surface water.</p>
ECCC-SW-16	August 25, 2021	<p>Sections 4.4.2 and 5.4.2 Water Quantity</p> <p>The proponent proposes to monitor surface water quantity continuously for the first five years of operation using the pre-construction flow monitoring station described above. A criteria threshold for water quantity is defined as a 25% exceedance of the range of variability predicted in the EIS. When the monitored flow exceeds this threshold, an investigation of cause will be done to check if the variability may result in adverse effects. It is not clear what the ranges of variability of flow used as basis to define the criteria threshold are. It is not clear either if the criteria threshold vary seasonally.</p> <p>Provide quantitative information supporting the selection of the threshold (e.g., historical flow data measured at the site) and its trigger. The criteria threshold for water quantity should be defined explicitly (e.g., rainfall amount, outflow from SWMP, etc.). If the criteria threshold varies by season, please provide seasonal flow thresholds.</p>	<p><u>Response to the ECCC on Nov 2, 2021:</u></p> <p>The ranges of flow variability observed during the June 2015-June 2016 baseline monitoring period for Indian Creek and Tributary A have been added into section 4.3.2 of the FUP as Table 4-4 along with the corresponding criteria thresholds of 25% above the maximum recorded flow rate and 25% below the minimum recorded flow rate. A 25% variance above the predicted flow range is included in the threshold definition to account for seasonality and inter-event natural variation within the systems.</p> <p>The maximum flow recorded in Tributary A (baseline monitoring station Trib-A) during the baseline monitoring period was recorded on January 10, 2016 at 0.36 m³/s. Conversely, the minimum flow rate for Tributary A was dry conditions observed on multiple occasions during the monitoring period. Periods of no flow correlate with the watercourse being identified as an intermittent stream. As such, the criteria thresholds for Tributary A water quantity monitoring are proposed to be 0 m³/s (dry) to 0.45 m³/s.</p> <p>The maximum flow recorded in Indian Creek (baseline monitoring stations IC2 and IC3) during the baseline monitoring period was estimated to be 6.7 m³/s, recorded on June 8, 2015. The maximum flow observed is an estimate as it exceeded the range of certainty for the site rating curve as flows overtopped bankfull conditions. The minimum flow rate for Indian Creek was recorded to be 0.004 m³/s on August 2, 2015. As such, the criteria thresholds for Indian Creek water quantity monitoring are proposed to be 0.003 m³/s to 8.38 m³/s.</p> <p>The criteria thresholds do not vary seasonally as the baseline monitoring data set only spans once over each season so typical seasonal ranges could not be determined.</p>
CH		No comments / response received.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
NRCan1	October 5, 2021	<i>As related to the stormwater system, static water levels (called ""Groundwater Table Elevation") provided in Table 1 for each "Servicing Alignment Location", the document does not say whether this elevation corresponds to the highest recorded groundwater elevation and what monitoring period was used (e.g. 1 year or more?).</i>	<u>Response to the NRCan on Oct 19, 2021:</u> The groundwater table elevations in Table 1 are the highest recorded groundwater elevation based on boreholes that were investigated over a 3 year period (2014, 2015, and 2021).
NRCan2	October 5, 2021	<i>A cross-section for this specific installation was not provided. However, for most of the wells in this area presented in the table titled "MOECC WATER WELLS LOCATED WITHIN THE LAA" of Appendix E.6 (page 179/245), the depth to bedrock is less than 13.8 m. Please clarify why there is a focus on "the surrounding soils to be tight along the pipe" for the installation of the Sun Pacific Pipeline using directional drilling if most of it will be completed in bedrock. There is question as to whether, in bedrock, it could be the same.</i>	<u>Response to the NRCan on Oct 19, 2021:</u> The pipeline design has since been redesigned to a depth of 11.38m since the original submission. Based on the subsurface conditions encountered at the boreholes advanced along the proposed pipeline easement, it is anticipated that the HDD drill path will encounter native clayey silt glacial till soils. No bedrock is anticipated to be encountered; however, by nature of the formation of glacial tills, cobbles and boulders are still likely to be encountered.
CH		<i>No comments / response received.</i>	
Condition 5.13: Groundwater Quality and Quantity Follow-up Program			
ECCC1	August 10, 2020	<i>Please note that ECCC will not be reviewing the draft FUP on groundwater as these subjects do not fall under ECCC's mandate.</i>	Noted.
NRCan1	November 9, 2020	<i>It would be important that field staff installing the dataloggers in residential wells (section 3.3) take a manual measurement at each visit, as sometimes, when the datalogger is removed from the well to download data and put back, this datalogger is not exactly placed at the same depth.</i>	<u>Response provided to NRCan on January 7, 2021:</u> Standard operating practice (SOP) for all groundwater monitoring includes the manual measurements at each visit for all wells, including those with dataloggers. All contractors retained on behalf of CN to access the participating wells will adhere to the SOPs. Information to be updated in the Groundwater FUP.
NRCan2	November 9, 2020	<i>It would also be important that monitoring wells, in addition to being completed at the same depth or elevation than residential wells (section 4.3), also be installed in the same geological unit (or unit tapped by residential wells).</i>	<u>Response provided to NRCan on January 7, 2021:</u> A revision to the Program text will include specifics on the depth of monitoring wells and reference to the current geological unit each well is installed in to in order to have monitoring wells consistent with the residential wells. Information to be updated in the Groundwater FUP.

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-10	July 22, 2021	<i>It is suggested that the report be written to address the water level monitoring and sampling of the on-site and off-site wells together instead of having separate criteria, methods, reporting and adaptive management for each of these well types. Having one section will ensure consistency in the sampling methods, sampling frequency and adaptive management used.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As the FUP is currently written, each section addresses the subtle differences that exist between the monitoring of off-site private wells along the Lower Base Line (Section 3.0 of the FUP), where excavations will be deeper and the potential of intercepting the groundwater table and need for dewatering will be likely, whereas the risk of dewatering interference occurring to off-site private wells surrounding the greater PDA (Section 4.0 of the FUP) is notably lower for the following reasons (as documented in CN's response to IR3.27 (CEAR #613)):</p> <ul style="list-style-type: none"> • Below ground construction work associated with the Project within the PDA will not exceed 1.5 m below existing grades, with construction activities consisting largely of surficial grading and construction of impervious surfaces. Consequently, planned construction activities are expected to remain above the groundwater table, with depths / fluctuations in the groundwater being well understood based on monitoring data collected across the PDA from 2015 to present day. • Private off-site wells are completed into the deep overburden and bedrock aquifer systems and are hydraulically separated from the shallow overburden / groundwater system (where dewatering will occur, if required) by non-weathered, low permeability deposits of silt and clay. • Where groundwater dewatering is required, the extent of water level drawdown expected to occur due to pumping will be limited to an isolated area around a given excavation (e.g., likely less than 10 m) due to the low hydraulic conductivity of the surrounding overburden deposits (i.e., silt to clay-based soils having hydraulic conductivities ranging from 10⁻⁷ m/s to 10⁻¹⁰ m/s). <p>Consequently, the monitoring approach presented in Section 4.0 places a greater emphasis on monitoring the extensive network of on-site wells, which are constructed to depths mimicking the depths/elevations of offsite private wells, to track potential dewatering zones of influence (ZOI) within the PDA and evaluating risk of the ZOI extending off-site and intercepting private wells. In comparison, a greater emphasis is placed on the monitoring of private off-site wells in Section 3.0 (surrounding the Lower Base Line Separation) as the potential for interference from dewatering activities, although still low, is greater and, as such, the sampling methods, sampling frequency and adaptive management are tailored to meet these monitoring objectives.</p>
MECP-11	July 22, 2021	<i>Prior to the start of construction, it is recommended that all residents (within 500 m), the municipality and the Region be provided with a letter which includes a name, phone number and e-mail address to which well interference complaints can be made.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>As required by Condition 3.2 of the approval, the method for potentially affected parties to provide feedback to the Proponent on any adverse environmental effect caused by any component of the Designated Project, including the sharing of feedback received and through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow up program requirement(s) is detailed in the community consultation communication process.</p> <p>CN will provide a notification, prior to the start of construction, advising residents of the start date and including contact information (email address, phone number) for any comments or questions they may have.</p>
MECP-12	July 22, 2021	<i>Section 3.3. (pg. 6, paragraph a) – It is recommended to add that MECP will be notified immediately upon a complaint being received and advised on how the complaint will be addressed.</i>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>In the event of a complaint, CN will notify the MECP of the complaint and how it is being or has been addressed, as included in the Groundwater FUP.</p>

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MECP-13	July 22, 2021	<i>Section 3.3 (pg. 7, paragraph e) – It is recommended that the well survey include a question to find out if the well has experienced low water/water shortage in the past (including which years) and whether the well exhibits changes in water quality with change in season. If such is the case, it is recommended that water samples be collected during several separate seasons prior to the start of construction.</i>	<u>Response provided to the MECP on December 7, 2021:</u> This question will be added to the well survey questionnaire. If the resident response indicates that there have been seasonal changes in well water quality, consideration will be given to collecting water samples in separate seasons prior to the start of construction to gain a better understanding of baseline quality conditions in that water supply well (if resident chooses to participate in the construction monitoring program).
MECP-14	July 22, 2021	<i>Section 3.3 (pg. 7, paragraph f) – It is recommended that a note be made of the visual appearance of the water, i.e., turbidity. It is recommended that such an observation be made every time the property is visited by a representative of CN.</i>	<u>Response provided to the MECP on December 7, 2021:</u> Representatives from CN will observe and document the visual appearance of water sampled from private wells (for residents participating in the monitoring program) during property visits. CN notes that the parameter of turbidity is included in the analysis of pre-construction water quality, as specified in the FUP. FUP will be updated to incorporate this recommendation.
MECP-15	July 22, 2021	<i>Section 3.3 (pg. 7, paragraph g) – It is recommended that the results of the private well samples be compared to Ontario Regulation 169/03 Ontario Drinking Water Quality Standards.</i>	<u>Response provided to the MECP on December 7, 2021:</u> Pre-construction water well samples collected from participating resident's private wells identified as potentially being intercepted by the projected dewatering ZOI as documented in the Stantec (2020) <i>Lower Base Line Grade Separation Construction Dewatering Assessment</i> will be analyzed against quality parameters listed under Tables 1, 2 and 4 as documented in the MECP (2003) <i>Technical Support Document for Ontario Drinking Water (Quality) Standards (ODWQS), Objectives and Guidelines</i> . The samples will not be analyzed for radionuclides (Table 3) other than gross alpha and gross beta. This information will serve as a water quality baseline against which CN will evaluate future quality samples from the same well if a dewatering interference complaint is received; however, CN will not be responsible for having those wells being brought into compliance with those standards, as mentioned above.
MECP-16	July 22, 2021	<i>Section 3.5 – The Pre-Construction Monitoring Report and Post-Construction Monitoring Report should be provided to any agency requesting a copy.</i>	<u>Response provided to the MECP on December 7, 2021:</u> The parties to whom reports and follow-up programs are to be provided and/or the reports to be published to a publicly available medium are specified by the Decision Statement. As per Condition 2.13, CN will notify any agency, party or parties referenced in each respective Condition of the availability of these documents within 48 hours of their publication. The follow-up programs and reports will be posted to CN's website and available for download.
MECP-17	July 22, 2021	<i>Sections 4.0 and 4.1 – The monitoring network should be established such that the radius of influence can be determined in all directions from the areas that will be dewatered. It is recommended that all monitoring wells be instrumented with data loggers to collect water level measurements at minimum 4 hourly intervals.</i>	<u>Response provided to the MECP on December 7, 2021:</u> This recommendation is addressed in the Stantec (2020) <i>Milton Logistics Hub - Lower Base Line Grade Separation Construction Dewatering Assessment</i> and <i>Milton Logistic Hub - Water Well Decommissioning Plan</i> , and under Section 4.2 of the FUP, with the existing monitoring wells present within the PDA (since 2015) and the private wells identified for monitoring along Lower Base Line being positioned so that all potential directions of an expanding dewatering ZOI will be captured. All monitoring wells are, or will be, equipped with automated data logging devices (i.e., Leveloggers) that are programmed to record water level measurements every 60 minutes. CN notes that additional monitoring wells will be installed prior to construction to fill in identified spatial gaps in the monitoring network, as was indicated would be completed in Section 4.3 of the FUP.

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MECP-18	July 22, 2021	Section 4.4 (pg. 14) – Should a complaint (quality and/or quantity) be received by CN, MECP shall be advised. In addition, this section should align with Section 3.4, page 8, paragraph a).	<u>Response provided to the MECP on December 7, 2021:</u> In the event of a complaint, CN will notify the MECP of the complaint and how it is being or has been addressed. FUP will be updated to incorporate this recommendation.
MECP-19	July 22, 2021	Appendix A – The following figures were referred to but were not included in the DRAFT: a) Figure 1: Proposed Private Well Groundwater Monitoring Locations b) Figure 2: Proposed Groundwater Monitoring Locations	<u>Response provided to the MECP on December 7, 2021:</u> Noted. Figures will be included in final version of the follow-up program.
MECP-20	July 22, 2021	As noted above, there is currently litigation concerning the applicability of provincial law to the project. It is recommended that the proponent determine whether the project would normally require a Permit to Take Water (PTTW) or registration in the Environmental Activity and Sector Registry (EASR), and submit an application/register the activity in the EASR, as the case may be, in order to provide certainty and predictability and ensure the objectives of provincial environmental laws are met. Completion of a Category 3 Hydrogeological Assessment as per MECP's guideline is also recommended. These items may also help to ensure a smoother resolution of interference and impact complaints. a) Technical guidance document for hydrogeological studies in support of Category 3 PTTW applications: [LINK]	<u>Response provided to the MECP on December 7, 2021:</u> As addressed in the response to Comment MECP-10, the potential for construction dewatering to occur within the PDA is low (i.e., lower than 400,000 L/day) and therefore would not trigger the Category 3 PTTW thresholds. CN would nevertheless be pleased to meet with the MECP to discuss a mechanism to ensure that any relevant MECP objectives are addressed, including certainty and predictability, and to help ensure a smoother resolution of interference and impact complaints.
CH		No comments / response received.	
Condition 6.1: Wetland Habitat replacement			
ECCC		No specific comments received on the wetland replacement.	
CH		No comments / responses received.	
MCFN		No specific comments received on the wetland replacement.	
Six Nations		No specific comments received on the wetland replacement.	
Condition 6.2: Drainage Features			
ECCC-DF-01	May 31, 2021	Wetlands and Wetland Functions Follow-up Program Section 3.2 Locations, Page 5: "The conceptual habitat enhancement plan proposes the creation of four areas of wetland habitat on CN-owned lands, comprising 7.1 ha of wetland habitat ..." Condition 6.2.2 of the Decision Statement states that the Proponent shall "take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design and maintenance of the replacement wetlands referred to in condition 6.1;" Have the selection and design of the four proposed areas of replacement wetland habitat been informed by the results of the aforementioned feature-based water balance analysis?	<u>Response provided to ECCC on Nov 2, 2021:</u> The feature-based water balance (FBWB) analysis focused on draws and flow paths across the agricultural fields as input to Indian Creek and Tributary A. The location, design and maintenance of the created wetland areas will continue to direct flow into these two watercourses and are intended to retain water longer than existing conditions of the agricultural fields. The results of the FBWB support these conclusions. Existing conditions of an agricultural swale dominated by non-native species was not desirable.
CH		No comments / responses received.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 6.3: Wetlands and Wetland Functions Follow-up Program			
ECCC-WWF-01	May 31, 2021	<i>Revise the draft wetlands follow-up program in order to be consistent with the requirements stipulated under Condition 6.3 of the Decision Statement, issued under Section 54 of the Canadian Environmental Assessment Act, 2012, dated January 21, 2021.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> The following information was added to the Wetlands and Wetland Functions Follow-up Program to be consistent with the requirements stipulated under Condition 6.3: "The wetland monitoring program presented below, and the associated monitoring details, have been developed to comply with the Minister's conditions of approval issued January 21, 2021. This program has developed to comply with Condition 6.3 of the Decision Statement and has been developed in consultation with Environmental and Climate Change Canada (ECCC), Conservation Halton (CH) and other relevant authorities as applicable. Draft versions of this FUP were sent to the ECCC on August 10, 2020, CH on July 31, 2020, and the MECP on June 7, 2021. Comments were received from the ECCC and have been considered in finalizing this document."
ECCC-WWF-02	May 31, 2021	<i>Section 2.0 Program Design Considerations, Page 3: "The program will consist of three components ..." Revise to reflect the requirements stipulated under Condition 6.3 of the Decision Statement.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Section 2.0 revised to capture each point under Condition 6.3 of the Decision Statement.
ECCC-WWF-03	May 31, 2021	<i>Section 3.1 Criteria, Page 5: "Wetland water level fluctuations as compared to pre-construction conditions" Wildlife occurrence information, through targeted surveys, must also be collected to ensure the newly created wetlands are functioning correctly.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Commitment for wildlife surveys in wetlands added. Section 3.3.5 added to the report to include details of proposed wildlife monitoring.
ECCC-WWF-04	May 31, 2021	<i>Section 3.3.1 Riparian Vegetation Assessment, Page 6: "The three-year monitoring program ..." Revise to reflect the requirements stipulated under Condition 6.3.1 of the Decision Statement.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Commitment extended to five years of monitoring.
ECCC-WWF-05	May 31, 2021	<i>Section 3.3.2 Wetland Areal Extent Evaluation, Page 7: "Wetland boundaries will be assessed annually for three years ..." Revise to reflect the requirements stipulated under Condition 6.3.1 of the Decision Statement.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Commitment extended to five years of monitoring.
ECCC-WWF-06	May 31, 2021	<i>Section 3.3.3 Wetland Water Level Fluctuations, Page 7: "Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of 3 years." Revise to reflect the requirements stipulated under Condition 6.3.2 of the Decision Statement.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Commitment extended to five years of monitoring.
ECCC-WWF-07	May 31, 2021	<i>Section 3.3.3 Wetland Water Level Fluctuations, Page 8: "These qualitative observations may be supported by installation of strategically placed drive-point piezometers designed to allow for the installation of dataloggers to monitor wetland hydroperiods." Quantitative data must be collected in order to assess the water level fluctuations.</i>	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Use of piezometers changed to a firm commitment.

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ECCC-WWF-08	May 31, 2021	Section 3.4.1 Riparian Vegetation, Page 8: "Maintenance is possible over the three-year monitoring period ..." Revise to reflect the requirements stipulated under Condition 6.3.1 of the Decision Statement.	<u>Response provided to ECCC on Nov 2, 2021:</u> Addressed in FUP. Commitment extended to five years of monitoring.
CH		No comments / responses received.	
Condition 6.4: Buffer establishment around wetlands / watercourses			
ECCC		No specific comments received related to buffer establishment.	
CH		No comments / responses received.	
Condition 6.10: Progressive Reclamation Follow-up Program			
ECCC		No specific comments related to progressive reclamation.	
CH		No comments / responses received.	
Condition 7: Fish and Fish Habitat			
DFO12	April 14, 2021	The requirements outlined above in Section 7 Fish and Fish Habitat will predominantly be addressed as conditions in the Fisheries Act Authorization and/or form part of CN's submission and application for a Fisheries Act Authorization. Further, the Monitoring and Follow up Plan are required to confirm efficacy of the mitigation measures, to confirm predictions related to the project effects on fish and productivity, to determine effectiveness of offsetting works and if further works are required, and will provide recommendations for remediation, adaptive management strategies and contingencies.	Noted
CH		No comments / responses received.	
MCFN		No comments specific to the Fish and Fish Habitat FUP	
Six Nations		No comments specific to the Fish and Fish Habitat FUP	
Condition 7.4: In-water work during RAP			
DFO		N/A	
CH		N/A	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 7.5: Fish and Fish Habitat Offsetting Plan			
DFO1	November 18, 2020	<i>What is the anticipated time lag between construction of the new realignments at Trib A and Indian Creek and when flows will be introduced? Is there a growing season in between to help stabilize the channel? Will both Indian Creek and Tributary A be switched over at similar times, please describe this specific sequencing.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>The specific lag time between construction of the new channels and introduction of flows will be dependent upon the final timing construction, which relies on the timing of final approvals (IAAC and DFO) and commencement of the construction process, while recognizing and complying with appropriate fisheries timing windows for in-water work.</p> <p>The intention is to construct and stabilize the new channels (off-line) before introducing flows, with a commitment having been made that the "off-line channels would be allowed to stabilize and vegetate for a period of time before flow is introduced". Providing time for vegetation to grow and establish (including early establishment of annuals and some perennial species) will be an important consideration. The specific length of this period of time will depend on the start of construction / timing of the new channels. While the specific timing and therefore the specific lag time has not yet been confirmed, an updated construction schedule will be provided for the Project (specific to the fish habitat related works) once confirmed to provide an indication of the expected lag time.</p> <p>It is planned that the realignment of Tributary A and Indian Creek will be completed independent of one another, and aligned with the overall construction schedule. Specific timing and sequencing of the channel switch overs will be refined based on the overall construction schedule with input from the contractor once retained. A description of the sequencing associated with the individual channel realignment switch overs is provided in CN's response to IR2.39 (available here) and IR4.48 (available here), and is included on the construction notes of the detailed design drawings (see Drawing C-500).</p> <p>Final details on timing will be confirmed once available, which will depend on the timing of approvals and corresponding initiation of construction activities.</p>
DFO2	November 18, 2020	<i>Further to the above, please clarify the season or timeframe where fish salvages will take place in the existing portions of the channels.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>Similar to the above, the specific timing when fish salvage activities will take place will depend on the overall timing of construction and corresponding timing of the switch overs. We can confirm that the fish salvage activities will occur during the fisheries timing window (i.e., between July 1 and March 14), outside the Restricted Activities Period (RAP), as in-water work is proposed to avoid sensitive life-cycle stages of resident fish populations.</p>
DFO3	November 18, 2020	<i>Once a decision statement has been rendered and we proceed with review; as final design drawings are completed, they should be forwarded to DFO, including description of any minor or major changes to footprints, channel lengths, addition or removal of habitat features, plantings, staging, erosion or sediment control plans, etc.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>At this time, all current plans / drawings for construction have been provided to DFO. While substantive revisions are not anticipated at this time, any updates stemming from comments received from DFO, input from agencies or Indigenous communities pending consultation in accordance with IAAC conditions, or refinement to project design / construction schedules will be provided to DFO.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
DFO6	November 18, 2020	<i>In anticipation of DFO's Duty to Consult with Indigenous groups and in reference to a potential condition is for CN to indicate how the views and information of Indigenous groups were integrated into the proposal, and potentially the offsetting measures.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>CN has been engaged with the various Indigenous communities throughout EA process, specifically Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (Six Nations), Huron Wendat Nation (Huron Wendat) and Métis Nation of Ontario (MNO). This included opportunities to participate in field investigations, sharing of information pertaining to the conceptual design of channel realignments, and discussions regarding how mitigation, restoration, and enhancement measures will be implemented to reduce and offset potential effects on fish habitat.</p> <p>N's response to IR4.38 (available here) provides a summary of how CN used, or was informed by, the views and information of Indigenous groups. Specific to fish and fish habitat, this included consideration of traditionally used species and sites in proximity to the project, as well as a general concern for the protection of fish habitat and water quality from potential impacts of the Project. This information was shared with the design team and technical leads responsible for assessing potential effects, identifying potential mitigation and informing restoration and enhancement opportunities. Meetings also occurred throughout the EA process, which included discussions regarding the rationale, impacts and mitigation measures associated with the proposed channel realignments.</p> <p>CN and Stantec have continued to engage with the MCFN, Six Nations and Huron Wendat through the detailed design phase. In anticipation of a circulation by DFO to these communities in regard to the Fisheries Act applications, we have prepared and submitted a summary of the offsetting plan to each community (November 2020) for their consideration. We have also discussed next steps with MCFN and Six Nations, and will be providing MCFN with additional information shortly and will be arranging a call with Six Nations early in the new year to discuss next steps. Huron Wendat have indicated that they do not have specific comments on the proposed offsetting plan at this time. An opportunity for Indigenous community participation during fish and fish habitat monitoring activities has also been extended.</p>
CH		<i>No comments / responses received.</i>	
MCFN		<i>No comments specific to the Fish and Fish Habitat Offsetting Plan</i>	
Six Nations		<i>No comments specific to the Fish and Fish Habitat Offsetting Plan</i>	
Condition 7.9: Natural Channel Design Principles for Indian Creek and Trib A			
DFO		<i>No specific comments related to design principles.</i>	
CH		<i>No comments / responses received.</i>	
Condition 7.11: Measures to mitigate increased temperature in water discharged from the SWP Facilities			
DFO		<i>No specific comments related to increased temperature.</i>	
CH		<i>No comments / responses received.</i>	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 7.12: Fish and Fish habitat Follow-up Program			
DFO4	November 18, 2020	<i>Post Construction Monitoring: in Section 5.2 Letter of Intent to Implement Offsetting Measures (dated March 9, 2020) the monitoring is proposed for three consecutive years following completion of channel construction. I would like to recommend consideration of an additional year of monitoring at year 5. Such that monitoring as outlined would be conducted in Years 0, 1, 2, 3 and 5. This would provide greater assurance of channel stability and function of channel habitat features. This is consistent with similar projects requiring FAA.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>CN has no objection to including an additional year of monitoring at Year 5, such that monitoring would be conducted in Years 0, 1, 2, 3 and 5. This will be updated in the Fish and Fish Habitat Follow-up Plan for the Project.</p>
DFO5	November 18, 2020	<i>In terms of success of vegetated establishment, DFO recommends a 75-80% success rate for plantings.</i>	<p><u>Response provided to DFO on January 7, 2021:</u></p> <p>CN has no objection to revising the success rate for plantings to 75-80%.</p>
CH		<i>No comments / responses received.</i>	
MCFN		<i>No comments specific to the Fish and Fish Habitat FUP</i>	
Six Nations		<i>No comments specific to the Fish and Fish Habitat FUP</i>	
Condition 8.2.1: Vegetation Clearing Timing Windows			
ECCC	May 31, 2021	<i>Confirmed breeding bird windows (see comment ECCC-WL19)</i>	
Condition 8.2.2: Vegetation Clearing within the Timing Windows			
ECCC	May 31, 2021	<i>Confirmed breeding bird windows and process if necessary within breeding bird window (see comment ECCC-WL19)</i>	
Condition 8.4: Migratory Bird Follow-up Program			
ECCC-WL01	May 31, 2021	<i>"The wildlife management plan presented below [NTD: have been developed to comply with the Minister's conditions of approval issued xx,xxx,xxxx]." Revise the draft wildlife management plan in order to be consistent with the requirements stipulated under the relevant Conditions of the Decision Statement, issued under Section 54 of the Canadian Environmental Assessment Act, 2012, dated January 21, 2021. These include, but are not limited to, Conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28 and 8.32.</i>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The following information was added to the Wildlife Management Plan to be consistent with the requirements stipulated under Conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28 and 8.32:</p> <p>"The wildlife management and connectivity plan presented below has been developed to comply with the Minister's conditions of approval issued January 21, 2021. This program has been developed to comply with conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32 and 8.33 of the Decision Statement and has been developed in consultation with Environment and Climate Change Canada (ECCC), Halton Region, Conservation Halton (CH), Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River, and other relevant authorities. Consultation with agencies occurred on [NTD: insert summary of submissions, calls and written comments into the final version] and their comments [NTD: will be] considered and addressed in this document. Draft versions of this document were sent to ECCC on May 31, 2021, Halton Region on June 4, 2021, CH on June 28, 2021, MCFN on January 14, 2021, and Six Nations of the Grand River on March 3, 2021. Comments received through consultation have been considered in finalizing this document."</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WL02	May 31, 2021	Section 2.0 Project Design Considerations, Page 3: "This plan will consist of two components ..." As the intent of this draft plan is to address seven, distinct follow-up Conditions of the Decision Statement (as indicated in CN's document "ECCC Final Conditions Consultation Tracking - Feb 26 2021"), for the sake of clarity, consider re-organizing the structure of the Plan according to the seven, distinct follow-up Conditions.	<u>Response provided to ECCC on Nov 2, 2021:</u> References to the Conditions of Decisions Statement have been made throughout the report, to demonstrate how each Condition is met.
Condition 8.5: Western Chorus Frog Surveys			
ECCC-WL03	May 31, 2021	Section 3.0 Pre-Construction Wildlife Management Plans (including all relevant subsections): For clarity and structure, each sub-section should identify its corresponding Condition and requirements. For example, under Section 3.1 Western Chorus Frog, establish clear linkages between the requirements stipulated under Condition 8.5 and the associated undertakings.	<u>Response provided to ECCC on Nov 2, 2021:</u> References to the Conditions of Decisions Statement have been made in each Section.
ECCC-WL04	May 31, 2021	Section 3.1.1 Auditory Surveys, Page 5: "Survey stations were established along the CN right of way between Britannia Road and Louis St. Laurent Avenue, each station in proximity to wet areas or depressions adjacent to the railway right-of-way (ROW)..." Update this section to include additional survey results from "CN Milton Logistic Hub Western Chorus Frog – Survey Results and Habitat Compensation" (memo dated January 29, 2021) and incorporate the comments provided by ECCC to CN via email on March 9, 2021.	<u>Response provided to ECCC on Nov 2, 2021:</u> Results of the 2020 Western Chorus Frog surveys have been added to the Wildlife Management Program, including consideration of the comments provided by ECCC to CN via email on March 9, 2021.
CH		No comments / responses provided.	
Region		No comments / responses provided.	
MECP		No comments / responses provided related to WCF.	
Condition 8.6: Exclusion Fencing Design and Timing Windows for Turtles			
ECCC-WL07	May 31, 2021	Section 4.0 Construction Wildlife Management Plans, Page 15: "Inspection and maintenance of turtle and snake exclusion fencing and Western Chorus Frog exclusion fencing will be completed on a regular basis; adjustments will be made as necessary (e.g., repairs, relocation to accommodate construction and maintain wildlife exclusion)..." Specify inspection frequency (e.g., weekly).	<u>Response provided to ECCC on July 14, 2021:</u> Updated to specify weekly.
Condition 8.7: Exclusion Fencing Design and Installation for WCF			
ECCC		Fencing figures were reviewed as part of the WMP FUP – see comment ECCC-WL07	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 8.9: Western Chorus Frog Habitat Replacement			
ECCC-WL21	August 25, 2021	<p><i>Section 5.2 Western Chorus Frog, Page 34</i></p> <p><i>"The North Oakville-Milton West Wetland Complex measures 20.2 hectares in size, made up of many wetland pockets within a larger forested tract between Milton and Oakville."</i></p> <p><i>It is not clear what the estimate of additional (new) compensation habitat for Western Chorus Frog is beyond that which is already required in accordance with Conditions in the Decision Statement.</i></p> <p><i>The specifications presented for the breeding habitat are consistent with recommendations provided by ECCC. Please provided a summary of the total area of breeding habitat and a total area of hibernation habitat which together should result in an estimate of additional (new) compensation habitat for Western Chorus Frog as described above. ECCC wishes to reiterate that the minimum 1:1 ratio of replacement habitat in Condition 8.9 of the Decision Statement was based on the expectation that the replacement habitat would be located within 300 m of the existing Western Chorus Frog breeding habitat. The new locations chosen may be more beneficial for the Western Chorus Frog in the longer term, however the risk to the Western Chorus Frog increases with distance between compensation habitat and existing occupied breeding habitat. As indicated above, the estimate of additional (new) compensation habitat must include the amount of breeding and hibernation habitat in order to determine an offset ratio which is expected to be higher than 1:1.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Recent satellite imagery has shown a reduction in Western Chorus Frog habitat adjacent to the PDA, within the Boyne Secondary Planning Area; this change has been verified by a site visit on October 20, 2021. Specifically, an area of wetland on the west side of the CN tracks has been removed, which was the location where Western Chorus Frog breeding was observed in 2020. The wetland was present during a site visit on May 14, 2021 but was not present in Google Earth satellite imagery from June 2021. As such, the wetland removal would have occurred in late spring 2021. As of September 2021, the wetlands in proximity to the 2014 and 2016 occurrences (data previously provided by the Region) remain intact. However, no Western Chorus Frog breeding evidence in these wetlands was observed in 2020.</p> <p>Based on the current existing conditions of wetland habitat, and assuming that all suitable habitats within 300m of a wetland provide hibernation sites, Stantec has re-evaluated the area of potential hibernation habitat within the PDA to be 3.5 ha. As compensation for this 3.5 ha of suitable hibernation habitat, a total of 550 m² of breeding habitat and 6.6 ha of terrestrial habitat (including suitable hibernations sites) will be created. The created habitat will be located adjacent to 15.9 ha of existing woodland habitat, which provides suitable terrestrial habitat for Western Chorus Frog, including hibernation sites.</p> <p>Western Chorus Frog are somewhat of a habitat generalist in their use of terrestrial habitat, utilizing a variety of environments, including pastures, clearings, meadows, fallow lands, and shrublands. However, they have a very narrow range of habitat requirements for their breeding pools. As such, creation of breeding habitat, in addition to hibernation sites, is expected to provide an overall benefit to the species. Furthermore, unlike the existing habitat, the selected compensation habitat location is situated in a large natural heritage system (within the North Oakville-Milton West Wetland Complex), providing better dispersal opportunities, and is outside the development pressure of the Urban Area zoning of the Town of Milton's Official Plan. Overall, the proposed habitat creation is expected to provide a significantly greater benefit to Western Chorus Frog than the 1:1 ratio of hibernation sites specified in the decision statement.</p>
CH		<i>No comments / responses received.</i>	
Milton		<i>No comments / responses received.</i>	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 8.10: Western Chorus Frog Follow-up Program			
ECCC-WCF01	March 9, 2021	<p><u>Methods (Page 1, 2nd paragraph)</u></p> <p>"Habitat surveys were also completed in the remainder of the PDA, to augment the previous auditory surveys completed in 2015 and 2017, during which no Western Chorus Frogs were detected."</p> <p>ECCC reiterates that surveys completed in 2015 and 2017 are not sufficient to identify suitable breeding habitat for Western Chorus Frog individuals in 2020 due to dynamic breeding conditions, where breeding habitat has variable annual suitability. Auditory surveys were completed in 2020 covering all suitable breeding habitat within the PDA and the LAA, supplemented by habitat surveys in areas that were not suitable breeding habitat in the 2020 season. However, areas within the new compensation locations may not have been adequately surveyed, leading to an increased risk of compensation being unsuccessful as it is uncertain if there will be Western Chorus Frog individuals in close proximity to populate these locations. This increased risk is addressed in subsequent comments within this review.</p>	<p><u>Response provided to ECCC on May 20, 2021:</u></p> <p>To supplement existing data and to confirm habitat suitability, additional surveys were completed in the Spring of 2021 targeting standing water in and around the woodland south of the PDA, presented as Option 2 in our January 2021 Western Chorus Frog memo. Auditory surveys were completed using Automated Recording Units (ARU). Results are pending as recordings are being analyzed.</p> <p>In addition, Environmental DNA (eDNA) samples were also collected in areas of standing water in and around the woodland. Three samples were collected from each area of standing water. Sample consisted of 500mL of water, pumped through at 1.2um Smith Root™ self-preserving disc filter. Samples have been submitted to Precision Biomonitoring Inc. for analysis to confirm presence/absence of Western Chorus Frogs in this location.</p> <p>Once the results have been confirmed, CN will provide the data to ECCC for your records and consider the results in finalizing the compensation habitat strategy for this Project.</p>
ECCC-WCF02	March 9, 2021	<p><u>Habitat Survey Results (Page 6)</u></p> <p>"The total amount of Western Chorus Frog habitat within the PDA is 5 ha."</p> <p>Please confirm that the amount of suitable western chorus frog hibernation (overwintering) habitat that will be removed as part of the Project is 5 ha, and that there are no other suitable habitat types (especially breeding habitat) that will be removed as part of the Project. Upon confirmation that it is 5 ha of suitable western chorus frog overwintering habitat, this value will be used in presenting the restoration amount, outlined in the subsequent comments within this review.</p>	<p><u>Response provided to ECCC on May 20, 2021:</u></p> <p>The area of potential hibernation habitat within the PDA is comprised of grassy areas with some shrub cover, which measures 5 ha in size. The tracks and exposed rock ballast were not considered suitable habitat and were therefore excluded from this calculation.</p> <p>All records of observations of Western Chorus Frog in 2020, between Britannia and Louis St. Laurent, were in wetlands outside of the PDA. While small areas of standing water were observed within the PDA at the time of the survey (late March/early April), these areas were expected to dry up too early in the season to support Western Chorus Frog breeding, or did not provide suitable habitat for the species (i.e., gravel bottom at the outflow of a culvert). Furthermore, no amphibian activity was observed at the areas of standing water within the PDA.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WCF03	March 9, 2021	<p><u>Western Chorus Frog Habitat Enhancement Options (Page 7, all three bulleted points)</u></p> <p><i>ECCC recommends very minor changes in order for the terminology in the memo to be consistent with the Federal Recovery Strategy (Western Chorus Frog (Pseudacris triseriata), Great Lakes / St. Lawrence – Canadian Shield population (canada.ca)). The habitat types below are consistent with the needs of the western chorus frog as outlined in Federal Recovery Strategy (notwithstanding the “Dispersal between local populations” which is addressed in subsequent comments within this review):</i></p> <p><i>Breeding Pools = Breeding habitat</i></p> <p><i>Foraging and movement within local habitats = Habitat for Foraging and movements within a local population</i></p> <p><i>Overwintering = Hibernation habitat</i></p> <p><i>Using the limited information provided for the two options, and if only one option can be chosen, ECCC would prefer Option 2. Preliminary information on restoration trials for Western Chorus Frog breeding habitat (the most difficult habitat to restore for the species) indicates there is high variability of results within discrete locations. Achieving the correct hydroperiod (retention) of water can be challenging; therefore, choosing more geographically distributed sites may be beneficial and mitigate the risk of restoration failure. As a result, consider restoring habitat in both locations, with the weighting of effort skewed toward Option 2.</i></p> <p><i>Regardless of the chosen location(s), there should be multiple breeding wetlands (ponds/depressions) of various sizes and depths to increase the likelihood of success between and among years, and to ensure breeding habitat is available for the western chorus frog’s life requirements. In order to achieve this, ECCC recommends gathering information at existing breeding sites adjacent to the PDA that have appropriate hydroperiods to influence design of the compensation habitat, ensuring that local conditions (such as water table, substrate, etc.) are being considered. Specifically, engaging Conservation Halton may be beneficial in gathering this information.</i></p> <p><i>ECCC interprets the Option 1 description to mean that existing, planned restoration habitat will be modified in order for it to be suitable for the western chorus frog. If Option 1 were chosen alone, ECCC expects that the amount of restored habitat will be increased to compensate for the loss of hibernation habitat and to ensure that the habitat functions appropriately to provide all western chorus frog life requirements (as has been identified using the three habitat types above). A summary of the amount of habitat (by the three habitat types) should be provided for each option, and should not overlap with the requirements for other conditions (i.e., no double counting). Option-specific comments can be found below, and apply regardless of the chosen site.</i></p>	<p><u>Response provided to ECCC on May 20, 2021:</u></p> <p>Updates will be made in the Wildlife Management Plan to adopt the terminology from the Federal Recovery Strategy.</p> <p>Recognizing ECCC’s preference, and given the fate of the existing breeding habitats being lost through the adjacent subdivisions,</p> <p>Option 2 is the preferred location at this time. As such, CN will proceed to develop a compensation plan that focuses on the Option 2 area and will incorporate the comments from ECCC in regard to Western Chorus Frog breeding habitat, corresponding hydroperiod, and suggestion for multiple breeding wetlands of various sizes and depths.</p> <p>Further, CN has proposed the creation of wetland areas within the Option 1 area as well. The intent of Option 1 is to incorporate Western Chorus Frog habitat into other planned wildlife habitat enhancement areas. Some elements of the existing wildlife enhancement plan are intended to support amphibians, including meadow habitat and off-line fishless wetland pools with seasonal hydroperiods. Such features could be refined to better suit Western Chorus Frog (based on the comments from ECCC), with the addition of new habitat enhancement elements. Based on the comment above, habitat enhancements will be implemented at both Option 1 and 2, to meet the total 5 ha of replacement habitat.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WCF04	March 9, 2021	<p><u>Table 3: Western Chorus Frog (WCFR) Habitat Enhancement Options (Pages 7 – 8)</u></p> <p><i>Option 1</i></p> <p><i>“Integrating WCFR habitat into the wetland birds/Snapping Turtle/Monarch habitat enhancements within the realigned Indian Creek and Trib A floodplains.”</i></p> <p><i>Further to the comments above, ECCC expects that additional breeding wetlands (ponds/depressions) will be constructed in a manner suitable for western chorus frog breeding, making them less suitable for Snapping Turtles.</i></p> <p><i>Option 2</i></p> <p><i>Option 2 is preferred because of the proximity to existing suitable habitat and restored habitat. The lack of survey information, however, leads to higher uncertainty that western chorus frog individuals will be available to populate restored habitat. As a result, additional surveys completed in 2021 may address this uncertainty and enhance the habitat creation design. Considering the amount of habitat for foraging and movements within a local population and hibernation habitat, ECCC expects that habitat creation effort will focus on providing breeding habitat while ensuring that any breeding habitat is connected to hibernation habitat.</i></p>	<p><u>Response provided to ECCC on May 20, 2021:</u></p> <p>The intent of Option 1 would be to add Western Chorus Frog habitat elements to the enhancement habitat, without removing features intended for other species.</p> <p>Although not a requirement of approval, amphibian habitat was included in the design of the enhancement habitat, with the intent of increasing the overall biodiversity of the area. The amphibian habitat in the existing plan would be refined to meet the needs of Western Chorus Frog, while still supporting other amphibians that use wetlands with seasonal hydroperiods. In addition to the already planned amphibian habitat, additional breeding pools and overwintering habitat could be incorporated into Option 1.</p> <p>Additional surveys were completed in the spring of 2021 targeting Option 2, as discussed above. Option 2 has existing forest habitat, which could be suitable hibernation sites and/or foraging habitat for Western Chorus Frog. The focus of habitat enhancements would be the creation of breeding pools adjacent to the woodland, as well as the creation of more open meadow habitat.</p> <p>Detailed design of the Western Chorus Frog habitat, with a comprehensive description of proposed habitat elements, will be developed once the compensation site(s) has been confirmed.</p>
ECCC-WCF05	March 9, 2021	<p><u>Analysis of the technical constraints preventing the preservation of the Western Chorus Frog habitat along the proposed works on CN Railway corridor (PDF Pages 22 - 23)</u></p> <p><i>There are four needs of the western chorus frog outlined in the Federal Recovery Strategy, three of these will have been addressed in the habitat enhancement/restoration/creation outlined above. The fourth need is for “Dispersal between local populations”, more commonly referred to as connectivity. ECCC appreciates the constraints on the Project; however, this issue remains unaddressed by the habitat enhancement/restoration/creation options outlined above. In particular, the description of Location “A” appears to indicate an upgrade of the existing culvert, perhaps providing an opportunity to increase the suitability of crossing for the western chorus frog. ECCC recommends considering this option further; otherwise, additional information should be provided in order to justify why it is not feasible. Similarly for Location “C”, this location appears to be the most desirable location to increase connectivity for the western chorus frog; please provide additional information to justify why it is not feasible.</i></p>	<p><u>Response provided to ECCC on May 20, 2021:</u></p> <p>Location ‘A’ and ‘C’ were both assessed for their suitability and viability as an ecopassage opportunity to facilitate dispersal between local populations. However, notwithstanding the fate of the adjacent breeding habitats (i.e., being lost as a result of the proposed adjacent secondary plans and corresponding subdivision plans), it is not feasible to install culverts at either of these locations based on the information provided by Aecom as Attachment C to the memo from Stantec dated January 29, 2021.</p> <p>Location ‘A’ will be retained as a culvert crossing beneath the existing mainlines that may serve as a connection to facilitate dispersal between local populations. However, the functionality of this crossing as a dispersal mechanism relies of activities and decisions regarding the adjacent plans of subdivision, which are beyond the control of CN.</p> <p>Further information regarding the feasibility of Location A and C has been prepared by Aecom and is attached to this email.</p>
ECCC-WL09	May 31, 2021	<p><u>Section 5.2 Western Chorus Frog, Page 22:</u></p> <p><i>Update this section to include additional survey results from “CN Milton Logistic Hub Western Chorus Frog – Survey Results and Habitat Compensation” (memo dated January 29, 2021) and other documents (as applicable).</i></p>	<p><u>Response provided to ECCC on July 14, 2021:</u></p> <p>Section updated to include conceptual proposed habitat creation.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WL1	August 4, 2021	<p><i>Section 3.1.2.1 Habitat Survey Results:</i></p> <p><i>On page 11, the Wildlife Management and Connectivity Plan states that "As the local population adjacent to the PDA appears to be small, with little vocalization detected during previous surveys, there is a risk the onset of the breeding season may not be detected right away. As such, records of calling Western Chorus Frogs elsewhere within a 20km radius (confirmed through in field surveys or iNaturalist reports) will also be used as verification of the onset of the breeding season."</i></p> <p><i>A 20 km radius could include sites with breeding activity that begins several days before or after breeding activity within the PDA. In order to ensure that reference sites are representative of the breeding timing within/near the PDA, ECCC recommends that potential reference sites are identified by the proponent using existing occurrence data and are reviewed by ECCC ahead of the 2022 breeding season.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated to specify a 5km radius for detection of breeding activity. Other sites within 5km that will be visited to confirm breeding activity include roadside surveys of wetlands within the Boyne Secondary Planning Area, where Western Chorus Frogs have been previously recorded, as well as publicly accessible sites within 5km (e.g., public trails through the Glenorchy Conservation Area). The timing of the onset of Western Chorus Frog breeding can depend on vegetation structure of the site, with shaded sites start later than sunny locations. The existing breeding habitat adjacent to the PDA is dominated by cattails, which tends to be more shaded with later Western Chorus Frog breeding; this will be considered when confirming reference sites.</p>
ECCC-WL2	August 4, 2021	<p><u>Section 5.2 – Western Chorus Frog</u></p> <p><i>On page 34, the Wildlife Management and Connectivity Plan states that "The North Oakville-Milton West Wetland Complex measures 20.2 hectares in size, made up of many wetland pockets within a larger forested tract between Milton and Oakville."</i></p> <p><i>It is not clear what the estimate of additional (new) compensation habitat for Western Chorus Frog is beyond that which is already required in accordance with Conditions in the Decision Statement.</i></p> <p><i>The specifications presented for the breeding habitat are consistent with recommendations provided by ECCC. Please provided a summary of the total area of breeding habitat and a total area of hibernation habitat which together should result in an estimate of additional (new) compensation habitat for Western Chorus Frog as described above. ECCC wishes to reiterate that the minimum 1:1 ratio of replacement habitat in Condition 8.9 of the Decision Statement was based on the expectation that the replacement habitat would be located within 300 m of the existing Western Chorus Frog breeding habitat. The new locations chosen may be more beneficial for the Western Chorus Frog in the longer term, however the risk to the Western Chorus Frog increases with distance between compensation habitat and existing occupied breeding habitat. As indicated above, the estimate of additional (new) compensation habitat must include the amount of breeding and hibernation habitat in order to determine an offset ratio which is expected to be significantly higher than 1:1.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>As compensation for the 5ha of terrestrial habitat (including suitable hibernation sites), a total of 550 m² of breeding habitat and 6.6 ha of terrestrial habitat (including suitable hibernations sites) will be created. Furthermore, the created habitat will be located adjacent to 15.9 ha of existing woodland habitat, which provides suitable terrestrial habitat for Western Chorus Frog, including hibernation sites. Unlike the existing habitat, selected compensation habitat location is situated in a large natural heritage system (within the North Oakville-Milton West Wetland Complex), providing better dispersal opportunities. Overall, the proposed habitat creation is expected to provide a significantly greater benefit, than the 1:1 ratio of hibernation sites identified in the decision statement.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC- WL3	August 4, 2021	<p><u>Section 5.2 – Western Chorus Frog (Monitoring)</u></p> <p><i>On page 38, the Wildlife Management and Connectivity Plan states that “Hydroperiod: Monthly monitoring, or use of piezometers with dataloggers, from early April through to September is recommended for a three year period.”</i></p> <p><i>Water levels should be documented at multiple points to ensure that deep and shallow portions of the pond are monitored to obtain a complete understanding of the hydrology of the ponds, and not just the water level at a single point. ECCC recommends a minimum of two water level measurement points, and more if pond bathymetry and/or profile is complex.</i></p> <p><i>Water level monitoring should continue into late fall (i.e., beyond September) to determine whether wet pockets persist that may provide potential winter refuges for predator species. ECCC recommends that an in-person visit takes place in November to assess water retention into the winter.</i></p> <p><i>Water temperature should be monitored/documentated likely using existing data loggers. ECCC recommends combining water level/temperature monitoring using loggers with in-person measurements conducted at least three times per year (i.e., spring, peak breeding, and late fall). In-person measurements may align with vegetation surveys.</i></p> <p><i>ECCC recommends in-person vegetation and water level surveys include photographs to document pond condition, and the vegetation monitoring should occur for at least a five-year monitoring period.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Monitoring requirements in the WMP have been updated to include the recommendations provided by ECCC. This includes the use of at least two dataloggers installed in each pond, to complete understanding of the hydrology of the ponds. The monitoring period has also been extended from April through November, with three in person surveys in year. Commitments for temperature monitoring (using the dataloggers) and photo monitoring have also been added.</p>
ECCC-WL13	August 25, 2021	<p><u>Section 3.1.2.1 Habitat Survey Results, Page 11</u></p> <p><i>“As the local population adjacent to the PDA appears to be small, with little vocalization detected during previous surveys, there is a risk the onset of the breeding season may not be detected right away. As such, records of calling Western Chorus Frogs elsewhere within a 20km radius (confirmed through in field surveys or iNaturalist reports) will also be used as verification of the onset of the breeding season.”</i></p> <p><i>A 20 km radius could include sites with breeding activity that begins several days before or after breeding activity within the PDA. In order to ensure that reference sites are representative of the breeding timing within/near the PDA, ECCC recommends that potential reference sites are identified by the proponent using existing occurrence data and are reviewed by ECCC ahead of the 2022 breeding season.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated to specify a 5km radius for detection of breeding activity. Other sites within 5km that will be visited to confirm breeding activity include roadside surveys of wetlands within the Boyne Secondary Planning Area, where Western Chorus Frogs have been previously recorded, as well as publicly accessible sites within 5km (e.g., public trails through the Glenorchy Conservation Area). The timing of the onset of Western Chorus Frog breeding can depend on vegetation structure of the site, with shaded sites starting later than sunny locations. The existing breeding habitat adjacent to the PDA is dominated by cattails, which tends to be more shaded with later Western Chorus Frog breeding; this will be considered when confirming reference sites.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WL22	August 25, 2021	<p>Section 5.2 Western Chorus Frog (Monitoring), Page 38</p> <p><i>“Hydroperiod: Monthly monitoring, or use of piezometers with dataloggers, from early April through to September is recommended for a three year period.”</i></p> <p><i>Water levels should be documented at multiple points to ensure that deep and shallow portions of the pond are monitored to obtain a complete understanding of the hydrology of the ponds, and not just the water level at a single point. ECCC recommends a minimum of two water level measurement points, and more if pond bathymetry and/or profile is complex.</i></p> <p><i>Water level monitoring should continue into late fall (i.e., beyond September) to determine whether wet pockets persist that may provide potential winter refuges for predator species. ECCC recommends that an in-person visit takes place in November to assess water retention into the winter.</i></p> <p><i>Water temperature should be monitored/documentated likely using existing data loggers. ECCC recommends combining water level/temperature monitoring using loggers with in-person measurements conducted at least three times per year (i.e., spring, peak breeding, and late fall). In-person measurements may align with vegetation surveys.</i></p> <p><i>ECCC recommends in-person vegetation and water level surveys include photographs to document pond condition, and the vegetation monitoring should occur for at least a five-year monitoring period.</i></p> <p><i>Condition 8.10 requires implementation of this follow-up program “during construction and until at least the end of the fifth year of operation.”</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>Monitoring requirements in the WMP have been updated to be consistent with the requirements of the conditions and to include the recommendations provided by ECCC. This includes the use of at least two dataloggers installed in each pond. The monitoring period has also been extended from April through November, with three in-person surveys in each monitoring year. Commitments for temperature monitoring (using the dataloggers) and photo monitoring have also been added.</p>
CH		No comments / responses received.	
Condition 8.13: Grassland Bird Habitat Follow-up Program			
ECCC-WL20	August 25, 2021	<p>Section 5.1.3.1 Off-site Grassland Habitat, Page 33</p> <p><i>“In accordance with Condition 8.13 of the Decision Statement, the off-site grassland habitat will be monitored. The monitoring will include the following components:</i></p> <ul style="list-style-type: none"> <i>• Photo Monitoring: to be completed once prior to habitat creation and once after the activities.</i> <i>• Habitat Assessment: one annual habitat assessment of the off-site grassland habitat during the core breeding season for each of the first five years after the habitat has been created to assess the suitability of the habitat for Bobolink and Eastern Meadowlark.</i> <i>• Bobolink and Eastern Meadowlark Surveys: surveys to document presence and evidence of breeding success of Bobolink, Eastern Meadowlark and other breeding birds will occur three times every year during the core breeding season for each of the first five years after the habitat has been created.”</i> <p><i>Under Condition 8.13.1, the proponent is required to “monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat.”</i></p> <p><i>Revise duration of monitoring throughout Section 5.1.3.1 accordingly.</i></p> 	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated to include 20 years of breeding success monitoring</p>
Condition 8.14: Turtle Habitat (foraging, nesting and overwintering)			
ECCC		See condition 8.15 below.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
CH		No comments / responses received.	
Six Nations		No specific comments on turtle habitat.	
Condition 8.15: Turtle Habitat			
DFO13	April 14, 2021	Terrestrial wildlife is not within DFO's area of mandate. As these structures will be incorporated into the new channel and riparian design, there will be no impacts to fish and fish habitat.	Noted.
ECCC-WL05	May 31, 2021	Section 3.4 Turtles, Page 9: "...the locations of temporary and permanent fencing along Tremaine Road and the natural channels are on Figure 1, Appendix B." Figure 1, Appendix B is missing and therefore, this section cannot be adequately assessed.	Response provided to ECCC on July 14, 2021: Appendix A with Figures added.
Condition 8.21: Snapping Turtle and Midland Painted Turtle Follow-up Program			
ECCC-WL16	August 25, 2021	Section 3.4 Turtles, Page 20 "In accordance with Conditions 8.21 and 8.28 of the Decision Statement, exclusion fencing will be inspected by a qualified biologist prior to initiating construction. Weekly monitoring will be implemented during construction to confirm the fence remains intact and functional. Once permanent exclusion fencing is installed, annual monitoring of the fence will take place during operations, with repairs conducted as needed." With respect to annual monitoring of the fence, annual inspection should occur in the spring after snow melt (e.g., March or April) to ensure fences are operational during spring emergence.	Response provided to ECCC on Nov 2, 2021: The WMP has been updated to specify a spring monitoring event, prior to spring emergence (e.g., March or April).
CH		No comments / responses received.	
Six Nations		No specific comments on turtle FUP	
Condition 8.23: Mitigation for adverse environment effects on barn swallow and bank swallow			
ECCC-WL08	May 31, 2021	Section 5.1.2 Barn Swallow, Page 17 : "The proposed location and design of the nesting structures are provided in drawings Drawing L-300, L-310, L-500 and L-501 (Appendix A)." Appendix A is missing.	Response provided to ECCC on July 14, 2021: Appendix A added.
Condition 8.24: Monarch Butterfly Compensation Plan			
ECCC		Monarch butterfly compensation plan is part of the WMP FUP – no specific comments received.	
Condition 8.25: Monarch Butterfly Follow-up Program			
ECCC		Monarch butterfly follow-up plan is part of the WMP FUP – no specific comments received.	
Condition 8.26: Eastern Milksnake Surveys			
ECCC-WL15	August 25, 2021	Section 3.3 Eastern Milksnake, Page 15 "In accordance with draft Condition 8.26 ..." Delete "draft" from this phrase.	Response provided to ECCC on Nov 2, 2021: The WMP has been updated to remove "draft".

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 8.28: Eastern Milksnake Follow-up Program			
ECCC		<i>Eastern Milksnake follow-up plan is part of the WMP FUP – no specific comments received.</i>	
Condition 8.29: Little Brown Myotis Surveys			
ECCC-WL14	August 25, 2021	Section 3.2 Little Brown Myotis, Page 11 <i>"In accordance with draft Condition 8.29 ..."</i> Delete "draft" from this phrase.	<u>Response provided to ECCC on Nov 2, 2021:</u> The WMP has been updated to remove "draft".
Condition 8.31: System of Ecopassages			
ECCC-WL24	August 25, 2021	Section 5.6.1 Ecopassages, Page 44 <i>"The proposed culvert is 20m in length, approximately 8m wide and 1.5m tall, providing an openness ration of approximate 0.5."</i> Correct typo (in bold).	<u>Response provided to ECCC on Nov 2, 2021:</u> WMP has been updated to make the correction
CH		<i>No comments / responses received.</i>	
Region		<i>No comments / responses received.</i>	
Condition 8.32: Habitat Connectivity Follow-up Program			
ECCC		<i>Habitat Connectivity follow-up plan is part of the WMP FUP – no specific comments received.</i>	
CH		<i>No comments / responses received.</i>	
Region		<i>No comments / responses received.</i>	
Condition 8.33: Wildlife Management and Connectivity Plan			
ECCC2	September 16, 2020	<i>With respect to the full Wildlife Management Plan document, an entire section (4.0 Construction Wildlife Management Plans) seems to be missing. Could you please send a revised version with the missing section included?</i>	<u>Response provided to ECCC on September 22, 2020:</u> A revised version of the Wildlife Management Plan that includes Section 4.0 text was provided to ECCC on September 22, 2020, along with a draft version of the Environmental Protection Plan for Construction of the CN Milton Logistics Hub outlining the specific mitigation measures to be implemented during constructions.
ECCC-WL06	May 31, 2021	Table 1 Temporary and Permanent Wildlife Exclusion Fencing, Page 11: <i>A map with locations of exclusion fencing and wildlife observations is necessary in order to comment on the adequacy and placement of exclusion fencing.</i>	<u>Response provided to ECCC on July 14, 2021:</u> Mapping of exclusion fencing with existing and proposed turtle habitat added.
ECCC-WL10	May 31, 2021	Section 5.5 Little Brown Myotis, Section 5.5 Habitat Connectivity: <i>Inserts for Little Brown Myotis and Habitat Connectivity both claim Section 5.5 in the updated WMP.</i> Re-number sections to eliminate duplication.	<u>Response provided to ECCC on July 14, 2021:</u> The Wildlife Management Plan has been updated to avoid the duplication of section numbers.

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MECP-32	July 22, 2021	<p>Section 5.1.2 (Barn Swallow) – Two nesting structures next to on-site wetland enhancements represent good and appropriate compensation for this species, combined with three years of monitoring surveys. However, there is no mention of nest cups being installed in the structures. MECP generally requires that nest structures be installed in the structures at a 1:1 ratio for those damaged/destroyed and that the structures be located within 1 km of the structure being removed, unless that is not feasible. The amount of habitat provided by a building or structure constructed or modified should be greater than the amount of habitat that was lost in the building or structure that was the object of the activity to ensure that adequate compensation is afforded to the species.</p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The two Barn Swallow nesting structures will follow the shed style design in Appendix A of Creating Nesting Habitat for Barn Swallows (MNR 2014). The design calls for 9 nesting cups in each of the two structures (for a total of 18 cups), which will exceed the single nest that is to be removed in the existing shed. The proposed location of each structure was selected to be in proximity to the created wetland habitat and are both less than 1 km from the existing nesting structure.</p>
MECP-33	July 22, 2021	<p>Section 5.1.3 (Eastern Meadowlark and Bobolink)</p> <p>a) The Wildlife Management Plan (WMP) states that 40.7 ha of grassland will be used to offset the loss of 40.7 ha of grassland habitat. The lost habitat is located in Milton (ecoregion 7E -Lake Erie/Lake Ontario) and the compensation area is located ~70 km away in Luther Marsh (ecoregion 6E-Lake Simcoe). It would be preferred that the area of compensation be greater than the area of loss. This would be consistent with the Endangered Species Act exemption regulation and would be especially important given the distance from the area of impact.</p> <p>b) There is no mention in the WMP about the control of woody vegetation and invasive species. For proper management of grassland habitat, woody vegetation and invasive species must be removed every five years.</p> <p>c) There is no mapping included in the WMP to depict the area of the compensation lands and no description to identify the location or parcels. As per Ontario Regulation 242/08 under the Endangered Species Act, the area may be made up of separate parcels of land, but MECP generally requires that the minimum size of any individual parcel must be no less than four hectares and no portion of the area shall be less than 200 metres in width.</p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>a) The offsite compensation habitat has been designed to be consistent with the Bobolink and Eastern Meadowlark exemption in Section 23.6 of O.Reg 242/08 and to meet the requirements specified in the federal Decision Statement. The compensation site was selected to be incorporated into an area of other wildlife enhancement efforts and is within the adjacent ecoregion to where it is being removed; consistent with the requirements of O. Reg 242/08. The offsite habitat provides a 1:1 ratio of compensation, as required by the Decision Statement. The 1:1 ratio is expected to provide an overall benefit to the species, as the compensation habitat will be managed for the species and not subject to hay cutting.</p> <p>b) CN has entered into a contract with Ducks Unlimited Canada (DUC) for creation and management of the offsite grassland habitat. The contract required mowing on a 4-year cycle, as well as additional maintenance for invasive species removal, woody shrub removal, as required. The WMP will be updated to include these details.</p> <p>c) The WMP will be updated to include mapping of the offsite grassland habitat. It will be comprised of two parcels, each greater than 4 hectares in size. One of the two parcels is slightly less than 200 metres wide, but it adjacent to existing grassland habitat, which achieved a combined 200m width. The adjacent habitat is also within the Luther Marsh Wildlife Management Area and expected to be retained in grassland for the same duration as the offsite habitat.</p>
MECP-34	July 22, 2021	<p>Section 5.3 (Little Brown Myotis) – Wetland enhancement to increase foraging habitat for bats and bat box installation is noted. The number of boxes and their locations should be noted and monitoring of bat box use is recommended. It has been noted in research that there is a potential for bat boxes to become too hot for bats, causing stress or mortality. Temperature loggers and guano catchers would be ideal for monitoring in combination with acoustic surveys. Should bat box temperatures reach 40 C (which has been noted as the upper thermal tolerance threshold for temperate-zone bats), the boxes may need to be moved to locations that offer more shade.</p>	<p><u>Response provided to the MECP on December 7, 2021:</u></p> <p>The WMP will be updated to map the location and number of bat boxes, as well as monitoring requirements for the created bat habitat. Proposed monitoring includes guano catchers, acoustic recorder (to assess species if guano confirms presence), and spot checks of temperature inside the boxes.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WL11	August 25, 2021	<p>Section 2.0 Project Design Considerations, Page 3</p> <p><i>"This plan will consist of two components:</i></p> <p><i>1. Pre-Construction Wildlife Management: The pre-construction wildlife management and connectivity plan will include additional field assessments prior to construction, to update and document the local presence of Western Chorus Frogs, Little Brown Myotis, Eastern Milksnake and turtle habitat."</i></p> <p><i>The previous version of this Plan also included "Wildlife corridors and networks that are existing or planned throughout the Project Development Area (PDA) and on neighbouring properties within the Regional Assessment Area will also be evaluated to determine habitat connectivity."</i></p> <p><i>Confirm the status of evaluations to determine habitat connectivity (e.g., cancelled, still planned, completed).</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been revised to clarify that additional field assessments for Western Chorus Frog, Little Brown Myotis, Eastern Milksnake and turtle have been completed, with results included in Section 3 of the WMP.</p> <p>The evaluation to determine habitat connectivity has also been completed. It is provided in Section 3.5 of the WMP.</p>
ECCC-WL12	August 25, 2021	<p>Section 3.0 Pre-Construction Wildlife Management Plans, Page 5</p> <p><i>"Prior to the commencement of construction, assessments will be completed to confirm key wildlife species, local presence and habitat within the PDA, and to further evaluate habitat connectivity between the PDA and surrounding regional landscapes (existing or planned through development)."</i></p> <p><i>The bolded text has been deleted from Section 2.0 (as noted in the above comment), but is retained here.</i></p> <p><i>Confirm the status of evaluations to determine habitat connectivity (e.g., cancelled, still planned, completed).</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The evaluation to determine habitat connectivity has been completed and is provided in Section 3.5 of the WMP.</p> <p>Section 2.0 of the WMP has been updated to clarify this assessment has been completed.</p>
ECCC-WL17	August 25, 2021	<p>Section 4.0 Construction Wildlife Management Plans, Page 26</p> <p><i>"Incidental captures of snakes in the work area will be handled and relocated as noted above and in accordance with MNRF protocol. Staff will be trained in the identification and proper handling of snakes. In the event of inadvertent injury during the course of relocation, a qualified animal care professional will transport the amphibian to an authorized wildlife rehabilitator."</i></p> <p><i>Correct bolded text.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated with the correction.</p>
ECCC-WL18	August 25, 2021	<p>Section 4.0 Construction Wildlife Management Plans, Page 26</p> <p><i>"Snakes of any species observed under ACOs will be captured by a qualified biologist and handled in accordance with the Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders (MNRF, undated). Snakes will be relocated into suitable habitat on CN-owned lands within the LAA, as follows, unless permission is granted by a third party to release snakes on other nearby, suitable lands. Snakes will be relocated within 1 kilometer of capture, either along Indian Creek corridor or the deciduous woodland to the south of the PDA (which ever feature is closer to the point of capture)."</i></p> <p><i>Remove the statement in bold and follow the Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders guidelines for snake relocation.</i></p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated to refer to the Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders guidelines for snake relocation.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC-WL19	August 25, 2021	<p>Table 4-1: Restricted Activity Periods for Construction Activities, Page 27</p> <p>"Vegetation clearing (bat maternity roots period / nesting birds / migratory bird habitat)."</p> <p>Correct typo (in bold).</p> <p>"April 1 to May 31; late August 15 to October 31"</p> <p>Delete "late".</p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>WMP has been updated to make the corrections.</p>
ECCC-WL23	August 25, 2021	<p>Section 5.4 Turtles and Snakes, Pages 40 and 41;</p> <p>Section 5.5 Monarch, Page 42</p> <p>"See details on Drawing L-500 (Appendix B)."</p> <p>"See details on Drawing L-500 (Appendix C)."</p> <p>"A complete list of the 18 flowering plants incorporated into the restoration seed mixes can be found on Drawing L-500, Appendix C."</p> <p>Drawing L-500 is still missing (Appendix B is the Photo Log; Appendix C is the Picard CV).</p>	<p><u>Response provided to ECCC on Nov 2, 2021:</u></p> <p>The WMP has been updated to remove reference to drawing L-500 and additional details added to the WMP where required. Drawing L-500 is part of the <i>Fisheries Act</i> authorization package and as such may be subject to revision on a different schedule than the WMP. The drawing L-500 has been included with this response package.</p>
CH		No comments / responses received.	
Region		No comments / responses received.	
MCFN		No specific comments related to the WMCP FUP.	
Six Nations		No specific comments related to the WMCP FUP.	
Condition 9.1: Country Food Follow-up Program			
HC-CF-01	August 17, 2020	<p>The proponent requested a review on the Follow Up Program (FUP) even if the minister's decision on the project is pending.</p> <p>Health Canada suggests that the proponent consider the following responsibility:</p> <p>The proponent is responsible for ensuring that the FUP meets the requirements of the final environmental assessment (EA) conditions should the project proceed.</p>	<p><u>Response provided to Health Canada on January 20, 2021:</u></p> <p>CN acknowledges that they are responsible for meeting the requirements of the final EA conditions once issued, should the project be approved. CN will consider the comments provided by Health Canada in updating the Follow-up Program for Country Food in this regard.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HC-CF-02	August 17, 2020	<p><i>In place of the Local Assessment Areas (LSA) specified in Figure 1 of the Technical Data Report Human Health Risk Assessment (Appendix E.7) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), the proposed FUP includes two alternative on-site sampling sites, one upwind and the other one downwind of the air monitoring stations (which are still to be sited). The proponent's rationale for selecting these alternative locations is that "[d]eposition of PAHs associated with the Project at these two locations are expected to be higher than at locations further away from the project (i.e., where there are community gardens and backyard gardens). As such, monitoring of PAHs at these locations will provide a conservative estimate of what concentrations of PAHs in soil could be in other areas where country foods are grown".</i></p> <p><i>Health Canada's written submission (CEAR 786) recommended that the proponent "Engage local residents to identify whether there are community concerns about impacts to country foods. If there are concerns, develop a soil and/or food monitoring program to assess potential impacts of particulate dustfall onto soils and country foods".</i></p> <p><i>Health Canada suggests that the proponent consider the following revision:</i></p> <p><i>Outline the Country Food FUP, including soil and/or country food sampling plan, in consideration of community engagement outcomes.</i></p>	<p><u>Response provided to Health Canada on January 20, 2021:</u> During completion of the EIS and subsequent responses to the Panel IRs, no community concerns were expressed by local residents about impacts to country foods. It is anticipated that local residents would be engaged through the community liaison communication process to identify concerns with respect to country foods. While no modifications to the FUP for Country Food are proposed at this time, modifications of the FUP for Country Food will be made to include recognition that if concerns for country foods are raised during this consultation, CN would review the FUP to evaluate whether modifications are necessary to address these concerns.</p>
HC-CF-02	March 15, 2021	<p>In response to CN's response to HC-CF-02</p> <p><i>Health Canada recommends that the proponent clearly state in the FUP its commitment to addressing local resident's concerns over country foods through modifications of the FUP.</i></p>	<p><u>Response provided to Health Canada on April 26, 2021:</u></p> <p><i>Section 2.0 Program Design Considerations</i> of the County Follow-up Program has been revised to include reference to consultation through the community liaison communication process to address any concerns over country foods raised by the local community.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 9.2: Sleep disturbance analysis			
HC-AC-01	November 12, 2021	<p><i>The Sleep Disturbance Analysis (SDA) is limited to Phase 1 of the construction period. Phases 2 and 3 (and the operations phase) do not appear to be considered in the SDA, though there will be potentially distinct noise-associated impacts during these latter construction phases (based on activities listed for Phases 2 and 3 in Attachment B: Phase 1 Construction Schedule, page 7).</i></p> <p><i>Throughout the EA process, Health Canada has expressed concerns over the potential long-term health effects of sleep disturbance that may be caused by nighttime project-related activities. The proposed SDAs for short, discrete sub-phases of the construction period may underestimate the project-related nighttime noise events exceeding 60 dBA Lmax outdoors and associated long-term health effects that may be experienced by residential receptors throughout the entire construction and operations phases.</i></p> <p><i>Additionally, the inclusion of the distribution of baseline noise events, over the sleep periods, should be presented to understand the predicted change in nighttime noise events related to nighttime project-related activities. Construction noise normally includes tonal and impulsive sources. However, it remains unclear whether tonal and impulsive noise is adequately evaluated in the SDA.</i></p> <p><i>Health Canada recommends that the proponent address the following comments in a revised SDA:</i></p> <p><i>a) Update the SDA considering all project-related activities during the entire construction and operation phases at all receptor locations. Additionally, provide information on the distribution of baseline noise events over the sleep periods.</i></p> <p><i>b) Clarify whether any tonal and/or impulsive noises are considered in the SDA. If not, update the SDA considering tonal and/or impulsive noises for all project phases. Alternatively, provide an explanation for why tonal or impulsive noise is not anticipated from project-related activities during nighttime.</i></p>	<p><u>Response provided to Health Canada on November 29, 2021:</u></p> <p>Condition 9.2 of the Decision Statement issued by the Minister of Environment and Climate Change establishes the applicable nighttime noise criterion for the project; specifically, the proponent must develop and implement modified or additional mitigation measures to ensure that nighttime noise events attributed to the Designated Project do not exceed 60 dBA Lmax more than 15 times per night at any point of reception.</p> <p>All phases of construction and operation will continue to meet this condition on any given night over the entire long-term period.</p> <p>a) The SDA was completed for phase 1 of construction and will be updated for subsequent phases of construction and operation once the detailed activities and equipment usage for those phases is sufficiently developed to support the analysis. The sound level limit and methods of assessment will not change for each subsequent phase. A draft of the updated SDA will be circulated to HC for comment prior to start of those phases.</p> <p>The analysis considered a variety of noise information. Detailed information on the nighttime baseline sound levels at each receptor location is provided in the Technical Data Report - Baseline Ambient Noise Study (Stantec). The SDA has been revised to include this.</p> <p>The SDA provided for phase 1 construction showed no exceedances over the 60 dBA Lmax threshold for sleep disturbance during any of the expected activities, inclusive of discrete sub-phases of the construction. Of note, the phase 1 construction activities were assessed conservatively, assuming all activities occur concurrently at maximum capacity.</p> <p>b) Tonality and source sound characteristics were considered in the assessment. Based on the planned activities for phase 1 construction, there are no impulsive emission sources of noise. Further, evidence of tonality based on noise emission levels associated with the activities and equipment was not present.</p> <p>Based on the discussion above, a revision to the SDA memo was made by including a reference to the Technical Data Report for the Baseline Ambient Noise study for more information on baseline noise at each receptor.</p>
HC-AC-02	November 12, 2021	<p><i>The proponent states that "The prediction results indicated that Project construction activities during Phase 1 may be completed without exceeding the defined noise limit for sleep disturbance. Correspondingly, additional mitigation measures are also not required" (Modelling Results and Conclusion, page 2).</i></p> <p><i>The usage of the wording "may be completed" does not provide certainty that the noise levels during the sleep period will not be exceeded.</i></p> <p><i>Health Canada recommends that the proponent address the following comment in a revised SDA:</i></p> <p><i>Given the uncertainties associated with the predictive SDA, consider developing noise mitigation measures for all phases of the project, particularly in the event of public complaints.</i></p>	<p><u>Response provided to Health Canada on November 29, 2021:</u></p> <p>As noted in the response above, the SDA for phase 1 construction, which used a conservative approach, concluded that no exceedances of the 60 dBA Lmax threshold were predicted to occur. Consequently, nighttime noise events attributed to the Project will not exceed the criterion established in Condition 9.2, and modified or additional mitigation measures will therefore not be required.</p> <p>Various noise control measures for construction activities will be implemented as described in the Updated Consolidated Table of Mitigation Measures and Proponent Commitments dated July 17, 2019 (Canadian Impact Assessment Registry #981). These general measures are applicable to nighttime activities and equipment, and their effectiveness will be verified through the Noise Follow-up Program.</p> <p>In addition to the noise mitigation measures referenced above, CN has developed and will implement a Noise Communication Protocol that is also documented in the Community Liaison Communication Process document.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HC-AC-03	November 12, 2021	<p>All Group 2 and 3 Points of Reception (PORs) are excluded from the SDA (Table 1, page 5) as the adjacent areas are considered as existing 'urban developments' locations that are farther away from the project site along the railways (Group 2 PORs) or 'future urban developments' sites that are not currently occupied by residential receptors (Group 3 PORs).</p> <p>However, given that housing development projects are underway near the Group 3 PORs and that all project-related activities, including activities during the operations activities phase, should be considered in the SDA (see HC-AC-01 above), these receptor locations may also be subject to long-term sleep disturbance as a result of project-related construction and operation activities.</p> <p>Health Canada recommends that the proponent address the following comment in a revised SDA: Evaluate possible long-term sleep disturbance at all human receptor locations that may be impacted by project-related noise, including the Group 2 and 3 PORs. Alternatively, provide additional rationale for the exclusion of Group 2 and 3 PORs in the SDA.</p>	<p><u>Response provided to Health Canada on November 29, 2021:</u></p> <p>The SDA covers the phase 1 construction period. Some Group 1 receptors are located less than 150 m from nighttime activities and would be the most exposed during those events. The analysis indicates a maximum predicted noise level attributed to the Project of 48 dBA Lmax for the closest receptors during the worst-case scenario. Thus, the nighttime noise criterion established by Condition 9.2 of the Decision Statement will not be exceeded.</p> <p>Group 2 receptors are located a significantly farther distance from the phase 1 construction area than Group 1 (the nearest residential building in Group 2 is 1.5km from the property line at the Britannia access road) and, considering distance and other topographic attenuation, the nighttime sound levels attributed to the Project at that distance are anticipated to be well below 60 dBA Lmax. The noise contribution due to phase 1 construction for Group 2 receptors is therefore considered negligible.</p> <p>The nearest identified Group 3 receptors (POR01 and POR05) are approximately 40 m from the project boundary (Britannia access road). These are not currently occupied dwellings and are not anticipated to be occupied for the duration of phase 1 construction. Notwithstanding, the predicted sound levels attributed to the Project were 42 dBA and 41 dBA for G3-POR 01 and G3-POR 05, respectively, under the worst-case scenario.</p> <p>Group 2 and Group 3 receptors will be considered in subsequent updates to the SDA for later phases of construction and operation, when the detailed activities and equipment usage for those phases is sufficiently developed to support the analysis.</p>
Condition 9.3: Night-time Noise Events			
To be completed prior to Operations			
Condition 10.1: Agricultural Lease Opportunities			
Region		No comments / responses received.	
Town		No comments / responses received.	
Halton Region Federation of Agriculture		No comments / responses received.	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 11.5: Cultural Heritage Property Maintenance and Re-use Plan			
MHSCTI-01	August 13, 2021	<p>Table 6.4 of the document entitled <i>Technical Data Report Cultural Heritage Assessment (Appendix E.3) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57)</i> includes the following built heritage resources:</p> <ul style="list-style-type: none"> • 4393 Tremaine Road (CHR-1) • 5005 Tremaine Road (CHR-2) • 5193 Tremaine Road (CHR-3) • 5269 Tremaine Road (CHR-4) • 5381 Tremaine Road (CHR-5) • 5501 Tremaine Road (CHR-6) • 5244 Tremaine Road (CHR-11) <p>Please clarify the status of the Property Maintenance and Reuse Plans for CHR-2, CHR-6 and CHR-11.</p>	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>Pursuant to Condition 11.5, CN is required to prepare a cultural heritage property maintenance and re-use plan in relation to each of the cultural heritage resources listed in Table 6.4 that are under the control of CN.</p> <p>Within this list, CHR-1, CHR-3, CHR-4 and CHR-5 are properties owned by CN and have each had a Cultural Heritage Property Maintenance and Reuse Plan (CHMRP) prepared for implementation. However, CHR-2, CHR-6 and CHR-11 are not owned by CN and are not in CN's care or control. Therefore, no CHMRP will be produced for these properties.</p>
MHSCTI-02	August 13, 2021	<p>Sections 1.1 (Study Purpose) and 1.2 (Methodology) should be further expanded and clarified.</p> <ul style="list-style-type: none"> • The properties (CHR-1, CHR-3, CHR-4 and CHR-5) are included on the Town of Milton's register of heritage properties (aka. Town of Milton's Heritage List). There is no background information or explanation of why evaluation under the Ontario Heritage Act was necessary and the methodology used (e.g. Ontario Regulation 9/06). It seems that the properties may not have been assessed or a Statement of Cultural Heritage Value was not in place. • It seems that the document aims to address: (1) evaluation for its cultural heritage value (Section 2 to 4) and (2) future conservation of the property (Sections 5 to 7). Conservation includes identification, protection, use, and/or management of cultural heritage resources in such a way that retains their cultural heritage value. • It would also be helpful to understand whether this Maintenance and Reuse Plans aim to address Condition 11.1, it seems that Section 3.6 addresses that. If not, we would like to receive documentation around the condition of each property (cultural heritage resource) as it informs the measures proposed in these Plans. 	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>The Cultural Heritage Property Maintenance and Reuse Plans (CHMRPs) were prepared for 4394 Tremaine Road (CHR-1), 5193 Tremaine Road (CHR-3), 5269 Tremaine Road (CHR-4) and 5381 Tremaine Road (CHR-5), to satisfy Condition 11.5. This included a review of the condition of each cultural heritage resource under the care and control of the Proponent as per Condition 11.1.</p> <ul style="list-style-type: none"> - As per Condition 11.5.1, the CHMRPs set out requirements for the preservation of the heritage value of each cultural heritage resource. In order to determine the heritage value, an evaluation of cultural heritage value or interest was carried out and a Statement of Cultural Heritage Value prepared.
MHSCTI-03	August 13, 2021	<p>Section 4.0: A property is evaluated for its cultural heritage value or interest (CHVI) on the basis of direct evidence that supports the determination of CHVI and the level of significance. This includes the assessment of the integrity of a property, the strength of its physical features or attributes and its historic context. Determination of its CHVI is related to the ability of the property to meet at least one of the criteria of O. Reg. 9/06. Once a property is evaluated and is found to have CHVI, then a Statement of Cultural Heritage Value would be prepared.</p>	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>The CHMRPs include an evaluation of cultural heritage value or interest based on historical research and site visits. CHR-1, CHR-3, CHR-4, and CHR-5 were included on the Town of Milton's Register of Heritage Properties as potential heritage resources but not subject to evaluation to determine cultural heritage value or interest. The evaluation was completed, as per Condition 11.5.1, in order to define the heritage value of the cultural heritage resources which require preservation.</p>
MHSCTI-04	August 13, 2021	<p>Section 4.0: We recommend that this section be revised to align with provincial legislative terminology and reorganized as follows:</p> <ul style="list-style-type: none"> • 4.1 Introduction • 4.2 Application of Ontario Regulation 9/06 • 4.3 Conclusion i.e. the property has cultural heritage value or interest as per the criteria in Ontario Regulation 9/06 • 4.4. Draft Statement of Cultural Heritage Value or Interest 	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>The organization of Section 4.0 of the CHMRPs have been updated to align with the suggested organization from MHSCTI, where appropriate.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MHSCTI-05	August 13, 2021	<i>Section 4.0: Given that Maintenance and Reuse Plans contain evaluations of the properties' cultural heritage value or interest, the Project Personnel section of each report should briefly describe the qualifications of each staff member who worked on it, and the role they had in its preparation.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> The project personnel section includes relevant qualifications for each contributor and identified their role in the report's preparation. Additional information is provided in Appendix A.
MHSCTI-06	August 13, 2021	<i>Section 5.0: Although the strategies are organized in short, medium and long term, the report should be clear how the proposed measures align with project phases and timelines; e.g. which ones should happen before construction, after construction, ongoing etc.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> As per Condition 11.5.2, the CHRMRPs have been modified to clarify how CN will secure, inspect, and maintain CHR-1, CHR-3, CHR-4, and CHR-5.
MHSCTI-07	August 13, 2021	<i>Section 5.2.6 (Monitoring) – This section should be strengthened; regular monitoring should be ongoing (not encouraged) and this section outlines a monitoring cycle for review of the property and the progress on and compliance with implementing the Plan. We noticed that Section 1.1 states that the Plan be revisited three years after operations have commenced. We would also recommend that it be reviewed and amended as necessary, at a minimum of every five (5) years. Parties, including MHSTCI, should be given the opportunity to review any amendments or revisions to the Plan.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> The CHRMRPs have been revised to provide clarification regarding regular monitoring activities. As per Condition 11.6, CN will determine within three years of the beginning of operation if a feasible adaptive reuse has been identified. Pending the results of that review, a Heritage Impact Assessment will be completed to determine whether the resource(s) should be preserved, relocated, or demolished with appropriate mitigation. Therefore, five year reviews are not required.
MHSCTI-08	August 13, 2021	<i>Section 7.0: The Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada 2010) is the appropriate framework when reviewing and advising on adaptive reuse, however we recommend that the adaptive reuse criteria be strengthened, for example:</i> <ul style="list-style-type: none"> • <i>guidance to conform with surrounding lands, any guidance on massing, heights and/or density, should new buildings, structures or additions be constructed on the property, guidance to ensure physically and visually compatible with the heritage property, etc.</i> • <i>should the buildings be adapted for a new use, guidance based on the proposed statement, guidance and conditions of the residence and barn will probably be different;</i> • <i>how and who makes the determination that an adaptive reuse is economically viable or not;</i> • <i>the review governance e.g. who will make the determination that the proposed adaptive reuse;</i> 	<u>Response provided to the MHSCTI on December 7, 2021:</u> As per Condition 11.5.3, the CHRMRPs have been revised to provide clarification regarding the adaptive reuse criteria. Specifically, land use compatibility is addressed.
MHSCTI-09	August 13, 2021	<i>Section 7.0: Section 1.1 states that if a feasible adaptive reuse plan has not been identified, a Heritage Impact Assessment (HIA) should be completed in consultation with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and the Town of Milton to determine the future of the properties, specifically, continued mothballing, relocation, or demolition with appropriate mitigation. We recommend that a timeline be included there and that the terms of reference for an HIA be reviewed by our ministry before the HIA is finalized.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> The timeline of three years following beginning of operations is outlined in Condition 11.6. The Heritage Impact Assessment will be submitted to the Agency, MHSTCI, and the Town of Milton within 30 days of completion. Consultation with MHSTCI and others will occur and any information provided will be considered in preparing the Heritage Impact Assessments.
Milton		No comments / responses received.	
Condition 11.7: Archaeological and Cultural Resources controlled salvage excavation of Archaeological Resources			

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 11.8: Archaeological and Cultural Resources Protection Plan			
HW-01	February 24, 2021	<p>1.1 (PDF p. 7)</p> <p><i>Text: "If this occurs, CN will resolve the issue with the Project Manager, the Construction Manager, the Environmental Monitor (EM) and CN's Environment Manager in consultation with the appropriate regulators."</i></p> <p><i>Comment: If the Archaeological Resources Protection Plan needs to be revised or its scope needs to be changed, the First Nations should be consulted as well.</i></p>	<p><u>Response provided to HWN on April x, 2021:</u></p> <p>Thank you for your comments on the draft Archaeology Resources Protection Plan (now re-named the Archaeology and Cultural Resources Protection Plan). We have reviewed the comments provided and updated the plan to incorporate all of your recommendations.</p> <p>We look forward to continuing to work collaboratively with the Huron-Wendat Nation and will provide additional project information as it becomes available.</p>
HW-01	February 24, 2021	<p>2.2 (PDF p. 10)</p> <p><i>Text: "As part of the construction onboarding and site orientation process for CN employees, construction contractors, and sub-contractors, an overview of the archaeological process and recovered archaeological resources associated with this Project will be provided."</i></p> <p><i>Comment: This overview must include information and training regarding ossuaries and markers for ossuaries.</i></p>	
HW-02	February 24, 2021	<p>2.3 (PDF p. 10)</p> <p><i>Text: "Though formal archaeological monitoring is not required for the Project, an archaeologist will be onsite to observe ground conditions during select construction activities."</i></p> <p><i>Comment: Revise to acknowledge that monitors from Indigenous communities must be present as well.</i></p>	
HW-03	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 1. "Notify the Construction Manager or designate, the Project Lead, and designated archaeology contact. Appendix B provides relevant contact information for these parties."</i></p> <p><i>Comment: HWN needs to be notified immediately as well.</i></p>	
HW-04	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 2(b) "If the finds are determined to be archaeological in nature, further notification will be provided to a licensed archaeological consultant, Indigenous communities as described earlier (if required if the finds appear to be Indigenous archaeological resources), and the appropriate regulatory authority (if required)"</i></p> <p><i>Comment: Bolded text should be rephrased to: required if the finds appear to be Indigenous archaeological resources.</i></p>	
HW-05	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 3(a) "Where practical and feasible for the Project, CN will avoid and protect in situ archaeological resources. Typically, avoidance and protection measures include the placement of temporary protective barriers, i.e., fencing, and establishing protective or "no-go" buffers around the archaeological resource(s). In these instances, a resource specific avoidance and protection plan will be developed and implemented."</i></p> <p><i>Comment: Must be in collaboration and with the presence of Indigenous communities.</i></p>	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HW-06	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 3(b) "Where avoidance and protection are not practical and feasible for the Project, further archaeological assessment and/or controlled salvage excavations of the archaeological resource, or parts thereof, will be implemented by a licensed archaeological consultant on behalf of CN."</i></p> <p><i>Comment: Must be in collaboration and with the presence of Indigenous communities. Also, Indigenous archaeological resources must be returned to their Indigenous community, if the community so desires.</i></p>	
HW-07	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 1. "All work shall cease in the immediate area of the discovery (i.e., a 20 metre radius) and the Construction Manager or designate, the Project Lead, and designated archaeology contact shall be immediately notified (see Appendix B)"</i></p> <p><i>Comment: HWN's representative must be notified at this early stage as well.</i></p>	
HW-08	February 24, 2021	<p>2.4 (PDF p. 10-12)</p> <p><i>Text: 7. "If the human remains are determined to be of Indigenous ancestry, Indigenous communities, as described earlier, must be notified. Indigenous communities must be involved in determining an appropriate treatment of the remains."</i></p> <p><i>Comment: HWN may wish to be involved with all steps from the time the burial is found, in case the remains are an HWN ancestor. Notice should be provided at the earliest stage and HWN needs to have the option to attend at the site for any work being done to identify the remains. Also, if an ossuary is found, HWN absolutely needs to be notified immediately and an expert in ossuaries chosen in consultation with HWN needs to do an assessment of the location.</i></p>	
MHSCTI-10	August 13, 2021	<p><i>Together with the above-named file, we are also in receipt of two archaeological assessment reports (referenced above). However, technical review of archaeological assessment reports is carried out only by our Archaeological Program Unit based on submission directly by the licensed archaeologist who authors them. Our records show that these two reports were submitted and have already been entered into the Ontario Public Register of Archaeological Reports. As such we have no comment on either reports. We acknowledge the recommendation of both reports for no further archaeological assessment work in their respective study areas.</i></p>	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>Noted.</p>
MHSCTI-11	August 13, 2021	<p><i>This condition is mainly about archaeology and in reviewing the Protection Plan, it is mainly about archaeology. "Cultural resources" is not a well-defined term. Under the federal legislative framework, the term "Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archaeological, Paleontological or Architectural Significance" is used. Under Ontario legislative framework, the term "cultural heritage resources" is used and includes archaeological resources, built heritage resources and cultural heritage landscapes. All these 3 types of cultural heritage resources are defined in the Provincial Policy Statement, 2020.</i></p> <ul style="list-style-type: none"> <i>• Please note that our ministry does not address paleontology under the Ontario Heritage Act. A licensed archaeologist is not the appropriate person to investigate these finds. We recommend clarification around definitions, alignment and coordination of terms.</i> <i>• We recommend that the purpose and scope of the Archaeological and Cultural Resources Protection Plan be better defined and which types of resources will be addressed.</i> 	<p><u>Response provided to the MHSCTI on December 7, 2021:</u></p> <p>The purpose and scope of the plan is to develop a procedure to address the potential for new archaeological resources, as described in Section 1.1 of the document. Additional text was added to clarify that the focus of the document, and to acknowledge that additional measures for the protection of cultural heritage structures are included in separate documents.</p>

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
MHSCTI-12	August 13, 2021	<i>The document makes reference in several places to a “designated archaeology contact” for the project. It is not clear who this person will be or how they will be designated, and this should be clarified in the document. Given that the designated archaeology contact will be responsible for determining whether objects discovered during construction constitute archaeological resources and require assessment (per measure 2 in Section 2.4), the person’s qualifications are important to the Plan and the document should include that information.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> The ACRPP was revised to confirm that the designated archaeology contact will be a person with a Professional License, in good standing, issued by Ministry of Heritage, Sport, Tourism and Culture Industries.
MHSCTI-13	August 13, 2021	<i>The Registrar of Burial Sites (Ministry of Government and Consumer Services) and the Bereavement Authority of Ontario need to be consulted regarding discovery of human remains (Condition 11.9) as this is their jurisdiction. Section 1.2 should reflect the parties consulted on this document in addition to Indigenous communities.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> Section 1.2 of the ACRPP describes the consultation which occurred in preparation of the document. Consultation and contact information in the event of the discovery of chance finds, including human remains, is provided in Section 2.4.
MHSCTI-14	August 13, 2021	<i>Section 2.4 indicates that “until the finds are fully investigated a temporary 20 metre “no-go” buffer will be implemented around the resources”, as reflected in Conditions 11.8.3.2 and 11.9.2 (“delineate an area of at least 20 metres around the discovery as a no-work zone”). While this may be fine for types of cultural heritage resources, on a case-by- case basis, this may not be appropriate for the discovery of archaeological resources including human remains or ossuaries. Any discoveries of archaeological resources including human remains during construction need to be assessed prior to determining the appropriate short or long-term avoidance and protection strategy, including buffers, prior to permitting construction in the area. “No-work areas” need to be developed on a case-by-case basis in consultation with MHSTCI and, where applicable, MGCS (the Registrar of Burial Sites and the Bereavement Authority of Ontario).</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> Language has been added to the opening of Section 2.4 to provide clarity that the initial temporary 20 meter no-go buffer may be updated to meet site-specific considerations and further consultation with other relevant parties.
MHSCTI-15	August 13, 2021	<i>Measure 3.b. in Section 2.4 should specify that further archaeological assessment(s) would be carried out under the Standards and Guidelines for Consultant Archaeologists. The term “controlled salvage excavations” should be avoided as “salvage” implies that the resource was already damaged; “mitigation through excavation” is a preferable term. The comment above about “controlled salvage excavations” applies as well to Section 2.3.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> Updated to “mitigation through excavation”.
MCFN		<i>MCFN responded to Stantec on behalf of CN’s email on February 1, 2021. MCFN noted that it had no additional comments for the provided reports.</i>	
Six Nations		<i>No comments related to the ACRPP.</i>	
Condition 11.9: Procedure for Human Remains (see also Archaeological and Cultural Resources Protection Plan)			
MHSCTI-16	August 13, 2021	<i>Please clarify why Mississaugas of the Credit First Nation were not included on Conditions 11.9.4 and 11.9.5.</i>	<u>Response provided to the MHSCTI on December 7, 2021:</u> The conditions of approval included in the Decision Statement were set by the Minister of the Environment. Rationale for the exclusion of the Mississaugas of the Credit First Nation from these conditions, which pertain specifically to the discovery of an ossuary, was not provided. However, given that both the Huron-Wendat Nation and the Six Nations of the Grand River expressed an interest in ossuaries during the EA process, while the Mississaugas of the Credit First Nation did not, we anticipate that this factored into the Minister’s decision.
MCFN		<i>No further comments related to the ACRPP.</i>	
Six Nations		<i>No further comments related to the ACRPP.</i>	

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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
HWN		No further comments related to the ACRPP.	
Condition 12.1: Infrastructure Protection Plan			
Condition 13.3: Independent Environmental Monitoring Reporting Frequency			
IAAC			
Condition 14.3: Accident and Malfunction Response Plan			
MCFN-01	October 29, 2021; November 16, 2021	MCFN does not have the technical expertise to comment on the document and therefore doesn't have any concerns to express; however, it is important MCFN is notified in the event there are any serious issues throughout construction or post construction.	Response provided to MCFN on November 17, 2021: Thanks for letting us know that you've done a high-level review of the A&M Plan. We will most certainly advise MCFN of any serious incidents, should they occur, at the Milton Logistics Hub during construction or operation phases.
MCFN-02	November 29, 2021	No Technical concerns or comments; CN (Luanne) walked Fawn and Katelyn from MCFN through the A&M Communication Plan and the A&M Response Plan. Included the following: -We walked through the main topics of the Plan including Hazardous Materials, Bulk Materials, Fire, Traffic Accidents, Derailments, Employee Injury, Severe Weather Events -We discussed what each topic meant for the construction phase, gave examples of what could potentially occur during construction phase for these topics, preventative measures planned and response actions -Fawn was particularly interested in what types of scenarios we would call MCFN to report an incident. I went through the list in the A&M Comms Plan and they agreed those seemed reasonable. I advised that over the course of the project, if they wanted information more frequently or less frequently, they could advise anyone on the Project team and we'd be happy to make the adjustments they preferred.	Response provided to MCFN on November 29, 2021: The conversation went well and no concerns or issues were raised. They had no further questions and the meeting ended right around 1030.
Six Nations-01	October 29, 2021; November 9, 2021	No comments; CN (Luanne) had a call with Robin Vanstone regarding the A&M Response Plan: 0800 – 0835 Pacific. -She mentioned that IAAC had identified many documents for their review but they are limited in capacity to review (small office) and don't always have many comments -We walked through the main topics of the Plan including Hazardous Materials, Bulk Materials, Fire, Traffic Accidents, Derailments, Employee Injury, Severe Weather Events -We discussed what each topic meant for the construction phase, gave examples of what could potentially occur during construction phase for these topics, preventative measures planned and response actions	Response provided to Six Nations on November 9, 2021: We walked through the A&M Comm Plan for the types of incidents CN would advise Six Nations about and whether that was acceptable to them. She requested we advise them of any mortality to wildlife or fish as a requirement to notify. I advised her we would make the addition
TC-01	December 1, 2021	In general, there does not seem to be any reference to incidents, accidents, or injuries being reported to 'the proper authority'. Whether to ESDC or the TSB there are certain regulatory requirements about such occurrences.	Response: Reporting requirements are covered in the Accidents & Malfunctions Communication Plan where TSB is listed and Labour Canada (ESDC) has been added (specific to reporting incidents, accidents or injuries that occur to CN employees).

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
TC-02	December 1, 2021	<p>Page 7, Section 1.1.2 – Level 1 and 2</p> <p><i>It is indicated that Level 2 personnel may act as Incident Commanders (IC) but only lists training for ICS100. We would expect any person acting as an IC to have completed training up to and including ICS400 which ensures the individual is aware of the breadth of the roles and responsibilities of an IC.</i></p> <p><i>There is no mention of TDG (including Part 8 reporting) and ERAP specific training if that is not covered in their internal emergency training listed in Level 1.</i></p>	<p><u>Response:</u></p> <p>This Accidents & Malfunctions Response Plan focuses strictly on response during the construction phase. As a result, there will be very limited numbers of CN employees working on the site. That being said, the plan has been adjusted to require ICS400 training for Level 2 CN personnel. TDG training requirements during the construction phase are the responsibility of the contractor where waste materials may require transportation off site. These components, including the training, are covered in the Waste Control Management Plan. ERAP training would be most applicable for emergency responders during the operations phase and will be covered within the Accidents & Malfunctions plan for operations phase.</p>
TC-03	December 1, 2021	<p>Page 19, Section 6.0 – Derailment</p> <p><i>The first sentence of the paragraph states: “Transport Canada (TC) defines derailment as “any wheel that leaves the track”. This is incorrect. It is the Transportation Safety Board under their regulations where derailment is defined.</i></p>	<p><u>Response:</u></p> <p>Correction noted and adjusted.</p>
TC-04	December 1, 2021	<p>Page 21, Section 6.3 – Preventive Measures for Accidents and Malfunctions of Derailment</p> <p><i>The Railway Safety Management Systems Regulations, Process for Identifying Safety Concerns (5E) – The is a cornerstone SMS process aimed at improving the safety of railway operations. It requires the railway to have a procedure in place to analyze data on a continual basis, in order to identify safety concerns, any trends, emerging trends or repetitive situations.</i></p> <p><i>The analyses must be at a minimum based on:</i></p> <ul style="list-style-type: none"> <i>13a) reports of railway occurrences</i> <i>13b) internal documentations relating to the occurrences</i> <i>13c) reports of injuries</i> <i>13d) results of inspection reports</i> <i>13e) reports of contraventions or safety hazards</i> <i>13f) complaints related to safety</i> <i>13g) data from monitoring technologies</i> <p><i>The process for identifying safety concerns is closely linked to other SMS processes such as: the process for managing railway occurrences; and the risk assessment process.</i></p> <p><i>The second bullet states: “Infrastructure will be regularly maintained as per Transport Canada requirements”. It does not mention the same for Equipment and Airbrakes.</i></p>	<p><u>Response:</u></p> <p>CN has considered these comments and believes them to be more applicable to the operations phase of the Project. During the construction phase there is anticipated to be limited railway operations associated with construction, with the exception of possible work trains delivering construction materials. As such, this SMS component will be incorporated into the Accidents & Malfunctions Response Plan – Operations document and circulated for input prior to the commencement of facility operations.</p>
TC-05	December 1, 2021	<p>Page 22, Section 7.0 – Worker Accident or Injury</p> <p><i>There is no reference to Labour Code Part II requirements, the COHS Regulations, or the Onboard Train Employee Regulations in terms of reporting, investigating worker accidents and injuries etc.</i></p>	<p><u>Response:</u></p> <p>Reference to Canada Labour Code (applicable only to CN employees) has been added to the Accidents & Malfunctions Communication Plan and Section 7.3.1 of the Accidents & Malfunctions Response Plan.</p>
Region		No comments / responses received.	
Milton		No comments / responses received.	

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
Condition 14.6: Communication Plan for Accidents and Malfunctions			
Public		No comments received.	
HWN	June 16, 2021	No concerns on the A&M Comm Plan.	
Six Nations-01	November 9, 2021	<p>No comments; CN (Luanne) had a call with Robin Vanstone regarding the A&M Response Plan: 0800 – 0835 Pacific.</p> <p>-She mentioned that IAAC had identified many documents for their review but they are limited in capacity to review (small office) and don't always have many comments</p> <p>-We walked through the main topics of the Plan including Hazardous Materials, Bulk Materials, Fire, Traffic Accidents, Derailments, Employee Injury, Severe Weather Events</p> <p>-We discussed what each topic meant for the construction phase, gave examples of what could potentially occur during construction phase for these topics, preventative measures planned and response actions</p>	<p>Response provided to Six Nations on November 9, 2021:</p> <p>We walked through the A&M Comm Plan for the types of incidents CN would advise Six Nations about and whether that was acceptable to them. She requested we advise them of any mortality to wildlife or fish as a requirement to notify. I advised her we would make the addition</p>
MCFN-02		<p>No Technical concerns or comments; CN (Luanne) walked Fawn and Katelyn from MCFN through the A&M Communication Plan and the A&M Response Plan. Included the following:</p> <ul style="list-style-type: none"> We walked through the main topics of the Plan including Hazardous Materials, Bulk Materials, Fire, Traffic Accidents, Derailments, Employee Injury, Severe Weather Events We discussed what each topic meant for the construction phase, gave examples of what could potentially occur during construction phase for these topics, preventative measures planned and response actions Fawn was particularly interested in what types of scenarios we would call MCFN to report an incident. I went through the list in the A&M Comms Plan and they agreed those seemed reasonable. I advised that over the course of the project, if they wanted information more frequently or less frequently, they could advise anyone on the Project team and we'd be happy to make the adjustments they preferred. 	<p>Response provided to MCFN on November 29, 2021:</p> <p>The conversation went well and no concerns or issues were raised. They had no further questions and the meeting ended right around 1030.</p>
CCC -01	October 7, 2021	<p>References to accidents and malfunctions speak to water, wetlands, etc., but not to minor or reportable releases that impacts, or potentially impacts, air quality. Not sure if that will be covered by another protocol or if it should be included in this one. It would be helpful to have that clarified as impacts to air quality is a major concern.</p>	<p>Response provided to CCC on December 2, 2021:</p> <p>The Accidents and Malfunctions Communication Plan identifies two main types of incidents; minor release and reportable release. Minor releases are those where a contaminant does not pose a potential threat to groundwater, surface water, wetlands, environmentally significant areas. Reportable releases are those where a contaminant impacts the natural environment, and poses a potential threat to groundwater, surface water, wetlands, environmentally significant areas, and/or has the potential to materially damage, contaminate or harm the environment outside of the project construction limits.</p> <p>An incident that results in impacts to air quality would constitute a reportable release and would follow the reporting lines associated as such.</p>

**CN Milton Logistics Hub
 Consultation, Plan and Follow-up Program Comment Summary and Response Table to Address Condition 2.4 of the Minister's Decision**

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
CCC -02		<p><i>Re notification: a) I'd like to see the timing of notification to all potentially impacted parties, including neighbours, Town, etc. to be within 24 hours, same as the reporting timeframe to the IAAC. Alternately, if 24 hours isn't possible/ reasonable, could the timeframe be between 24 - 48 hours? b) I don't believe the onus should be on the municipal responders (see 1.2) to determine if notification to residents is required. My view is that neighbours should be notified of the same accidents and malfunctions as the IAAC. c) although the reports will be available on the CN website, I'd like to see the CCC copied on the reports to the IAAC, not individual members, but perhaps Edie, Terry and/or Elizabeth who would then forward them to the CCC members as part of our package. I think the plan is for the CCC to get them. I think that should be indicated in this communications plan. The CCC contact information (one point of contact) could be added to 3.0 Contact Information.</i></p>	<p><u>Response provided to CCC on December 2, 2021:</u></p> <p>The Accidents and Malfunctions Communication Plan is very similar to your suggestion. Potentially affected neighbours would be advised as soon as practicable for an incident that: a) has the potential to materially damage, contaminate or harm the environment outside of the project construction limits (previously identified as the Project Development Area); and b) is determined by Municipal Responders (Fire, Ambulance, Police) to require notification to nearby residents. This means nearby residents would be notified as quickly as possible. If emergency responders advise CN that nearby residents should be notified, that will happen as quickly as possible. CN's response to A&M, including any notifications that may be required, will be coordinated with other parties who may be involved in a response.</p> <p>Updates regarding the Project to the CCC will be made by CN during each meeting. Those incidents that are reportable will be discussed at each CCC meeting</p>

**APPENDIX 3B
GENERAL ENQUIRY TRACKING –
COMMUNITY CONSULTATION
COMMITTEE**

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

DATE	TOPIC	SOURCE	FOR FOLLOW UP	RESPONSE	RESPONSIBILITY	STATUS resolved / response noted / outstanding
28/Dec/21	Traffic	N. Mott	If Britannia Road is not fully widened by the time the intermodal facility is built, will CN delay making it operational?	The widening of Britannia Road is planned to be completed by 2024 which is in line with the anticipated Terminal opening. Phase 1, the section between Tremaine Road and Regional Road 25, is scheduled for completion in 2022, while Phase 2 and 3, the sections between Regional Road 25 and Highway 407, are scheduled for completion in 2024.	CN	Response noted.
28/Dec/21	Traffic	N. Mott	If Tremaine Road is not connected to Highway 401 by the time the intermodal facility is built, will CN delay making it operational?	These are two separate and distinct projects. During the hearing process, CN traffic consultants, BA Group, examined both scenarios: with the 401/Tremaine interchange in place and without the Tremaine Road/401 interchange in place. While the flow of trucks to and from the site would differ, it was concluded that there would be sufficient capacity to handle the volumes generated by the facility in both scenarios and as such, there would be no need to delay the opening of the facility.	CN	Response noted.
28/Dec/21	Traffic	N. Mott	The traffic studies done as part of the EA suggested that truck traffic could use local roads if Britannia or Tremaine were not widened in time for making the intermodal facility operational. Is that still the case?	Only the Regional arterial roads connect to the highway system and to other parts of the Region, so there is no reason for trucks to use local roads. The traffic study also recommended that truck restrictions be implemented or maintained on two Town roads leading from or adjacent to the Terminal, to ensure that Terminal trucks do not use those routes, namely: the future collector road opposite to the Terminal driveway and Bronte Road north of Britannia Road	CN	Response noted.
28/Dec/21	Traffic	N. Mott	Will there be any traffic monitoring (volume, direction, accidents, delays) by CN or is that going to be left to the Town and Region? How will issues be addressed?	CN will monitor the ingress/egress of the trucks at the facility. Once on public road, truck drivers will be required to abide by all applicable laws and restrictions. CNTL trucks accessing the site will be required to use Britannia Road to/from highway 407. Any incident respecting a CNTL truck will be reported to CN and addressed accordingly. With respect to non-CNTL trucks, CN Police is in regular contact with local authorities and will be appraised of any incidents related to the facility. CN will investigate any incident raised by local authorities and address accordingly including, as an example, barring access to the facility.	CN	Response noted.
2/Dec/21	Future topics	Various Committee Members	Traffic, including working with the Town and Region on road infrastructure planning, traffic patterns to the south of the facility, flow of traffic on site.		Co-Facilitators	Noted.
2/Dec/21	General	R. Vogel Post	Can the Project proceed with construction while a case has been opened with the Ontario Superior Court?	Response in session: D. Reynolds stated that there is a case with the Ontario Superior Court that opened during the federal environmental review process and at this point there is nothing that would prevent CN from moving forward.	CN	Discussed in session.
2/Dec/21	General	L. Chambers / W. Roberts	Community communications protocols and plan as a future topic.		Co-Facilitators	Noted.
2/Dec/21	General	Committee	CN to distribute Schedule 15.2 to Committee prior to posting on cnmilton.ca	The updated Schedule 15.2 was circulated to the Committee on Dec 17, 2021	CN / Co-Facilitators	Completed
2/Dec/21	Groundwater and Surface Water		Provide a map of Indian Creek regionally, to get a better idea of how other development in the area can be affecting it / identify where it begins	Map included in Committee materials package for January 27, 2022 meeting.	CN	Completed
2/Dec/21	Traffic	L. Chambers	Distribute the traffic study presented at the 2019 Hearing	Presentation included in Committee materials package for January 27, 2022 meeting.	CN / Co-Facilitators	Outstanding
4/Nov/21	Future topics	N. Mott	I would like a future discussion on traffic monitoring.		Co-Facilitators	Noted
4/Nov/21	Future topics	L. Kohler	Mitigation and adaption plans for climate change	Climate change was considered in the environmental assessment, including the potential effects of the environment on the Project. Climate change has been considered in the design of the Project. How CN considered climate change will be discussed by topic during Committee meetings.	Co-Facilitators	Noted

DATE	TOPIC	SOURCE	FOR FOLLOW UP	RESPONSE	RESPONSIBILITY	STATUS resolved / response noted / outstanding
4/Nov/21	Noise	L. Chambers	What is the process once all CN's follow-up and mitigation efforts have been implemented and the community is dissatisfied and whether there is a mechanism or agency to hold CN accountable to reconcile community concerns.	CN to reach out to IAAC for information on compliance requirements that can be shared with the CCC. Per the Minister's Decision Statement, CN is legally required to meet all conditions, including the noise thresholds of no greater than 1 to 5 change in dB as well as no greater than 6.5% change in %HA. CN takes these conditions seriously and intends to meet all conditions and are working with design team to ensure the structures function as intended. CN is required to submit documentation to IAAC to demonstrate compliance with conditions. The implementation of follow-up programs may entail further adaptive management, including adding or adjusting measures in operation to remain compliant. CN is working to be compliant with all conditions on the Project, working with stakeholders and this Committee. With respect to fines/actions for non-compliance, IAAC should speak to that and can address those questions and concerns at a future meeting.	CN	Discussed in session. Additional response noted. IAAC to present January 27, 2022
4/Nov/21	Noise	R. Vogel Post	Is the three strike policy for the truck , the driver or both? So the financial burden and responsibility to enforce safety with the truck will be address by CN on the yard but the Town and Region will burden the costs associated. Will CN contribute to the police to add staff? Slide 2: That would be the 20% that CN owns and not the 80% by private trucks which very likely clearly have significant impact. Will CN take responsibility mitigate those issues?	The three strikes policy applies to both the driver and the truck. CN does monitor the trucking firm as well. If there are consistent issues or concerns with a particular fleet, CN can work with that organization to address those issues. CN works with its trucking partners to minimize impacts on the community. We meet with our trucking partners on a regular basis and ensure they are aware of specific local protocols. All trucks are required to abide by the road rules in place, such as speed limits, use of engine brakes, etc. Rules and procedures will be in place within the terminal and all trucks must abide by the rules within our facility and our employees/CN Police will monitor this behavior. We have cameras, inspection portals with emissions monitoring to monitor the condition of equipment/trucks coming in/out of the property. A future meeting could cover the process of trucks and driver activity on site. Participants on the October 23 tour had a firsthand look at our Brampton facility. Outside the facility, enforcement of provincial and municipal legislation and regulation on provincial and municipal roads is the responsibility of those levels of government. Project-related traffic will comprise a relatively small (0.75 to 1.5% increase in heavy vehicles) number of the total vehicles added to local roads. In their report, the Review Panel noted that a maximum of 800 trucks entering and exiting the facility per day is a small percentage compared to the several thousand vehicles per hour currently on Milton roads. CN has contributed \$6.5 million in property taxes over the past 20 years and will contribute approximately \$1 million per year in property taxes (and attract development that would generate \$130-213 million in property taxes and \$36-74 million in development charges). The Project itself will use limited municipal services and infrastructure. CN works with local EMS training and equipment and in the event that local EMS is required to respond to an accident or malfunction on the project site, CN is committed to cover these costs as they do across their entire network.	CN	Response noted.
4/Nov/21	Noise	R. Vogel Post	Slide 3 (and relates to 4): Are generators required or can solar technology be used to power the equipment to reduce emissions and noise?	Generators are important components of maintaining the integrity of goods being transported in heated or cooled containers. These generators are efficient and work to maintain critical temperatures of many containers as they plug into these generators to prevent each container from having to run their own engines while awaiting pickup at the Terminal. These generators must also have a noise output of 107 dBA or less as per CN's commitment during the Panel hearing to reduce the noise levels. The concept of solar technology is a good point, and while it is not feasible to integrate on the generators, it is an element that CN can/will incorporate into the building with rooftop solar panels.	CN	Response noted.
4/Nov/21	Noise	R. Vogel Post	Perhaps arrangements for families to relocate during these times may be necessary. Will CN absorb the cost for this as required? There are numerous examples where residents have complained about noise issues from rail yard activity and residents were ignored. Why not be proactive and set something up ahead of time to avoid the stress and conflict.	The mitigation measures planned during the construction phase will meet noise thresholds as required by the Conditions. If they do not, CN will implement adaptive management strategies to ensure the noise levels are maintained within the specified thresholds.	CN	Response noted.

DATE	TOPIC	SOURCE	FOR FOLLOW UP	RESPONSE	RESPONSIBILITY	STATUS resolved / response noted / outstanding
4/Nov/21	Noise	R. Vogel Post	Slide 6: What is the time frame expected between the first 4 weeks and operation at full capacity? If it will be an extended or considerable time, perhaps continuous monitoring should be enforced to show increase or changes in disturbance levels.	The time between facility opening and operating at full capacity is unknown, however CN will be ensuring the noise monitoring is completed in compliance with the Conditions. Since CN is required to track the number of trucks and containers utilizing the facility, we will know when full capacity is reached or approaching those levels and will be able to implement the monitoring frequency and timing as required.	CN	Response noted.
7/Oct/21	Accidents and Malfunctions	W. Roberts	References to accidents and malfunctions speak to water, wetlands, etc., but not to minor or reportable releases that impacts, or potentially impacts, air quality. Not sure if that will be covered by another protocol or if it should be included in this one. It would be helpful to have that clarified as impacts to air quality is a major concern.	The Accidents and Malfunctions Communication Plan identifies two main types of incidents; minor release and reportable release. Minor releases are those where a contaminant does not pose a potential threat to groundwater, surface water, wetlands, environmentally significant areas. Reportable releases are those where a contaminant impacts the natural environment, and poses a potential threat to groundwater, surface water, wetlands, environmentally significant areas, and/or has the potential to materially damage, contaminate or harm the environment outside of the project construction limits. An incident that results in impacts to air quality would constitute a reportable release and would follow the reporting lines associated as such.	CN	Response noted.
7/Oct/21	Accidents and Malfunctions	W. Roberts	Re notification: a) I'd like to see the timing of notification to all potentially impacted parties, including neighbours, Town, etc. to be within 24 hours, same as the reporting timeframe to the IAAC. Alternately, if 24 hours isn't possible/ reasonable, could the timeframe be between 24 - 48 hours? b) I don't believe the onus should be on the municipal responders (see 1.2) to determine if notification to residents is required. My view is that neighbours should be notified of the same accidents and malfunctions as the IAAC. c) although the reports will be available on the CN website, I'd like to see the CCC copied on the reports to the IAAC, not individual members, but perhaps Edie, Terry and/or Elizabeth who would then forward them to the CCC members as part of our package. I think the plan is for the CCC to get them. I think that should be indicated in this communications plan. The CCC contact information (one point of contact) could be added to 3.0 Contact Information.	The Accidents and Malfunctions Communication Plan is very similar to your suggestion. Potentially affected neighbours would be advised as soon as practicable for an incident that: a) has the potential to materially damage, contaminate or harm the environment outside of the project construction limits (previously identified as the Project Development Area); and b) is determined by Municipal Responders (Fire, Ambulance, Police) to require notification to nearby residents. This means nearby residents would be notified as quickly as possible. If emergency responders advise CN that nearby residents should be notified, that will happen as quickly as possible. CN's response to A&M, including any notifications that may be required, will be coordinated with other parties who may be involved in a response. Updates regarding the Project to the CCC will be made by CN during each meeting. Those incidents that are reportable will be discussed at each CCC meeting	CN	Response noted.
7/Oct/21	Environment	L. Kohler	Is there an updated visual of the site? One that is more reflective of the current landscape and not an artist's rendering.	CN has obtained the drone videos; these are large files and will be made accessible through the Stantec CN MLH SharePoint site shortly.	CN	Response noted.
7/Oct/21	Environment	L. Kohler	Who is responsible for air, water, land monitoring and the verification of reports produced; what are the key metrics used?	The conditions of approval in the Decision Statement require CN to develop, in consultation with relevant authorities and other parties, and implement follow-up programs to monitor various environmental components, including air quality, water, and terrestrial components. CN will contract qualified third-party consultants with expertise in these areas to develop and implement those programs. The metrics will differ for each program, and many are specified in the conditions (e.g., air quality and water quality parameters to be monitored). The programs and monitoring results will be reported to IAAC and other parties as specified in the conditions.	CN	Discussed in session. Additional response noted.
7/Oct/21	Environment	L. Kohler	Have electrification and green infrastructure (such as adjusting plans for stormwater ponds that emit GHGs) of the facility been considered?	Yes, CN has implemented electrification initiatives corporately and in relation to the project. This includes the purchase of 50 electric trucks from Lion Electric, which will be piloted in CN's fleet in urban areas, including Milton. Vehicle charging stations are being incorporated into the design of the project. CN is also exploring electrification options for locomotives. The conditions of approval in the Decision Statement require ongoing evaluation and reporting on electrification initiatives. Further, the conditions of approval require CN to develop and implement a GHG emission reduction plan.	N/A	Discussed in session. Additional response noted.
7/Oct/21	Environment	R. Vogel Post	What is the plan to monitor and mitigate contaminants in water/wells?	The project design includes measures to mitigate potential adverse effects on both surface and ground water quality. As required by the conditions of approval in the Decision Statement, a stormwater management system will be designed and implemented, which includes measures to prevent contamination from entering water. In addition, measures to prevent and respond to accidents and malfunctions will also serve to mitigate potential contamination of water. As required by the conditions, follow-up programs for both surface and ground water will be developed and implemented, including monitoring surface and ground water quality.	CN	Discussed in session. Additional response noted.

DATE	TOPIC	SOURCE	FOR FOLLOW UP	RESPONSE	RESPONSIBILITY	STATUS resolved / response noted / outstanding
7/Oct/21	Groundwater and Surface Water	L. Chambers	What will be the impact of construction and operation on groundwater and the municipal sewage system?	<p>The effects of the project on groundwater and municipal services were assessed during the EA. As required by the conditions, measures will be implemented to mitigate potential effects on groundwater, including measures to avoid preferential flow along servicing alignments (e.g., trenches for utilities) and maintain groundwater flow if any dewatering is required during construction. A groundwater follow-up program will be implemented to monitor groundwater during construction and for the first year of operation, as per the conditions.</p> <p>The project will not be connected with and will not affect the municipal sewage system.</p>	CN	<p>Discussed in session. Additional response noted.</p> <p>Agreement to take a detailed look at water monitoring and management plans in a future meeting.</p>
7/Oct/21	Noise	R. Vogel Post	Has the placement of berms changed from the 2015 initial renderings that showed them surrounding the site? If so, why? Can the placement of berms be reconsidered to mitigate against noise and visual impacts?	<p>The placement and design of noise barriers, including noise berms and walls, has been refined during the detailed design process and will be located where necessary to ensure noise from the Designated Project meets the thresholds specified in the conditions of approval in the federal Decision Statement. A noise follow-up program will be undertaken, as per the conditions, to evaluate the effectiveness of the mitigation. The noise barriers will also serve to mitigate visual effects, as assessed during the environmental assessment (EA).</p>	CN / Co-Facilitators	<p>Discussed in session. Additional response noted.</p> <p>Agreement to take a more detailed look at berms in a future meeting.</p>
7/Oct/21	Noise	L. Kohler	Does it make sense to include a CCC email under 3d) that members of the public could use to provide feedback to us.	<p>Community members are welcome to share concerns of any type with CCC members. An email has been set up: contactmiltonccc@gmail.com With respect to noise, CN is required to respond to noise concerns within 48 hours, it is important that communication on noise topics be directed to CN as soon as possible so we can start the review process quickly.</p>	CN	Response noted.
7/Oct/21	Noise	L. Kohler	Under point 7 (Reporting Feedback), although the info will be accessible to the CCC on the CN website, could the CCC receive those reports directly, just as the Town, the IAAC and other "potentially affected parties" are?	<p>CN will update the CCC regarding reportable incidents at each CCC meeting.</p>	CN	Response noted.

APPENDIX 4 SCHEDULE 15.1



CN MILTON LOGISTICS HUB

Condition 15.1

Schedule Compliance Report

Canadian National Railway Company
935 de La Gauchetière Street W
Montreal, Quebec, H3B 2M9



IAAC Reference Number: 80100

March 31, 2022

Condition 15.1- Schedule Compliance Report

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Abbreviations

ACRPP	Archaeological and Cultural Resources Protection Plan
A&M	Accidents and Malfunctions
AQMAMP	Air Quality Monitoring and Adaptative Mitigation Plan Follow-up Program
B(a)P	Benzo(a)pyrene
CAAQS	Canadian Ambient Air Quality Standards
CH	Conservation Halton
CN	Canadian National Railway Company
dBA	Decibels adjusted - weighted absolute noise power
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
EIS	Environmental Impact Statement
EM	Environmental Monitor
EPP	Environmental Protection Plan
ESC	Erosion and Sediment Control
FUP	Follow-up Program
ha	Hectare
Huron-Wendat	Huron-Wendat Nation
IAAC	Impact Assessment Agency of Canada
MCFN	Mississaugas of the Credit First Nation
MECP	Ontario Ministry of the Environment, Conservation and Parks
MHSTCI	Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
NDMNRF	Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry
PDA	Project Development Area
PM	Particulate matter
PM _{2.5}	Fine particulate matter (suspended air borne particulate 2.5 microns and less in diameter)
RAA	Regional Assessment Area
SQQ FUP	Surface Water Quality and Quantity Follow-up Program
Stantec	Stantec Consulting Ltd.

SWM

Stormwater Management

WMCP

Wildlife Management and Connectivity Plan and Follow-up Program



Introduction

On January 21, 2021 the Minister issued to Canadian National Railway Co. (CN) a Decision Statement with respect to the Milton Logistics Hub Project (the Project), allowing the Project to proceed (CIAR 1119). The Decision Statement includes conditions with which CN must comply.

Condition 15.1 of the Decision Statement requires CN to submit to the Agency a schedule for all conditions set out in the Decision Statement. CN has prepared this report to provide information regarding the activities planned to fulfill each condition set out in the Decision Statement, including the estimated commencement and completion dates for each condition where applicable.

Specifically, this report is prepared in accordance with Condition 15.1, which states:

Condition 15.1 - The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.

Schedule of Activities Planned to Fulfill Each Condition of Approval

This section describes the activities planned to fulfill each condition set out in the Decision Statement and the estimated commencement and completion month(s) and year(s) for each of these activities where applicable. Timing for commencement and completion of sub-conditions is as indicated for the parent condition unless otherwise noted. For activities linked to the start of construction, the estimated commencement month will be no sooner than 60 days following the provision of this schedule to the Impact Assessment Agency of Canada (IAAC) and other parties as required by Condition 15.4. The table is organized according to the conditions as set out in the Decision Statement.

Section 2: General Conditions

Condition Number	Condition	Commencement	Estimated Completion
General Conditions (2.1 to 2.3)			
2.1	<p>The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, have applied the best available economically and technically feasible technologies to achieve continuous improvement and meet all engineering requirements for safe railway and facility operation.</p>	January 2021	Throughout construction and operation as required by each condition
<p>Activities Planned to Fulfill Condition:</p> <p>CN has retained a team of qualified individuals, including from Stantec, Aecom, Ducks Unlimited and others to develop mitigation measures and management plans, to design and implement the various follow-up and monitoring programs and to undertake the detailed design. Field programs, studies, and engineering designs follow accepted and applicable standards and practices using recognized methods and models, which will lead to the construction and operation of an intermodal terminal that meets all engineering requirements for safe railway and facility operation while mitigating potential environmental effects. For construction, requirements outlined in the conditions have been incorporated into contract specifications and drawings for implementation by the contractor, who will be managed by CN and/or CN representatives and monitored throughout construction for compliance. CN continues to consult with relevant authorities, Indigenous communities, and the public to solicit their input and will incorporate information and knowledge obtained through consultation into the various measures, plans, and programs required by the conditions. CN's adaptive management approach will contribute to continuous improvement. Further details are included throughout this report specific to each condition. CN's actions in fulfilling the conditions demonstrate a careful and precautionary approach that supports sustainable development.</p>			

Condition Number	Condition	Commencement	Estimated Completion
2.2	<p>The Proponent, when carrying out the Designated Project, shall do so as defined in condition 1.8 of this Decision Statement.</p> <p>Activities Planned to Fulfill Condition: Design and construction requirements consistent with condition 1.8 have been incorporated into contract specifications and drawings for implementation by the contractor. Any changes in the Project would be identified and managed in accordance with Conditions 2.11.8 or 2.16/2.17, as appropriate.</p>	January 2021	TBD Throughout construction
2.2.1	<p>The Proponent shall carry out the Designated Project such that no more than 450,000 containers are handled by the Designated Project per calendar year.</p> <p>Activities Planned to Fulfill Condition: The Project has been designed to handle no more than 450,000 containers per calendar year. CN will monitor the number of containers handled in the terminal and will report on this number annually in the annual report, once operation of the terminal begins.</p>	-	-
2.3	<p>The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.</p> <p>Activities Planned to Fulfill Condition: The construction contractors and sub-contractors will be required, through their contracts with CN, to implement mitigation measures as directed through the Wildlife Awareness Training throughout construction, as these mitigation measures have been developed in consideration of applicable recovery strategy and action plans for listed species at risk. Consideration of applicable recovery strategies have also been incorporated in the Wildlife Management and Connectivity Plan and Follow-up Program (WMCP) as per Condition 8.10 and will be incorporated into the compensation habitat for the Western Chorus Frog, as per Condition 8.9, through development of mitigation measures that can lessen the known impact that contribute to the declining of listed species with recovery strategies and action plans.</p>	January 2021	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
Consultation (2.4 to 2.5)			
2.4	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:	June 2020 (on-going)	As required throughout construction & operation
2.4.1	Provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Consultation with party or parties specific to each condition with a requirement to consult, was completed through written request (i.e., emails and letters) by CN to provide the parties' views and information on the information provided as part of the consultation request and has been recorded in the Annual Report. CN will continue to provide written notice for the opportunity for consultation to the party or parties as identified in the Conditions that has not yet occurred based on the needs (e.g., prior to operation start or project change as per condition 2.17) identified in the specified condition requirements to consult.</p>			
2.4.2	Provide all information available and relevant to the scope and the subject matter of the consultation and a period of time not less than 15 days, or as otherwise agreed upon with the party or parties being consulted, to prepare their views and information;	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>In accordance with Condition 2.4.2, CN has provided and will continue to provide at least 15 days for parties to review and provide comments on all available information that is relevant to the scope and subject matter of the consultation. A summary of consultation with the various parties, including the views / information received, CN's response documenting how this information was considered, and the rationale for this response, are being tracked and consolidated for inclusion in the annual report.</p>			

Condition Number	Condition	Commencement	Estimated Completion
2.4.3	<p>Undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>In accordance with Condition 2.4, where comments on information relevant to the conditions of approval were received from a party being consulted on, CN has reviewed and considered any views or information for incorporation into the final versions of applicable designs, processes, plans and programs, where appropriate, including consideration of technical and economic feasibility. The comments received by each party during consultation have been recorded, as well as how each comment / view has been incorporated or has not been incorporated into the designs, processes, plans, and programs, and have been provided in the Annual Report. This process will continue on an annual basis, if consultation is a requirement of a condition set out in the Decision Statement.</p>	-	-
2.4.4	<p>Advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated.</p> <p>Activities Planned to Fulfill Condition:</p> <p>In accordance with Condition 2.4.4, where comments on information relevant to the conditions of approval are received from a party being consulted, CN will continue to review and consider those views or information for incorporation into the final or updated versions of applicable designs, processes, plans, and programs, as appropriate. CN will continue to document the rationale for why the views or information have, or have not, been integrated and will provide this rationale back to each party who made the comment(s). A record of consultation with the various parties, including the views / information received, CN's response documenting how the views / information has been considered, and the rationale for CN's response, will be tracked and consolidated for inclusion in each annual report for the year the comments are received.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
2.5	<p>The Proponent shall, where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent.</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN will continue to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (Six Nations) and the Huron-Wendat Nation (Huron Wendat). Targeted discussions with each community have been held to confirm the methods of notification / communication, the type of information, and the period of time to be provided when seeking input and will continue in the same manner identified in an ongoing basis when consultation is a requirement of a condition set out in the Decision Statement. CN will continue to engage with these communities during construction activities, and during operations to continue soliciting their views and information pertinent to the Project.</p>	November 2020	Throughout construction and operation
Follow-Up and Adaptive Management (2.6 to 2.10)			
2.6 (and all sub-conditions 2.6.1 to 2.6.5)	<p>The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information:</p> <ul style="list-style-type: none"> • 2.6.1 - the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program; 	June 2020	FUPs to be finalized prior to construction or prior to individual program start.

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 2.6.2 - the scope, content and frequency of reporting of the results of the follow-up program, including whether the reporting of any result may, if disclosed, cause specific harm to the environment; • 2.6.3 - the frequency at which the follow-up program must be updated, unless otherwise required through the condition; • 2.6.4 - the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and • 2.6.5 - the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded. 		
<p>Activities Planned to Fulfill Condition:</p> <p>Where a follow-up program (FUP) has been identified as a requirement of a condition, they have been developed by qualified individuals familiar with the Project, proposed mitigation measures, and predicted effects and in consultation with agencies as identified. Each FUP has been developed to include all requirements of this condition and sub-conditions listed above. FUPs are considered final and will only be updated if adaptive management measures are initiated by the specific FUP and changes to the FUP are necessary.</p>			

Condition Number	Condition	Commencement	Estimated Completion
2.7	<p>The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties being consulted during the development of each follow-up program.</p> <p>Activities Planned to Fulfill Condition: CN will update the FUPs consistent with the frequency determined in condition 2.6.3.</p>	2021 throughout construction and/or operation as determined by each FUP	2021 throughout construction and/or operation as determined by each FUP
2.8	<p>The Proponent shall provide the FUPs referred to in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to IAAC and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.</p> <p>Activities Planned to Fulfill Condition: CN has provided all FUPs pursuant to conditions listed in 2.8 to IAAC and to the party/parties that were consulted during the development of each FUP prior to the start of construction. All FUPs were developed pursuant to condition 2.6. During the implementation of the FUPs, any update made pursuant to condition 2.7, will be provided to IAAC and to the party/parties that were consulted on the development of each FUP within 30 days of such updates.</p>	Final FUPs circulated for review Fall 2021	FUPs finalized.
2.9	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:	Pre-construction, construction and operation as required by each FUP	As required by each FUP

Condition Number	Condition	Commencement	Estimated Completion
2.9.1	Implement the follow-up program according to the information determined pursuant to condition 2.6;	-	-
<p>Activities Planned to Fulfill Condition: FUPs will be implemented according to the information determined pursuant to condition 2.6, as documented in the final versions of each program.</p>			
2.9.2	Conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;	-	-
<p>Activities Planned to Fulfill Condition: Monitoring will be conducted to verify the accuracy of the environmental assessment and/or to determine effectiveness of mitigation measures, as outlined in the FUPs.</p>			
2.9.3	Determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2;	-	-
<p>Activities Planned to Fulfill Condition: The need for modified or additional mitigation measures will be determined based on the results of monitoring pursuant to condition 2.9.2, as outlined in the FUPs.</p>			

Condition Number	Condition	Commencement	Estimated Completion
2.9.4	<p>If modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If monitoring results from a FUP demonstrate that mitigation measures are not as effective as planned, modified, or additional mitigation measures will be developed and implemented accordingly. These modified or additional mitigation measures will be communicated to IAAC within 24 hours of being implemented. If such measures were not contemplated in the various FUPs, CN will provide a detailed description of the measure(s) to IAAC within 7 days of their implementation.</p>	-	-
2.9.5	<p>Report all results of the follow-up program to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted during the development of the follow-up program.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The results of the various FUPs implemented in the previous calendar year will be reported to IAAC no later than March 31 of the following year or as identified in the applicable FUPs. A summary of the results of each FUP will be provided to IAAC and parties that informed the FUPs in accordance with Condition 2.11.5.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
2.10	<p>Where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The various FUPs have been discussed with the MCFN, the Six Nations and/or the Huron Wendat including opportunities for participation in the implementation of specific FUPs and where they may be interested in participating as part of the field programs, analysis, and reporting.</p>	November 2020	Ongoing throughout the FUPs until FUP completion

Condition Number	Condition	Commencement	Estimated Completion
Annual Reporting (2.11 to 2.12)			
2.11 (and all sub-conditions 2.11.1 to 2.11.8)	<p>The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:</p> <ul style="list-style-type: none"> • 2.11.1 - the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement; • 2.11.2 - how the Proponent complied with condition 2.1; • 2.11.3 - for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation; • 2.11.4 - the information referred to in conditions 2.6 and 2.7 for each follow-up program; • 2.11.5 - a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3; • 2.11.6 - for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan; • 2.11.7 - any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and • 2.11.8 - any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply. 	March 31 2022	Annually

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>An annual report that sets out the activities undertaken to comply with each of the conditions set out in the Decision Statement will be prepared. The annual report will reference all relevant information required through the conditions, including information on how each of the conditions of approval were considered in a careful and precautionary manner, and how CN's actions in fulfilling these conditions promoted sustainable development, were informed by the best information and knowledge including community and Indigenous knowledge. The report will also provide reference to the methods and models that are recognized by standard-setting bodies, were undertaken by qualified individuals, applied the best available economically and technically feasible technologies to achieve continuous improvement and met all engineering requirements for safe railway and facility operation. The annual report will include a summary table identifying and describing how the Proponent considered any views or information received as a result of consultation with various parties throughout the previous year. The annual report will also include information pertaining to the implementation of the FUPs and any updates to those programs stemming from consultation with the various parties; a summary of the results that were implemented in the previous year, including a summary of the methodology, location, frequency, timing and duration of monitoring activities, results of those monitoring activities, and a discussion on the effectiveness of mitigation measures and accuracy of predictions; and any updates made to the various plans required by the Conditions of Approval; modified or additional mitigation measures implemented during the previous year, as well as any technically or economically feasible mitigation measures being considered for implementation by CN if monitoring shows that the levels of environmental change triggering adaptive management measures have been reached or exceeded. Lastly, the annual report will identify any change to the Project that has been implemented for which CN determined such changes would not result in a change to the description of the Project (per Condition 1.8) or that would not result in adverse environmental effects, as well as the rationale for that determination.</p>		
2.12	<p>The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The annual report will include a plain language executive summary in both official languages and will be submitted to IAAC no later than March 31 following the reporting year to which the annual report applies.</p>	March 31 2022	Annually

Condition Number	Condition	Commencement	Estimated Completion
Information Sharing (2.13 to 2.14)			
2.13	<p>The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the air pollutant emissions reduction plans referred to in conditions 4.16 and 4.17, the final offsetting plan(s) referred to in condition 7.6, the wildlife management and connectivity plan referred to in condition 8.33, the cultural heritage property maintenance and re-use plan referred to in condition 11.5, the archaeological resources protection plan referred to in condition 11.8, the reports related to accidents and malfunctions referred to in conditions 14.5.4 and 14.5.5, the accident and malfunction communication plan referred to in condition 14.6, the schedules referred to in conditions 15.1 and 15.2, and any update or revision to the above documents, upon submission of these documents to the party or parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party or parties referenced in each respective condition, potentially affected parties, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.</p>	60 days prior to the start of construction	15 years following original posting of relevant information
<p>Activities Planned to Fulfill Condition:</p> <p>Final versions of the annual reports, executive summaries (in both languages) and other documents as specified will be submitted to IAAC. Copies will be posted publicly to the project website (https://cnmilton.com) and be maintained on the website for at least 15 years following publication.</p> <p>CN will notify IAAC, the party or parties referenced in each respective condition, potentially affected parties, the MCFN, the Six Nations and the Huron Wendat of the availability of these documents within 48 hours of their publication.</p>			

Condition Number	Condition	Commencement	Estimated Completion
2.14	When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.	Prior to construction	Prior to operation
	<p>Activities Planned to Fulfill Condition:</p> <p>All plans required prior to construction as a condition of approval have been submitted to IAAC. All plans required prior to the start of operations as a condition of approval will be submitted to IAAC, as required through the condition set out in the Decision Statement.</p>		
Change of Proponent (2.15)			
2.15	The Proponent shall notify the Agency, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton, the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.	Not anticipated	Not anticipated
	<p>Activities Planned to Fulfill Condition:</p> <p>CN intends to own and operate the Milton Logistics Hub as a key component of their network in perpetuity; however, in the event that CN decides to transfer ownership, care, control or management of the Project (in whole or in part) to another party, CN will provide notification to IAAC, the MCFN, the Six Nations, the Huron Wendat, Halton Region, Conservation Halton (CH), the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which that would occur.</p>		

Condition Number	Condition	Commencement	Estimated Completion
Change to the Designated Project (2.16 to 2.17)			
2.16	<p>The Proponent shall consult with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton and other relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential change to the Designated Project.</p> <p>Activities Planned to Fulfill Condition: In the event a change is proposed, CN will consult with the MCFN, Six Nations, Huron Wendat, CH and other relevant authorities as required.</p>	To be determined, if appropriate	To be determined, if appropriate
2.17	<p>The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this Decision Statement or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent in relation to the predicted adverse environmental effects. The Proponent shall also describe the results of the consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton and other relevant authorities.</p> <p>Activities Planned to Fulfill Condition: In the event that a change to the Designated Project would result in a change to the “Designated Project” description included in the Decision Statement (Condition 1.8) or that may result in adverse environmental effects, CN will notify IAAC and work with their team of qualified individuals to provide a description of any changes, predicted adverse environmental effects, proposed mitigation measures and follow up requirements, as well as the results of consultation undertaken with MCFN, Six Nations, Huron Wendat, CH and other relevant authorities.</p>	To be determined, if appropriate	To be determined, if appropriate

Section 3: Community Liaison Communication Process

Condition Number	Condition	Commencement	Estimated Completion
General (3.1 to 3.2)			
3.1	<p>The Proponent shall identify, prior to construction, parties that may be potentially affected by the Designated Project or by any environmental effect of the Designated Project, which shall include representatives of local and municipal governments, nearby residents, community organizations and business organizations identified by the Proponent in appendix D of the environmental impact statement, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation. The Proponent shall provide the list of potentially affected parties, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.</p>	January 2021	Completed
<p>Activities Planned to Fulfill Condition:</p> <p>CN has identified parties that may be potentially affected by the construction or operation of the Designated Project, or by any environmental effects of the Designated Project. The list of potentially affected parties, including their contact information (where available), was initially provided to IAAC on December 1, 2021 and updated January 19, 2022 (as provided March 1, 2022). The list will be maintained by adding any additional parties identified through on-going consultation efforts, such as the community liaison process, or by capturing any changes to the contact information of these parties of which CN is aware, so that an updated list can be provided to IAAC upon request.</p>			

Condition Number	Condition	Commencement	Estimated Completion
3.2	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties, a community liaison communication process. The Proponent shall implement the community liaison communication process throughout all phases of the Designated Project. The Proponent shall include, as part of the community liaison communication process, a method for potentially affected parties to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and a method for the Proponent to share information about the Designated Project with potentially affected parties, to document and respond to feedback received and to demonstrate how feedback has been addressed, including through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow-up program requirement(s). This includes liaison with potentially affected parties throughout all phases of the Designated Project to identify and address potential impacts of truck traffic on the community and road safety. In doing so, the Proponent shall:</p>	May 2021	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>CN has developed a community liaison communication process (CLCP) including the required information specified in the condition for review and input by community members, which occurred from May 26, 2021 to June 30, 2021. CN has committed to implement the CLCP throughout all phases of the Project.</p> <p>The process document and associated materials were made available for consultation by posting on CN’s project website and advertising in social media and print media. As part of the CLCP, CN also formed the Community Consultation Committee (CCC) which reviewed the CLCP document as part of their role. CN drafted the CCC Terms of Reference for circulation to the CCC which included the purpose, scope, membership / recruitment, roles and responsibilities, meeting frequency, conduct expectations, communications, and member commitments. The CCC Terms of Reference and CLCP documents were provided to IAAC on December 1, 2021.</p>			

Condition Number	Condition	Commencement	Estimated Completion
3.2.1	Determine, as part of the development of the community liaison communication process:	-	-
3.2.1.1	<p>The communication methods (including electronic and in-person communication methods) by which potentially affected parties may provide feedback to the Proponent and communication methods (including electronic and in-person communication methods) by which the Proponent shall share information about the Designated Project and address feedback received. The Proponent shall retain a third-party facilitator to support the exchange of information between the Proponent and potentially affected parties during in-person communication opportunities;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The community liaison communication process provided to IAAC on December 1, 2021 identifies the communication methods by which potentially affected parties can provide feedback to CN and the communication methods by which CN will share information and address feedback received.</p> <p>CN has retained third party facilitators to support the exchange of information between the Proponent and the CCC during in-person and on-line communication opportunities.</p> <p>All comments/questions received from the CN website, email, phone or from the CCC sessions is captured in an Excel spreadsheet. CN's response to those comments/questions is also included in the spreadsheet and shared.</p>	-	-
3.2.1.2	<p>How the Proponent shall document feedback received and how that feedback has been addressed, including through the implementation of any modified or additional mitigation measure and/or any modified or additional follow-up program requirement;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The community liaison communication process provided to IAAC on December 1, 2021 identifies how CN will document feedback received and how that feedback has been addressed by CN. Those comments/questions received from potentially affected parties and CN's response to those (including how they are being incorporated) is tracked in an Excel spreadsheet. The spreadsheet is shared with those who have provided comments.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.3	<p>How the Proponent shall report the information referred to in condition 3.2.1.2 to potentially affected parties (including the frequency at which the Proponent shall report that information, which shall be no less than quarterly, and the communication methods by which the Proponent shall report that information);</p> <p>Activities Planned to Fulfill Condition: The community liaison communication process provided to IAAC on December 1, 2021 identifies how CN will report the feedback received and how that feedback has been addressed to potentially affected parties, including frequency of reporting and communication methods for reporting on a quarterly basis.</p>	-	-
3.2.1.4 (including all sub-conditions 3.2.1.4.1 to 3.2.1.4.5)	<p>The information about the Designated Project that the Proponent shall share with potentially affected parties, which shall include the following information:</p> <ul style="list-style-type: none"> • 3.2.1.4.1 - a summary of the results of all follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent; • 3.2.1.4.2 - the quarterly reports related to noise complaints referred to in condition 4.9.3; • 3.2.1.4.3 - the land use history, construction details and photographic record referred to in condition 11.2.2; • 3.2.1.4.4 - the results of the post-construction inspections referred to in condition 11.4; and • 3.2.1.4.5 - the results of the heritage impact assessment referred to in condition 11.6. <p>Activities Planned to Fulfill Condition: The CLCP identifies the list of information and reports about the Designated Project and the process for CN to share with potentially affected parties as described in sub-conditions 3.2.1.4.1 to 3.2.1.4.5.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.5	<p>How the requirements set out in conditions 3.2.1.1 to 3.2.1.3 may vary throughout any phase of the Designated Project, including during each phase of construction identified in the construction schedule referred to in condition 15.2, during the first year of operation and during the first year of operation at which the Designated Project operates at its full operational capacity;</p> <p>Activities Planned to Fulfill Condition: As part of the CLCP, CN will confirm how communication methods, feedback and reporting may vary throughout each phase of construction, during the first year of operation, and during the first year of operation at which the Designated Project operates at its full operational capacity.</p>	-	-
3.2.2	<p>Provide the community liaison communication process to the Agency prior to construction;</p> <p>Activities Planned to Fulfill Condition: The Community Liaison Communication Process was provided to IAAC on December 1, 2021.</p>	-	Completed
3.2.3 (including all sub-conditions 3.2.3.1 to 3.2.3.4)	<p>As part of the implementation of the community liaison communication process:</p> <ul style="list-style-type: none"> • 3.2.3.1 - implement the community liaison communication process according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5; • 3.2.3.2 - respond to all feedback received through the community liaison communication process in a timely manner, including, if the Proponent determines that no mitigation measure and/or follow-up program requirement is required to address the feedback, by providing a rationale for that determination; • 3.2.3.3 - implement any mitigation measure and/or follow-up program requirement that the Proponent determined is required to address feedback received (including any modified or additional mitigation measure and/or modified or additional follow-up program requirement); and • 3.2.3.4 - provide to the Agency, as part of the annual report referred to in condition 2.11, all feedback received during the reporting year and how the Proponent has addressed all feedback, including any mitigation measure and/or any follow-up program requirement that the Proponent has implemented or plans to implement pursuant to condition 3.2.3.3, or a rationale as to why no mitigation measure or no follow-up program requirement is required to address the feedback. 		

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The Community Liaison Communication Process has been implemented according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5. If and when feedback is received through the community liaison communication process, it will be responded to in a timely manner including, if CN determines that no mitigation measure and/or FUP requirement is required to address the feedback, by providing a rationale for that determination. Mitigation measures and/or FUP requirements that CN determined is required to address feedback received will be implemented, including any modified or additional mitigation measure and/or modified or additional FUP requirement.</p> <p>All feedback received during the reporting year and how CN has addressed feedback will be provided to IAAC as part of the annual report referred to in condition 2.11, including any mitigation measure and/or any FUP requirement that CN has implemented or plans to implement pursuant to condition 3.2.3.3, or a rationale as to why no mitigation measure or no FUP requirement is required to address the feedback.</p>		

Section 4: Atmospheric Environment

Condition Number	Condition	Commencement	Estimated Completion
Light (4.1 to 4.5)			
4.1	<p>The Proponent shall measure, prior to construction, baseline light trespass and glare at the eight sites identified by the Proponent in table 4.5 of the document entitled Technical Data Report Light (Appendix E.8) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p> <p>Activities Planned to Fulfill Condition:</p> <p>Updated field measurements to assess current baseline light conditions of sky quality, light trespass and glare were assessed on the night of June 5/6, 2021. The baseline condition is characterized as a medium distinct brightness (or suburban) which is Environmental Zone E3. The light trespass at the eight sites is currently below the E3 zone requirements of 2 lux between the hours of 11:00 PM and 6:00 AM. This condition is now complete and has been reported on in the 2021 Annual Report.</p>	June 2021	Completed
4.2 (including sub-conditions 4.2.1 and 4.2.2)	<p>The Proponent shall manage, during all phases of the Designated Project, lighting within the Designated Project Development Area such that light trespass and glare from the Designated Project meet or surpass:</p> <ul style="list-style-type: none"> • 4.2.1 - E2 rural guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition); • 4.2.2 - E3 suburban guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition) if baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines for light trespass and glare as set out in the Guide. 	Start of construction	On-going

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>As noted in the 2021 Annual Report, the baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines. Lighting design plans, including the selection of luminaires, have been based on the implementation of measures to reduce light trespass and glare and to target light to those areas during construction and operation where it is required. The contractor agreement requires the contractor to manage light trespass and glare to meet or surpass the E3 guidelines during construction. CN will manage light trespass and glare to meet or surpass the E3 guidelines during operations through the various light mitigation measures outlined in the EIS and commitments.</p>		
4.3 (including all sub-conditions 4.3.1 to 4.3.4)	<p>The Proponent shall develop, prior to construction, mitigation measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall:</p> <ul style="list-style-type: none"> • 4.3.1 - direct light fixtures toward active construction areas during construction and toward the terminal during operation; • 4.3.2 - use down-cast light fixtures during operation; • 4.3.3 - install glare reduction technologies on individual light fixtures; and • 4.3.4 - require that all motor vehicles use low-beam headlights within the Designated Project Development Area. 	January 2021	Complete
	<p>Activities Planned to Fulfill Condition:</p> <p>Lighting plans for the terminal will meet the requirements specified in the conditions, as provided to IAAC on December 9, 2021 in the memo summarizing measures to control the direction, timing and intensity of lighting within the PDA to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. This condition is now complete and has been reported on in the 2021 Annual Report.</p>		

Condition Number	Condition	Commencement	Estimated Completion
4.4 (and sub-conditions 4.4.1 and 4.4.2)	<p>The Proponent shall evaluate, prior to construction, the technical and economic feasibility of installing amber-coloured outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin within the Designated Project Development Area. The Proponent shall also evaluate, in consultation with relevant authorities, whether the use of amber lighting can reduce sky glow and glare from the Designated Project, is not harmful to wildlife and can meet all engineering requirements for safe railway and facility operation. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 4.4.1 - provide the results of the evaluation to the Agency and relevant authorities prior to construction, including the sources of information and methodology used for the evaluation; and • 4.4.2 - install amber outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin and with no more than 2 percent of total emitted light with a wavelength of less than 500 nanometres within the Designated Project Development Area, unless the evaluation demonstrates that installing amber lighting is not technically or economically feasible or does not reduce sky glow and glare, is harmful to wildlife and/or does not meet all engineering requirements for safe railway and facility operation. 	March 2020	Complete
<p>Activities Planned to Fulfill Condition:</p> <p>The Amber Light Evaluation was provided to IAAC on December 9, 2021. This condition is now complete and has been reported on in the 2021 Annual Report.</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.5	<p>The Proponent shall develop, prior to construction and in consultation with the Town of Milton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to ambient lighting attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>The Ambient Lighting FUP was provided to IAAC on December 9, 2021. This condition is now complete and has been reported on in the 2021 Annual Report.</p>	Start of Construction	Complete
4.5.1	<p>Monitor, during construction and until the end of the first year at which the Designated Project operates at its full operational capacity, light trespass and glare attributed to the Designated Project and compare monitoring results against the applicable guidelines referred to in condition 4.2.1 or 4.2.2; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>As described in the Ambient Lighting FUP, monitoring of light trespass and glare attributed to the Project will occur during construction and will continue until the end of the first year at which the Project operates at its full operational capacity.</p>	-	-
4.5.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 4.5.1 demonstrate that modified or additional mitigation measures are required to ensure that light trespass and glare attributed to the Designated Project meet or surpass the applicable guidelines referred to in condition 4.2.1 or 4.2.2.</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in condition 4.5.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented. The additional mitigation measures will be reported to IAAC as per condition 2.11.7.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
Noise (4.6 to 4.10)			
4.6	<p>The Proponent shall manage noise throughout all phases of the Designated Project so that the Designated Project causes the acoustic environment at any receptor location identified by the Proponent on figure 3 of the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) to change by less than one to five decibels, as set out in the U.S. Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual, and the level of highly annoyed to change by no more than 6.5%, as set out in Health Canada's Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE, from baseline conditions documented by the Proponent in the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In doing so, the Proponent shall:</p>	Start of Construction	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>Noise mitigation measures have been identified by CN and incorporated into detailed design and construction planning. The contractor agreement will include construction specific mitigation measures to be implemented by the contractor during construction. Contractor will keep a daily equipment use log documenting equipment #'s, activities, time, and locations, where operating on site. Berms and barriers will be constructed during the construction phase of the Project to mitigate noise during operations.</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.6.1	<p>Construct, prior to operation, and maintain, throughout operation, noise barriers and/or vegetated berms within the Designated Project Development Area. The Proponent shall determine the locations and heights of the noise barriers and/or vegetated berms prior to construction and shall provide that information to the Agency prior to construction, including a rationale demonstrating how the location and height of each noise barrier and/or vegetated berm will cause change(s) to the acoustic environment to meet the thresholds for change referred to in condition 4.6;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The Supplemental Construction Phase 1 Noise Assessment (June 2021) was provided to IAAC in July 2021, which outlined the noise barriers / berms, including specific locations and sizes of each barrier/berm to be installed during construction to mitigate noise during operations. This condition is now complete and has been reported on in the 2021 Annual Report.</p>	-	Complete
4.6.2	<p>Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;</p> <p>Activities Planned to Fulfill Condition:</p> <p>At this time, there are no plans to use a concrete plant during construction of the terminal. In the event that a concrete plant is proposed to be used by the contractor, the contractor would install temporary sound barriers (hoarding) around the temporary concrete plant.</p>	-	-
4.6.3	<p>Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Contractor will install temporary sound barriers (hoarding) around Lower Base Line grade separation, as required, to mitigate noise during construction. This requirement has been incorporated into the contract documents and preliminary locations of temporary hoarding identified on design plans. The location of this hoarding will be adjusted as required to accommodate and address specific construction activities anticipated throughout construction.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.6.4	<p>Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Contractor will use noise dampening technologies on construction vehicles to mitigate noise during construction. Equipment will be regularly inspected to ensure proper working order of noise dampening technology. Contractor will report on regular maintenance of equipment, including noise dampening technology, to CN as part of regular monthly reporting on compliance. These requirements have been incorporated into the contract documents.</p>	-	-
4.6.5	<p>Require employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring within the Designated Project Development Area, including during loading and unloading activities, and encourage employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring outside the Designated Project Development Area, including when travelling between the Designated Project Development Area and the 400-series highway network. The Proponent shall provide these best practices to the Agency prior to implementing them; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Several requirements have been incorporated into the contract documents requiring the contractor and their employees to abide by best practices for noise reduction within the PDA during construction. A Noise Reduction Plan has been prepared by the contractor to describe best practices for noise reduction that will be implemented by construction staff within the PDA and while travelling between the PDA and the 400-series highway network. The Noise Reduction Plan was provided to IAAC on December 9, 2021.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.6.6	<p>Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.</p> <p>Activities Planned to Fulfill Condition: As part of the contractor agreement, the contractor is required to enclose generators used during construction and to only use generators with a sound power level of 107 dBA or less.</p>	-	-
4.7 (including all sub-conditions 4.7.1 to 4.7.3)	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a communication protocol to share information related to noise attributed to construction of the Designated Project. The Proponent shall implement the protocol during construction. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. The protocol shall include procedures, including timing and methods, for sharing the following information:</p> <ul style="list-style-type: none"> • 4.7.1 - the schedule of construction activities, including construction activities that produce noise, and any update to that schedule; • 4.7.2 - how the Proponent will notify the local community if the Proponent must conduct construction activities at nighttime pursuant to condition 4.8; and • 4.7.3 - the details of the protocol for receiving complaints related to exposure to noise attributed to the Designated Project implemented pursuant to condition 4.9, including how to record a complaint. 	May 2021	On-going
	<p>Activities Planned to Fulfill Condition: CN has developed a CLCP (per Condition 3.2) and a Noise Communication Protocol that identifies procedures for sharing of information and responding to noise issues raised during construction and operation. A copy of the final Noise Communication Protocol was provided to IAAC on December 9, 2021. This condition is now complete and will be reported on quarterly with potentially affected parties and included in the Annual Report.</p>		

Condition Number	Condition	Commencement	Estimated Completion
4.8	<p>The Proponent shall conduct construction activities during daytime, unless not technically feasible. If the Proponent must conduct any construction activity that produces noise during nighttime, the Proponent shall notify the local community prior to undertaking the activity according to the communication protocol implemented pursuant to condition 4.7.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Construction activities are planned to occur during daytime hours (between 7:00 am to 10:00 pm.), as defined in Condition 1.7. The contract documents prepared to guide the contractor's activities during construction of the Project includes requirements for the completion of construction activities during these daytime hours, and describes the conditions under which night-time construction may be permitted (i.e., where daytime construction is not technically feasible). The Noise Communication Protocol provided to IAAC on December 9, 2021 includes information about how/when the local community will be notified if construction activities must occur at nighttime.</p>	Start of construction	End of construction
4.9	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a protocol for receiving complaints related to exposure to noise attributed to the Designated Project. The Proponent shall implement the protocol during all phases of the Designated Project. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. As part of the implementation of the protocol, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>The Noise Communication Protocol was provided to IAAC on December 9, 2021. The Noise Communication Protocol will be implemented during construction and operation of the Project. The Noise Communication Protocol is posted to the CN public website.</p>	March 2021	On-going

Condition Number	Condition	Commencement	Estimated Completion
4.9.1	<p>Acknowledge any noise complaint attributable to any component of the Designated Project as soon as possible, or no later than 48 hours after the complaint is received, and shall implement any corrective action, if required to reduce exposure to noise, in a timely manner;</p> <p>Activities Planned to Fulfill Condition: The Noise Communication Protocol outlines that noise complaints attributable to any component of the Designated Project will be acknowledged as soon as possible and no later than 48 hours after the complaint is received. Corrective actions will be implemented in a timely manner if required to reduce noise attributable to the Project.</p>	-	-
4.9.2	<p>Take into account the thresholds for change referred to in condition 4.6 and the results of the monitoring conducted pursuant to condition 4.10 when determining if any corrective action is required to reduce exposure to noise; and</p> <p>Activities Planned to Fulfill Condition: In regard to noise complaints, CN will consider the noise thresholds referred to in condition 4.6 and the results of the noise monitoring conducted pursuant to condition 4.10 will be taken into account when determining if any corrective action is required to reduce exposure to noise attributable to the Project.</p>	-	-
4.9.3	<p>Provide, on a quarterly basis, a report of all complaints received during the reporting quarter and any corrective action taken (which may include the results of any noise measurement done in relation to any measure taken) to the Agency, potentially affected parties and the Town of Milton.</p> <p>Activities Planned to Fulfill Condition: On a quarterly basis, CN will provide a report to IAAC, potentially affected parties and the Town of Milton of all noise complaints received during the reporting quarter and any corrective action taken by CN.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.10	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Health Canada, the Canadian Transportation Agency and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to the acoustic environment attributed to the Designated Project.</p> <p>As part of the implementation of the follow-up program, the Proponent shall compare changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to in condition 4.6. In doing so, the Proponent shall:</p>	February 2020	After Four weeks after the Designated Project operates at its full operational capacity
<p>Activities Planned to Fulfill Condition:</p> <p>The Acoustic Environment FUP has been finalized and was provided to IAAC on December 9, 2021. This condition is now complete and has been reported on in the 2021 Annual Report.</p>			
4.10.1	<p>Monitor day-night average sound levels continuously during the first four weeks of each phase of construction identified in the construction schedule referred to in condition 15.2, at locations to be determined during the development of the follow-up program;</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Continuous monitoring of day-night average sound levels will occur during the first four weeks of each phase of construction, in accordance with the Acoustic Environment FUP.</p>			
4.10.2	<p>Monitor day-night average sound levels continuously during the first four weeks of operation and during four additional weeks when the Designated Project operates at its full operational capacity, at locations to be determined during the development of the follow-up program;</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Continuous monitoring of day-night average sound levels will occur during the first four weeks of operations and during four additional weeks during full operational capacity, in accordance with the Acoustic Environment FUP.</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.10.3	<p>As part of the monitoring referred to in condition 4.10.2, monitor low-frequency noise in a manner that allows comparison with the American National Standards Institute's Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4); and</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>During operations, monitoring of low-frequency noise will occur in a manner that allows comparison with ANSI's Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4), in accordance with the Acoustic Environment FUP.</p>			
4.10.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.10.1, 4.10.2 or 4.10.3 demonstrate that modified or additional mitigation measures are required to maintain changes to the acoustic environment attributed to the Designated Project within the thresholds for change referred to in condition 4.6, including in the area north of Britannia Road.</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results during construction and operation, including the day-night average sound levels and low frequency noise measurements, demonstrate that mitigation measures are not as effective as planned, CN will work with the qualified individuals conducting the monitoring program to identify, develop and implement modified or additional mitigation measures.</p>			

Condition Number	Condition	Commencement	Estimated Completion
Air Quality (4.11 to 4.25)			
4.11	<p>The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:</p> <p>Activities Planned to Fulfill Condition:</p> <p>Measures to mitigate fugitive dust emissions attributed to the Project will be implemented during construction and operations. These measures have been identified in the Environmental Protection Plan (EPP) and have been incorporated into the contractor’s Air Quality Best Management Practice Plan.</p>	Start of construction	On-going
4.11.1	<p>Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, the contractor will be required to use dust suppressants with the least potential for adverse effects (i.e., water or other approved materials) to control fugitive dust emissions during construction, as outlined in the contractor’s Air Quality Best Management Practice Plan.</p> <p>During operations, reliance on dust suppressants is not anticipated since all driving surfaces will be paved.</p>	-	-
4.11.2	<p>Not handling non-enclosed granular materials during sustained high wind conditions;</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, the handling of granular materials during sustained high wind conditions is restricted. Dust monitoring and dust suppressant mitigation is outlined in the contractor’s Air Quality Best Management Plan to ensure handling of granular material is managed appropriately.</p> <p>Movement and handling of granular material is not anticipated during operation; however, if required at some point during operation, similar restrictions on the handling of such materials during high wind conditions would be implemented.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.11.3	<p>Covering or enclosing sources of granular materials stored in open containers within the Designated Project Development Area;</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, the contractor is required to cover or enclose sources of granular materials stored in open containers within the PDA. Storage of non-enclosed granular material is not anticipated during operation; however, if required at some point during operation, similar restrictions on the covering or enclosure of granular materials stored in open containers within the PDA would be implemented.</p>	-	-
4.11.4	<p>Building and managing temporary and permanent roads and parking lots located within the Designated Project Development Area to reduce fugitive dust emissions from dirt surfaces, including through paving and the removal of loose materials on road surfaces; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, the contractor is required to build and manage roads and parking lots to reduce fugitive dust emissions from dirt surfaces (i.e., gravel, paving, removal of loose material on road surfaces). During operations, roads will be paved and maintained (i.e., sweeping) to reduce fugitive dust emissions.</p>	-	-
4.11.5	<p>Establishing speed limits of no more than 30 kilometres/hour on temporary and permanent roads located within the Designated Project Development Area and requiring that all persons abide by these speed limits.</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, a speed limit of 30 kilometres/hour (km/h) has been established on all roads / vehicle movements within the PDA during construction, to which all persons are required to abide. Similar speed limits have been established for all permanent roads within the PDA. Appropriate signage are installed and maintained prior to construction and operations.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.12 (including all sub-conditions 4.12.1 to 4.12.3)	<p>If the Proponent chooses to install a temporary portable concrete plant for the Designated Project, the Proponent shall include a bag house, and shall install and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions attributed to the operation of the concrete plant. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 4.12.1 - store dry material only within designated material storage areas and control dust emissions when transferring and handling dry material; • 4.12.2 - enclose material transfer points, conveyors and mixing equipment within leak-proof structures; and • 4.12.3 - minimize drop height during truck loading and unloading activities to the lowest height that is technically feasible. 	N/A	N/A
<p>Activities Planned to Fulfill Condition:</p> <p>At this time, there are no plans to use a concrete plant during construction of the terminal. In the event a concrete plant is proposed, the contractor would be required to install a bag house in conjunction with the portable concrete plant and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions, as described in the sub-conditions.</p>			
4.13	The Proponent shall implement measures to mitigate air emissions attributed to the Designated Project during all phase of the Designated Project, including by:	Start of construction	On-going
4.13.1	Implementing a no-idling policy for mobile equipment and road vehicles within the Designated Project Development Area and requiring that all persons abide by this policy, unless not feasible for health or safety reasons;	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>A no-idling policy has been developed with the contractor and will be implemented for mobile equipment and road vehicles within the PDA. During construction, the contractor will monitor and report to CN on compliance with no idling policy.</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.13.2 (including all sub-conditions 4.13.2.1 to 4.13.2.5)	<p>Giving preference, through the tender process, to third-party contractors to use zero-emission mobile and stationary off-road equipment for any physical activity undertaken in relation to the construction of the Designated Project or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and requiring third-party contractors to use equipment that:</p> <ul style="list-style-type: none"> • 4.13.2.1 - uses diesel engines operating on diesel or low-carbon diesel fuel that meet Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and is equipped with verified diesel particulate filters and for which both the engines and the filters are maintained in accordance with maintenance instructions provided by the manufacturer; • 4.13.2.2 - uses low-carbon fuel, which may include natural gas, propane or hydrogen, while meeting Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and being maintained in accordance with maintenance instructions provided by the manufacturer; • 4.13.2.3 - during operation, using mobile and stationary off-road equipment that is zero-emission for any physical activity undertaken by the Proponent in relation to the Designated Project, including maintenance activities, or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and using equipment that meets the requirements referred to in condition 4.13.2.1 or 4.13.2.2; • 4.13.2.4 - reducing distance travelled on-site by outgoing vehicles and minimizing container handling turnaround time during operation; and 	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 4.13.2.5 - ensuring emission control technologies are not removed from equipment and vehicles operated by the Proponent for the Designated Project, unless removal is necessary for repair and maintenance activities, after which the emission control technologies shall be reinstalled or replaced before the equipment and vehicles are operated again. 		
<p>Activities Planned to Fulfill Condition:</p> <p>The contractor agreement includes the preferential use of zero-emission mobile and stationary off-road equipment for any physical activity undertaken as part of their Emissions Reduction Plan. If zero-emission equipment is not available or not technically feasible, the contractor is required to provide justification for the use of alternative equipment, as described in the sub-conditions. Equipment used on site is tracked for reporting in the Annual Report.</p>			
4.14 (and sub-conditions 4.14.1 and 4.14.2)	<p>The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall:</p> <ul style="list-style-type: none"> 4.14.1 - provide a rationale as to why the truck fleet has, or has not, been electrified; and 4.14.2 - provide an update on the electric truck pilot project referred to by the Proponent in its Closing Statement Submission (Canadian Impact Assessment Registry Reference Number 80100, Document Number 972), including the results of the pilot project when it is completed. 	March 2022	On-going, until implementation or deemed to be not technically or economically feasible
<p>Activities Planned to Fulfill Condition:</p> <p>CN will provide an update on the technical and economic feasibility of fully electrifying their fleet as part of the annual report to IAAC. As part of the annual report, any update provided to IAAC will include a rationale as to why the truck fleet has, or has not, been electrified and an update on the electric truck pilot project.</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.15	<p>The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of implementing idling reduction technologies on Proponent-owned locomotives that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent implements these technologies. In providing that information, the Proponent shall provide a rationale as to why these technologies have, or have not, been implemented.</p> <p>Activities Planned to Fulfill Condition: CN will provide an update on the technical and economic feasibility of implementing idling reduction technologies on CN-owned locomotives as part of the annual report to IAAC. As part of the annual report, any update provided to IAAC will include a rationale as to why the idling reduction has, or has not, been met.</p>	March 2022	On-going, until full implemented in the CN locomotive fleet
4.16	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the Designated Project. As part of the development of the plan, the Proponent shall establish emissions thresholds for high-emitting trucks. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan during operation. As part of the implementation of the plan, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: Prior to the start of operations, CN will develop an air pollutant and greenhouse gas emissions reduction plan in consultation with ECCC, TC and other relevant authorities to encourage continual improvements in the reduction of air pollutant and GHG emissions from trucks serving the Designated Project. This plan will establish emissions thresholds for high-emitting trucks access the terminal. The air pollutant and greenhouse gas emissions reduction plan will be submitted to IAAC prior to operation, for implementation during the operation phase.</p>	August 2023	On-going

Condition Number	Condition	Commencement	Estimated Completion
4.16.1	<p>Implement incentive measures to encourage truck operators serving the Designated Project to lower truck emissions and implement clean technology, which may include low-carbon fuel, low-emission auxiliary power units or idling reduction technologies;</p> <p>Activities Planned to Fulfill Condition: As part of the air pollutant and greenhouse gas emissions reduction plan, CN will identify incentive measures to encourage truck operators to lower truck emissions and implement clean technology.</p>	-	-
4.16.2	<p>Install and maintain signs at the exit of the terminal reminding truck drivers serving the Designated Project to reduce idling outside of the Designated Project Development Area;</p> <p>Activities Planned to Fulfill Condition: Anti-idling signage and requirements for anti-idling have been developed with the contractor as part of the Emission Reduction Plan during construction. Once operations commence, anti-idling information and signage will be in place for trucks servicing the facility.</p>	-	-
4.16.3	<p>Implement measures (other than visual inspection) to collect information about air pollutants and greenhouse gases emitted by trucks entering the Designated Project Development Area, including concentrations and quantities of nitrogen oxides, carbon dioxide and particulate matters, and to notify truck operators of any truck that meets or exceeds the emissions thresholds for high-emitting trucks established during the development of the plan. As part of these measures, the Proponent may collect information through the installation of emission measurement technologies within the Designated Project Development Area or through review of on-board diagnostic systems; and</p> <p>Activities Planned to Fulfill Condition: As part of the development of the air pollutant and greenhouse gas emissions reduction plan, CN is reviewing alternative technologies (other than visual inspection) to collect information about air pollutants and greenhouse gases emitted by trucks entering the terminal. CN is also developing a system in connection with this technology to notify truck operators of any truck that meets or exceeds the emissions thresholds for high-emitting trucks identified</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	in the air pollutant and greenhouse gas emissions reduction plan. The technology and description of the system to be implemented by CN will be identified in the air pollutant and greenhouse gas emissions reduction plan for implementation commencing at the start of operations.		
4.16.4	Report to the Agency, as part of the annual report referred to in condition 2.11, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>As part of the annual report, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means will be reported to IAAC.</p>		
4.17	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Designated Project. As part of the development of the plan, the Proponent shall establish five-year targets for increasing over time the proportion of locomotives serving the Designated Project that meet, at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by	April 2022	On-going, until such time as the terminal is served by such locomotives

Condition Number	Condition	Commencement	Estimated Completion
	<p>these locomotives. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan throughout operation.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Prior to operations, CN will develop an air pollutant and greenhouse gas emissions reduction plan for continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the terminal. In developing this plan, CN will consult with Environmental and Climate Change Canada and Transport Canada. Five-year targets will be established for increasing over time the proportion of locomotives serving the Designated Project that meet at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by these locomotives.</p> <p>The Plan will be submitted to IAAC prior to operation. Implementation will occur throughout the operation phase.</p>		
4.17.1	<p>As part of the annual report referred to in condition 2.11, the Proponent shall report its progress in meeting the five-year targets established during the development of the plan.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Progress in meeting the five-year targets established in the air pollutant and greenhouse gas emissions reduction plan for continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the terminal will be reported as part of the annual report.</p>	-	-
4.18	<p>The Proponent shall review the air pollutant and greenhouse gas emissions reduction plans referred to in conditions 4.16 and 4.17, in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, after the fifth year of operation and thereafter at a time to be determined during each review. If the Proponent updates the plan(s), the Proponent shall submit any updated plan to the Agency, Environment and Climate Change Canada, Transport Canada and other relevant authorities within 30 days of the plan(s) being updated.</p>	5 years after the operations	As determined during the review after the fifth year of operation

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The air pollutant and greenhouse gas emissions reduction plans referred to in conditions 4.16 and 4.17 will be reviewed in consultation with Environment and Climate Change Canada (ECCC), Transport Canada and other relevant authorities, after the fifth year of operation and thereafter at a time to be determined during each review. Any updates to the plans will be submitted to IAAC, ECCC, Transport Canada and other relevant authorities within 30 days of the plan being updated.</p>		
4.19	<p>The Proponent shall manage, during operation, the number of container trucks entering the Designated Project Development Area such that the monthly average daily number of container trucks entering the Designated Project Development Area does not exceed 800 trucks and the maximum daily number of container trucks entering the Designated Project Development Area does not exceed 880 trucks.</p>	Start of operation	On-going
	<p>Activities Planned to Fulfill Condition:</p> <p>CN will monitor the number of container trucks entering the terminal using their SpeedGate™ automated gate system and gate reservation system. If the monitoring indicates the specified maxima are exceeded, CN will develop and implement measures to meet the specified thresholds (which may include the measures specified in condition 4.20).</p>		
4.20	<p>The Proponent shall develop, prior to operation, and implement, during operation, measures to optimise the efficiency of container trucks to handle contained goods to and from the Designated Project Development Area and reduce the number of container trucks over time. The Proponent shall submit these measures to the Agency prior to implementing them.</p>	Prior to operation	On-going
	<p>Activities Planned to Fulfill Condition:</p> <p>Drawing on experience from other terminals, and prior to operation, CN will develop and implement measures to optimize the efficiency of operations of the terminal and submit them to IAAC prior to implementing them.</p>		

Condition Number	Condition	Commencement	Estimated Completion
4.20.1	<p>As part of the annual report referred to in condition 2.11, the Proponent shall report the number of container trucks entering and exiting the Designated Project Development Area, including the number of container trucks entering the Designated Project Development Area with a container or without a container and the number of container trucks exiting the Designated Project Development Area with a container or without a container, during the reporting year.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The number of container trucks entering and exiting the facility will be reported as part of the annual report, once Project operation has begun, including a breakdown of the monthly average daily and maximum daily number of trucks during the previous year, as well as the number of container trucks entering and exiting the terminal with and without a container (i.e., bobtail, empty chassis, with a container).</p>	-	-
4.21	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Health Canada, the Ontario Ministry of the Environment, Conservation and Parks, Halton Region, the Town of Milton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the Designated Project. The Proponent shall take into account the Canadian Council of Ministers of the Environment's Ambient Air Monitoring and Quality Assurance/Quality Control Guidelines when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>The Air Quality Monitoring and Adaptive Mitigation Plan Follow-up Program (AQMAMP) has been finalized and provided to IAAC on December 9, 2021. The process for development of the AQMAMP has been reported in the 2021 Annual Report. This condition is now complete.</p>	February 2020	Fifth year of operation or until the end of the third year during which the Designated Project operates at its full operational capacity

Condition Number	Condition	Commencement	Estimated Completion
4.21.1	<p>Update the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment by conducting pre-construction monitoring and/or by compiling publicly available data and revise, as required based on updated baseline information, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Designated Project (including particulate matter, fine particulate matter, coarse particulate matter, ozone, nitrogen dioxide, sulphur dioxide, benzene, 1,3-butadiene, benzo(a)pyrene and carbon monoxide). The Proponent shall submit the updated baseline information and the revised predictions to the Agency prior to construction;</p> <p>Activities Planned to Fulfill Condition:</p> <p>A report summarizing the air quality baseline information update and review of predictions was submitted to IAAC on December 9, 2021. This condition is now complete.</p>	-	-
4.21.2 (and all sub-conditions including 4.21.2.1 to 4.21.2.3)	<p>During construction, monitor (at locations, based on prevailing winds, upwind of the Designated Project Development Area, at or near the Designated Project Development Area boundary, and downwind of the Designated Project Development Area, at or near the property line):</p> <ul style="list-style-type: none"> • 4.21.2.1 - particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.2.2 - benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.2.3 - meteorological conditions (including wind speed, wind direction, temperature and relative humidity). <p>Activities Planned to Fulfill Condition:</p> <p>Two air quality monitoring stations, one based on prevailing winds upwind and one downwind of the Project were installed and became fully functional in 2021. During construction, CN will monitor the air quality contaminants of concern required by the conditions (and sub-conditions), as identified in the AQMAMP.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.21.3 (and all sub-conditions including 4.21.3.1 to 4.21.3.3)	<p>During the first five years of operation, or until the end of the third year during which the Designated Project operates at its full operational capacity, whichever comes later, monitor (at the same monitoring locations referred to in condition 4.21.2):</p> <ul style="list-style-type: none"> • 4.21.3.1 - particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.3.2 - benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.3. - meteorological conditions (including wind speed, wind direction, temperature and relative humidity). 	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>During the first five years of operation, or until the end of the third year during full operational capacity, CN will monitor the air quality contaminants of concern required by the conditions (and sub-conditions) at locations upwind and downwind of the Project, as identified in the AQMAMP.</p>			
4.21.4 (including sub-conditions 4.21.4.1 and 4.21.4.2)	<p>Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to:</p> <ul style="list-style-type: none"> • 4.21.4.1 - the Canadian Council of Ministers of the Environment's Canadian Ambient Air Quality Standards or, in the absence of federal criteria, to the Ontario Ambient Air Quality Criteria; or • 4.21.4.2 - the revised maximum predicted ground-level concentrations of air quality contaminants referred to in condition 4.21.1 if the updated baseline information referred to in condition 4.21.1 already exceeds the air quality standards referred to in condition 4.21.4.1; 	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Monitoring results collected during construction and operation will be compared to the standards referred to in conditions 4.21.4.1 and 4.21.4.2.</p>		
4.21.5	<p>If the comparison undertaken pursuant to condition 4.21.4.1 or 4.21.4.2 demonstrates any exceedance of the air quality standards referred to in condition 4.21.4.1 or any exceedance of the revised maximum predicted ground-level concentrations of air quality contaminants referred to in 4.21.1, determine, in consultation with the parties involved in the development of the follow-up program, the source(s) of any such exceedance. If the Proponent determines, in consultation with the parties involved in the development of the follow-up program, that the Designated Project is contributing to any such exceedance, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the emissions of air quality contaminants attributed to the Designated Project.</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>In the event of any exceedances, the source(s) of any exceedances during construction and operation related to conditions 4.21.4.1 and 4.21.4.2 will be determined, in consultation with the parties involved in the development of the FUP. If it is determined that the Designated Project is contributing to any such exceedance, modified or additional mitigation measures will be developed and implemented.</p>		

Section 5: Water

Condition Number	Condition	Commencement	Estimated Completion
Surface Water (5.1 to 5.10)			
5.1	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement the Designated Project such that maximum and minimum flows of waterbodies affected by the Designated Project located outside of the Designated Project Development Area are maintained during all phases of the Designated Project, and that sufficient capacity exists to safely accommodate and convey the range of climate conditions that could be reasonably expected during the Designated Project's lifetime, including at least one regulatory storm event.</p>	February 2020	Complete
<p>Activities Planned to Fulfill Condition:</p> <p>Channel realignment design to meet the requirements specified in this condition has been finalized after consultation with DFO, ECCC, MCFN and Six Nations, CH and Town of Milton. The construction contractor will be required through the contractor agreement to construct the Project according to the detailed design. The Surface Water Quality and Quantity Follow up Program (SWQQ FUP) provided to IAAC on December 1, 2021, will be implemented to monitor for water quality and quantity in relation to construction and operation of the Milton Logistics Hub. This condition is now complete.</p>			

Condition Number	Condition	Commencement	Estimated Completion
5.2 (including all sub-conditions 5.2.1 to 5.2.4)	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada and other relevant authorities, and implement a stormwater management system to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 5.2.1 - design the stormwater management system so that it can convey multiple storm events, including a regulatory storm event; • 5.2.2 - install oil grit separators for the administration and maintenance buildings, gate area and work pad areas to capture sediments, oil and grease before discharge to the wet ponds; • 5.2.3 - install shut off valves on the stormwater management pond outlets; and • 5.2.4 - implement end-of-pipe storage volumes that take into account Enhanced Protection requirements for long-term average suspended solids under Ontario's Stormwater Management Planning and Design Manual. 	January 2021	Complete
<p>Activities Planned to Fulfill Condition:</p> <p>The SWM system was designed to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A, as described in the sub-conditions and finalized prior to the start of construction. Through the contractor agreement, the contractor is required to construct the SWM system in accordance with the design. This condition is now complete.</p>			

Condition Number	Condition	Commencement	Estimated Completion
5.3	<p>The Proponent shall not use salt for de-icing or traction control purposes within the Designated Project Development Area during any phase of the Designated Project, unless other technically and economically feasible methods for de-icing or traction control purposes may result in unsafe construction conditions or unsafe railway or facility operation. If the Proponent must use salt, the Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate salt loading into the stormwater management system. The Proponent shall submit these measures to the Agency prior to implementing them and shall provide a rationale as to why other methods are not technically or economically feasible.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Use of salt for de-icing or traction control purposes during construction will not be allowed. Contractor to identify other acceptable materials for de-icing and traction control, as necessary during construction.</p> <p>CN will consider alternatives to the use of salt for traction control during operation. Where salt use is required, measures to mitigate salt loading into the SWM system will be identified and developed in consultation with CH. Such measures will be submitted to IAAC along with rationale as to why other methods are not technically or economically feasible prior to implementation.</p>	Start of construction	On-going
5.4	<p>The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to control erosion and sedimentation within the Designated Project Development Area to avoid the deposit of sediments in waterbodies when conducting any activity, including dewatering, during construction and operation. These measures shall include the installation of erosion and sedimentation control devices and vegetation planting. The Proponent shall submit these measures to IAAC prior to implementing them.</p>	June 2020	On-going

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Erosion and sediment control (ESC) plans have been developed and included as part of the design packages for construction of the Project. Measures are specific to construction components and locations of work that could cause sedimentation near or in waterbodies or erosion of soils. The contractor will update and provide implementation plans for the ESC drawings and measures prior to the commencement of construction, by construction phase. Dewatering plans have been developed and will be confirmed prior to construction by the contractor, specific to work that may require activities associated with dewatering. Vegetation planting will be implemented based on the detailed design drawings of the channel realignment and restoration areas, the SWM Plan and the Progressive Reclamation Plan, as soon as construction within areas are complete to control erosion and sedimentation. The ESC plans were provided to IAAC on December 1, 2021.</p>		
5.5	<p>The Proponent shall undertake equipment fueling and maintenance, store substances with the potential to cause harmful effects to the receiving environment and deposit water removed during dewatering at least 30 metres from any wetland or waterbody.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The contractor agreement requires the contractor to identify areas within the limits of construction to conduct equipment refueling, maintenance, and material storage areas, and they must be at least 30 m away from a wetland or waterbody. During operations, equipment maintenance, material storage and refueling will be completed in the Maintenance Building, next to the Administration Buildings. Subsurface drainage will be installed that includes oil and grit separator and direct runoff to the stormwater system. Monitoring of this condition will be completed through Environmental Monitoring during construction of the Project.</p>	Start of construction	On-going
5.6	<p>The Proponent shall implement measures to prevent wet concrete or cement-laden water, including high pH run-off occurring during concrete work, from entering any wetland or waterbody during construction.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The contractor agreement requires the contractor to implement measures to prevent wet concrete or cement laden water from entering a wetland or waterbody. Monitoring of the contractor’s implementation of measures to prevent wet concrete or cement laden water from entering a wetland or waterbody will be completed through Environmental Monitoring during construction of the Project.</p>	Start of construction	End of construction

Condition Number	Condition	Commencement	Estimated Completion
5.7	<p>The Proponent shall collect and treat all wastewaters and wash waters, taking into account the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life, before discharging them in any wetland or waterbody.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The contractor agreement requires the contractor to collect and treat all wastewaters and wash waters per CCME guidelines prior to release. Contractor will be required to develop and implement a plan indicating where and how wastewater will be managed during construction. Monitoring of the contractor's implementation of wastewater management will be completed through Environmental Monitoring during construction of the Project.</p>	Start of construction	End of construction
5.8	<p>The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Designated Project Development Area towards waterbodies during all phases of the Designated Project, including measures to allow time for increased die-off of pathogenic organisms and volatilization of agricultural contaminants prior to soil disturbance and removal of nutrient compounds through plant harvesting.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the PDA towards waterbodies were developed and outlined in the SWM Plan and EPP, and consulted on with the required agencies. The contractor agreement requires the contractor to implement a program for ESC, which includes control of water and sediment mobilization throughout the PDA during construction. Monitoring of implementation of the ESC program will be completed through Environmental Monitoring during construction of the Project.</p>	June 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
5.9	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, the Town of Milton, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the stormwater management system. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: The SWQQ FUP (which includes SWM) has been finalized and IAAC on December 1, 2021. Implementation will occur during construction and operation.</p>	February 2020	On-going
5.9.1	<p>Review, every five years following the end of construction, the performance of the stormwater management system in light of the most current climate change projections, including through the review of downstream hydrographs and floodlines; and</p> <p>Activities Planned to Fulfill Condition: SWM system performance will be reviewed every five years following the end of construction.</p>	-	-
5.9.2	<p>Develop and implement modified or additional mitigation measures if any review conducted pursuant to condition 5.9.1 demonstrates that modified or additional mitigation measures are required to maintain downstream hydrographs and floodlines unaltered, unless otherwise directed or advised by Environment and Climate Change Canada in consultation with Conservation Halton.</p> <p>Activities Planned to Fulfill Condition: This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
5.10 (including all sub-conditions 5.10.1 to 5.10.5)	<p>The Proponent shall develop, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to surface water quality and quantity attributed to the Designated Project. As part of the development of the follow-up program, the Proponent shall determine the water quality parameters to be monitored in order to support the comparison of measured parameters to the levels predicted during the environmental assessment. The water quality parameter shall include the effluent contaminants of concern identified by the Proponent in table 7.4-1 submitted in response to Information Request 7.4 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 680). As part of the implementation of the follow-up program, the Proponent shall:</p> <ul style="list-style-type: none"> • 5.10.1 - monitor surface water quantity continuously during construction and for at least five years following the end of construction; • 5.10.2 - monitor surface water quality, during construction and for at least five years following the end of construction, at least monthly and during high flows and upset conditions; • 5.10.3 - conduct the monitoring referred to in conditions 5.10.1 and 5.10.2 both at locations where water flows towards the Designated Project Development Area and at locations where water flows away from the Designated Project Development Area, including the effluent of the stormwater management ponds; 	February 2020	Five years following the end of construction

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 5.10.4 - develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate adverse changes to surface water quality and quantity attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards; and 5.10.5 - determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring is required after the first five years following the end of construction. 		
<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for surface water quality and quantity based on this condition (and sub-conditions). The final SWQQ FUP was provided to IAAC on December 1, 2021. This condition is now complete.</p>			
<p>Groundwater (5.11 to 5.13)</p>			
5.11	The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to maintain baseline groundwater flow and prevent the preferential movement of groundwater along servicing alignments.	January 2021	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>To inform detailed design, CN retained Aecom to prepare a technical memo that describes the design measures that have been integrated into the design of the Project to maintain baseline groundwater flow and prevent the preferential movement of groundwater along its servicing alignments. The memo includes i) an analysis to determine if anti seepage collars/cut-off collars are required and ii) a description of additional measures that will be undertaken if required. The memo was provided to IAAC on December 1, 2021. This condition is now complete.</p>			

Condition Number	Condition	Commencement	Estimated Completion
5.12	<p>The Proponent shall estimate, prior to construction, the dewatering requirements of the Designated Project and shall provide that information to the Agency prior to construction. In the event that the Proponent determines that construction of the Designated Project requires dewatering in excess of 50,000 litres/day, the Proponent shall implement a dewatering system to dissipate the energy and reduce the sediment content of discharging water during construction.</p> <p>Activities Planned to Fulfill Condition: A dewatering assessment was completed in 2020. The contractor agreement includes requirements for implementation of measures to dissipate energy and reduce sediment content in discharging water from dewatering, if required. The Dewatering Assessment Report and preliminary Dewatering Plan were provided to IAAC on December 1, 2021.</p>	June 2020	End of construction
5.13	<p>The Proponent shall develop, prior to construction and in consultation with Natural Resources Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to groundwater quality and quantity attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: CN prepared a FUP for groundwater quality and quantity. The Groundwater FUP was provided to IAAC on December 1, 2021. This condition is now complete.</p>	February 2020	One year following the end of construction

Condition Number	Condition	Commencement	Estimated Completion
5.13.1	<p>Monitor, during construction and for a minimum of one year following the end of construction, groundwater levels and quality within the Designated Project Development Area and at private wells to which the Proponent is granted access located within the Local Assessment Area defined by the Proponent on figure 6 of the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In the event that the Proponent determines that construction dewatering is required pursuant to condition 5.12, the Proponent shall also monitor wells located within the projected dewatering cone of depression and to which the Proponent is granted access to determine the potential for drawdown interference; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Groundwater quality and quantity will be monitored within the PDA and at private wells within the LAA (provided access is granted) during construction and for a minimum of 1 year following the end of construction. If it is determined that construction dewatering is required, wells located within the projected dewatering cone of depression will be monitored to determine the potential for drawdown interference (provided access permission is granted).</p>	-	-
5.13.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.13.1 demonstrate that modified or additional measures are required to maintain groundwater quantity and quality as predicted by the Proponent as part of the environmental assessment in the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 5.13.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>	-	-

Section 6: Terrestrial Environment

Condition Number	Condition	Commencement	Estimated Completion
General (6.1 to 6.10)			
6.1	<p>The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and maintain, throughout operation, 7.1 hectares of replacement online and offline wetlands within the Designated Project Development Area in a manner that supports the maintenance of ecological functions in the Bronte Creek watershed and that enhances wetland habitat for turtle and breeding opportunities for wetland-dependent birds. In doing so, the Proponent shall establish the constructed riparian wetlands with locally-occurring native emergent and riparian vegetation. The Proponent shall construct the replacement wetlands before removing the existing wetlands, unless not technically feasible.</p> <p>Activities Planned to Fulfill Condition: The Natural Channel Design Plans were as part of the final Channel Realignment Addendum, provided to IAAC on November 26, 2021. This condition is now complete.</p>	August 2020	End of construction
6.1.1	<p>If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.</p> <p>Activities Planned to Fulfill Condition: While wetlands will be removed prior to all replacement wetlands being constructed, this is because of the overlapping areas of existing wetlands and replacement wetlands. All wetlands will be created and functioning by the end of construction. A memo summarizing the rationale explaining why it is not technically feasible to construct the replacement wetlands before removing the existing wetlands was submitted to IAAC on November 26, 2021.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
6.2	<p>The Proponent shall design, in consultation with Conservation Halton, and maintain, throughout operation, drainage features around Designated Project components, including culverts beneath the mainline, to maintain baseline drainage and inflows and outflows to and from any pre-existing wetland that are retained within the Designated Project Development Area following construction. In doing so, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>Channel realignments of Tributary A and Indian Creek, as well as culverts to convey Tributaries A and C beneath the terminal and CN mainline, have been designed to maintain flows throughout operation. Final designs of the channel realignments of Tributary A and Indian Creek and all culverts have been provided to IAAC on November 26, 2021. This condition is now complete.</p>	July 2020	End of construction
6.2.1	<p>Conduct, prior to construction and in consultation with Conservation Halton, a feature-based water balance analysis for all wetlands with drainage areas that may be affected by the Designated Project to understand the hydrological impacts of site alteration (including water inflows and outflows) on all wetlands located within the Designated Project Development Area and to mitigate the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the consultation, the Proponent shall consult Conservation Halton regarding about the types, frequency and timing of measurements used when conducting the analysis;</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to complete a feature-based water balance analysis for all existing wetlands located within the PDA. This analysis was provided to CH for review. However, no comments were received from CH regarding the analysis. The feature-based water balance analysis was provided to IAAC on November 26, 2021. This condition is now complete.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
6.2.2	<p>Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design and maintenance of the replacement wetlands referred to in condition 6.1;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Feature-based water balance analysis informed the design and maintenance of the replacement wetlands. Final designs were included in the Channel Realignment Addendum, provided to IAAC on November 26, 2021. A Wetland FUP will be implemented to monitor the establishment and maintenance of created wetlands at the Designated Project. This condition is now complete.</p>	-	-
6.2.3	<p>Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design of the stormwater management system; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>The feature-based water balance analysis results provided to IAAC on November 26, 2021 informed the design of the SWM system. This condition is now complete.</p>	-	-
6.2.4	<p>Submit to the Agency, prior to construction, the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 and how the Proponent took into account these results pursuant to conditions 6.2.2 and 6.2.3.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The feature-based water balance analysis was provided to IAAC on November 26, 2021. This condition is now complete.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
6.3	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for wetlands and wetland functions. The Wetlands FUP has been provided to Environmental and Climate Change Canada (ECCC), CH and the MECP for review, and all views or information received from these parties have been considered by CN in finalizing this FUP. The implementation of the Wetlands Follow up Program will be post construction of the wetlands. The Wetlands FUP was provided to IAAC on November 26, 2021.</p>	August 2020	Completion of the follow up program will be 5 years post construction of the wetlands.
6.3.1	<p>Monitor, for at least five years following the end of construction, the areal extent, encroachment by invasive vegetation species and success of native vegetation planting for all retained and constructed wetlands located within the Designated Project Development Area;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the PDA will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).</p>	-	-
6.3.2	<p>Monitor, for at least five years following the end of construction, water level fluctuations in all retained and constructed wetlands located within the Designated Project Development Area and compare monitoring results against baseline fluctuations;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Water level fluctuations within both retained and created wetlands will be monitored. Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of five years post construction.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
6.3.3	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.3.1 or 6.3.2 demonstrate that modified or additional mitigation measures are required such that the total areal extent of wetlands within the Designated Project Development Area is maintained or increased over time and retained and constructed wetlands maintain their functions over time; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Wetland boundaries will be flagged and marked with a submeter Global Positioning System (GPS), to provide an accurate measurement of wetland size. In the event that the channel design does not perform as intended, resulting in wetland not achieving predicted areal extent or water levels, remedial actions will be recommended and completed as part of the SWQQ FUP.</p>	-	-
6.3.4	<p>Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 6.3.1 and 6.3.2, if additional monitoring is required after the first five years following the end of construction, including the duration of that additional monitoring.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Based on the results of the monitoring from the first five years post construction, as referred to in conditions 6.3.1 and 6.3.2, and in consultation with ECCC and CH, determine if additional monitoring is required and for how long.</p>	-	-
6.4	<p>The Proponent shall establish and maintain, during all phases of the Designated Project, a buffer of undisturbed vegetation around all retained and constructed wetlands and along riparian areas located within the Designated Project Development Area. In doing so, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>Vegetation buffers have been identified and are included in the construction contract drawings to be maintained during construction and throughout operation of the Facility.</p>	May 2021	On-going

Condition Number	Condition	Commencement	Estimated Completion
6.4.1	Determine the width of the buffer(s) prior to construction, in consultation with relevant authorities, and shall provide that information to the Agency prior to construction; and	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Specific protections and setbacks from natural features have been established in accordance with Condition 6.4.1 of the Decision Statement. Setbacks vary depending on i) the extent of the existing vegetation around retained wetlands, and riparian areas; ii) the limits of construction required for the contractor to operate based on establishment of restricted access (limited access) or no permitted access; and iii) up to 50 m setback from existing habitat, natural features or wildlife nesting areas to be retained during construction and operations. A copy of the memo identifying where and how the buffer has been identified was provided to IAAC on November 26, 2021. This condition is now complete.</p>			
6.4.2	Conduct work or activity within the buffer only to the extent necessary to meet engineering requirements for safe railway and facility operation, to install and maintain erosion or sediment control measures and to conduct channel realignment, restoration and naturalization work.	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>During construction, the limits of construction (i.e., area within which the contractor is permitted to operate) will be established to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. The limits are based on establishing areas where no encroachment will be permitted, and areas where only temporary access to complete specific tasks will be permitted subject to confirmation from the Environmental Monitor (EM).</p>			

Condition Number	Condition	Commencement	Estimated Completion
6.5	<p>The Proponent shall delineate, prior to construction, areas on the ground within which construction will take place. The Proponent shall not undertake any construction activity outside of these areas, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Planned to Fulfill Condition: Pre-construction activities began on November 2021 and continued into January 2022 to establish the limits of construction (i.e., area within which the contractor is permitted to operate) to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. The limits are based on establishing areas where no encroachment will be permitted, and areas where only temporary access to complete specific tasks will be permitted subject to confirmation from the EM. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been established for implementation during construction. The contractor is contractually required maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase and will be verified through monitoring by the EM.</p>	May 2021	End of construction
6.6	<p>The Proponent shall minimize soil disturbance and shall retain vegetation, including wildlife trees, within and around the Designated Project Development Area, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Planned to Fulfill Condition: As part of the contractor agreement, design drawings defining the extent of grading and construction activities required to construct the Project have been provided to the construction contractor. The contractor agreement includes requirements for the contractor to retain and protect vegetation, including wildlife trees, to the extent possible. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been established for implementation during construction. The contractor is contractually required to maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase and will be verified through monitoring by the EM.</p>	May 2021	End of construction

Condition Number	Condition	Commencement	Estimated Completion
6.7	<p>The Proponent shall handle and store soils during construction in a manner that protects soil quality for re-use. In the event that the Proponent encounters contaminated soils during construction, the Proponent shall determine the suitability of re-using that soil before re-using it. The Proponent shall dispose of any soil not suitable for re-use according to proper screening and disposal requirements, taking into account Ontario's Management of Excess Soil - A Guide for Best Management Practices.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The Soil Management Plan describes how the contractor is to handle and store soils during construction in a manner that protects soil quality for re-use and the measures to be implemented if the contractor encounters contaminated soils during construction. It was provided to IAAC on November 26, 2021. Soil handling will be monitoring during construction by the EM.</p>	May 2021	End of construction
6.8	<p>The Proponent shall implement measures, during construction, to avoid the introduction or spread of invasive vegetation within the Designated Project Development Area, including from equipment brought on-site from other worksites and from imported fill. In doing so, the Proponent shall take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The retained contractor is contractually required to implement measures during construction to avoid the introduction or spread of invasive vegetation within the PDA, including from equipment brought onsite from other worksites and from imported fill, and is required to take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry. Monitoring of the contractor's implementation of these measures will be completed by the EM and incorporated into the Annual Report.</p>	September 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
6.9	<p>The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project. The Proponent shall use native Ontario groundcover species and nurse crops when conducting progressive reclamation.</p> <p>Activities Planned to Fulfill Condition: The Progressive Reclamation Program was finalized and provided to IAAC on November 26, 2021. It includes details on implementation of progressive reclamation throughout construction.</p>	May 2021	End of construction
6.10	<p>The Proponent shall develop, prior to construction and in consultation with Conservation Halton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to progressive reclamation of the Designated Project Development Area conducted pursuant to condition 6.9, including the establishment of native Ontario groundcover species and nurse crops. As part of the development of the follow-up program, the Proponent shall identify objectives that shall be used by the Proponent to evaluate the effectiveness of the progressive reclamation. The Proponent shall implement the follow-up program once progressive reclamation is completed and shall continue to implement the follow-up program until the Proponent has determined, in consultation with Conservation Halton and other relevant authorities, that the objectives have been met.</p> <p>Activities Planned to Fulfill Condition: CN prepared a FUP for progressive reclamation of the PDA conducted pursuant to condition 6.9, which was provided to IAAC on November 26, 2021. This condition is now complete.</p>	May 2021	End of construction

Section 7: Fish and Fish Habitat

Condition Number	Condition	Commencement	Estimated Completion
General (7.1 to 7.12)			
7.1	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, and implement, during all phases of the Designated Project, measures to protect fish and fish habitat when conducting any Designated Project activity in or near water not already approved under the Fisheries Act and its regulations, taking into account Fisheries and Oceans Canada's Measures to protect fish and fish habitat.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Measures to protect fish and fish habitat for all phases of the project were included in the Final LOI and detailed drawings, which form part of the DFO Authorization, received on July 23, 2021.</p> <p>Additional measures for the protection of fish and fish habitat not included under the FAA are included in the SWM Report, the ESC plans, and design drawings for implementation during construction.</p>	December 2016 and updated in July 2020 and May 2021	End of construction

Condition Number	Condition	Commencement	Estimated Completion
7.2 (including all sub-conditions 7.2.1 to 7.2.3)	<p>The Proponent shall have a qualified individual, who is an aquatic biologist, salvage and relocate fish prior to conducting any Designated Project activity requiring the removal of fish habitat, including dewatering, culvert installations, channel realignment or any construction work undertaken by a contractor associated with the Designated Project, in a manner that is consistent with any authorization issued under the Fisheries Act and its regulations. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 7.2.1 - salvage and relocate fish to the satisfaction of Fisheries and Oceans Canada; • 7.2.2 - give preference to relocating fish within the same waterbody, outside of the work area; and • 7.2.3 - if relocating fish within the same waterbody is not technically feasible, relocate fish within the same watershed where suitable habitat exists, outside of the work area. 	Start of construction	End of construction
<p>Activities Planned to Fulfill Condition:</p> <p>CN will retain qualified professional services to conduct fish rescues throughout construction prior to any in-water work. An aquatic biologist will complete the relocation of fish during the fish salvage prior to conducting any work where the removal of fish habitat or dewatering of fish bearing water is planned to occur. These activities will be completed directly prior to installation of project components such as culverts, realignment activities and instream work, as necessary. An aquatic biologist will obtain and comply with applicable permits prior to any salvage activities. Activities for salvage and relocation will follow the mitigation measures, best management practices and any approval conditions in the FAA, as well as any requirements in other applicable permits, including the preference for relocating fish.</p>			

Condition Number	Condition	Commencement	Estimated Completion
7.3	<p>The Proponent shall design, install and operate the water and pump intake structures located in fish-bearing water within the Designated Project Development Area in a manner that mitigates the incidental capture of fish by entrainment and impingement and is consistent with the Fisheries Act and its regulations. In doing so, the Proponent shall use an appropriately sized fish screen, taking into account Fisheries and Oceans Canada's Freshwater Intake End-of-Pipe Fish Screen Guideline and Interim code of practice: end-of-pipe fish protection screens for small intakes in freshwater, and shall not disturb the bed of the waterbody.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The design of the fish screen size for use during pumping or water intakes has been informed by the DFO commitments and Freshwater Intake End-of-Pipe Fish Screen Guideline and interim code of practice. Installation of the pumps into water will be monitored during construction to confirm size and placement are completed by the contractor appropriately.</p>	Start of construction	End of construction
7.4	<p>The Proponent shall conduct any in-water construction activity, including any activity associated with the realignment of Indian Creek and Tributary A, outside of restricted activity timing windows for fish species defined for the Southern Region by Ontario Ministry of Natural Resources and Forestry, unless otherwise permitted by relevant authorities.</p> <p>Activities Planned to Fulfill Condition:</p> <p>In-water construction activities will be scheduled to be completed outside of the restricted activity timing windows for fish species located within the watershed, which restricts in-water work between March 15 and June 30 unless a variance has been received from DFO and CH. Activities for creation of new channels will be scheduled to occur offline, prior to realignment and bringing the new channels online.</p>	Start of construction	End of construction

Condition Number	Condition	Commencement	Estimated Completion
7.4.1	<p>If the Proponent must conduct any in-water construction activity during the restricted activity timing windows, the Proponent shall develop and implement additional mitigation measures, in consultation with Fisheries and Oceans Canada, Conservation Halton and other relevant authorities, to protect fish during sensitive life stages, including migration and spawning. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Planned to Fulfill Condition: Current plans for construction activities have been made to work only in-water during construction outside of the restricted activity timing windows. In the event that any work is required during the restricted access period, CN will consult with DFO and CH prior to such work occurring. IAAC will be informed of any mitigation measures to work within the restricted access period for in-water works, prior to it occurring.</p>	-	-
7.5	<p>The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and CH, and implement an offsetting plan in relation to fish and fish habitat. The Proponent shall submit the approved offsetting plan to the Agency prior to implementation.</p> <p>Activities Planned to Fulfill Condition: The approved offsetting plan, letter of intent and FAA application were provided to IAAC on December 1, 2021. Implementation of the offsetting plan will occur through construction, as approved by DFO.</p>	Final LOI submitted to DFO May 2021.	End of construction
7.5.1	<p>Delineate existing and future fish habitat, including riparian buffers; and</p> <p>Activities Planned to Fulfill Condition: Detailed design drawings for the channel realignment that includes the removal of fish habitat and the creation of fish habitat and riparian buffers have been completed and provided to DFO as part of the FAA application. Detailed design drawings and FAA application were provided to IAAC on December 1, 2021. This condition is now complete.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
7.5.2	<p>Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The offsetting plan included in the FAA application includes this description. The FAA application was provided to IAAC on December 1, 2021. This condition is now complete.</p>	-	-
7.6	<p>The Proponent shall advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and Conservation Halton on how the views and information they provided to the Proponent as part of the development of the offsetting plan referred to in condition 7.5 have been considered by the Proponent, including a rationale for why the views and information have, or have not, been integrated, prior to submitting the final offsetting plan to Fisheries and Oceans Canada for approval. The Proponent shall submit that rationale to the Agency prior to implementing the approved offsetting plan.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The offsetting plan was developed in consultation with DFO and is based on information received by CN throughout the EA process, which includes consideration of information received from DFO, CH and affected Indigenous communities. DFO has also consulted with each of these parties separately as part of their review of CN's FAA application, and it is understood that DFO has also considered any feedback from those parties in its development of the FAA. A memo explaining how the views and information provided as part of the development of the offsetting plan referred to in Condition 7.5 have been considered by CN in finalizing the offsetting plan, ultimately approved by DFO, was provided to IAAC on December 1, 2021. This condition is now complete.</p>	November 2020	Start of construction

Condition Number	Condition	Commencement	Estimated Completion
7.7	<p>The Proponent shall, for any fish habitat offsetting measure proposed in the approved offsetting plan referred to in condition 7.5 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Planned to Fulfill Condition: CN has not proposed any fish habitat offsetting measures that may cause adverse environmental effects that were not otherwise considered in the environmental assessment. This condition is now complete.</p>	N/A	N/A
7.8	<p>The Proponent shall fell trees away from waterbodies and shall immediately remove trees, debris or soils inadvertently deposited in any location within the Designated Project Development Area that may cause a loss of flood storage.</p> <p>Activities Planned to Fulfill Condition: As included in the EPP and the contract package, trees will be felled away from waterbodies and immediately removed. As well, any trees, debris or soils inadvertently deposited in the floodplain of Indian Creek that may cause a loss of flood storage will be immediately removed.</p>	Start of construction	End of construction
7.9	<p>The Proponent shall apply, in consultation with Conservation Halton, natural channel design principles when realigning Indian Creek and Tributary A. In doing so, the Proponent shall incorporate natural bed morphology and planform geometry to the realigned channels in a manner that promotes natural sediment transport processes and such that the realigned channels:</p> <p>Activities Planned to Fulfill Condition: Natural channel design principles were used to finalize the channel realignment design. The final Channel Realignment Addendum (Stantec 2020) was provided to IAAC on December 1, 2021. This condition is now complete.</p>	July 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
7.9.1	<p>Do not excessively aggrade or degrade;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The final design as presented in the channel realignment drawings is intended to address the required realignment of Indian Creek and Tributary A as part of the proposed terminal construction works while improving fish and riparian habitat diversity, providing fish passage, and providing a geomorphically stable channel (avoiding excessive aggradation or degradation).</p>	-	-
7.9.2	<p>Convey baseline flow levels;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Hydrologic analysis was updated as part of the Channel Realignment Addendum and detail design drawings confirmed that baseline flows will be conveyed. This condition is now complete.</p>	-	-
7.9.3	<p>Maintain baseline bankfull frequency;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The planform has been slightly modified for the final design and has been updated as part of the Channel Realignment Addendum and detail design drawings and will maintain baseline bankfull frequency.</p> <p>A copy of the Channel Realignment Addendum (Stantec 2020) was provided to IAAC on December 1, 2021. This condition is now complete.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
7.9.4	<p>Do not alter downstream channel morphology; and</p> <p>Activities Planned to Fulfill Condition: Design of the realigned channels has been completed to maintain flow volumes and velocities such that downstream channel morphology will not be adversely affected by the realignments. This condition is now complete.</p>	-	-
7.9.5	<p>Provide fish habitat features and allow for fish migration and passage.</p> <p>Activities Planned to Fulfill Condition: The channel realignments for Tributary A and Indian Creek, as well as the culverts proposed beneath the terminal (Culverts 2A/2B) and CN Mainline (Tributary C), have been designed to provide fish habitat features and allow for fish migration and passage. Design refinements implemented through detailed design incorporate an increase in habitat area being created to offset the effects of the channel realignments, and to align the channel design with other site features such as culverts and SWM facilities. This condition is now complete.</p>	-	-
7.10	<p>The Proponent shall realign Indian Creek and Tributary A in a manner that minimizes the extent and duration of flow diversions in existing channels, including by:</p> <p>Activities Planned to Fulfill Condition: Channel realignment construction planning has been completed to minimize the extent and duration of flow diversions in existing channels. Monitoring of the construction for realignment of Indian Creek and Tributary A will be completed by the contractor and EM to follow recommendations of the design.</p>	<p>Channel realignment detailed design drawings and construction schedule as per condition 15.2.</p>	<p>End of construction</p>

Condition Number	Condition	Commencement	Estimated Completion
7.10.1	<p>Constructing the realigned channels offline;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The planned construction process for constructing the realigned channels is included in the channel realignment drawings. Realigned channels will be constructed offline and allowed to stabilize prior to receiving flows, with in-water work limited to the locations where the new channels will be connected to the existing channels. The timing of construction and requirement to construct the realigned channels offline have been incorporated into the contractor agreement and LOI submitted to DFO.</p>	-	-
7.10.2	<p>Siting the realigned channels predominantly outside of the existing channels;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The new channels that will be realigned are predominantly located outside of the existing channels (except for where they connect), as indicated in the channel realignment drawings and discussed through the EA process.</p>	-	-
7.10.3	<p>Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Commissioning of new channels or channel segments will not occur until the newly created channel or channel segment has been constructed and planting has been completed and allowed to stabilize, as per the channel realignment drawings. Monitoring of construction for the channel realignment work will be completed by the EM and the IEM for compliance with this condition.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
7.10.4	<p>Leaving earthen plugs in the connection points with the existing channels until such time that the realigned channels are vegetated and the Proponent commissions the realigned channels or channel segments pursuant to condition 7.10.3.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Earthen plugs (i.e., 15 m long at either end of the offline channel) will be retained to separate new channels from the existing channels until such time that offline channels have been constructed and planting has been completed and allowed to stabilize. These earthen plugs and the process for their removal are identified on the Channel Realignment drawings. Monitoring of construction for the channel realignment work will be completed by the EM and the IEM for compliance with this condition.</p>	-	-
7.11	<p>The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada and Conservation Halton, and implement, during operation, measures to mitigate increased temperature in water discharged from the stormwater management system such that collected overland runoff flows at a temperature no higher than baseline conditions, taking into account Ontario's Stormwater Management Planning and Design Manual. As part of these measures, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>The final SWM Report includes measures to mitigate increased temperature in water discharged from the SWM system, including below-grade pipes within the terminal, vegetated grassed swales, and SWM ponds that are vegetated and incorporate bottom draw outlets. DFO and CH were consulted on the report and views and information received were considered in the finalization. The final SWM Report and associated design drawings for SWM Ponds were provided to IAAC on December 1, 2021. Once construction of the SWM system is complete and operating at the site, monitoring to confirm mitigation measures for water temperature discharged from the system will be at a temperature no higher than baseline conditions, as part of the SWQQ FUP.</p>	September 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
7.11.1	<p>Maintain vegetated edges and berms around the wet ponds and along the outlet channel;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Vegetation and plantings throughout the berms and pond embankments will provide shading of the water and reduce warming from the sun, as included in the SWM Plan detailed design drawings. These plantings will be maintained throughout operations of the facility. Planting of the berms and pond embankments will be incorporated into the contractor’s requirements for construction of Phase 2 of the Project.</p>	-	-
7.11.2	<p>Maintain grassed swales; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Grassed swales are included as part of the SWM system to convey flows from the terminal to the SWM ponds, as identified and described in the SWM Report and detailed design drawings.</p>	-	-
7.11.3	<p>Install below-grade pipes and bottom draw outlet pipes.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The design of the SWM system includes installation of below-grade pipes and bottom draw outlet pipes. These are shown in the drawings included in the SWM Plan, as provided to IAAC on December 1, 2021.</p>	-	-
7.12	<p>The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Conservation Halton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse environmental effects on fish and fish habitat attributed to the Designated Project. The Proponent shall implement the follow-up program at least until the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p>	July 2020	Prior to construction

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The Fish and Fish Habitat FUP was provided to IAAC on December 1, 2021. The Fish and Fish Habitat FUP is now being implemented as construction of the Project proceeds.</p>		
7.12.1	<p>Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the Fish and Fish Habitat FUP, the effectiveness of offsetting measures will be monitored.</p>	-	-
7.12.2 (including sub-conditions 7.12.2.1 and 7.12.2.2)	<p>Monitor channel stability throughout the Designated Project Development Area, including channel cross-sections, bed substrate, bed morphology and detailed longitudinal profiles, to track channel migration. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 7.12.2.1 - conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and • 7.12.2.2 - conduct fall monitoring of stream characteristics (including profile, pattern, dimensions and pebble counts); <p>Activities Planned to Fulfill Condition:</p> <p>As part of the Fish and Fish Habitat FUP, in-stream structures will be monitored during the spring post construction through visual assessment and photo documentation. In addition, stream characteristics will be monitored in the fall post construction.</p>	-	-
7.12.3	<p>Monitor water temperature of the overland runoff flows from the stormwater management system;</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction.</p>	-	-
7.12.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.12.1, 7.12.2 or 7.12.3 demonstrate that modified or additional mitigation measures are</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>required to mitigate adverse environmental effects on fish and fish habitat attributed to the Designated Project, including fish and fish habitat downstream of the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Fish and Fish Habitat (Appendix E.4) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57); and</p>		
	<p>Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>		
7.12.5	<p>Before the end of the fifth year of operation, determine, in consultation with Fisheries and Oceans Canada and Conservation Halton and based on the results of the monitoring referred to in conditions 7.12.1, 7.12.2 and 7.12.3, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p>	-	-
	<p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with DFO and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>		

Section 8: Wildlife

Condition Number	Condition	Commencement	Estimated Completion
Migratory Birds (8.1 to 8.4)			
8.1	<p>The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's Avoidance Guidelines to reduce risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall be in compliance with the Migratory Birds Convention Act, 1994, the Migratory Birds Regulations and with the Species at Risk Act.</p>	On-going	End of construction
<p>Activities Planned to Fulfill Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during construction of the Project, which will limit the disturbance to migratory birds that may be within the limits of construction. Restricted timing windows related to Migratory Birds was provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the Wildlife Management Connectivity Plan (WMCP) (as described in conditions 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, and 8.33). Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.</p>			
8.2	<p>The Proponent shall ensure that vegetation in migratory bird habitat located within the Designated Project Development Area remains undisturbed during the breeding season for migratory birds. In doing so, the Proponent shall:</p>	Start of construction	End of construction
<p>Activities Planned to Fulfill Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during construction of the Project, which will limit the disturbance to migratory birds that may be within the limits of construction. Restricted timing windows related to Migratory Birds was provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the WMCP. Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.2.1	<p>Determine the dates of the breeding season, in consultation with Environment and Climate Change Canada, for any year that vegetation clearing shall occur; and</p> <p>Activities Planned to Fulfill Condition: Breeding bird season dates were determined in consultation with ECCC and are specified in the WMCP, with which the construction contractor will be required to comply. The WMCP and EPP, including vegetation clearing dates, were provided to IAAC on November 26, 2021. Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.</p>	-	-
8.2.2	<p>if vegetation clearing outside of the breeding season is not technically feasible during any year, develop and implement additional mitigation measures, in consultation with Environment and Climate Change Canada, to avoid effects on migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Planned to Fulfill Condition: Measures describing vegetation clearing outside of the breeding season is included in the EPP. WMCP and EPP, including measures for vegetation clearing outside of the breeding season, were provided to IAAC on November 26, 2021.</p>	-	-
8.3	<p>The Proponent shall design and maintain, throughout operation, buildings associated with the Designated Project in a manner that minimizes the risk of avian collisions, taking into account the City of Toronto's Bird Friendly Development Guidelines.</p> <p>Activities Planned to Fulfill Condition: As committed to during the EA process, buildings associated with the Project will be designed to the City of Toronto's Bird Friendly Development Guidelines, such that they minimize the risk of avian collisions. Vegetation planting plans for surrounding the buildings will also be developed to minimize avian collision potential.</p>	December 2020	On-going

Condition Number	Condition	Commencement	Estimated Completion
8.4	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests, including the mitigation measures implemented pursuant to conditions 8.1 to 8.3, 8.12 and 8.23. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>The final WMCP was provided to IAAC on November 26, 2021 and includes all of the various FUPs relating to wildlife, including for migratory birds (see Section 5.1 of the WMCP).</p>	June 2020	End of Follow up Program
8.4.1	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the follow-up program demonstrate that modified or additional mitigation measures are required to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.4.2	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.	-	-
8.4.2 (cont'd)	<p>Activities Planned to Fulfill Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>		
Listed Species at Risk (8.5 to 8.33)			
8.5	The Proponent shall conduct, prior to carrying out any physical activity associated with the Designated Project in areas of suitable habitat for western chorus frog (<i>Pseudacris triseriata</i>) identified during the environmental assessment within the Designated Project Development Area and the Local Assessment Area (as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57)), springtime surveys of these areas to identify the presence or absence of western chorus frog (<i>Pseudacris triseriata</i>) and breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>). In doing so, the Proponent shall:	May 2020	Complete
<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.5.1	<p>Submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada and determine, in consultation with Environment and Climate Change Canada, if additional surveys are required for the purpose of implementing conditions set out in this Decision Statement in relation to western chorus frog (<i>Pseudacris triseriata</i>);</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled.</p>	-	Completed
8.5.2	<p>Identify, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, connectivity between all habitat necessary to support the annual life cycle of western chorus frog (<i>Pseudacris triseriata</i>), including breeding and hibernating sites (residences) identified through the surveys; and</p> <p>Activities Planned to Fulfill Condition: Connectivity between habitat necessary to support the annual life cycle of western chorus frog has been reviewed as part of the WMCP.</p>	-	-
8.5.3	<p>Develop, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, and implement modified or additional mitigation measures, including measures to maintain or enhance habitat connectivity, to mitigate adverse environmental effects attributed to the Designated Project on western chorus frog (<i>Pseudacris triseriata</i>) and/or its breeding or hibernating sites (residences) (including connectivity between these sites) during any phase of the Designated Project. The Proponent shall take into account Conservation Halton's Road Ecology Quick Reference Guide when developing and implementing these measures.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>CN has identified the location and preliminary design of the replacement habitat for western chorus frogs. Taking into consideration the lack of available land in proximity to the known locations of western chorus frog, and the existing and ongoing impacts to western chorus frog habitats as a result of urban development by others, CN has identified an appropriate area for the creation of breeding and upland habitats to support western chorus frog through consultation with ECCC. No other parties responded to requests to consult on this matter. CN developed a conceptual design of the habitat and shared that with ECCC. The detailed design is ongoing and will be submitted in the coming months.</p>		
8.6	<p>The Proponent shall install, prior to construction and during the breeding season for western chorus frog (<i>Pseudacris triseriata</i>), exclusion fencing to prevent western chorus frog (<i>Pseudacris triseriata</i>) from entering construction areas. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction. In doing so, the Proponent shall:</p>	May 2020	Prior to construction in area of WCF
	<p>Activities Planned to Fulfill Condition:</p> <p>Prior to construction starting in the area along the ROW between Britannia Rd and Louis St. Laurent Ave, wildlife exclusion fencing will be installed to prevent western chorus frog from entering construction areas, as directed by a qualified wildlife biologist, as directed in the EPP and the construction contractor agreement.</p>		
8.6.1	<p>Determine the dates of the breeding season, based on ambient temperatures and in consultation with Environment and Climate Change Canada, for any year that construction shall occur; and</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Based on consultation with ECCC, the breeding season dates for Western Chorus Frogs for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area. Once exclusion fencing is installed, it will remain until construction is completed between Britannia Rd and Louis St. Laurent Ave.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.6.2	<p>Ensure, based on the results of the surveys conducted pursuant to condition 8.5, that construction areas do not contain western chorus frog (<i>Pseudacris triseriata</i>) breeding sites (residences) prior to installing exclusion fencing.</p> <p>Activities Planned to Fulfill Condition: Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the vicinity of where western chorus frogs were identified.</p>	-	-
8.7	<p>The Proponent shall install, prior to construction and before the breeding season determined for that year pursuant to condition 8.6.1, exclusion fencing between the railway tracks located within the Designated Project Development Area and breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction .</p> <p>Activities Planned to Fulfill Condition: Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from pertinent construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA. Exclusion fencing will be inspected and maintained throughout construction by the EM.</p>	May 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
8.8	<p>The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog (<i>Pseudacris triseriata</i>) determined pursuant to condition 8.6.1.</p> <p>Activities Planned to Fulfill Condition: Construction of the mainline between Britannia Rd and Louis St. Laurent, including the replacement of culverts will be scheduled outside of the breeding season for wester chorus frog.</p>	May 2020	Prior to construction in area of WCF
8.9	<p>If any hibernating site (residence) for western chorus frog (<i>Pseudacris triseriata</i>) identified through the surveys conducted pursuant to condition 8.5 will be temporarily or permanently affected by any activity associated with the Designated Project, the Proponent shall replace the affected site (residence) with at least a one-to-one ratio of restored habitat suitable for western chorus frog (<i>Pseudacris triseriata</i>) in location(s) determined in consultation with Environment and Climate Change Canada, Conservation Halton and the Town of Milton. The Proponent shall restore the habitat as soon as technically feasible after any hibernating site (residence) has been affected by the Designated Project and shall maintain the restored habitat throughout all phases of the Designated Project.</p> <p>Activities Planned to Fulfill Condition: Habitat compensation for the replacement of any identified affected western chorus frog hibernating sites (residences) is currently being determined.</p>	May 2020	Prior to construction in area of WCF
8.10	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog (<i>Pseudacris triseriata</i>) attributed to the	May 2020	FUP to be finalized prior to the implementation of mitigation measures for Western Chorus Frog

Condition Number	Condition	Commencement	Estimated Completion
	Designated Project, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:		implement until at least the end of the fifth year of operation
	<p>Activities Planned to Fulfill Condition:</p> <p>Work in areas adjacent to the Western Chorus Frog habitat is not proposed until the second phase of construction, which is anticipated to commence in 2022. CN prepared a FUP for western chorus frog (<i>Pseudacris triseriata</i>), including mitigation measures implemented pursuant to conditions 8.5 to 8.9. The WMCP provided to IAAC on November 26, 2021, includes all of the various FUPs relating to wildlife, including for Western Chorus Frog (see Section 5.2).</p>		
8.10.1	Monitor the use by western chorus frog (<i>Pseudacris triseriata</i>) individuals of the habitat restored pursuant to condition 8.9;	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Use of restored habitat by western chorus frog will be monitored once it has been completed.</p>		
8.10.2	Monitor the use by western chorus frog (<i>Pseudacris triseriata</i>) individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Use of any implemented measures to maintain or enhance habitat connectivity will be monitored as implemented through the WMCP.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.10.3	<p>Report the results of all monitoring conducted as part of the implementation of the follow-up program to Environment and Climate Change Canada and Conservation Halton pursuant to condition 2.6.2 to inform future regional habitat creation and restoration efforts; and</p> <p>Activities Planned to Fulfill Condition: All western chorus frog monitoring results will be reported to ECCC and CH.</p>	March 2023	End of fifth year of operation (December 2028)
8.10.4	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.10.1 or 8.10.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on western chorus frog (<i>Pseudacris triseriata</i>) individuals attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition: If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.10.5	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and Conservation Halton and based on the results of the monitoring referred to in condition 8.10.1 or 8.10.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.11	The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) in areas identified by the Proponent as habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) on figure 5 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).	June 2020	End of construction
<p>Activities Planned to Fulfill Condition:</p> <p>Restricted activity periods for vegetation removal will be adhered to during that phase of the Project, which will limit the disturbance to habitat areas for eastern meadowlark and bobolink that may be within the limits of construction. Restricted timing windows related to all Migratory Birds has been provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the WMCP. Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.</p>			
8.12	The Proponent shall cause to be established and maintained, during construction and operation, 40.7 hectares of suitable replacement grassland habitat (containing hay and meadow fields) in the Luther Marsh Wildlife Management Area to compensate for the loss of suitable habitat for eastern meadowlark (<i>Sturnella magna</i>), bobolink (<i>Dolichonyx oryzivorus</i>) and monarch butterfly (<i>Danaus plexippus</i>) within the Designated Project Development Area. The Proponent shall cause the suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.	Grassland habitat creation of the off-site lands began in 2019.	Habitat creation completion.
<p>Activities Planned to Fulfill Condition:</p> <p>CN has entered into an agreement with Ducks Unlimited Canada (DUC) to create off-site habitat within the Luther Marsh Wildlife Management Area. The off-site grassland habitat will be managed by DUC for a period of 20 years, starting with the seeding that occurred in spring 2019. This will include a minimum of five maintenance cycles over the 20-year period.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.13	<p>The Proponent shall cause to be developed, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and cause to be implemented a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the replacement grassland habitat established pursuant to condition 8.12. As part of the development of the follow-up program, the Proponent shall cause to be identified indicators that shall be considered to determine the suitability of the replacement grassland habitat. As part of the implementation of the follow-up program, the Proponent shall cause to:</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP for 20 years following establishment of the replacement grassland habitat</p>
<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for the replacement grassland habitat established pursuant to condition 8.12.. The WMCP provided to IAAC on November 26, 2021 includes all of the various FUPs relating to wildlife, including for grassland bird habitat (Section 5.1.3.1). Bluestem Consulting and Ducks Unlimited Canada completed grassland bird surveys and habitat assessment in June 2021, the results of which are summarized in Section 4.2.12 of the 2021 Annual Report.</p>			
8.13.1	<p>Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Eastern meadowlark and bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2021 and will continue to monitor for 20 years following the establishment of the replacement grassland.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.13.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP. The monitoring carried out in 2021 did not demonstrate that any modified or additional mitigation measures were required.</p>	-	-
8.13.3	<p>Develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures and/or additional follow-up requirements if after 20 years following the establishment of the replacement grassland habitat, the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that the replacement grassland habitat is not functioning as predicted during the environmental assessment as a replacement habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>). The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be implemented until such time that monitoring results indicate that the replacement grassland habitat is functioning as predicted during the environmental assessment. The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be submitted to the Agency prior to them being implemented.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Monitoring results for 20 years following the establishment of the replacement grassland habitat will be evaluated and if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replacement habitat for eastern meadowlark and bobolink, modified or additional mitigation measures and/or additional follow-up requirements will be developed and implemented in consultation with ECCC and other relevant authorities as per the adaptive management section of the FUP. Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.</p>		
8.14	<p>The Proponent shall identify, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, foraging, nesting and overwintering habitat for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) within the Designated Project Development Area and within the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p>	September 2020	Prior to Construction
	<p>Activities Planned to Fulfill Condition:</p> <p>Foraging, nesting, and overwintering habitat for snapping turtle and midland painted turtle have been identified throughout the EA process. Areas that will be removed and replaced are identified in the WMCP and included in the detailed design drawings for the Channel Realignment. These documents have been provided to ECCC, MCFN and Six Nations, as required by condition, for comment. Any feedback received has been considered for incorporation into the WMCP. The finalized FUP was provided to IAAC on November 26, 2021. This condition is now complete.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.15 (including sub-conditions 8.15.1 and 8.15.2)	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, Conservation Halton and the Six Nations of the Grand River, habitat enhancement features (including nesting mounds) for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 8.15.1 - locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and • 8.15.2 - maintain the habitat enhancement features functional during operation. 	September 2020	Prior to Operation
<p>Activities Planned to Fulfill Condition:</p> <p>Habitat enhancement features for turtles are identified in the WMCP and included in the detailed design drawings for the Channel Realignment including the location of nesting mounds and planned maintenance requirements. These documents have been provided to DFO, ECCC, CH, MCFN and Six Nations for comment. Any feedback received from these parties has been considered for inclusion in the WMCP. Construction of these enhancement features will be completed by the contractor as part of phase one of construction.</p>			
8.16	<p>The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (<i>Chelydra serpentina</i>) (October 1 to April 30), unless not technically feasible. If the Proponent must conduct in-water construction activities within the overwintering period, the Proponent shall have a qualified individual, who is a biologist, relocate snapping turtles (<i>Chelydra serpentina</i>) observed within in-water construction areas to an accredited facility for the duration of the overwintering period, prior to conducting any in-water construction activity.</p>	September 2020	End of construction
<p>Activities Planned to Fulfill Condition:</p> <p>The methods for relocation of snapping turtles observed within in-water construction areas are provided in the WMCP, which was provided to IAAC on November 26, 2021.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.17	<p>The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (<i>Chelydra serpentina</i>) from entering construction work areas. The Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14 when installing the exclusion fencing.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Exclusion fencing has been installed to isolate the active construction zones and areas where turtles may be present to maintain separation and avoid interaction between wildlife and construction zones. Installation of exclusion fencing has been completed under the direction and observation of the EM. Construction exclusionary fencing has been installed based on where turtle habitat (nesting, foraging and overwintering) has been identified and where construction activities are planned. Section 3.4 of the WMCP, which was provided to IAAC on November 26, 2021, provides information on wildlife exclusion fencing, while Figures 5, 6 and 7 of the WMCP indicate the locations of temporary and permanent fencing. Maintenance of the exclusion fencing is being completed by the contractor and is reviewed on a regular basis by the EM and IEM for the Project.</p>	Prior to Construction	End of construction
8.18	<p>The Proponent shall install, prior to operation, and maintain, throughout operation, exclusion fencing between the habitat enhancement features constructed pursuant to condition 8.15 and roads located within the Designated Project Development Area. In doing so, the Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Permanent exclusion fencing will be installed once construction of the realigned channels is completed, and vegetation has been installed. Maintenance and monitoring of the exclusion fencing will be completed by CN throughout operation of the Designated Project.</p>	Prior to Operation	End of construction

Condition Number	Condition	Commencement	Estimated Completion
8.19 (including sub-conditions 8.19.1 and 8.19.2)	<p>With respect to all exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18, the Proponent shall:</p> <ul style="list-style-type: none"> 8.19.1 - install and maintain all exclusion fencing taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario; and 8.19.2 - inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly. 	N/A	N/A
<p>Activities Planned to Fulfill Condition:</p> <p>Methods for installation of exclusion fencing have followed and/or will follow the Species at Risk Branch Best Practices Technical Note: Reptile and Amphibian Exclusion Fencing (MNR 2013).</p> <p>Temporary exclusion fencing referred to in conditions 8.6, 8.7, 8.17, and 8.18 has been inspected by a qualified biologist prior to initiating construction, as directed by the recommended guidance documents. Monitoring will be implemented during construction to confirm the temporary exclusion fence remains intact and functional by the EM, at least monthly or directly following a heavy rain event or during construction activities in close proximity to the fencing.</p>			
8.20	<p>The Proponent shall install and maintain, during all phases of the Designated Project, signs to notify drivers of the risk of turtle collisions along any temporary and permanent road located within the Designated Project Development Area. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario when installing the signs.</p>	Prior to Construction	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>Signs along construction routes through the PDA and along roadways during operations have been installed and will be maintained to highlight the risk of turtle collisions.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.21	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.15 to 8.20. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for on snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>), including mitigation measures implemented pursuant to conditions 8.15 to 8.20. This plan was provided to IAAC on November 26, 2021. Implementation of the WMCP has begun and will continue through as outlined in the FUP, and results of the FUP will be reported annually as part of the Annual Report.</p>	August 2020	FUP to be finalized prior to construction
8.21.1	<p>Monitor, during the time that the Proponent shall maintain the exclusion fencing referred to in condition 8.17, the effectiveness of the fencing in preventing snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) from entering in-water construction work areas;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The effectiveness of exclusion fencing in preventing snapping turtle and midland painted turtle from entering in-water construction work will be monitored throughout construction and results of the monitoring will be reported annually as part of the Annual Report. .</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.21.2	<p>Monitor, during all phases of the Designated Project, roads located within the Designated Project Development Area for turtle crossings and/or turtle collisions with vehicles; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>A wildlife training program has been prepared for the contractor to be delivered to all equipment operators and staff to highlight protocol on identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction.</p> <p>Exclusionary fencing has been installed and will be monitored during construction and post permanent fencing installation to evaluate the effectiveness of the fencing and if adjustments are required to minimize turtle interactions with operation of the Terminal, as outlined in the WMCP.</p>	-	-
8.21.3	<p>Develop and implement modified or additional mitigation measures, taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles.</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>	-	-
8.22	The Proponent shall submit all sightings of turtles within the Designated Project Development Area during any phase of the Designated Project in a timely manner to the Natural Heritage Information Centre of Ontario Ministry of Natural Resources and Forestry.	Construction and Operation	On-going

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>A wildlife training program has been provided to the contractor and equipment operators to highlight protocol on identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction. During operations, turtle sightings will be recorded. Annual reporting of turtle sightings within the Terminal will be made to the Natural Heritage Information Centre of Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR).</p>		
8.23 (including all sub-conditions 8.23.1 to 8.23.4)	<p>The Proponent shall implement measures, during all phases of the Designated Project and in consultation with Environment and Climate Change Canada, to mitigate the adverse environmental effects on barn swallow (<i>Hirundo rustica</i>) and bank swallow (<i>Riparia riparia</i>) attributed to the Designated Project. As part of these measures, the Proponent shall:</p> <ul style="list-style-type: none"> • 8.23.1 - maintain and keep accessible nesting habitat for barn swallow (<i>Hirundo rustica</i>) located in the barn identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939); • 8.23.2 - install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (<i>Hirundo rustica</i>) located in the shed identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939). The Proponent shall install the artificial nesting structures before removing the shed and shall maintain the structures during all phases of the Designated Project; 	August 2020	Prior to construction

Condition Number	Condition	Commencement	Estimated Completion
8.23 (including all sub-conditions 8.23.1 to 8.23.4) (cont'd)	<ul style="list-style-type: none"> 8.23.3 - manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (<i>Riparia riparia</i>) from nesting in the stockpiles; and 8.23.4 - establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (<i>Hirundo rustica</i>) or bank swallow (<i>Riparia riparia</i>) nest during the removal of a culvert during any phase of the Designated Project. The Proponent shall maintain the buffer zones and setback distances at least until all young have visibly left the nest permanently. 		
<p>Activities Planned to Fulfill Condition:</p> <p>Mitigation measures are identified in the EPP for barn swallow and bank swallow to implement during construction by the contractor. In addition to the mitigation measures, the heritage barn identified by CN on figure U24-1 in response to Undertaking 24 during the Panel Hearing process will remain, undisturbed by construction within the PDA, for use as nesting habitat for barn swallow. The barn will be surveyed annually for three years (duration of construction) to document nesting activity and use of the barn, starting in 2022. In each year of construction, one round of surveys will be completed by a qualified ecologist, occurring during the core breeding period for the species (i.e., June). Given the barn's low ceilings and high density of nests, the barn will not be entered during the surveys to avoid the risk of disturbance to barn swallows. In addition to the barn, two artificial nesting structures have been designed and included in the construction contract in the restoration area of Indian Creek, adjacent to the on-site wetlands. These are anticipated to provide ideal foraging habitat for Barn Swallows. These permanent nesting structures will be constructed prior to the removal of the shed.</p> <p>The contractor will be required (through the contract documents, including the EPP) to implement measures to discourage Bank Swallows from nesting in temporary banks during construction, including reducing slopes to 70 degrees or less from April 15th to July 15th or implementing exclusion techniques such as tarping of slopes.</p> <p>The EM will establish and maintain buffer zones and setback distances if, during construction, barn or bank swallow nests are identified during the removal of culverts.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.24	<p>The Proponent shall compensate for the loss of monarch butterfly (<i>Danaus plexippus</i>) habitat attributed to the Designated Project by establishing, in consultation with Environment and Climate Change Canada, 18.8 hectares of replacement open habitat within the Designated Project Development Area. The Proponent shall maintain the replacement habitat throughout operation. The Proponent shall incorporate vegetation species in the replacement habitat that provide breeding and nectaring functions for monarch butterfly (<i>Danaus plexippus</i>).</p> <p>Activities Planned to Fulfill Condition:</p> <p>On-site habitat replacement requirement for monarch butterfly habitat creation (including breeding and nectaring functions) has been identified in the planting plan, included in the contract documents for construction by the contractor.</p> <p>Off-site habitat enhancement is described in relation to condition 8.12 above. The native seed mix that is being used for the Luther Marsh habitat replacement for grassland habitat, was also designed for Monarch, including common milkweed (larval host plant) and a variety of nectaring wildflowers for adult butterflies. The Monarch Habitat Compensation plan was provided to IAAC on November 26, 2021.</p>	Prior to construction	End of construction
8.24.1	<p>The Proponent shall limit the use of chemical herbicides and pesticides in the replacement habitat established pursuant to condition 8.24.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The use of chemical herbicides and pesticides in the replacement habitat shall be limited to only what is absolutely necessary and outlined in the maintenance plan for the created habitat that will be developed by CN prior to operation of the Designated Project.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.25	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.12 and 8.24. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for monarch butterfly (<i>Danaus plexippus</i>), including the mitigation measures implemented pursuant to conditions 8.12 and 8.24. The Monarch Butterfly FUP, as part of the WMCP (Section 5.5) was provided to IAAC on November 26, 2021. Implementation of the FUP will commence during construction within the PDA. Bluestem Consulting and Ducks Unlimited Canada will complete adult Monarch surveys and habitat assessment in annually, the results of which will be summarized in the annual report.</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>On-site monitoring until 5th year after operations</p> <p>Off-site habitat monitoring for 20 years after establishment</p>
8.25.1	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement grassland habitat (including any breeding habitat) established pursuant to condition 8.12;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Monitoring of Monarch use at the Luther Marsh was completed in July 2021 and is summarized in Section 4.2.14 of the annual report for 2021. Monarch use of the replacement habitat (per condition 8.24) will be monitored as outlined in the WMCP FUP.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.25.2	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement habitat established pursuant to condition 8.24;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Monitoring of Monarch use at the Luther Marsh was completed in July 2021 and is summarized in Section 4.2.14 of the annual report for 2021. Monarch use of the replacement habitat (per condition 8.24) will be monitored as outlined in the WMCP FUP.</p>	-	-
8.25.3	<p>Develop and implement modified or additional mitigation if the results of the monitoring referred to in condition 8.25.1 or 8.25.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 8.25.1 or 8.25.2 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.25.4	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.25.1 or 8.25.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.26	<p>The Proponent shall conduct pre-construction surveys of eastern milksnake (<i>Lampropeltis Triangulum</i>) in Tributary A and in wooded areas near where Indian Creek intersects the railway tracks. The Proponent shall develop the methodology for the surveys in consultation with Environment and Climate Change Canada and other relevant authorities and shall take into account Ontario's Survey Protocol for Ontario's Species at Risk Snakes when developing the methodology.</p> <p>Activities Planned to Fulfill Condition: Pre-construction surveys of eastern milksnake were conducted, the results of these surveys are documented in Section 3.3 of the WMCP, which was provided to IAAC on November 26, 2021. This condition is now complete.</p>	May 2020	Complete
8.27	<p>If the presence of eastern milksnakes (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area is confirmed through the surveys conducted pursuant to condition 8.26, the Proponent shall, in consultation with Environment and Climate Change Canada and other relevant authorities:</p> <p>Activities Planned to Fulfill Condition: Throughout the surveys, no eastern milksnake were observed within the PDA. This condition is now complete.</p>	May 2020	Complete
8.27.1	<p>Implement, prior to construction, a snake capture and relocation program to remove eastern milksnakes (<i>Lampropeltis Triangulum</i>) from the Designated Project Development Area and relocate them in accordance with wildlife care protocols to suitable habitat, identified by the Proponent based on known habitat requirements of eastern milksnakes (<i>Lampropeltis Triangulum</i>), within the Local Assessment Area, as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). As part of the program, the Proponent shall implement measures to prevent relocated snakes from returning to the removal site(s);</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>A capture and relocation program was conducted prior to the start of construction and the installation of exclusion fencing was completed to prevent relocated snakes from returning to the removal sites.</p>		
8.27.2	<p>Develop, prior to construction, measures to mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, in addition to the snake capture and relocation program referred to in condition 8.27.1. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>General wildlife mitigation measures that will be implemented during construction and which will serve to mitigate effects on eastern milksnake are documented in the WMCP and will be implemented by the construction contractor and the EM. Wildlife training will be given to all onsite personal prior to starting work at the site. Wildlife education is posted in the construction office and will remain for all construction phases.</p>	-	-
8.27.3	<p>Determine, prior to construction, if any of the exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18 can mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project. If the Proponent determines that the exclusion fencing implemented for other listed species at risk cannot effectively mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>), the Proponent shall develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures for eastern milksnake (<i>Lampropeltis Triangulum</i>), which may include appropriately adapting any existing exclusion fencing.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Fencing is specifically intended for turtles and snakes (including eastern milksnake) but would also form a barrier for other small wildlife (e.g., small mammals and amphibians). While the intent is to exclude all wildlife from the facility</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	and the SWM ponds, the fencing layout has been designed to avoid restricting wildlife movement through natural features in the local landscape. This condition is now complete.		
8.28	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP until at least the end of the fifth year of operation</p>
<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for eastern milksnake (<i>Lampropeltis Triangulum</i>), including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. T The Eastern Milksnake FUP, as part of the WMCP (Section 4.2) was provided to IAAC on November 26, 2021. Implementation will occur during construction as outlined in the WMCP.</p>			
8.28.1	Monitor sightings of eastern milksnake (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area during any phase of the Designated Project;	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Sightings of eastern milksnake within the PDA will be monitored by the EM and all employees on site (as per the wildlife training plan) during construction and until at least the end of the fifth year of operation.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.28.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.28.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 8.28.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.28.3	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.28.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-
8.29	<p>The Proponent shall conduct, prior to construction in the area of Indian Creek, surveys for little brown myotis (<i>Myotis lucifugus</i>) habitat in thicket communities along Indian Creek and in the coniferous plantation and deciduous woodland fragment west of the railway tracks. The Proponent shall submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada. If the results of the surveys indicate the presence of little brown myotis (<i>Myotis lucifugus</i>) habitat, the Proponent shall develop, in consultation</p>	June 2020	N/A

Condition Number	Condition	Commencement	Estimated Completion
	with Environment and Climate Change Canada and other relevant authorities, mitigation measures to protect or replace the surveyed habitat. The Proponent shall submit the results of the surveys and the identified mitigation measures, if any, to the Agency prior to construction.		
	<p>Activities Planned to Fulfill Condition:</p> <p>Pre-construction surveys for Little Brown Myotis were completed as outlined in the WMCP. Surveys results are included in the WMCP (Section 3.2), which was provided to IAAC on November 26, 2021. This condition is now complete.</p>		
8.30	The Proponent shall provide regular awareness training about actions to take to protect wildlife to all employees and contractors associated with the Designated Project who may encounter wildlife within the Designated Project Development Area.	Prior to construction	End of construction
	<p>Activities Planned to Fulfill Condition:</p> <p>Training videos have been created for wildlife and archaeology management to be reviewed by all construction personnel that will be on site, which provides awareness training about actions to protect wildlife within the PDA. Wildlife education is also posted within the construction office and will remain throughout all construction phases.</p>		
8.31	The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, and maintain throughout operation, a system of ecopassages within the Designated Project Development Area, including through the mainline embankment and associated roadways, to retain habitat connectivity for terrestrial and aquatic species expected to be present within the Designated Project Development Area, including listed species at risk, while meeting engineering requirements for safe railway and facility operation. The Proponent shall design and maintain all ecopassages taking into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide.	January 2021	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The design of ecopassages have considered the Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario (MNRF 2015) and CH's Road Ecology Quick Reference Guide (2018). Discussion on the proposed ecopassages is provided in Section 5.6.1 of the WMCP. The final WMCP FUP was provided to IAAC on November 26, 2021. This condition is now complete.</p>		
8.32	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on habitat connectivity attributed to the Designated Project, including the effectiveness of ecopassages installed pursuant to condition 8.31. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide when developing the follow-up program. The Proponent shall implement the follow-up program until at least the end of the fifth year following the installation of all ecopassages. As part of the implementation of the follow-up program, the Proponent shall:</p>	January 2021	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP until the end of the fifth year following the installation of all ecopassages</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for habitat connectivity, including the effectiveness of ecopassages installed pursuant to condition 8.31. The Ecopassage FUP, as part of the WMCP (Section 5.6) was provided to IAAC on November 26, 2021. Implementation will occur as outlined in the WMCP.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.32.1	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the implementation of the follow-up program, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on habitat connectivity; and</p>	-	-
<p>Activities Planned to Fulfill Condition: If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.</p>			
8.32.2	<p>Before the end of the fifth year following the installation of all ecopassages, determine, in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities and based on the results of the monitoring conducted as part of the follow-up program if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p>	-	-
<p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC, Halton Region, CH and MNRF (now MECP) and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.33 (including all sub-conditions 8.33.1 to 8.33.6)	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and other relevant authorities, a wildlife management and connectivity plan that takes into account the final detailed design of the Designated Project. The Proponent shall implement the plan according to the timelines established in the Plan. The plan shall include:</p> <ul style="list-style-type: none"> • 8.33.1 - mapping of wildlife habitat, travel patterns and existing and planned wildlife corridors within the Regional Assessment Area, defined by the Proponent in section 3.3 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), based on publicly-available information; • 8.33.2 - details on how the Proponent shall maintain habitat connectivity for terrestrial species during all phases of the Designated Project, including how the Proponent has considered the role of open agricultural lands and wildlife travel patterns and existing and planned wildlife corridors across the Regional Assessment Area and in adjacent lands within Region of Halton's Natural Heritage System during detailed design of the Designated Project; • 8.33.3 - details on how the Proponent has considered terrestrial and aquatic species expected to be present within the Designated Project Development Area when designing, installing and maintaining all travel corridors (including ecopassages referred to in condition 8.31) and when establishing the dimensions of buffers in the Designated Project Development Area; 	January 2021	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP until the end of the fifth year following the installation of all ecopassages</p>

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 8.33.4 - details on how the Proponent shall design and operate the Designated Project's truck entrance on Britannia Road to mitigate adverse environmental effects on Halton Region's Natural Heritage System; • 8.33.5 - all measures to be implemented by the Proponent to mitigate the adverse environmental effects of the Designated Project on wildlife during any phase of the Designated Project, including the mitigation measures set out in this Decision Statement as it pertains to listed species at risk and migratory birds. In doing so, the Proponent shall describe how these measures give preference to avoiding adverse environmental effects on wildlife over minimizing adverse environmental effect on wildlife, to minimizing adverse environmental effects on wildlife over-compensating for adverse environmental effects on wildlife and, if minimizing adverse environmental effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife; and • 8.33.6 - the information referred to in condition 2.7 for each follow-up program to be implemented by the Proponent to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to wildlife, including listed species at risk and migratory birds. 		
	<p>Activities Planned to Fulfill Condition:</p> <p>The WMCP, provided to IAAC on November 26, 2021, has been developed in accordance with condition 8.33 (and all sub-conditions) based on the final detailed design of the Designated Project. Implementation will occur during construction and operation as outlined in the WMCP.</p>		

Section 9: Human Health

Condition Number	Condition	Commencement	Estimated Completion
General (9.1 to 9.3)			
9.1	<p>The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects on human health caused by changes in concentrations of contaminants of potential concern in country foods attributed to the Designated Project. The Proponent shall implement the follow-up program during construction and for at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP will occur until the end of the fifth year of operation</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for human health specifically in relation to potential effects caused by changes in concentrations of contaminants of potential concern in country foods attributed to the Designated Project. Pre-construction samples were collected in 2020, which will be used for comparison against the samples to be collected during construction. The Country Food FUP was provided to IAAC on December 1, 2021. Implementation of the plan has begun and will continue as outlined in the FUP, results will be reported annually in the Annual Report.</p>		
9.1.1	<p>Monitor concentrations of benzo(a)pyrene in soils within the Local Assessment Area, as defined by the Proponent in figure 1 of the document entitled Technical Data Report Human Health Risk Assessment (Appendix E.7) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), and compare monitoring results against modelling predictions estimated by the Proponent during the environmental assessment, as referred to by the Proponent in table IR8.3-1 submitted in response to Information Request 8.3 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 714); and</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Concentrations of B(a)P will be monitored in soils within the LAA and results will be compared to modeling predictions estimated during the EA, as outlined in the FUP.</p>		
9.1.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 9.1.1 demonstrate that modified or additional mitigation measures are required to ensure that concentrations of contaminants of potential concern in soils attributed to the Designated Project are below the Canadian Council of Ministers of the Environment's Soil Quality Guidelines for the Protection of Environmental and Human Health.</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 9.1.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as discussed in the Adaptive Management section of the FUP.</p>		
9.2	<p>The Proponent shall conduct, prior to construction and in consultation with Health Canada, a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events. If the results of this evaluation demonstrate that nighttime noise events attributed to the Designated Project may exceed 60 dBA Lmax outdoors more than 10 times per night, at any point of reception identified by the Proponent on figure 3 of the Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), the Proponent shall develop, in consultation with Health Canada, and implement, prior to construction, modified or additional mitigation measures to ensure that nighttime noise events attributed to the Designated Project do not exceed 60 dBA Lmax outdoors more than 10 times per night at any point of reception. The Proponent shall submit the results of the analysis and any modified or additional mitigation measure to the Agency prior to implementing them.</p>	January 2021	Prior to start of Construction

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>CN conducted a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events for phase one of construction. The report does not identify any required modification or addition mitigation measures. A copy of the Sleep Disturbance Analysis (Aecom, 2021) was provided to IAAC on December 1, 2021. The analysis will be updated prior to the start of the second phase of construction.</p>		
9.3	<p>The Proponent shall develop, prior to operation and in consultation with Health Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on human health caused by nighttime noise events attributed to the Designated Project during operation, including any modified or additional mitigation measure developed and implemented pursuant to condition 9.2. As part of the implementation of the follow-up program, the Proponent shall:</p>	June 2020	<p>FUP to be finalized prior to operation</p> <p>Implementation of the FUP for least two years following the start of operation</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>CN prepared a FUP for human health related to potential effects caused by nighttime noise events attributed to the Designated Project during operation, including any modified or additional mitigation measure developed and implemented pursuant to condition 9.2. The final Noise FUP was provided to IAAC on December 9, 2021. Implementation will occur during operation.</p>		
9.3.1	<p>Monitor, for at least two years following the start of operation, nighttime noise events attributed to the Designated Project, at the same points of reception considered in the sleep disturbance analysis conducted pursuant to condition 9.2;</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Nighttime noise events attributed to the Project will be monitored at the same points of reception considered in the sleep disturbance analysis (per condition 9.2) for at least two years following the start of operation.</p>		

Condition Number	Condition	Commencement	Estimated Completion
9.3.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project experienced at any point of reception exceed 60 dBA Lmax outdoors more than 15 times per night, so that nighttime noise events attributed to the Designated Project experienced at any point of reception do not exceed 60 dBA Lmax outdoors more than 15 times per night;</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project exceed 60 dBA Lmax outdoors more than 15 times per night at any point of reception, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.</p>	-	-
9.3.3	<p>Compile the results of the monitoring referred to in condition 9.3.1 on a monthly basis and make these results available upon request; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Once operation begins and the FUP is implemented, monitoring results will be compiled on a monthly basis and made available to IAAC upon request.</p>	-	-
9.3.4	<p>Before the end of the second year following the start of operation, determine, in consultation with Health Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Once operation begins and the FUP is implemented, the results of this monitoring will be reviewed with Health Canada before the end of the second year to determine if any additional monitoring is required. If so, the FUP will be updated accordingly and implemented.</p>	-	-

Section 10: Socioeconomic Effects

Condition Number	Condition	Commencement	Estimated Completion
General (10.1)			
10.1	<p>The Proponent shall provide additional agricultural lease opportunities or rehabilitate or improve agricultural lands under the care and control of the Proponent within properties adjacent to the Designated Project Development Area in consultation with Halton Region, the Town of Milton and representatives of local farmers and farming organizations, including the Halton Region Federation of Agriculture and until such time that the Proponent has determined other non-agricultural uses for these areas.</p>	January 2021	Until such time as an alternate use for these lands are identified
<p>Activities Planned to Fulfill Condition:</p> <p>All agricultural lands outside of the PDA will be extended leases for 2022, and into the future. Moving forward, CN will continue to provide additional agricultural lease opportunities until such time as CN has determined an alternate use for these lands. These lands are already in production as agricultural lands and little opportunity exists to rehabilitate or improve these lands (i.e., creation of more agricultural land, improved drainage). Expansion of agricultural uses on CN owned properties adjacent to the PDA would require the conversion of natural areas into agricultural fields, which would be contrary to the protection of these natural areas.</p>			

Section 11: Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance

Condition Number	Condition	Commencement	Estimated Completion
Cultural Heritage (11.1 to 11.6)			
11.1	<p>The Proponent shall assess, prior to construction, the condition of each cultural heritage resource under the care and control of the Proponent identified by the Proponent in table 6.4 of the document entitled Technical Data Report Cultural Heritage Assessment (Appendix E.3) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) using photographic records.</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to assess the condition of each cultural heritage resource under the care and control of the Proponent identified in table 6.4 of the Technical Data Report Cultural Heritage Assessment (Appendix E.3). Four properties were identified as being under the care and control of CN (4393 Tremaine Rd, 5193 Tremaine Road, 6269 Tremaine Road, and 5381 Tremaine Road). A photographic record and assessment of the properties was completed in 2020. Copies of the 4 reports were provided to the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) and the Town of Milton in June 2020. All views and information received were incorporated into the final reports and provided to IAAC on November 26, 2021. This condition is now complete.</p>	August 2020	June 2021
11.2	<p>The Proponent shall have a qualified individual document the land use history and construction details of the shed located at 5269 Tremaine Road to provide an understanding of the use, context and relationship of the shed in relation to the surrounding buildings, prior to removing the shed. In doing so, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to document the land use history and construction details of the shed located at 5269 Tremaine Road to provide an understanding of the use, context and relationship of the shed in relation to the surrounding buildings, prior to removing the shed. The requirement for salvage and removal of the shed has been incorporated into the construction contractor agreement. The Shed Salvage Report, entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton Ontario</i> was provided to IAAC on November 26, 2021. This condition is now complete.</p>	March 2020	July 2021

Condition Number	Condition	Commencement	Estimated Completion
11.2.1	<p>Make a photographic record of the shed and salvage any component of the building in which there is public or private interest; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>The report entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario</i> (Stantec, 2020) provides a photographic record of the shed located at 5269 Tremaine Road, Milton. As part of the contractor agreement, the contractor will be required to retain a salvage company to remove the shed and to prepare a detailed list of materials salvaged from the shed, which may include wood windows, original hardware, ventilators, lightning rods, and metal roofing.</p>	-	-
11.2.2	<p>Submit a report containing the land use history, construction details and photographic record made pursuant to condition 11.2.1 to the Agency and potentially affected parties. The Proponent shall also make the information available to a local library or museum.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The report entitled <i>Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario</i> (Stantec, 2020) was submitted to IAAC on November 26, 2021. A copy of this report has been made available the local library and museum, and posted to the CN Milton website. This condition is now complete.</p>	-	-
11.3	<p>The Proponent shall not carry out any construction activity associated with the Designated Project within 50 metres of any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, unless required for construction or to meet engineering requirements for safe railway and facility operation. If the Proponent must carry out any construction activity within 50 metres of a cultural heritage resource, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>As part of the contractor agreement, restrictions are in place to prevent construction activities within 50 metres of any cultural heritage resource under the care and control of CN unless required for construction. Where construction within 50 m of any cultural heritage resource is required, such as in association with SWM Pond #2, realignment of Tributary A or CN mainline work south of Lower Base Line, specific measures are included in the contractor agreement identifying mitigation measures and methods for protecting cultural heritage resource structures, including</p>	Prior to construction	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment and monitoring.		
11.3.1	<p>Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;</p> <p>Activities Planned to Fulfill Condition: CN engaged qualified personnel to determine the maximum acceptable vibration levels that should not be exceeded to protect the resource. The results of this study have been provided to IAAC under separate cover. The maximum acceptable levels have also be communicated to the contractor and referenced during the vibration monitoring activities where construction occurs within 50 m of a cultural heritage resource.</p>	-	Complete
11.3.2	<p>Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and</p> <p>Activities Planned to Fulfill Condition: Vibration monitoring has been set up onsite for continuous monitoring at the cultural heritage resources identified adjacent to construction work occurring on SWM Pond #2, realignment of Tributary A and Indian Creek, and the property adjacent to where CN mainline work south of Lower Base Line will occur.</p>	-	-
11.3.3	<p>Develop and implement modified or additional mitigation measures, which may include temporarily ceasing any construction activity causing vibration for any given cultural heritage resource until modified or additional mitigation measures are implemented, if the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1 to ensure that vibration levels remain below acceptable levels. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented and the Proponent shall submit a detailed description of these measures to the Agency within 7 days of their implementation.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Monitoring for vibration levels has commenced and is being compared to the maximum acceptable vibration levels identified pursuant to condition 11.3.1 to determine compliance. If the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1, modified or additional mitigation measures will be developed and implemented to ensure that vibration levels remain below acceptable levels. IAAC will be notified within 24 hours of any modified or additional mitigation measure being implemented and a detailed description of these measures will be submitted to IAAC within 7 days of their implementation.</p>		
11.4	<p>The Proponent shall inspect each cultural heritage resource under the care and control of the Proponent referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 metres pursuant to condition 11.3 as soon as practical after construction in the vicinity of each resource has ended. In doing so, the Proponent shall:</p>	<p>After construction in the vicinity of each resource has ended</p>	<p>Within 30 days of completing all inspections</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>CN will retain a qualified individual to conduct an updated assessment of each cultural heritage resource referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 m pursuant to condition 11.3. Each structure will be inspected as soon as practical, if required, after construction in the vicinity of each resource has ended.</p>		
11.4.1	<p>Compare the condition of the resource before and after construction, based on the photographic records made pursuant to condition 11.1, to determine if any vibration-related damage has occurred as a result of construction;</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>To determine if any vibration-related damage has occurred as a result of construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN will retain a qualified individual to conduct an updated assessment of each cultural heritage resource structure and to compare the before and after construction condition of each structure based on photographic records made pursuant to condition 11.1.</p>		

Condition Number	Condition	Commencement	Estimated Completion
11.4.2	<p>Have a qualified individual make any repair necessary to maintain the heritage integrity of the damaged resource in a timely manner if an inspection demonstrates that vibration-related damage has occurred; and</p> <p>Activities Planned to Fulfill Condition: In the event that damages are encountered as a result of vibration-related damage, CN will retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.</p>	-	-
11.4.3	<p>Submit the results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, to the Agency and potentially affected parties within 30 days of the Proponent completing all inspections.</p> <p>Activities Planned to Fulfill Condition: The results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. It is anticipated that potentially affected parties would be limited to owners of the property in which damage has occurred, which are likely those already owned by CN.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
11.5	<p>The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties, a cultural heritage property maintenance and re-use plan in relation to each cultural heritage resource under the control of the Proponent referred to in condition 11.1. The Proponent shall implement the plan throughout all phases of the Designated Project for each resource, unless the Proponent determines pursuant to condition 11.6 that any given resource is to be relocated or demolished. As part the plan, the Proponent shall set out:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to develop cultural heritage property maintenance and re-use plans for each cultural heritage resource under the control of CN referred to in condition 11.1. These plans have been provided to MHSTCI and the Town of Milton for review, and any views or information provided in regard to the maintenance and re-use of these heritage structure has been considered. CN will implement the measures outlined in these plans throughout construction and operation, until such time as these structures are relocated or demolished in accordance with condition 11.6. These Cultural Heritage Property Maintenance and Re-use Plans (CHR-1 - 4393 Tremaine Road; CHR-3 - 5193 Tremaine Road; CHR-4 - 5269 Tremaine Road; CHR-5 - 5381 Tremaine Road) were provided to IAAC on November 26, 2021.</p>	2020	On-going, or until such time as the cultural heritage resources are relocated or demolished
11.5.1	<p>How the Proponent shall preserve the heritage value of each cultural heritage resource;</p> <p>Activities Planned to Fulfill Condition:</p> <p>The cultural heritage property maintenance and re-use plan sets out how the heritage value of each cultural heritage resource will be preserved.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
11.5.2	<p>How the Proponent shall secure all cultural heritage resources, prior to construction, and inspect and maintain them in working order, during all phases of the Designated Project, or until such time any viable adaptive re-use is identified for any given resource; and</p> <p>Activities Planned to Fulfill Condition: The cultural heritage property maintenance and re-use plan sets out how the cultural heritage resources will be secured, inspected and maintained in working order during construction and operation, or until such time any viable adaptive re-use is identified for any given resource.</p>	-	-
11.5.3	<p>The criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.</p> <p>Activities Planned to Fulfill Condition: The cultural heritage property maintenance and re-use plan sets out the criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.</p>	-	-
11.6	<p>If, for any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, the Proponent has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, the Proponent shall conduct, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region and the Town of Milton, a Heritage Impact Assessment to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. The Proponent shall submit the results of the Heritage Impact Assessment to the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties within 30 days of the Heritage Impact Assessment being completed.</p>	Beginning of Operation	Three years after start of Operation

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>In the event that CN has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, CN will retain a qualified individual to complete a Heritage Impact Assessment (HIA) to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. This study would be completed in consultation with the MHSTCI, Halton Region and the Town of Milton, with the results to be submitted to these parties within 30 days on the HIA being completed.</p>		
11.6.1	<p>The Proponent shall consider, as part of the Heritage Impact Assessment, removal or demolition of any cultural heritage resource under the care and control of the Proponent only if no other options for re-use are technically and economically feasible.</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>If CN conducts a HIA pursuant to condition 11.6, it will consider removal or demolition of any cultural heritage resource only if no other options for re-use are technically and economically feasible.</p>		
Archaeology (11.7 to 11.11)			
11.7	<p>The Proponent shall have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct any controlled salvage excavation of archaeological resources required for the Designated Project during any phase of the Designated Project in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and taking into account Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists.</p>	N/A	N/A
	<p>Activities Planned to Fulfill Condition:</p> <p>This condition has been completed as reported in the July 2021 15-1 Condition Schedule.</p>		

Condition Number	Condition	Commencement	Estimated Completion
11.8 (including all sub-conditions 11.8.1 to 11.8.3.5)	<p>The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, an archaeological and cultural resources protection plan to mitigate adverse environmental effects on any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the plan, the Proponent shall set out:</p> <ul style="list-style-type: none"> • 11.8.1 - how the Proponent shall notify in advance the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of any Designated Project construction activity (including any soil disturbance activity) that may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the Designated Project Development Area; • 11.8.2 - how the Proponent shall allow the participation of the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1; 	October 2020	Prior to start of construction

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 11.8.3 - how the Proponent will apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered within the Designated Project Development Area by the Proponent or brought to the attention of the Proponent by another party during any phase of the Designated Project. As part of the chance find procedure, the Proponent shall: <ul style="list-style-type: none"> • 11.8.3.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery; • 11.8.3.2 - delineate an area of at least 20 metres around the discovery as a no-work zone; • 11.8.3.3 - inform the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery; • 11.8.3.4 - have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct an assessment at the location of the discovery; and 		

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 11.8.3.5 - apply, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance. <p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to complete an ACRPP pursuant to this condition (and all sub-conditions). This plan was developed in consultation with the MCFN, the Six Nations and the Huron Wendat and the MHSTCI. Only minor comments were received and incorporated into the final version of the plan that was submitted to MHSTCI in June 2021. The ACRPP was provided to IAAC on November 26, 2021. This condition is now complete.</p>		
11.9 (including all sub-conditions 11.9.1 to 11.9.6)	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remain (including any ossuary) discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the procedure, the Proponent shall:</p> <ul style="list-style-type: none"> 11.9.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery; 11.9.2 - delineate an area of at least 20 m around the discovery as a no-work zone; 	October 2020	Prior to start of construction

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 11.9.3 - inform appropriate local, municipal and provincial authorities as it pertains to the handling of human remains (including any authority that has a responsibility under Ontario's Funeral, Burial, and Cremation Services Act) as soon as possible, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery; • 11.9.4 - have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act and who has education, experience and knowledge as it pertains to ossuaries, conduct an assessment at the location of the discovery, subject to the requirements of Ontario's Funeral, Burial, and Cremation Services Act. The Proponent shall choose the qualified individual in consultation with the Huron-Wendat Nation and the Six Nations of the Grand River; • 11.9.5 - in the event that there is any indication that the discovered human remains may be an ossuary, leave the area permanently undisturbed, unless an agreement is reached with the Huron-Wendat Nation and the Six Nations of the Grand River to take an alternative action; and • 11.9.6 - not recommence work within the no-work zone referred to in condition 11.9.2, unless authorized by relevant authorities and subject to the requirement of condition 11.9.4. 		

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The ACRPP includes a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remain (including any ossuary) discovered within the PDA. This plan was developed in consultation with MCFN, the Six Nations, the Huron Wendat and has been provided to the MHSTCI for review. The ACRPP includes procedures for the contractor to implement, should a discovery of any human remain occur. The ACRPP was provided to IAAC on November 26, 2021. This condition is now complete.</p>		
11.10	<p>The Proponent shall require all employees and contractors associated with the Designated Project to undertake, before they conduct any construction activity within the Designated Project Development Area, an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 11.8 and the procedures related to the discovery and protection of human remains referred to in condition 11.9. As part of the awareness training program, the Proponent shall include information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the Designated Project Development Area.</p>	Prior to start of construction	End of construction
	<p>Activities Planned to Fulfill Condition:</p> <p>An awareness training program was developed by Stantec in conjunction with CN and includes information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the PDA. This video training program has been provided to the contractor for viewing by all personnel who will be onsite during construction. Training will be ongoing throughout the various phases of construction.</p>		

Condition Number	Condition	Commencement	Estimated Completion
11.11	<p>The Proponent shall facilitate discussions between the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return of artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction to the communities for preservation and interpretation. The Proponent shall seek consent from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions.</p>	Prior to construction	Annually
<p>Activities Planned to Fulfill Condition:</p> <p>Any artifacts encountered by a licensed archaeologist becomes the responsibility of that licensed archaeologist to curate indefinitely. However, agreements can be reached with responsible parties, such as indigenous communities, to take responsibility for the preservation and protection of these resources. Through on-going discussions with the MCFN, the Six Nations and the Huron Wendat, CN will arrange discussions with the licensed archaeologists about opportunities to return artifacts of Indigenous origin excavated as part of the EA or discovered during construction to the communities for preservation and interpretation. CN will seek consent from the MCFN, the Six Nations and the Huron Wendat before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions. Discussions will be facilitated in 2022.</p>			

Section 12: Effects of the Environment on the Designated Project

Condition Number	Condition	Commencement	Estimated Completion
General (12.1)			
12.1	<p>The Proponent shall develop, prior to construction, and implement an infrastructure protection plan that describes how the Proponent shall maintain Designated Project infrastructures, keeping them secure and in good working order during all phases of the Designated Project and how the Proponent shall restore any damaged infrastructure and prevent future damages, including in the event of a flooding, freezing rain, ice storm or another extreme weather event and if erosion beyond acceptable levels occurs within the Designated Project Development Area, to mitigate adverse environmental effects of the environment on the Designated Project. As part the implementation of the plan, the Proponent shall:</p>	Prior to construction.	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>An infrastructure protection plan that meets these requirements has been developed and approved by CN and will be implemented by the contractor during construction. The Infrastructure Protection Plan for Phase 1 of construction was provided to IAAC on November 26, 2021. A separate Infrastructure Protection Plan will be prepared for future construction phases, as well as for operations.</p>			
12.1.1	<p>Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Meteorological conditions will be monitored by the contractor as specified in the contractor agreement including, but not limited to, use of local and regional alert systems to receive advanced notice of flood-producing severe rainfall events.</p>			

Condition Number	Condition	Commencement	Estimated Completion
12.1.2	<p>Regularly inspect all erosion and sediment control devices installed within the Designated Project Development Area, including following rainfall events, and repair any defective or damaged device in a timely manner;</p> <p>Activities Planned to Fulfill Condition: All ESC devices installed within the PDA will be regularly inspected by the contractor and the EM, including following rainfall events, and any defective or damaged device will be repaired in a timely manner.</p>	-	-
12.1.3	<p>Report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2; and</p> <p>Activities Planned to Fulfill Condition: Any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2 will be included as part of the annual report referred to in condition 2.11.</p>	-	-
12.1.4	<p>Backfill all open excavations in a timely manner during construction, unless not technically feasible.</p> <p>Activities Planned to Fulfill Condition: During construction, and through the contractor agreement, the contractor will be required to backfill open excavations in a timely manner, unless not technically feasible.</p>	-	-

Section 13: Independent Environmental Monitor

Condition Number	Condition	Commencement	Estimated Completion
General (13.1 to 13.4)			
13.1	<p>The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring in Ontario, to independently observe and record on the implementation of the conditions set out in this Decision Statement during construction and to report findings to the Proponent and the Agency.</p>	Prior to construction.	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>CN has retained a Stantec employee to act as a third-party independent environmental monitor (IEM) to independently observe and record on the implementation of the conditions set out in this Decision Statement during construction and to report findings to the Proponent and IAAC.</p>			
13.2	<p>The Proponent shall require the independent environmental monitor to report to the Proponent, in writing, about the implementation of any condition set out in this Decision Statement during construction. The Proponent shall also require the independent environmental monitor to recommend to the Proponent, in writing, which action(s) in their view should be taken by the Proponent in respect to the implementation of condition set out in this Decision Statement during construction.</p>	Prior to construction.	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>The IEM will report to CN, in writing, about the implementation of any condition set out in this Decision Statement during construction and will also recommend which action(s) in their view should be taken by CN or any retained contractor with respect to the implementation of conditions set out in the Decision Statement during construction.</p>			

Condition Number	Condition	Commencement	Estimated Completion
13.3	<p>The Proponent shall require the independent environmental monitor to provide to the Agency, at a frequency to be determined in consultation with the Agency, the information reported to the Proponent pursuant to condition 13.2 at the same time that the Proponent receives that information.</p> <p>Activities Planned to Fulfill Condition: The IEM will provide to IAAC, the information reported to the Proponent pursuant to condition 13.2 at the same time that the Proponent receives that information. The frequency discussed has been determined to be weekly to be adjusted if/as necessary as determined by IAAC and the IEM.</p>	Prior to construction.	On-going
13.4	<p>The Proponent shall require the independent environmental monitor to retain the information reported to the Proponent pursuant to condition 13.2 for five years following submission to the Agency pursuant to condition 13.3.</p> <p>Activities Planned to Fulfill Condition: Through the EM contract with Stantec, CN has required the IEM to retain the information reported to CN pursuant to condition 13.2 for five years following submission to IAAC pursuant to condition 13.3.</p>	Start of construction	Five years following End of construction.

Section 14: Accidents and Malfunctions

Condition Number	Condition	Commencement	Estimated Completion
General (14.1 to 14.6)			
14.1 (including sub-conditions 14.1.1 to 14.1.4)	<p>The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 14.1.1 - store hazardous materials in designated areas with proper primary and secondary containment and in accordance with appropriate federal, provincial and municipal safety procedures and requirements; • 14.1.2 - store bulk quantities of combustible and flammable materials in designated areas at least six metres away from the Designated Project's property line; • 14.1.3 - provide information to shippers regarding safe loading practices; and • 14.1.4 - place spill containment kits in designated locations within the Designated Project Development Area where there is a higher risk of spills. 	Prior to Construction	Throughout construction and operation.
<p>Activities Planned to Fulfill Condition:</p> <p>CN has prepared the Accident & Malfunction (A&M) Response Plan – Construction while the A&M Response Plan – Operation will be developed prior to operation. They will outline procedures, including design features, that include measures to prevent incidents from happening. The A&M Response Plan for construction will be implemented by the contractor via their contractual obligations. CN or a CN representative will be ensuring the A&M plan is being implemented appropriately by the contractor during construction. CN will develop and implement the A&M plan before operation begins. The A&M Operation Plan will include routine A&M prevention, inspection, and operation of the Designated Project. Designated areas will be identified for storage of hazardous material, bulk quantities of combustible and flammable materials, and spill kits.</p> <p>CN will communicate with shippers their expectations for safe loading of materials in storage containers. The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.</p>			

Condition Number	Condition	Commencement	Estimated Completion
14.2	<p>The Proponent shall consult, prior to construction, with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 14.1.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The measures to be implemented to prevent accidents and malfunctions during construction will be specified in the A&M Response Plan - Construction, prepared pursuant to condition 14.3, which was developed by CN and the retained contractor(s). A draft version of the A&M Response Plan was provided to the MCFN, the Six Nations, Town of Milton, and Halton Region for review. Any views or information provided were considered by CN in finalizing the A&M Response Plan.</p> <p>The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.</p>	Prior to Construction	Throughout construction and operation.
14.3 (including all sub-conditions from 14.3.1 to 14.3.4)	<p>The Proponent shall develop, prior to each applicable phase of the Designated Project and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities, an accident and malfunction response plan in relation to each phase of the Designated Project. The accident and malfunction plan shall include:</p> <ul style="list-style-type: none"> 14.3.1 - a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including accidents and malfunctions considered in section 13 of the Joint Review Panel Report (Canadian Impact Assessment Registry Reference Number 80100, Document Number 985) and accidents and malfunctions within the Designated Project Development Area which may adversely affect area(s) outside of the Designated Project Development Area; 	Prior to Operation	Prior to Operation (for operation A&M Response Plan)

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 14.3.2 - Proponent in response to each type of accident and malfunction referred to in condition 14.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction. These measures shall include: <ul style="list-style-type: none"> ○ 14.3.2.1 - measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies, as required; ○ 14.3.2.2 - measures to manage the stormwater management system to prevent contaminated water from flowing downstream in case of a spill and, if a spill adversely affects a stormwater management pond, measures to deter birds from using the pond until water quality is restored; ○ 14.3.2.3 - measures to identify any sensitive habitats where response efforts shall be prioritized; and ○ 14.3.2.4 - measures to reduce fire hazard and enhance fire preparedness; • 14.3.3 - the locations of spill containment kits within the Designated Project Development Area; and • 14.3.4 - a description of how the Proponent will evacuate its property and participate in coordinated evacuation procedures with relevant authorities in the case of an accident or malfunction requiring evacuation. 		
<p>Activities Planned to Fulfill Condition:</p> <p>An A&M Response Plan - Construction was developed by CN and the retained contractor(s). A separate A&M Response Plan – Operation will be developed for the operational phase of the terminal and will be completed in consultation with the MCFN, Six Nations, Town of Milton, Halton Region and IAAC closer to the time of operation. Both A&M Response Plans will meet all conditions/sub-conditions listed above. The A&M Response Plan for construction was provided to IAAC on November 26, 2021.</p>			

Condition Number	Condition	Commencement	Estimated Completion
14.4	<p>The Proponent shall maintain the accident and malfunction response plan referred to in condition 14.3 up-to-date during all phases of the Designated Project so that it remains consistent with the Proponent's Network Operations Emergency Response Plan. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to relevant authorities involved in its implementation within 30 days of the plan being updated.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The A&M Response Plans will be updated during construction and operation of the terminal. The plans will be updated if procedures are identified that require amendments or changes based on regulation changes, procedure changes or personnel changes that necessitate updates. CN shall submit an updated plan to IAAC and relevant authorities involved with the implementation within 30 days of the plan being updated.</p>	March 2021	On-going
14.5 (including all sub-conditions 14.5.1 through 14.5.5)	<p>In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or malfunction referred to in 14.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any appropriate measure referred to in condition 14.3.2, and shall:</p> <ul style="list-style-type: none"> • 14.5.1 - implement the communication plan referred to in condition 14.6 as it relates to accidents and malfunctions; • 14.5.2 - notify, as soon as possible and pursuant to the communication plan referred to in condition 14.6, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, potentially affected parties and the Agency, the Proponent shall specify: <ul style="list-style-type: none"> ○ 14.5.2.1 - the date when and location where the accident or malfunction occurred; 	March 2021	On-going

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> ○ 14.5.2.2 - a summary description of the accident or malfunction; and ○ 14.5.2.3 - a list of any substance potentially released into the environment as a result of the accident or malfunction. ● 14.5.3 - notify the Town of Milton, Halton Region and other relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislated and regulatory requirements and existing protocols; ● 14.5.4 - submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include: <ul style="list-style-type: none"> ○ 14.5.4.1 - a detailed description of the accident or malfunction and of its adverse environmental effects; ○ 14.5.4.2 - a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction; ○ 14.5.4.3 - any view from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects; ○ 14.5.4.4 - a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and ○ 14.5.4.5 - details concerning the implementation of the accident or malfunction response plan referred to in condition 14.3. 		

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 14.5.5 - submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 14.5.4. The report shall include all additional views from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 14.5.4.3 were received by the Proponent. 		
	<p>Activities Planned to Fulfill Condition:</p> <p>The A&M Response Plan – Construction provides guidance to CN personnel and the critical information necessary to take action in an emergency. The A&M Response Plan – Operation will include these components once it’s developed prior to operation.</p> <p>An A&M Communication Plan outlines the external communication process for accidents and malfunctions that may result in an adverse environmental effect in relation to the construction phase of the Milton Logistics Hub Project. This plan has been developed pursuant to conditions 14.5 and 14.6 and provided to IAAC on November 26, 2021.</p> <p>Notifications will be carried out in accordance with the A&M Communication Plan and will include the information specified in the Plan, including the information required by the sub-conditions.</p> <p>Should an accident or malfunction occur that requires reporting as outlined in the A&M Communication Plan, CN will submit a written report to IAAC no later than 30 days after the day on which the applicable accident or malfunction occurred.</p>		

Condition Number	Condition	Commencement	Estimated Completion
14.6 (including all sub-conditions 14.6.1 to 14.6.3)	<p>The Proponent shall develop, in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project, including accidents and malfunctions occurring within the Designated Project Development Area which may affect area(s) outside of the Designated Project Development Area. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:</p> <ul style="list-style-type: none"> • 14.6.1 - the types of accidents and malfunctions requiring the Proponent to notify the parties referred to in condition 14.6; • 14.6.2 - the manner by which the parties referred to in condition 14.6 shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and • 14.6.3 - the contact information of the representatives of the Proponent that the parties referred to in condition 14.6 may contact and of the representatives of the respective parties referred to in condition 14.6 to which the Proponent shall provide notification. 	June 2021	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>The A&M Communications Plan has been developed and made available to all the specified parties for consultation. Any feedback received from the parties has been considered and incorporated into the A&M Communications Plan if and as appropriate. The A&M Communications Plan will be implemented and updated throughout the Project. The A&M Communications Plan was provided to IAAC on November 26, 2021.</p> <p>The notifications and reporting process will be determined by the cause and severity of the incident, as outlined in the A&M Communications Plan. Contact information is included in the A&M Communication Plan and will be updated when or if notification by the parties included in the contact list have changed.</p>			

Section 15: Schedules

Condition Number	Condition	Commencement	Estimated Completion
General (15.1 to 15.4)			
15.1	<p>The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.</p>	60 days prior to start of construction	
<p>Activities Planned to Fulfill Condition: This report has been prepared presenting the schedule for all conditions set out in the Decision Statement and was first submitted to IAAC on July 30, 2021.</p>			
15.2	<p>The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each construction phase, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.</p>	60 days prior to start of construction	
<p>Activities Planned to Fulfill Condition: A report has been prepared presenting a schedule outlining all activities required to carry out all phases of the Designated Project and was first submitted to IAAC on July 30, 2021. The level of detail and timing for the implementation of specific activities are provided to the extent possible. The schedule was subsequently updated and submitted to IAAC as part of the March 31st update.</p>			

Condition Number	Condition	Commencement	Estimated Completion
15.3	The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 15.1 and 15.2 every year no later than March 31.	March 2022	Annually
	<p>Activities Planned to Fulfill Condition:</p> <p>An update to the schedules referred to in conditions 15.1 and 15.2 will be submitted to IAAC every year no later than March 31. Revised 15.1 and 15.2 Schedules were submitted to IAAC on March 31, 2022.</p>		
15.4	The Proponent shall provide the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, potentially affected parties, the Town of Milton, Halton Region and Conservation Halton with the schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 at the same time the Proponent provides these documents to the Agency.	July 2021 for initial schedules	Annually
	<p>Activities Planned to Fulfill Condition:</p> <p>The schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 were first provided to the MCFN, the Six Nations, the Huron Wendat, potentially affected parties, the Town of Milton, Halton Region, CH and IAAC on July 30, 2021 (all at the same time). The 15.1 and 15.2 Schedules for 2022 were submitted to this group on March 31, 2022.</p>		

Section 16: Record Keeping

Condition Number	Condition	Commencement	Estimated Completion
General (16.1 to 16.3)			
16.1	The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.	January 2021	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>Records relevant to the implementation of the conditions set out in the Decision Statement will be maintained. Upon request, records will be provided to IAAC.</p>			
16.2	The Proponent shall retain all records referred to in condition 16.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained and shall provide to the Agency the address of the new location.	January 2021	On-going
<p>Activities Planned to Fulfill Condition:</p> <p>All records referred to in condition 16.1 will be retained in Canada at CN's headquarters office: 935 rue de la Gauchetiere West, Montreal, QC. H3B 2M9</p> <p>IAAC will be notified if there is a change to the physical location of the facility retaining the records 30 days prior to any change, and the new address will be provided to IAAC.</p>			
16.3	The Proponent shall notify the Agency of any change to the contact information of the Proponent included in the Decision Statement.	If and when required.	If and when required.
<p>Activities Planned to Fulfill Condition:</p> <p>IAAC will be notified if there is a change to the contact information of the Proponent. No changes are proposed at this time.</p>			

APPENDIX 5

SCHEDULE 15.2

