



**CN MILTON LOGISTICS HUB – 2024
ANNUAL REPORT**

March 28, 2025

Prepared for:

Canadian National Railway Company
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Montreal, Quebec, H3B 2M9

Executive Summary

On January 21, 2021 (amended July 26, 2022), 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 provides the above information as it pertains to the period from January 1 to December 31, 2024, and 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).



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Project construction commenced on January 24, 2022 with Phase 1 activities as outlined in the 2022 and 2023 Annual Report. Phase 2 activities commenced in February 2024, focusing on constructing the Lower Base Line underpass, the truck entrance overpass at Britannia Road, and the mainline extension north of Britannia Road to Derry Road.

In the first quarter (Q1) of 2024, site activities included: silt fencing and wildlife fencing reconfiguration; excavation and grading; culvert installation along access roads; Britannia access road berm construction; site preparation and access construction for new Laydown Area 1; topsoil stockpiling, removal, and grading for Laydown Area 3; and Lower Base Line grade separation.

Construction activities for the Project were temporarily halted in March 2024 after the federal Decision Statement authorizing CN to build the CN Milton Logistics Hub was set aside following a judicial review application by the Halton Municipalities. During this pause, care and maintenance activities were carried out on-site. These included stabilizing the site and repairing erosion control measures, backfilling stripped areas, installing a drainage swale to Culvert 2A, grading slopes of stockpiles to deter bird nesting, backfilling open excavations, monitoring track and piles at Lower Base Line, installing protective guardrails for shoring wall at Lower Base Line, sweeping the Lower Base Line roadway; and removing equipment and materials for security purposes. Environmental monitoring and follow-up programs continued as scheduled.

In the second quarter of the year (Q2), the Federal Court of Appeal granted a CN request on May 2, which allowed construction to resume. The work focused on key activities for the Lower Base Line grade separation, including completing work on the shore wall and installing concrete pipes at Laydown Area 1. Additional site activities involved bridge work for the Britannia access road, such as excavation and grading, as well as mitigation measures, such as slope protection with matting and check dams to control water flow and sediment movement. Topsoil stripping also took place along the mainline rail corridor north of Britannia Road to Derry Road.

In the third quarter (Q3), work continued on grading, drainage, and ditching for stormwater management systems, along with mainline culvert replacements. Utility installation and connections progressed, while foundation work for the Lower Base Line underpass advanced. Structural construction for both the underpass and the bridge over Lower Base Line was ongoing. Additionally, subgrade construction moved forward for the Britannia Access Road, the Lower Base Line track diversion, and the mainline track extension.

Finally, in the fourth quarter (Q4), construction work at Britannia Access Road and its associated bridge continued, with the bridge's central pier completed and work on the abutments ongoing. The road and bridge were approximately 60% and 30% completed, respectively. Additionally, the bridge (underpass) structure at Lower Base Line was completed, while subgrade construction for the mainline corridor extension between Britannia and Derry Road progressed to approximately 30% completion.

Nighttime construction occurred twice in 2024. The first round occurred between July 23 and 26 to support mainline realignment. Work included excavation and utility inspections along the mainline between Britannia Road and Derry Road, allowing construction to proceed without disrupting mainline



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operations. The second round occurred between November 26 and 30, focusing on track stability and drainage improvements along the mainline. Three new culverts were installed along the mainline between Britannia Road and Derry Road. Work included site preparation, excavation, culvert installation and track reinstatement.

CN's consultation activities during the reporting year focused on providing updates to various parties and agencies regarding the progress of construction activities on site and the continued development of design plans to be implemented later in the construction process. 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. Three main consultation groups were engaged:

- Agencies, including the Impact Assessment Agency of Canada (IAAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Canadian Transportation Agency (CTA), Transport Canada (TC), Regional Municipality 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 (SNGR) and the Huron-Wendat Nation (HWN)
- Other potentially affected parties, including the Community Consultation Committee and members of the public

Ongoing consultation with those identified above continued throughout the reporting year, and any feedback received has been carefully considered by CN for incorporation into ongoing Project activities and design plans as described in Sections 3.3, 3.4 and 3.5 below. CN also engaged the public through various means (i.e., Project website, Community Consultation Committee, social media and emails) to share information and solicit feedback on the Project. See **Appendix 2a** and **Appendix 2b** for a record of consultation between CN and the various parties in 2024.

Follow-up programs (FUP) implemented in 2024 focused on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction, including:

- Air Quality (per Condition 4.21)
- 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)



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- 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)

The following FUPs that pertain to construction or operation activities that did not occur in 2024 will be addressed in future Annual Reports:

- Ambient Lighting (per Condition 4.5)
- Western Chorus Frog (per Condition 8.10)
- Country Foods (per Condition 9.1)
- Nighttime Noise Events (per Condition 9.3)

Based on the results of implementation of the various FUPs, effects of the Project were generally consistent with the effects predicted during the environmental assessment. Mitigation measures implemented prior to and during construction were able to avoid and/or reduce potential environmental effects.

In some cases, adaptive management measures were implemented in 2024, including the following:

- Spreading of additional seed mix on areas where previous seeding was not successful to stabilize existing soils, as summer conditions were extremely dry even with supplemental watering of vegetated areas
- Additional planting of trees, shrubs and live stakes and reseeding areas within the Tributary A and Indian Creek enhancement areas to improve propagation of native species.
- Following an incident where a hedgerow was cleared during the restricted period, a revised action plan was developed to enhance communication and clarify restricted areas.
- In response to storm-related erosion of a spillway in July, which resulted in sediment-clouded water in the backwater channel of Indian Creek, immediate remedial actions were taken to stabilize the structure and implement a fish rescue operation and ESC measures. Additionally, a more robust slope protection system was also designed and subsequently implemented.

These measures were implemented to address unforeseen Project effects or in response to observations made through the various FUPs to mitigate or manage potential environmental effects.



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No project changes occurred in 2024; however, a proposed project change was presented to IAAC in 2024 that included switching from propane to natural gas for heating mainline track switches during winter. In accordance with Condition 2.16 of the Decision Statement, CN notified IAAC, outlining the anticipated environmental effects, how these may differ from those identified during the environmental assessment of the Designated Project, and the corresponding mitigation measures. Since no new environmental impacts were expected, the change does not require additional mitigation measures, new follow-up programs, or changes to existing follow-up programs. The switch is expected to reduce NO_x and other air emissions, leading to improved air quality during operation. Approval for this proposed project change is pending.



Résumé

Le 21 janvier 2021 (modifié le 26 juillet 2022), le ministre de l'Environnement et du Changement climatique a publié une déclaration de décision concernant le projet de centre logistique de Milton (le projet). La déclaration de décision comprend des conditions d'approbation auxquelles le CN doit se conformer. Le présent document a été préparé conformément aux exigences de la condition 2.11 énoncée dans la déclaration de décision, comme suit :

2.11 Le promoteur prépare, à partir de l'année de déclaration au cours de laquelle le ministre émet la déclaration de décision pour le projet désigné, un rapport annuel qui présente, pour cette année de déclaration :

- 2.11.1 les activités entreprises par le promoteur pour se conformer à chacune des conditions énoncées dans la présente déclaration de décision*
- 2.11.2 la manière dont le promoteur s'est conformé à la condition 2.1*
- 2.11.3 pour les conditions énoncées dans la présente déclaration de décision pour lesquelles la consultation est obligatoire, la manière dont le promoteur a pris en compte les avis et les informations qu'il a reçus au cours ou à la suite de la consultation*
- 2.11.4 les informations visées aux conditions 2.6 et 2.7 pour chaque programme de suivi*
- 2.11.5 un résumé des résultats des exigences du programme de suivi identifiées dans les 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, toute mise à jour apportée au plan*
- 2.11.7 toute mesure d'atténuation modifiée ou additionnelle mise en œuvre ou proposée par le promoteur, telle que déterminée conformément à la condition 2.9*
- 2.11.8 toute modification du projet désigné pour laquelle le promoteur a déterminé que les conditions 2.16 et 2.17 ne s'appliquaient pas, y compris une justification de cette détermination, et toute modification du projet désigné pour laquelle le promoteur a déterminé que les conditions 2.16 et 2.17 s'appliquaient*

Le présent rapport annuel fournit les informations susmentionnées pour la période entre le 1er janvier et le 31 décembre 2024 et comprend les informations sur les exigences supplémentaires en matière de rapports annuels définies dans la déclaration de décision concernant les conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11 et 12.1.2 (voir la section 7 pour plus d'informations).

La construction du projet a commencé le 24 janvier 2022 avec les activités de la phase 1 décrites dans les rapports annuels 2022 et 2023. Les activités de la phase 2 ont débuté en février 2024 et se sont concentrées sur la construction du passage souterrain de la rue Lower Base Line, du passage supérieur de l'entrée des camions à la rue Britannia et du prolongement de la ligne principale au nord de la rue Britannia jusqu'à la rue Derry.



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Au cours du premier trimestre (T1) de 2024, les activités sur le site comprenaient : la reconfiguration des clôtures anti-érosion et des clôtures pour la faune ; l'excavation et le nivellement ; l'installation de ponceaux le long des routes d'accès ; la construction de la berme de la route d'accès à Britannia ; la préparation du site et la construction de l'accès à la nouvelle zone de dépôt 1 ; le stockage de la terre végétale, l'enlèvement et le nivellement de la zone de dépôt 3 ; et la séparation des niveaux de la rue Lower Base Line.

Les activités de construction du projet ont été temporairement interrompues en mars 2024 après que la déclaration de décision fédérale autorisant le CN à construire le centre logistique de Milton a été annulée à la suite d'une demande de révision judiciaire présentée par les municipalités de Halton. Pendant cette pause, des activités d'entretien et de maintenance ont été menées sur le site. Ces activités comprenaient la stabilisation du site et la réparation des mesures de contrôle de l'érosion, le remblayage des zones décapées, l'installation d'une rigole de drainage vers le ponceau 2A, le nivellement des pentes des piles de stockage pour empêcher la nidification des oiseaux, le remblayage des excavations ouvertes, la surveillance des voies et des pieux à la rue Lower Base Line, l'installation de garde-corps de protection pour le mur d'étaiyage à la rue Lower Base Line, le balayage de la chaussée de la rue Lower Base Line et l'enlèvement de l'équipement et des matériaux à des fins de sécurité. Les programmes de surveillance environnementale et de suivi se sont poursuivis comme prévu.

Au cours du deuxième trimestre de l'année (T2), la Cour d'appel fédérale a accédé à la demande du CN le 2 mai, ce qui a permis la reprise des travaux de construction. Les travaux se sont concentrés sur des activités clés pour la séparation des niveaux de la rue Lower Base Line road, incluant l'achèvement des travaux sur le mur de rive et l'installation de tuyaux en béton dans l'aire de dépôt 1. D'autres activités sur le site comprenaient des travaux de pont pour la route d'accès Britannia, tels que l'excavation et le nivellement, ainsi que des mesures d'atténuation, telles que la protection des pentes à l'aide de matelas et de barrages de retenue pour contrôler l'écoulement de l'eau et le mouvement des sédiments. Le décapage de la terre végétale a également eu lieu le long du corridor ferroviaire principal au nord de la rue Britannia jusqu'à la rue Derry.

Au cours du troisième trimestre (T3), les travaux de nivellement, de drainage et de creusement de fossés pour les systèmes de gestion des eaux pluviales se sont poursuivis, de même que le remplacement des ponceaux de la ligne principale. L'installation et les raccordements des services publics ont progressé, tandis que les travaux de fondation pour le passage souterrain de la rue Lower Base Line ont avancé. La construction de la structure du passage souterrain et du pont au-dessus de la rue Lower Base Line est en cours. En outre, la construction de la plate-forme a progressé pour la route d'accès de Britannia, la déviation de la voie de la rue Lower Base Line et l'extension de la voie principale.

Enfin, au cours du quatrième trimestre (T4), les travaux de construction de la route d'accès Britannia et du pont qui lui est associé se sont poursuivis, la pile centrale du pont étant achevée et les travaux sur les culées étant en cours. La route et le pont étaient respectivement complétés à environ 60 % et 30%. En outre, la structure du pont (passage souterrain) à la rue Lower Base Line a été achevée, tandis que la construction de la couche de fondation pour l'extension du corridor de la ligne principale entre la rue Britannia et la rue Derry a progressé jusqu'à environ 30 % d'achèvement.

Des travaux de nuit ont eu lieu à deux reprises en 2024. La première série a eu lieu entre le 23 et le 26 juillet pour soutenir le réalignement de la ligne principale. Les travaux comprenaient l'excavation et



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l'inspection des services publics le long de la ligne principale entre la rue Britannia et la rue Derry, ce qui a permis de poursuivre la construction sans perturber les opérations de la ligne principale. La deuxième phase s'est déroulée du 26 au 30 novembre et s'est concentrée sur la stabilité de la voie et l'amélioration du drainage le long de la ligne principale. Trois nouveaux ponceaux ont été installés le long de la ligne principale entre la rue Britannia et la rue Derry. Les travaux comprenaient la préparation du site, l'excavation, l'installation des ponceaux et la remise en état de la voie.

Les activités de consultation du CN au cours de l'année de référence se sont concentrées à fournir des mises à jour à diverses parties et agences concernant l'avancement des activités de construction sur le site et le développement continu des plans de conception qui seront mis en œuvre plus tard dans le processus de construction. Les efforts se sont concentrés sur la poursuite de la collaboration et de l'engagement des parties intéressées par le projet et de celles qui pourraient fournir des informations pertinentes pour finaliser les plans du projet, en fournissant des informations pertinentes aux diverses parties conformément aux engagements du projet et aux conditions d'approbation. Trois principaux groupes de consultation ont été engagés :

- Agences, y compris l'Agence canadienne d'évaluation d'impact (ACEI), Environnement et changement climatique Canada (ECCC), Pêches et océans Canada (MPO), Santé Canada (SC), Office des transports du Canada (OTC), Transports Canada (TC), Municipalité régionale de Halton, Ville de Milton et Conservation Halton (CH);
- Les communautés autochtones, notamment la Première nation des Mississaugas of the Credit (MCFN), les Six Nations of the Grand River (SNGR) et la Nation huronne-wendat (HWN);
- Les autres parties potentiellement concernées, y compris le comité de consultation communautaire et les membres du public.

La consultation des personnes susmentionnées s'est poursuivie tout au long de l'année visée par le rapport, et le CN a examiné attentivement tous les commentaires reçus afin de les intégrer aux activités courantes du projet et aux plans de conception décrits aux sections 3.3, 3.4 et 3.5 ci-dessous. Le CN a également mobilisé le public par divers moyens (site Web du projet, comité de consultation des collectivités, médias sociaux et courriels) afin de partager des informations et de solliciter des commentaires sur le projet. Voir les **annexes 2a** et **2b** pour un compte rendu des consultations entre le CN et les diverses parties en 2024.

Les programmes de suivi (FUP) mis en œuvre en 2024 se sont concentrés sur la surveillance des effets environnementaux prévus du projet et l'efficacité des mesures d'atténuation mises en œuvre pendant la construction, y compris :

- Qualité de l'air (selon la condition 4.21);
- Environnement acoustique (selon la condition 4.10);
- Gestion des eaux pluviales (selon la condition 5.9);
- 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);
- Remise en état progressive (selon la condition 6.10);



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- Poisson et habitat du poisson (selon la condition 7.12);
- Oiseaux migrateurs (selon la condition 8.4);
- Remplacement de l'habitat de prairie (selon la condition 8.13);
- Tortue serpentine et tortue peinte du Midland (selon la condition 8.21);
- Papillon monarque (selon la condition 8.25);
- Couleuvre de l'Est (selon la condition 8.28);
- Ecopassage (selon la condition 8.32).

Les FUP suivants, qui concernent des activités de construction ou d'exploitation qui n'ont pas eu lieu en 2024, seront traités dans les prochains rapports annuels :

- Éclairage ambiant (selon la condition 4.5);
- Rainette faux-grillon de l'Ouest (selon la condition 8.10);
- Aliments traditionnels (selon la condition 9.1);
- Bruit nocturne (selon la condition 9.3)

Sur la base des résultats de la mise en œuvre des différents plans d'aménagement du territoire, les effets du projet étaient généralement conformes aux effets prévus lors de l'évaluation environnementale. Les mesures d'atténuation mises en œuvre avant et pendant la construction ont permis d'éviter et/ou de réduire les effets environnementaux potentiels.

Dans certains cas, des mesures de gestion adaptative ont été mises en œuvre en 2024, notamment les suivantes :

- Épandage d'un mélange de semences supplémentaire sur les zones où l'ensemencement précédent n'a pas réussi à stabiliser les sols existants, les conditions estivales ayant été extrêmement sèches, même avec un arrosage supplémentaire des végétalisées;
- Plantation supplémentaire d'arbres, d'arbustes et de tuteurs vivants et réensemencement de zones dans les zones de mise en valeur de l'affluent A et du ruisseau Indian afin d'améliorer la propagation des espèces indigènes;
- À la suite d'un incident au cours duquel une haie a été défrichée pendant la période de restriction, un plan d'action révisé a été élaboré afin d'améliorer la communication et de clarifier les zones de restriction;
- En réponse à l'érosion d'un déversoir causée par une tempête en juillet, qui a entraîné la formation d'un nuage de sédiments dans le canal de reflux du ruisseau Indian, des mesures correctives immédiates ont été prises pour stabiliser la structure et mettre en œuvre une opération de sauvetage des poissons et des mesures de contrôle de l'érosion et des sédiments. En outre, un système de protection des pentes plus robuste a également été conçu et mis en œuvre par la suite.

Ces mesures ont été mises en œuvre pour faire face à des effets imprévus du projet ou en réponse à des observations faites dans le cadre des différents plans d'action pour l'environnement afin d'atténuer ou de gérer les effets potentiels sur l'environnement.



Aucun changement de projet n'a eu lieu en 2024; cependant, un changement de projet proposé a été présenté à l'Agence d'évaluation d'impact du Canada (AEIC) en 2024, qui incluait le passage du propane au gaz naturel pour le chauffage des aiguillages de voie principale pendant l'hiver. Conformément à la condition 2.16 de la déclaration de décision, le CN a avisé l'AEIC en décrivant les effets environnementaux prévus, la façon dont ils peuvent différer de ceux identifiés au cours de l'évaluation environnementale du projet désigné et les mesures d'atténuation correspondantes. Étant donné qu'aucun nouvel impact sur l'environnement n'était prévu, le changement ne nécessite pas de mesures d'atténuation supplémentaires, de nouveaux programmes de suivi ou de modifications des programmes de suivi existants. La modification devrait permettre de réduire les émissions de NO_x et d'autres émissions atmosphériques, ce qui améliorera la qualité de l'air pendant l'exploitation. L'approbation de cette proposition de modification de projet est en cours.



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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
CCC	Community Consultation Committee
CCME	Canadian Council of Ministers of the Environment
CH	Conservation Halton
CLCP	Community Liaison Communication Process
CN	Canadian National Railway Company
CTA	Canadian Transportation Agency
DFO	Fisheries and Oceans Canada
DUC	Ducks Unlimited Canada
ECCC	Environment and Climate Change Canada
EM	Environmental Monitor



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ESC	Erosion and Sediment Control
FUP	Follow-up Program
GHG	Greenhouse Gas
HC	Health Canada
HWN	Huron-Wendat Nation
IAAC	Impact Assessment Agency of Canada
IEM	Independent Environmental Monitor
MCFN	Mississaugas of the Credit First Nation
MCM	Ontario Ministry of Citizenship and Multiculturalism
MECP	Ontario Ministry of the Environment, Conservation and Parks
MNRF	Ontario Ministry of Natural Resources and Forestry [now Ministry of Natural Resources]
MOU	Memorandum of Understanding
NAPS	National Air Pollutants Surveillance
NRCan	Natural Resources Canada
OGS	Oil Grit Separator
PAH	polycyclic aromatic hydrocarbons
PDA	Project Development Area



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RAC	Railway Association of Canada
RFP	Request for Proposal
SNGR	Six Nations of the Grand River
SWM	stormwater management
SWQQ	Surface Water Quality and Quantity
TC	Transport Canada



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 was amended on July 26, 2022, to reflect changes to the Project associated with the design and construction of the Sun-Canadian Pipeline.

The Decision Statement (as amended) 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 12.1.3.



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Annual Reports are to 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 from January 1 to December 31, 2024.

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 a description of how such comments were considered
- Section 4: Follow-up Programs (FUP), including a list of FUPs 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 to provide further details and information regarding the subjects covered above.

1.3 CONCORDANCE TABLE

Table 1: Concordance Table

Condition #	Annual Reporting Requirement	Corresponding Section in the 2024 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 2024 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, and Appendix 1



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Condition #	Annual Reporting Requirement	Corresponding Section in the 2024 Annual Report
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 3.5, 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
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
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, 2025
Other Annual Reporting Requirements		
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>4.14.1 provide a rationale as to why the truck fleet has, or has not, been electrified; and</p> <p>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.</p>	Section 7.1, and Appendix 1



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Condition #	Annual Reporting Requirement	Corresponding Section in the 2024 Annual Report
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, and Appendix 1
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, and Appendix 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, and Appendix 1
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, and Appendix 1
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, and Appendix 1



Condition #	Annual Reporting Requirement	Corresponding Section in the 2024 Annual Report
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, and Appendix 1

2 ACTIVITIES UNDERTAKEN TO COMPLY WITH EACH CONDITION

2.1 SUMMARY OF ACTIVITIES

The Decision Statement, issued by the Minister of Environment and Climate Change on January 21, 2021, established the conditions under which CN would be permitted to move forward with the Project. The Decision Statement was amended on July 26, 2022, to reflect changes to the Sun-Canadian pipeline configuration and construction methods.

Project construction commenced on January 24, 2022 with Phase 1 activities as outlined in the 2022 and 2023 Annual Report. Phase 2 activities commenced in February 2024, focusing on constructing the Lower Base Line underpass, the truck entrance overpass at Britannia Road, and the mainline extension north of Britannia Road to Derry Road.

In the first quarter (Q1) of 2024, site activities included: silt fencing and wildlife fencing reconfiguration; excavation and grading; culvert installation along access roads; Britannia access road berm construction; site preparation and access construction for new Laydown Area 1; topsoil stockpiling, removal, and grading for Laydown Area 3; and Lower Base Line grade separation.

Construction activities for the Project were temporarily halted in March 2024 after the federal Decision Statement authorizing CN to build the CN Milton Logistics Hub was set aside following a judicial review application by the Halton Municipalities. During this pause, care and maintenance activities were carried out on-site. These included stabilizing the site and repairing erosion control measures, backfilling stripped areas, installing a drainage swale to Culvert 2A, grading slopes of stockpiles to deter bird nesting, backfilling open excavations, monitoring track and piles at Lower Base Line, installing protective guardrails for shoring wall at Lower Base Line, sweeping the Lower Base Line roadway; and removing equipment and materials for security purposes. Environmental monitoring and follow-up programs continued as scheduled.

In the second quarter of the year (Q2), the Federal Court of Appeal granted a CN request on May 2, which allowed construction to resume. The work focused on key activities for the Lower Base Line grade separation, including completing work on the shore wall and installing concrete pipes at Laydown Area 1. Additional site activities involved bridge work for the Britannia access road, such as excavation and grading, as well as mitigation measures, such as slope protection with matting and check dams to control



water flow and sediment movement. Topsoil stripping also took place along the mainline rail corridor north of Britannia Road to Derry Road.

In the third quarter (Q3), work continued on grading, drainage, and ditching for stormwater management systems, along with mainline culvert replacements. Utility installation and connections progressed, while foundation work for the Lower Base Line underpass advanced. Structural construction for both the underpass and the bridge over Lower Base Line was ongoing. Additionally, subgrade construction moved forward for the Britannia Access Road, the Lower Base Line track diversion, and the mainline track extension.

Finally, in the fourth quarter (Q4), construction work at Britannia Access Road and its associated bridge continued, with the bridge's central pier completed and work on the abutments ongoing. The road and bridge were approximately 60% and 30% completed, respectively. Additionally, the bridge (underpass) structure at Lower Base Line was completed, while subgrade construction for the mainline corridor extension between Britannia and Derry Road progressed to approximately 30% completion.

Nighttime construction occurred twice in 2024. The first round occurred between July 23 and 26 to support mainline realignment. Work included excavation and utility inspections along the mainline between Britannia Road and Derry Road, allowing construction to proceed without disrupting mainline operations. The second round occurred between November 26 and 30, focusing on track stability and drainage improvements along the mainline. Three new culverts were installed along the mainline between Britannia Road and Derry Road. Work included site preparation, excavation, culvert installation and track reinstatement.

See **Appendix 1** for further details on specific activities undertaken by CN to comply with each condition. Site photographs showing progress of construction activities in 2024, as presented to the various regulators and the Community Consultation Committee (CCC) in 2024, are presented in **Appendix 6**.

See **Appendix 5** for an updated schedule of the activities required to carry out all phases of the Designated Project.

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



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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., in consideration of Bronte Creek Watershed Study, species at risk recovery strategies, natural channel design principles). The various FUP and monitoring activities carried out during construction in 2024 (and future phases of the Project) have been appropriately established, consulted on, and described in the FUPs to verify the environmental assessment. These plans are designed to establish a process for implementing corrective actions or taking remedial actions, including implementation of best available economically and technically feasible technologies, 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 environmental monitoring during construction, and to undertake the detailed design for the Project. Field programs, studies, archeological monitoring by local Indigenous communities, 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 has incorporated 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. No adjustments were made to the various plans and programs based on consideration of information and views expressed by the various parties (see Section 4.3); however, adjustments will continue to be considered through ongoing consultation efforts and participation in the field programs.

For construction, requirements outlined in the conditions of approval, including consistency with the Project description and implementation of mitigation measures, as well as other Project commitments made by CN throughout the environmental assessment process, are being implemented by the contractor. The contractor responsible for construction and implementation of many of the Project requirements is being managed by CN and their activities are being monitored throughout construction for compliance with the conditions of approval (see Section 7.6). As per Condition 13.1, a third-party Independent Environmental Monitor (IEM) has been retained by CN to observe and report on the implementation of the conditions set out in the Decision Statement and to report to IAAC on a monthly basis.

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 providing updates to various parties and agencies regarding the progress of construction activities on site and the continued development of design plans to be implemented later in the construction process. 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 in 2024 were:

- Agencies, including the Impact Assessment Agency of Canada (IAAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Canadian Transportation Agency (CTA), Transport Canada, Ministry of the Environment, Conservation and Parks (MECP), 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 (SNGR), and the Huron-Wendat Nation (HWN)
- Other potentially affected parties, including the CCC, and adjacent / downstream landowners

Ongoing consultation with those identified above continued throughout the reporting year, and any feedback received has been carefully considered by CN for incorporation into ongoing Project activities and design plans as described in Sections 3.3, 3.4 and 3.5 below.

CN also engaged the public through various means (i.e., Project website, CCC, online and paper newspaper ads, emails) to share information and solicit feedback on the Project.

See **Appendix 2a** and **Appendix 2b** for a complete account of the record of consultation between CN and the various parties in 2024.

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 FUPs, 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)



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- 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 to IAAC all feedback received during the reporting year and identify how it was addressed, including any mitigation measure and/or any FUP requirement that was implemented or is planned to be implemented 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 the **Quarterly Reports** on the CN website (<https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/>), for the feedback received and an explanation of how CN took it into account.

3.3 AGENCY CONSULTATION

Virtual monthly conference calls with IAAC and other federal agencies, including ECCC, DFO, HC and the TC, were initiated in July 2022. These calls continued in 2024 and were held by CN in order to provide Project updates, to review progress of onsite construction activities, to review implementation of Project conditions, and to discuss issues or concerns regarding construction activities onsite. Copies of presentations delivered during these meetings to illustrate construction activities are provided in **Appendix 6**. Due to Project shutdown, virtual meetings were temporarily put on hold between April and June 2024. An onsite meeting was held on December 18, 2024 to provide IAAC with a first-hand view of construction activities.

Consultation with ECCC regarding Western Chorus Frog continued in 2024. Following discussions on February 15, 2024, CN submitted a memo to ECCC in October 2024, confirming that suitable breeding habitat near the Project Development Area had been removed by others due to the development of the adjacent lands. As a result, the species was no longer expected to be present in or adjacent to the Project Development Area. The memo also proposed a habitat compensation option outside the Project Development Area, adjacent to a confirmed population of Western Chorus Frog, for consideration by ECCC.

In December 2024, ECCC responded, confirming that the species was no longer considered present in or adjacent to the Project Development Area. However, ECCC encouraged CN to explore alternative compensation options closer to the CN Milton site and to discuss this further with Conservation Halton and the Town of Milton. Discussions between CN and ECCC, as well as with Conservation Halton and the Town of Milton, regarding appropriate compensation for any project-related impacts to Western Chorus Frog habitat remain on-going.



Comments from HC were received in response to the 2023 follow-up program report on air quality. CN reviewed and considered the comments and provided clarifications and commitments to be addressed in future follow-up programs. Additionally, CN engaged with HC to confirm the proposed activities anticipated to be targeted during the 2nd round of Construction Phase 2 noise monitoring. CN also confirmed that the timing of such activities and the corresponding monitoring would be communicated to HC in 2025.

3.4 INDIGENOUS CONSULTATION

The Project is located within the treaty lands and traditional territory of the MCFN and within the traditional territories of the SNGR and the HWN.

In 2024, CN continued to consult with each Indigenous community regarding opportunities to participate in various FUPs, for involvement in the tender process and other aspects of the Project. CN remains committed to facilitating economic opportunities with the goal of advancing reconciliation with Indigenous communities.

CN continues to meet regularly with the MCFN through a working group that was established to share Project information, and to identify ongoing economic opportunities on the Project and within CN's operating area.

CN meets regularly with the HWN to share updates on the Project. The MCFN and SNGR have standing invitations to participate in the Community Consultation Committee, such as becoming a regular member of the Committee, attending Committee meetings, or presenting to the Committee.

All three Nations were invited and actively participated in field monitoring work. Archaeological monitors from the Indigenous communities were on site periodically throughout 2024.

See **Appendix 2b** for a summary of consultation with Indigenous communities.

The subsections below describe the manner in which CN engaged with each community and the topics discussed.

3.4.1 Mississaugas of the Credit First Nation

CN has continued to engage with MCFN on all matters related to the Project. 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.

MCFN was notified of a storm-related spillway erosion event on July 15, 2024, in which a heavy rain event caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3. The storm flows displaced rip-rap material from the spillway, depositing it within the plunge pool at the base of the slope. As a result, the geotextile filter cloth beneath was exposed, causing sediment-clouded water in the backwater channel of Indian Creek. No concerns were raised by MCFN. For additional details regarding the July 15 spill event, refer to Condition 14.5 of **Appendix 1**.



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- On July 10, 2024, CN facilitated a meeting between MCFN and Stantec (pursuant to Condition 11.11), to discuss opportunities for the return of artifacts of Indigenous origin excavated during the environmental assessment to the communities for preservation and interpretation. Further discussions are planned with SNGR and HWN, in addition to MCFN, to explore these opportunities further.

MCFN continued to express their interest in participating in field work to monitor some of the construction and monitoring activities. Construction monitoring agreements between CN and the MCFN were in place for 2024, which guided MCFN's field monitoring participation during construction. Communication between Stantec and MCFN occurred regularly throughout 2024 to advise of and coordinate the participation of MCFN field liaisons during field monitoring activities. CN will continue to engage with MCFN throughout construction and during operation to ensure their concerns and interests are respected.

3.4.2 Six Nations of the Grand River

CN has continued to engage with SNGR on matters related to the Project. SNGR 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.

SNGR was notified of a storm-related spillway erosion event on July 15, 2024, in which a heavy rain event caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3. The storm flows displaced rip-rap material from the spillway, depositing it within the plunge pool at the base of the slope. As a result, the geotextile filter cloth beneath was exposed, causing sediment-clouded water in the backwater channel of Indian Creek. No concerns were raised by SNGR. For additional details regarding the July 15 spill event, refer to Condition 14.5 of **Appendix 1**.

On July 17, 2024, a site tour was conducted with SNGR representatives. Discussions during the tour covered various topics, including land usage and terminal footprint, an overview of the heavy rain incident on July 15, 2024, the historical presence of Western Chorus Frog species on-site and in surrounding areas, vegetation removal and replanting, bat acoustics, a review of bird species nesting or residing in the CN-owned homes and barns on CN's property, air quality monitoring and erosion and sediment control measures.

SNGR continued to express their interest in participating in field work to monitor some of the construction activities. Construction monitoring agreements between CN and SNGR were in place for 2024, which guided SNGR's field monitoring participation during construction. Communication between Stantec and SNGR occurred regularly throughout 2024 to advise of and coordinate the participation of SNGR monitors during field monitoring activities. CN will continue to engage with SNGR throughout construction and during operation to ensure their concerns and interests are respected.



3.4.3 Huron-Wendat Nation

CN has continued to engage with HWN on matters related to the Project. HWN 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.

HWN was notified of a storm-related spillway erosion event on July 15, 2024, in which a heavy rain event caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3. The storm flows displaced rip-rap material from the spillway, depositing it within the plunge pool at the base of the slope. As a result, the geotextile filter cloth beneath was exposed, causing sediment-clouded water in the backwater channel of Indian Creek. No concerns were raised by HWN. For additional details regarding the July 15 spill event, refer to Condition 14.5 of **Appendix 1**.

HWN continued to express their interest in participating in field work to monitor some of the construction activities. Communication between Stantec and HWN occurred regularly throughout 2024 to advise of and coordinate the participation of HWN monitors during field monitoring activities.

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

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

3.5 COMMUNITY CONSULTATION COMMITTEE

The CCC generally meets bi-monthly and conducted two site visits during the reporting year, on June 6 and October 10.

In Q1, the Committee met twice for virtual meetings on February 1 and March 11, 2024. The February 1 meeting covered key topics, including the completion of Phase 1 construction activities, such as the realignment of the mainline and the construction of the eco-passage near Britannia Road. Additional discussions included an overview of the regional bypass drainage system, site photos illustrating the floodplain's role in managing high water flows, and Phase 2 activities. The Committee Co-Facilitators led a discussion on potential communication tools, such as an independent Committee website, to support members in sharing information with stakeholders.

The March 11 meeting was a special session focused on the latest legal proceedings concerning the Project. The discussion centered on the March 1, 2024, federal judicial review decision, including its implications for construction activities. Committee members were informed that some staff would remain on site during the temporary shutdown to oversee environmental monitoring, follow-up programs, and site security. Additionally, CN encouraged the Committee to continue meeting throughout the construction



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shutdown. Updates were provided on the Ontario Superior Court decision (March 7, 2024) and the Canadian Transportation Agency decision (heard on June 7, 2023).

In Q2, the Committee held virtual meetings on April 4 and June 13, 2024. The April 4 meeting covered topics such as the design of the gate entrance, truck entry and movement through the facility, the biometric gate entry system, CN's efforts to streamline operations for efficiency, and collaboration with the trucking community. Other discussions included the 1.8 km entrance road designed to keep trucks off nearby roads while queuing, ongoing Project site activities during the temporary shutdown, an overview of the Soil Chemical Analysis Technical Data Report (TDR), and the soil management plan. Updates were also provided on follow-up programs related to surface water, stormwater, groundwater, and country foods monitoring.

The June 13 meeting focused on the resumption of construction activities, the return of wildlife, fish, and turtles to the site, ongoing construction at Lower Base Line, and mainline construction activities between Britannia Road to Derry Road. Additional discussions included the use of water trucks for dust suppression mitigation, traffic assessments, administrative building design, environmental initiatives such as parking lot greening, and updates on the legal proceedings. The development of an independent website managed by the CCC for public information sharing was also discussed.

An on-site tour was originally scheduled for April 6, 2024. However, due to inclement weather, the on-site meeting was rescheduled and conducted on June 6, 2024. The site tour included a mandatory safety briefing before visiting key Project site features, including Lower Base Line shore wall and grade separation, the Indian Creek realignment with enhanced habitat and vegetation growth, and the ecopassage at Tributary A near Britannia Road.

In Q3, the Committee met virtually on August 1, 2024. Topics discussed included updates on the legal proceedings, a Cultural Heritage Sub-Committee update on options for reusing the house and barn at 5381 Tremaine Road, updated traffic data and analysis, truck safety initiatives in Ontario, administrative building design, July nighttime construction, and an overview of the heavy rain incident on July 15, 2024. The Committee also discussed content for an independent website to share its work with the public.

In Q4, the Committee met in-person on October 10 and virtually on December 5, 2024. In October, topics discussed include community impacts of the project and suggestions for including younger voices on the Committee, enhancements to the Committee's website to boost engagement, updates on environmental and landscape planning, an Indigenous relations tour, and an overview of the sea lamprey control program's effectiveness. The Cultural Heritage Sub-Committee's also discussed possible collaboration with Milton Transitional Housing for facilities aiding men at risk of homelessness.

During the December 5 meeting, an update was provided on CN's communications outreach strategy, which aims to enhance public awareness of the Project's compliance, environmental efforts, and economic benefits. Other topics discussed included CN's Indigenous Reconciliation Action Plan and its implementation to foster relationships with local Indigenous communities, discussions on preserving historic structures at the CN-owned property on Tremaine Road with input from local historians and cultural groups, and reviews of the proposed updates to the committee's website. Presentations were also given on the health challenges faced by truck drivers and CN's initiatives to support driver wellness.



Further details on CN's consideration of input from community and stakeholder engagement is provided in the Quarterly Reports, which are posted on the CN Milton Project website (available here: <https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/>).

4 FOLLOW-UP PROGRAMS

4.1 OVERVIEW

FUPs were 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.

Construction activities began in 2022, which triggered the implementation of various FUPs focused on monitoring the predicted environmental effects of Project construction and the effectiveness of mitigation measures implemented during construction, including relevant components of the following:

- Air Quality (per Condition 4.21)
- 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)
- 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)

The following FUPs that pertain to construction or operation activities that did not occur in 2024 will be addressed in future Annual Reports:

- Ambient Lighting (per Condition 4.5)
- Western Chorus Frog (per Condition 8.10)



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

Copies of all final versions of the FUPs are available on CN's Project website here:

<https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/>

A summary of the results of the various FUPs implemented in 2024 is provided below. Reports documenting the annual results for each of the FUPs were provided to all parties that were consulted during the development of these FUPs on March 31, 2025 (per Condition 2.9.5).

4.2 FOLLOW-UP PROGRAM RESULTS

Condition 2.11.5 requires 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 to be included in the annual report. The following sections provide a summary of the results for each corresponding follow-up program required by the conditions that was implemented in 2024.

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 operation. Beyond the pre-construction sky quality for environmental zone baseline classification completed in 2021, the program includes the following monitoring activities:

- 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.

Ambient light monitoring was completed in 2023, which satisfies the construction monitoring requirements of the Ambient Lighting FUP. Ambient light monitoring was not conducted in 2024.

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.



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- Monitoring of low frequency noise levels during operation.

In 2024, the Acoustic Environment FUP was implemented by monitoring noise levels from construction activities during the first four-weeks of Construction Phase 2 (Phase 2 – Round 1).

The monitoring results for Phase 2 – Round 1 show that construction noise levels were within the applicable FUP limits. The mitigation measures implemented ahead of and during the 2024 construction period were effective in keeping construction noise levels at the monitored locations within the applicable criteria. Therefore, no adaptive management measures were recommended.

CN engaged with HC to confirm the proposed activities anticipated to be targeted during the next round of monitoring – covering a four-week period when Phase 2 construction activities are expected to have the highest impact (Phase 2 – Round 2). CN will communicate the timing of such activities and the associated monitoring to HC in 2025.

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. Beyond the pre-construction updates to the ambient air quality baseline, the program includes monitoring air quality during construction and 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.

In 2024, air quality monitoring occurred at the two CN air quality stations established prior to construction. These stations monitored ambient air quality for a variety of parameters, including particulate matter (PM), fine particulate matter (PM_{2.5}), nitrogen dioxide (NO₂), benzene and benzo(a)pyrene (B(a)P), as well as meteorological conditions (wind speed, wind direction, temperature and relative humidity). Monitored concentrations of these constituents were compared to the updated baseline air quality assessment values, as well as the results from the National Air Pollutants Survey (NAPS) Halton Air Monitoring station, where available.

Where appropriate, the 2024 concentrations were compared to the Canadian Council of Ministers of the Environment (CCME) Canadian Ambient Air Quality Standards (CAAQS) and the MECP Ontario Ambient Air Quality Criteria. The 2024 NO₂ and benzene monitored concentrations are all well below the predicted concentrations in the Air TDR, with values of approximately one half of the predictions. The 2024 B(a)P monitored concentrations were also significantly lower than predicted in the Air TDR at about 15% of the predictions. The PM₁₀ concentrations were comparable to the predicted Air TDR concentrations, but there were no exceedances observed in 2024 (compared to the possibility of up to five (5) PM₁₀ exceedance events predicted in the Air TDR).

The PM_{2.5} concentrations were comparable to the cumulative concentrations predicted in the Air TDR, but as the CAAQS concentrations are considered over 3-yr datasets, they are adversely influenced by data from the significant wildfire season in 2023; that is, the concentrations are higher due to the effect on air quality of the wildfires. The single-year average for PM_{2.5} concentrations in 2024 were lower than



predicted in the Air TDR and are the lowest monitored single-year concentrations included in the 3-year data set for determining CAAQS comparable values.

Active monitoring by the contractor and implementation of various measures to control dust generation in 2024, including the use of a water truck on roadways and uncovered piles and progressively re-vegetating disturbed areas, contributed to reducing fugitive air emissions during construction.

4.2.4 Condition 5.9 – Stormwater Management

One component of the Surface Water Quality and Quantity FUP was designed to monitor the effectiveness of the stormwater management (SWM) system once operational. This component of the program includes monitoring of effluent quantity and quality of the SWM ponds during construction and operations. The program includes monitoring of effluent quantity and quality of the SWM ponds during construction and operation.

While the drainage network conveying flows to the SWM ponds has not yet been completed, water had accumulated in the SWM ponds as a result of precipitation and local runoff. In response to elevated flows in SWM Pond 2, SWM Pond 2 discharge began on June 26, 2024, and was included in monthly monitoring if flows were observed. No discharge from SWM Pond 1 occurred in 2024.

Monthly in-situ and laboratory analysis of surface water quality monitoring results did not exceed the threshold criteria at SWM Pond 2 outlet. This aligns with the expected EIS surface water quality predictions where no measurable changes to surface water quality from the Project were expected at SWM Pond 2 outlet. In addition, discharges from SWM Pond 2 did not contribute to flow threshold exceedances in 2024. Therefore, no adaptive management measures were required in 2024.

4.2.5 Condition 5.10 – Surface Water Quality and Quantity

The Surface Water Quality and Quantity (SWQQ) FUP was also 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).

In 2024, surface water monitoring included regular monitoring of turbidity two to three times per week, as well as continuous and monthly monitoring of surface water quality and quantity in Tributary A and Indian Creek. Temporary turbidity monitoring also occurred in Tributary C to monitor inflow and outflow during realignment of the channel and Culvert 7 works and during periods of construction dewatering.



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Turbidity sampling was conducted by CN's Environmental Monitors (EM) within the PDA, representing inflow and outflow along Tributary A, Tributary C, and Indian Creek. Project-related turbidity exceedances were observed for 5 of the 98 monitoring events in Indian Creek and 1 of the 98 monitoring events in Tributary C, while no Project-related exceedances were observed during the 99 monitoring events in Tributary A. The SWQQ FUP action plan was implemented for each of the exceedance events attributable to the Project, including implementation of corrective actions, such as additional ESC measures, repairs, and maintenance in a timely manner, which were effective in addressing potential sediment loading to the downstream water bodies.

Investigation of other turbidity exceedance events in Tributary A and Indian Creek determined non-Project related activities were the cause (e.g., storm runoff from adjacent agricultural areas, and fish and wildlife activity in the streams).

Monthly in situ and laboratory analysis of surface water quality monitoring results did not exceed the threshold criteria at the Tributary A and Indian Creek outlet sites. This aligns with the expected EIS surface water quality predictions where no measurable changes to surface water quality from the Project were expected in Tributary A and Indian Creek.

Surface water quantity monitoring was undertaken recording continuous water levels through the use of Leveloggers® and rating curves developed using manual flow measurements and water depths at five stations on Tributary A and Indian Creek, which represented PDA inflows and outflows. Where a sufficient number of ice-free measurements existed, rating curves were updated using manual average water levels and average flow measurements from monitoring events conducted between October 2021 and December 2024.

There were numerous precipitation events in 2024 that led to increased water levels on site, including numerous events above bankfull being observed in Tributary A and Indian Creek. However, none of the high flows were associated with Project activities. There were no observed changes in the flow regime in Tributary A or Indian Creek due to activities in the PDA in 2024 as was predicted in the EIS.

In addition to routine maintenance and/or enhancements of the existing of ESC measures by the contractor, adaptative management measures for surface water quality were developed and implemented in response to storm-related spillway erosion event on July 15, 2024, in which a heavy rain event caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3, and to address the observed erosion in the realigned section of Tributary C (see Section 7.6).

Adaptive management also included the ongoing maintenance and/or enhancements of existing ESC measures by the contractor, in consultation with the Environmental Monitor, to address any exceedances of the turbidity criteria in Tributary A and Tributary C that were suspected to be attributed to construction activities.



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.

In 2024, monitoring of groundwater levels and quality was conducted using the existing groundwater monitoring well network that has been in place across the PDA since 2015, as well as within 3 new wells established in 2021 (2 north of the PDA and 1 adjacent to Lower Base Line). Continuous groundwater levels were recorded using Leveloggers installed in each monitoring well, while groundwater quality was measured using samples collected in June 2024.

In 2024, groundwater dewatering activities occurred between June 27 and July 29, 2024, as a part of the below ground construction activities at Lower Base Line. Groundwater dewatering volumes over this period ranged from 14,160 L/day to 47,740 L/day, which resulted in groundwater level drawdowns observed at two nearby monitoring wells. Once dewatering was terminated, groundwater elevations in both monitoring wells recovered to static conditions after 17 days. Since groundwater level drawdown in the aquifer decreases at greater distances from the excavation being pumped, and no private well interference complaints were received over the dewatering period, this suggests that the construction dewatering at Lower Base Line had no notable effects on local private water supply well usage or quantities.

Groundwater elevations recorded in each of the remaining PDA monitoring wells (i.e., wells that have not been decommissioned) were within or slightly above their corresponding historical range of pre-construction fluctuations.

Groundwater quality results have been relatively stable across the PDA since 2015. Minor fluctuations in groundwater quality observed within and adjacent to the PDA are attributed to naturally occurring conditions present in the PDA groundwater system, and not on-going Project construction activities.

No private well interference complaints were received by CN in 2024. Subsequently, no adaptive management measures were initiated during 2024.

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.



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- Monitoring 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.
- Monitoring water level fluctuations in all retained and constructed wetlands located within the PDA and compare monitoring results against baseline fluctuations.

Wetland construction was initiated in 2022, with the features completed and made functional between the end of 2022 and in 2023. The realigned portion of Tributary A was brought online at the end of 2022, and the realigned portion of Indian Creek was brought online in 2023. Monitoring of these wetlands commenced in 2023 (Year 0), and 2024 represents Year 1 of the post-construction monitoring program.

Wetland habitat, including 20 wetland pockets, have been established within the riparian areas along Tributary A and Indian Creek. These wetlands were constructed in association with the channel realignments and have been stabilized and planted as part of the restoration and enhancement plantings conducted on site.

In 2024, the boundaries of the newly created wetlands were completed based on site observations and air photo interpretation of CN's July 2024 aerial imagery. Wetlands within the Indian Creek and Tributary A enhancement areas were observed to be concentrated around the channels and ponds, while wetland grasses and forbs in other areas remained immature. A total of 5.3 ha of new wetland was confirmed within the Indian Creek and Tributary A enhancement areas, with the remainder continuing to establish. While the extent of wetlands is below the target of 7.1 ha, wetlands in both enhancement areas are expected to increase in subsequent years as wetland species become more established within the floodplain areas in accordance with the restoration design plans. As wetland plants become more sufficiently established, grasses and forbs will be identified to the species level, allowing for a more accurate assessment of wetland coverage using the Southern Ontario Manual of the Ontario Wetland Evaluation System (OWES).

Riparian vegetation monitoring was conducted in June 2024 to assess the success of native vegetation planting and the overall vegetative cover within the enhancement areas, including planted and naturally regenerating vegetation. Field surveys consisted of fixed plot monitoring, ground cover assessments, photo monitoring, and woody vegetation monitoring.

An overall increase in ground cover was observed during the 2024 monitoring year. A total of 92 plant species or taxa were recorded in the fixed monitoring plots, compared to 65 plant species observed in 2023. Among the identified species, 43 (58%) were native to Ontario (58%), and 31 (42%) were exotic. No provincially rare plants species were identified. Native species representation in the vegetation plots was limited, while common rural, non-native species such as Bird's-foot trefoil, White Clover, Alsike Clover, and non-native cover crops, including Perennial Ryegrass and Annual Ryegrass were dominant. Several species specified on the restoration seed mix, (e.g., Blue Vervain, Fox Sedge, Soft Rush, Dark Green Bulrush, Common Woolly Bulrush, Black-eyed Susan, Canada Goldenrod, and New England Aster) were noted. While low in abundance, this is a notable increase from 2023.



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Vegetation Plots located along the margins of riparian wetland ponds showed good establishment of wetland plugs. Species specified in the planting plan, including Water Plantain species, were moderately represented. Natural regeneration was also observed, with native species such as Broad-leaf Cattail and Narrow-leaf Cattail establishing along the riparian wetland ponds. Live stakes performed well in some locations but experienced high mortality rates in others, primarily due to shallow planting and insufficient stake length.

Woody vegetation surveys conducted in June revealed that tree and shrub numbers were substantially below the targets outlined in the planting plans. In 2024, a total of 700 trees and shrubs were recorded, with an overall survival rate of 88%. Although many of the correctly planted trees and shrubs demonstrated strong initial growth, unsuccessful growth was attributed to instances of floodplain species being planted on upland slopes, improperly planted trees and shrubs, or maintenance issues (i.e., fallen tree stakes and improperly adjusted ties). While overall survivability declined compared to the previous year, it highlights opportunities to refine planting techniques and maintenance practices.

Water levels within the wetland pockets created in the Indian Creek and Tributary A enhancement areas were recorded through visual inspections (spring, summer and fall) and drive-point piezometers. All wetland pockets retained standing water throughout the year, with surface water heights above the wetland pool substrates fluctuating from 0.04 m to 1.35 m between August to December 2024. Water levels within these wetlands are driven by surface water contributions from precipitation, overland runoff, and/or bank overflow during flood events along Tributary A and Indian Creek.

In most wetland pockets, surface water levels were consistently higher than corresponding groundwater levels, indicating that these ponds provide a source of recharge to the underlying groundwater system. These groundwater recharge processes are a common occurrence throughout the PDA and have been observed beneath Indian Creek and on-site ponds under the pre-construction condition. In the remaining four wetland pockets, groundwater levels were higher than surface water levels, suggesting the presence of groundwater discharge conditions; however, these contributions are expected to be minimal.

In regard to wildlife use of the wetlands, monitoring was conducted throughout April, May, June and July of 2024 to observe breeding birds, amphibians, and reptiles. A total of 53 bird species were observed in 2024, of which 46 are expected to be breeding within the PDA. The remaining 7 species were observed as flyovers or were otherwise not expected to breed in the PDA due to absence of suitable habitat. The wetland enhancement habitats are providing suitable foraging habitat for various bird species such as Great Blue Heron, Red-winged Blackbird, Spotted Sandpiper, Common Yellowthroat, Swamp Sparrow, and Wood Duck. The Great Blue Heron is assumed to be using the PDA for foraging as no large stick nests were observed. An adult female Wood Duck was observed with six ducklings on June 13 (reduced to two ducklings on June 27), suggesting that this species either successfully nested within the PDA, or used the wetland enhancement habitat for young-rearing and foraging purposes. The remaining five species observed during breeding bird surveys exhibited breeding evidence and are expected to be breeding in the PDA. Northern Shoveler and Blue-winged Teal were two additional wetland species observed incidentally in 2024. Both species were observed in April, which is outside the breeding season. While the PDA falls within the breeding range of the Blue-winged Teal and provides suitable habitat, no



breeding evidence was observed. For the Northern Shoveler, as the PDA is outside its breeding range, it was likely using the PDA as a migratory stopover.

Five species of amphibians were observed during surveys in 2024, including the Green Frog, Gray Tree Frog, Northern Leopard Frog, American Toad and Spring Peeper. All species are listed as common, widespread, and abundant in the province. One turtle nest and sixteen Snapping Turtle sightings were reported during the 2024 construction year.

The results of the implementation of the Wetlands FUP demonstrate that there have been no significant adverse effects attributable to the Project on wildlife within the wetland enhancement habitats. The Tributary A and Indian Creek enhancement areas are providing habitat for a variety of species, including migratory wetland birds, amphibians and turtles. While wetland vegetation continues to establish with the meadow marsh communities of the floodplain, all wetland ponds are retaining water and maintaining moisture conditions conducive for the establishment of wetland vegetation. No adaptive management measures with regards to water management were required in 2024.

Adaptive management measures were implemented in 2024 to manage invasive species and promote the establishment of native wetland vegetation cover. Targeted invasive species treatment was completed in October 2024 by a licensed commercial pesticide applicator to remove and manage the spread of thistle and Phragmites. Additionally, to address deficiencies in riparian and woody vegetation, a full re-seeding of the Indian Creek enhancement area was conducted in July 2024. To address the decline in trees and shrubs, a total of 1,013 trees and shrubs were re-planted in September 2024, with 777 in the Indian Creek enhancement area and 236 in the Tributary A enhancement area. Live stake planting to replace dead material and to fill in gaps was also completed in 2024, with 1,120 in the Indian Creek and 500 in the Tributary A enhancement areas, respectively.

Additional mitigation measures will be carried out in the 2025 monitoring period, including additional seeding of Tributary A with native species seeds at a reduced rate to promote the ratio of native species to non-native species and further replacement of trees, shrubs and wetland plugs, as required, based on monitoring results.

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.

Progressive reclamation of the site commenced in 2023 and continued in 2024 as construction activities progressed across the site. Areas targeted for this monitoring included areas where construction activity had been completed (i.e., ditches, graded areas), where no further construction activity was proposed and where seeding of these areas had been completed.

Interim and final restoration included re-grading, topsoil replacement, and seeding with appropriate seed mixes based on surrounding land use and vegetation. Disturbed areas were stabilized using ESC measures such as erosion control blankets, rip-rap stone, straw bales and check dams.



Vegetation establishment in 2024 was generally successful, supported by moderate precipitation in the spring and summer. However, drier conditions in late summer and fall led to poor to moderate growth in hand-seeded areas, which were later hydroseeded in November to improve re-vegetation.

Invasive species observations within the reclaimed areas were limited, although Canada Thistle (*Cirsium arvense*) was above 30% along the roadside near the ditches along the hydro access road in the southeast portion of the PDA (i.e., a 2023 reclamation location). A site visit in September 2024 with CN, Stantec and a licensed herbicide applicator identified areas requiring control, leading to herbicide treatment in October. Attention will be paid during monitoring in 2025 to assess whether Canada Thistle exceeds 30% cover in the additional reclaimed areas where Canada Thistle was observed.

Progressive reclamation in 2024 effectively mitigated erosion and sedimentation, with supplemental seeding and invasive species management incorporated as needed. No modifications or adaptive management were required. As construction progresses, further reclamation will be implemented, with ongoing monitoring to assess effectiveness.

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, and was prepared to comply with both the requirements of the Decision Statement and the *Fisheries Act* Authorization. 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 operation monitoring to confirm that created fish habitat in the realigned portions of Indian Creek and Tributary A is functioning as intended.

The realigned portion of Tributary A was activated on December 22, 2022, and the realigned portion of Indian Creek was activated on November 8, 2023. Monitoring of fish and fish habitat in these realigned watercourses began in 2023, marking Year 0 of post-construction monitoring. 2024 represents Year 1 of the Fish and Fish Habitat FUP. The Year 1 monitoring program was implemented in 2024, which included the following activities:

- Erosion and sediment control monitoring
- Water quality monitoring
- Construction / environmental inspection
- Fish rescues
- Fisheries monitoring
- Geomorphic monitoring
- Riparian vegetation monitoring



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CN's EM was on site regularly during construction activities to collect in-situ water quality samples, inspect ESC measures for any repairs that may be required, and to recommend modifications if needed. These individuals also acted as the main contact for additional Stantec staff to complete fish removals and relocations, when necessary. Throughout the construction year, any ESC deficiencies and recommended modifications were communicated to the contractor for repairs or modifications, consistent with measures outlined in the ESC Plans. Site-specific adaptive management approaches were relatively minor in 2024 and focused primarily on adjusting ESC measures to prevent or address minor erosion issues. This is common practice during any construction activity, where adjustments to the approach to ESC are made to resolve issues that arise. The following are examples where issues potentially affecting fish and fish habitat were addressed through the implementation of adaptive management measures:

- Additional coir matting was recommended and implemented along disturbed areas such as around waterbodies and along slopes where erosion potential was greatest
- Additional seeding and watering of stabilized areas was similarly recommended and implemented where it was observed that the establishment of vegetation was not successful
- Various efforts (e.g., additional ESC measures; modified ESC measures; replacing permeable rock check with impermeable earth berm) employed to resolve elevated turbidity levels in Tributary A and Indian Creek.

Further discussion with respect to ESC is provided in Section 7.6.

There were two notable sedimentation events in 2024 for which additional mitigation measures were implemented, including:

- erosion in the realigned section of Tributary C following precipitation and spring melt, generating high flows that led to the development of an adaptive management plan in consultation with DFO as emergency in-water works. This included the installation of additional rock check dams, slope stability measures, and ESC measures to stabilize the channel banks; and
- displacement of riprap and underlying geotextile fabric within the Regional Drainage Channel spillway following a heavy rainfall event on July 15, which led to initial stabilization and subsequent redesign of the spillway using an engineered cable concrete product to reduce the risk of further erosion.

These events, and CN's response in terms of adaptive management, were communicated to IAAC and DFO, and additional mitigation measures were implemented.

In 2024, five fish rescues were conducted, including two events where fish had become stranded beyond channel boundaries due to floodwaters generated by heavy precipitation events. Fish rescues were conducted by qualified aquatic biologists licensed in Ontario to complete such surveys, with any fish caught being transferred downstream into the same waterbody. The fish rescues were conducted as follows:

- Lower Baseline culvert installation, isolation of Tributary C (March 1)
- Lower Baseline work zone ponding areas, which flooded after July 16 rain event (July 17)



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- Culvert 3 outfall upgrade work, small isolation of Old Indian Creek backwater channel (August 13)
- Culvert 7 upstream and downstream plunge pools for Tributary C repair work (August 27)
- Pooled areas north of Britannia Road, adjacent to tracks (September 18)

In 2024, a total of 531 individual fish from 12 different species were safely captured and relocated.

Within the realigned channel, fisheries monitoring was conducted in 2024 to determine the effectiveness of the habitat offsetting measures and evaluate the overall success of the created habitats in the realigned portions of Tributary A and Indian Creek. Improvements in both realigned watercourses were observed, including an increase in species diversity and fish abundance in Tributary A and Indian Creek. These observations indicate improved habitat use of the realigned Tributary A channel compared to the original channel, improvements in fish passage, as well as stable or slightly improved conditions in Indian Creek, represented by consistent or improved fish representation by species diversity and fish numbers.

The post-construction geomorphic monitoring program is intended to assess short-term trends associated with channel adjustments after each reach realignment was completed. Year 1 monitoring was completed for both Tributary A and Indian Creek in 2024, building on Year 0 data from 2023.

Tributary A was observed to be stable. Pools were functioning as intended, with point bar deposition in inner bends while the outer bend remained deep. As channel flow in Tributary A is ephemeral, dense vegetation has grown within the bankfull channel limits, improving site stability compared to Year 0. The low flow channel in riffles appeared well-defined. Wood toe structures installed on the outer bends of the pools appeared in good condition, and the upstream and downstream tie-ins were observed to be stable.

The Indian Creek channel was observed to be stable and showed similar characteristics to Year 0, without significant shifts in channel form. Variations from Year 0 are within acceptable tolerances for a natural channel design Project and are not anticipated to adversely impact fish habitat quality or channel stability. Pools appeared stable, and the low flow channel in riffles appeared well-defined. Wood toe structures installed on the outer bends of the realigned channel were stable, and the tie-ins remained smooth transitions.

Based on results of monitoring, inspections, and reporting on the mitigation measures implemented prior to and during construction, there has been no significant adverse effect of the Project on fish and fish habitat within or downstream of the Project footprint.

The Fish and Fish Habitat monitoring report was submitted to DFO on December 20, 2024 in accordance with the conditions of CN's Authorization under the *Fisheries Act*. On January 27, 2025, DFO acknowledged completion of their review and expressed that the conditions of the *Fisheries Act* Authorization had been met for the 2024 monitoring period.

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



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listed species at risk and, their eggs and nests, during construction and operation. The program includes the following monitoring activities:

- Monitoring during construction, which includes:
 - Weekly monitoring of vegetation in migratory bird habitat so that it remains undisturbed during the breeding season (April 1st to August 31st)
 - Monitoring of migratory bird habitat for the presence of bird nests or eggs (i.e., nest sweeps) if vegetation 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 to be reported to CN's EM
- Monitoring of wetlands for use by wetland migratory birds
- Monitoring of artificial Barn Swallow structures for use by Barn Swallows and other species
- Monitoring of existing barn structures for use by Barn Swallows

Regular monitoring of migratory birds occurred as part of the environmental monitoring activities in 2024.

Three rounds of breeding bird surveys were completed in 2024 to assess presence, abundance and breeding evidence of migratory birds within the on-site wetland compensation habitat. The 2024 program was the second of five years of post-construction breeding bird monitoring. Five point-count survey locations were established in 2023, with a sixth location added in 2024 to cover newly remediated and planted areas. The same point count locations will be surveyed in each of the remaining three years of required monitoring. Surveys were completed by a qualified ecologist and were spaced at least one week apart in early, mid and late June. Surveys included point counts and meandering transects. Point counts were ten minutes in length and were conducted at each of the six stations on all three dates. Birds were recorded at four distance categories: within a 50 m radius, a 50-100 m radius, outside the 100 m radius and as flyovers. Meandering transects were completed by traversing the wetland compensation habitat on foot and recording all species observed.

In 2024, 53 bird species were observed, which include 45 recorded during breeding bird surveys and 8 recorded incidentally during other field visits. This represents a slight increase from 2023, when 49 bird species were observed during breeding bird surveys and incidental sightings. Of the 53 species, 47 are expected to be breeding within the on-site wetland compensation habitat. The remaining 6 species were observed as flyovers or in areas lacking suitable breeding/nesting habitat. Compared to 2022 and 2023 observations, these findings suggest that the wetland enhancement areas continue to support a range of migratory bird species. As these areas mature, further increases in wetland bird species diversity is expected.

Two rounds of barn swallow surveys were also completed in June 2024 to determine potential use of the two barn swallow structures installed in 2021. Each survey consisted of an inspection of the interior of the nesting structures and the number, description and location of any new nests created by Barn Swallows



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was recorded as well as an estimated number using the structure. Two barns were also surveyed for Barn Swallows on June 4 and 13 and the number of Barn Swallows entering the barn, foraging in proximity to the barns and nests observed (if present) were recorded.

Similar to 2023, Barn Swallow surveys of the two constructed structures determined that the species did not use the structures for nesting in 2024. However, Barn Swallows were observed at both existing barns within the PDA, with up to 24 breeding pairs (48 individuals) documented in 2024. This is a notable increase from 2023, which recorded only seven breeding pairs.

Stockpile monitoring for Bank Swallows was undertaken during the breeding bird season (May 15 - August 3) by means of scanning areas of exposed soils (e.g. excavation areas and stockpiles) or looking for evidence of nesting (i.e. excavated nesting holes). Stockpile monitoring throughout the 2024 nesting season did not identify suitable vertical slopes for nesting, and Bank Swallows were not observed during the surveys. Stockpile mitigation was implemented and as no Bank Swallow nests were encountered, mitigation measures (i.e., slope management) were an effective means of preventing Bank Swallows from nesting in temporary banks.

A total of 23 breeding evidence surveys (nest sweeps) were conducted between May and August 2024 within the PDA to assess areas targeted for vegetation clearing. If evidence of migratory bird breeding was observed, vegetation clearing was deferred until after the breeding bird season and flagged-off areas were restricted from disturbance.

However, there was one incident in which the accidental clearing of the wrong hedgerow occurred. Although no nests were observed in this area, Song Sparrow behavior suggested the potential presence of active nest(s). This incident was reported to IAAC and ECCC on July 31, 2024. In response, a revised action plan with additional mitigation measures was implemented to improve communication and clarify the status of surveys and locations restricted for vegetation removal.

As there was no further evidence of Project-attributable harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests, no additional adaptive management measures were warranted.

Additional monitoring for migratory birds is addressed in the Wetland FUP described in Section 4.2.7 and for off-site grassland habitat in the Grassland Habitat FUP described in Section 4.2.12.

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 operation. Beyond the pre-construction targeted Western Chorus Frog surveys to identify breeding and hibernating habitat within the PDA and nearby areas completed in 2020, the program includes the following monitoring activities:

- 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).

Of note, changes in the suitable Western Chorus Frog breeding habitat adjacent to the PDA were observed as a result of activities by the adjacent land developers. Of the two locations where Western Chorus Frog were observed in 2020, only one location was still present during 2023 surveys. However, this wetland was subsequently removed by the adjacent residential land developer during the summer of 2023 and as such, none of the previously identified breeding habitats remain in the area.

Discussion with ECCC regarding appropriate compensation for any Project impacts to the species or its habitat continued in 2024. No compensation habitat for Western Chorus Frog was constructed in 2024.

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 (off-site) to compensate for the loss of suitable habitat for Eastern Meadowlark, Bobolink and Monarch butterfly from within the PDA. Beyond the photographic monitoring completed prior to (2018) and following (2019) the off-site habitat creation, the program includes the following monitoring activities:

- 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.

Three surveys were conducted in the replacement grassland habitat located in the Luther Marsh Wildlife Management Area on June 4, 11, and 18, 2024. Surveys were completed by Bluestem Consulting and Ducks Unlimited Canada (DUC) using 16-point count locations as per the protocol provided by the MNRF's guidelines and guidance from the WMCP.

The off-site grassland replacement habitat appears to be capable of supporting breeding pairs of Bobolink and Eastern Meadowlark. Bluestem Consulting and DUC noted in 2023 that the on-site ratio of grasses to forbs was 3:1, which is consistent with appropriate habitat identified in COSEWIC's (2010) literature review. During the 2024 monitoring surveys, an estimated 13 breeding pairs of Bobolinks were observed within the compensation habitat; however, no Eastern Meadowlark were observed. Despite this, habitat conditions remain suitable to support Eastern Meadowlark although the low litter depth (<10 cm) across all 16 survey points may have contributed to their absence. Increasing litter depth over time is expected to improve conditions for this species. 11 other bird species were also observed, eight of which are migratory birds.

Monarch presence and vegetation establishment at Luther Marsh Wildlife Management Area were also monitored in 2024. Three Monarch surveys were conducted on June 4, 11 and 18, followed by two



additional surveys on July 29 and September 5 targeting larvae and eggs. Surveyors recorded 29 adult Monarchs, resulting in an average of 6 adults per survey. The majority of milkweed (*Asclepias spp.*) within the Project boundaries were small (30-50 cm tall) and unevenly distributed, with greater numbers along the field perimeter, suggesting natural recruitment from outside the planted area. Native nectaring plants, such as Gray-headed Coneflower, Spotted Joe Pyeweed and Showy Tick Trefoil, were observed across the site.

While observed in lower numbers than during the previous year, the consistent Monarch presence and continued use of the Luther Marsh Plot for nectaring, egg-laying and larval foraging is a positive sign. The targeted larvae surveys conducted in July and September further helped confirm the presence of Monarch larvae, eggs, and evidence of leaf predation. Nectaring plant species in the Luther Marsh Plot were present throughout the monitoring plots while milkweed plants are lower in abundance. To address this, supplementary milkweed seeding was conducted in fall 2024 using seeds hand-collected in southern Ontario, with further seeding planned for fall 2025.

As the monitoring determined the Project construction activity was not causing harm to migratory birds, no adaptive management measures were warranted.

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. Beyond the pre-construction surveys conducted in 2021 to identify and relocate turtles within habitats to be impacted by construction, the program includes the following monitoring activities:

- 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.
- Turtle basking surveys within the created wetlands and realigned watercourses.
- Incidental observations of the turtle nesting mounds.

Wildlife exclusion fencing installed prior to the start of the turtle active season in 2022 remained in place and was maintained throughout 2024. Weekly monitoring found that the fencing remained in place and was maintained throughout 2024, with only minor repairs required. No turtle breaches were observed during the active season.

While the construction phase of the Project continues, post-construction monitoring of the turtle habitats was continued in 2024 for the completed wetlands and turtle nesting mounds completed adjacent to the realigned Tributary A and within the upstream portion of Indian Creek. Monitoring of turtles was conducted via turtle basking surveys. Monitoring was completed in the wetland enhancement area that



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were online in 2024, including Tributary A, the upstream portion of Indian Creek, and the new wetland habitats created along Tributary A and Indian Creek. Five surveys were conducted by a qualified ecologist and commenced as soon as weather conditions were warm enough for turtles to emerge (i.e., mid-April 2024) and continued until mid-May (i.e., before turtles were expected to move away from overwintering ponds).

16 Snapping Turtle observations were recorded, including five in the Indian Creek enhancement area and 11 in Tributary A enhancement area. As multiple turtles were observed in a single survey, these areas provide suitable basking habitat. One Snapping Turtle nest was observed incidentally in 2024 (in the Indian Creek enhancement area); however, evidence of predation was observed. Signs of digging were also noted at a nesting mound in Tributary A, but no turtles or eggshells fragments were observed, making it unclear if the activity was from a nesting turtle or another species.

Eight incidental observations of turtles were made by (or reported to) CN's EM in 2024. Five of the observations made were outside the active construction area and one just outside the PDA, where no action was necessary to relocate the turtles. The two turtles observed in areas where active or future construction activities were planned included:

- One Midland Painted Turtle was observed on May 22, 2024, crossing an internal access road, but relocation was unsuccessful as the turtle moved off and could not be located.
- One Snapping Turtle was observed on June 6, 2024, outside the silt fence near Tributary A. The turtle was captured by a qualified biologist and relocated inside the enhancement area.

In total, 25 turtle sightings were reported within the PDA during the 2024 construction year, including Snapping Turtle, Midland Painted Turtle and Red-eared Slider (*Trachemys scripta elegans*). All Snapping Turtle observations within the PDA were recorded in CN's internal reporting system and records were submitted to the Natural Heritage Information Centre. One deceased adult Snapping Turtle was observed along the banks of old Indian Creek channel during the May 17 Turtle Basking Survey. No apparent signs of injury or trauma were identified, and the cause of death was unknown.

CN facilitated the release of a previously captured adult Snapping Turtle into a newly constructed riparian wetland pond in the Indian Creek in April 2024. The adult turtle was originally found in the old Indian Creek channel in November 2023 and overwintered at the Ontario Turtle Conservation Centre. The release was coordinated with Halton Hills Turtle Guardians, which expressed interest in using CN's Milton Logistics Hub enhancement areas for future turtle relocations, particularly for turtles affected by development pressures in the Milton area. No additional turtles were relocated this year, future releases may occur with CN's approval.

Adaptive management in 2024 focused on adjustments to the wildlife exclusion fencing, which has proven to be an effective mitigation measure. Fencing modifications were made in alignment with phased construction activities, ensuring ongoing protection as work progresses across different areas of the PDA.



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 operation. The program includes the following monitoring activities:

- Monitoring of onsite vegetation for the establishment of milkweed and nectaring wildflowers for five years following establishment of onsite 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 onsite and 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

In 2024, on-site field surveys took place on July 18 and August 21, 2024, within the PDA of the Tributary A and Indian Creek enhancement areas, to monitor Monarchs and other insects. These field surveys were designed to target the ten Monarch Habitat Plots established in the enhancement areas.

In 2024, a total of 39 insect species were recorded during the on-site surveys. With 15 new insect species identified, including a Species of Conservation Concern bumble bee species, this is an overall increase in insect diversity from 2023. These results suggest that diversity, while still developing, is expected to increase as vegetation continues to establish itself in these plots over time. Two Monarchs were observed across the two surveys. On July 18, one Monarch was observed flying near the western boundary of the Indian Creek enhancement area, and on August 21, one Monarch was observed in the Tributary A enhancement area. In addition, seven Monarchs were observed incidentally during other site visits on July 29, August 27, September 19, and October 1, 2024. While no Monarch eggs, larvae, chrysalides, or significant foraging of milkweed leaves were observed within the enhancement areas in 2024, the presence of adult Monarchs observed and foraged plants provide evidence that Monarchs are using these areas for their life processes.

The fixed plot monitoring surveys in 2024, reveal that milkweed and nectaring plants are present across the enhancement areas in the PDA, although in small quantities. The 10 milkweed plots planted in spring 2023 showed limited flowering in July, with some milkweed plants exhibiting notable growth in August, producing seed pods, and the presence of milkweed was also confirmed in the naturalized upstream section of the Indian Creek enhancement area. Although Monarch habitat is starting to become established in the Indian Creek and Tributary A enhancement areas, the milkweed plots established in 2023 and the vegetation monitoring plots continue to face competition from grasses and non-native herbaceous species, likely due to challenges in land preparation prior to planting, such as insufficient scarification of the soil.

Four Monarch sweeps were completed in 2024 within suitable Monarch habitats during the restricted period (between end of March to end of August) prior to vegetation clearing activities required to facilitate construction activities. The sweeps were conducted on July 23, 25 and 26 and August 20, 2024. Monarch eggs and larvae were found during the July 26 and August 20 sweeps. On July 26, seven Monarch eggs and one Monarch larvae were relocated to a milkweed patch about 10 m outside of the proposed



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construction area. On August 20, two milkweed plants were found with one Monarch egg on each plant and one small unidentifiable caterpillar was found on one other milkweed plant. These plants, along with the eggs and caterpillar, were relocated the following day to a patch of milkweed on the east side of the Indian Creek enhancement area, immediately south of the created turtle nesting habitat. The relocated plants were planted near other healthy milkweed to support survival.

In 2024, five Monarch surveys were also conducted within the off-site replacement grassland habitat established within the Luther Marsh Wildlife Management Area. Two of these surveys, conducted on July 29 and September 5, 2024, specifically targeted Monarch larvae and eggs. Transects were walked between the grassland bird survey point count locations, with at least four surveyors covering the project boundaries without intersecting paths. Milkweed nodes, defined as clumps with three or more individual stems, were examined for larvae and eggs. The percentage of milkweed leaves showing evidence of predation was also recorded, and adult Monarchs observed near milkweed nodes and during flyovers were included in the total count.

29 adult Monarchs were observed during the off-site surveys. Similar to 2023, Monarchs were found across the site, but they were not abundant. The observed milkweed had some leaves with eggs present and exhibited low levels of leaf predation (with a maximum 40% of leaves affected across over 10+ plants counted by a single surveyor), and only two larvae were recorded during the July 29 and September 5 targeted surveys. These surveys confirmed that Monarchs are consistently using the off-site areas for life processes including nectaring, egg-laying and larval foraging, which remains a positive sign even while adult Monarchs were observed in lower numbers compared to the first year.

During the off-site Monarch surveys, observations of milkweed and other vegetation that support Monarchs were also recorded. Nectaring plant species in the Luther Marsh Plot were present throughout the monitoring plots while milkweed plants were lower in abundance. The majority of the milkweed plants within the PDA were approximately 30-50 cm tall, with no seed pods. However, great numbers of milkweed were observed along the field perimeter, suggesting recruitment from established stands outside the planted area. Several native nectaring plant species, such as Gray-headed Coneflower, Spotted Joe Pyeweed, and Showy Tick Trefoil were observed across the plots and scattered across the entire site. While these seeded native plants are currently not abundant enough to be considered significant, they are expected to become dominant over the next decade.

To increase the abundance of milkweed and nectaring plants, adaptive management measures were implemented in 2024, including supplementary milkweed seed application of the Luther Marsh Plot in fall 2024 using seeds hand-collected in southern Ontario, with the seeding to be repeated in fall 2025. For the on-site enhancement areas in 2024, additional re-seeding of the enhancement areas was carried out with a seed mix containing native nectaring flower species to promote the abundance of native species, and nine additional milkweed plots were established to increase the overall abundance of suitable Monarch habitat. The additional milkweed plots were prepared to the maximum size available, totaling 3,610 m², and plugs were more densely planted than the plots established in 2023. Despite the increased planting density, competition stress is not anticipated. A total of 1,000 milkweed plants were planted in 2024 (i.e., 720 in the milkweed plots and 280 in the floodplain areas), and the tenth milkweed plot that was not constructed in 2024 will be completed in spring 2025 within the Tributary A enhancement area.



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 basis during construction.

Eastern Milksnake within the PDA were monitored by CN's EM and through incidental observations reported by the operators of construction equipment (as per the wildlife training plan). A total of 10 snake observations were reported within the PDA, including one Eastern Milksnake, eight Eastern Gartersnakes, and one unknown / unidentified snake species.

The one Eastern Milksnake and one Eastern Gartersnake were observed on May 28, 2024 near Culvert 2A on Tributary A. No exclusion fencing occurs at Culvert 2A to restrict snake movement into the PDA from the wetland associated with Tributary A or from the surrounding agricultural fields and ditches along the former rail line. One Eastern Gartersnake was observed within the habitat enhancement area along Indian Creek, with no relocation required. Seven snakes were observed along the CN RoW between Britannia Road to Louis St. Laurent Avenue, likely entering through gaps in the exclusion fencing identified during the wildlife/nest sweeps in May 2024. Although none of these snakes were confirmed to be Eastern Milksnake, the breaches provide potential entry points for this species into the RoW and potentially deeper into the PDA. Repairs to the exclusion fencing and a follow-up snake salvage were conducted promptly, and mitigation efforts were implemented before initiating planned construction activities in this area.

Through the FUP monitoring conducted in 2024, there was no evidence of harm to Eastern Milksnake. As such, no modified or additional mitigation measures were recommended.

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 to assess whether the water depth and vegetation composition are compatible with a functional ecopassage, for another four years following installation.



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The Ecopassage FUP focuses on the establishment of Culvert 1 ecopassage (i.e., the wildlife ecopassage along Tributary A which is proposed for the Project's truck entrance off Britannia Road and is focused on the passage of fish and facilitating the movement of wildlife).

The Ecopassage (Culvert 1) was constructed in 2023 and became operational in January 2024. Monitoring of the Ecopassage will take place annually in June for five years following construction of the ecopassage, whereby Year 1 (i.e., 2024) will verify the dimensions, substrate, water depth, and installation of exclusion fencing, and Years 2 to 5 will verify that the installed substrates have been retained and to assess that the water depth and vegetation composition are compatible with a functional ecopassage.

On June 26, 2024, photo documentation and assessment of the Ecopassage was conducted, which noted that:

- The culvert appears to have been constructed in accordance with the plans submitted to IAAC on November 26, 2021.
- The openness ratio is 0.38
- The total tunnel length is 53.1 m. While this exceeds the 25 m design consideration recommended by MNRF (2015), it meets the design specifications required to accommodate heavy truck traffic. As the openness ratio far exceeds the recommended 0.25, sufficient light is able to illuminate the tunnel for wildlife.
- The tunnel width measured from inside the culvert is 9.6 m
- The tunnel floor is comprised of a mixture of natural substrates, including gravel and mud
- A dry shelf measuring approximately 2.5 m wide runs along both sides of the tunnel.

Scouring of some substrate had resulted in the dry shelf along both sides of the culvert to be below high flow of the Tributary A. This was initially noted by a CCC member during their site visit on June 6. As such, specific attention was paid to this area of the Ecopassage during monitoring on June 26 to determine the need for any remedial work or corrective action to mitigate erosion of a portion of the dry shelf. A follow-up site investigation on September 4 was conducted to inform remedial measures on the dry benches along either side of the culvert, and remediation work was subsequently undertaken in November 2024 to ensure that construction complied with the ecopassage design.

Remediation work included installing a mix of 2-inch clear stone and rip-rap material via wheelbarrow placement in areas of low grade to build the grade up to previously approved design elevations. Voids in the stone and rip-rap ranged from approximately 5 to 10 cm, and the conveyance of water flow has not been altered by the addition of the stone and rip-rap material to the sides of the culvert. It is expected that the Ecopassage may be submerged during periods of high flow; however, periods of submersion are temporary, and the Ecopassage will return to normal function after flow has returned to average level. Additional remediation to supplement the November activities were not required, and monitoring will take place again in June 2025 as part of Year 2 monitoring requirements.



There was no adaptive management implemented in 2024. Corrective actions were taken so that the Ecopassage complied with the design plans based on observations from the implementation of the Ecopassage FUP (2022) and observations made by a CCC member.

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. The program includes the monitoring of polycyclic aromatic hydrocarbons (PAHs), specifically 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 three 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, which identified that the existing B(a)P total potency equivalents, or B(a)P TPE, in the soil were below the CCME soil quality guideline of 5.3 mg/kg for carcinogenic PAHs prior to construction.

Monitoring during Construction Phase 1 was completed in 2022 (see 2022 Annual Report for details). No Country Food monitoring occurred in 2024, but monitoring is planned to occur in 2025 as Construction Phase 2 continues.

4.2.18 Condition 9.3 – Nighttime Noise

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, specifically sleep disturbance, 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 once the terminal is in operation.

4.3 UPDATES TO PLANS AND 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. Minor administrative changes were subsequently made to a number of the FUPs in 2022 based on comments received from IAAC. Final copies of all final versions of the FUPs are available on CN's Project website (available here: <https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources>).



No updates to FUPs or other plans prepared in accordance with the conditions of approval were completed in 2024.

5 ADAPTIVE MANAGEMENT

Adaptive management means a planned and systematic process for continuously improving environmental management practices by learning about their outcomes, as defined in the Decision Statement. It provides the flexibility to address / accommodate new circumstances, to identify and implement new mitigation measures, or to modify existing measures throughout all phases of the Project.

In 2024, instances where adaptive management was implemented, including any modified or additional mitigation measures, as determined through implementation of the various FUPs, included the following:

- Erosion and Sediment Controls: ESC measures were proposed by CN as mitigation measures in the EIS and are required by Condition 5.4. Identified in the ESC plans submitted to IAAC in 2021, the plans allow for the maintenance, upgrading or modification of ESC measures based on site conditions and weather. More information with respect to the implementation of ESC measures is provided in Section 7.6. Below summarizes the 2024 ESC adaptive management actions taken by CN:
 - Implementation of the Tributary C emergency erosion mitigation plan, with consultation from DFO, and efforts from the contractor and environmental monitors.
 - Mitigation at the Regional Diversion Ditch outfall to Indian Creek, discharging into Indian Creek's backwater channel.
 - Hydroseeding and installation of coir matting at mainline ditches, to facilitate successful tie-in into Tributary C during winter months.
 - Installation of additional coir matting to stabilize erosion-prone areas.
 - Efforts to address elevated turbidity levels in Tributary A and Indian Creek, as reported in the Fish and Fish Habitat FUP.
- Enhanced Slope Stabilization and Adjustments (see Section 7.6 for further information):
 - As part of the repair work for the Regional Diversion Ditch outfall to Indian Creek, an alternate, more robust, form of slope protection for the spillway was designed and implemented.
 - To address the observed erosion within the plunge pool and realigned section of Tributary C downstream of Culvert 7, repairs were carried out to stabilize the channel and plunge pool, which included repair/adjustments of rip-rap along the banks of Tributary C and downstream plunge pool and creating a u-shape within the check dams for fish passage.
- Improved Communication Process Regarding Vegetation Clearing: In view of the accidental vegetation clearing in July, a revised action plan with additional mitigation measures were implemented to improve communication and clarify the status of surveys and locations restricted for



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vegetation removal. Additional mitigation measures include joint nest sweeps by both a qualified Stantec biologist and Contractor representative, enhanced demarcation of protected areas, contractor documentation, and Stantec written confirmation prior to any clearing.

- Additional Seeding: Multiple seeding events were carried out in 2024.
 - The Indian Creek was re-seeded with native nectaring flower species to enhance the native-to-non-native species ratio. Tributary A enhancement areas to be re-seeded in 2025.
 - Stabilized areas requiring additional seeding and watering due to unsuccessful progressive reclamation in Tributary A and Indian Creek enhancement areas were addressed as part of the ESC measures.
 - Supplemental seeding of SWM Pond 1 occurred in 2024, while additional topsoil and seeding occurred in SWM Pond 2.
 - Supplementary milkweed seeds were applied in fall 2024 at the Luther Marsh Plot, with milkweed seeding to be repeated in fall 2025.
- Supplementary Planting and Replacement of Vegetation:
 - A total 1,013 trees and shrubs were successfully planted in the Indian Creek and Tributary A enhancement areas to align with the planting plan. To confirm proper planting and to identify areas for improvement, a Stantec Qualified Ecologist met with the landscaping sub-contractor prior to planting and following planting activities.
 - In November 2024, live stake planting was completed across the Indian Creek and Tributary A enhancement areas to replace dead vegetation and fill in gaps.
 - 720 milkweed plugs were planted in 2024 to create nine new milkweed plots, with the tenth plot to be completed in spring 2025, while 280 milkweed plugs were planted in the floodplain areas. As per the adaptive management measure recommended in the 2023 Monarch FUP report, a follow-up inspection was completed immediately after planting, with continued monitoring and supplementary seeding/planting planned for future years, as deemed appropriate.
- Invasive Species Control: Herbicide treatments were applied to target Phragmites and invasive thistle in the Indian Creek and Tributary A enhancement areas by a licensed applicator.
- Air emissions: Where visual signs of dust and measurements from hand held monitoring equipment suggest excessive dust may be generated by construction activities, measures were carried out by the construction contractor on behalf of CN that included the targeted use of water trucks to address dust, re-vegetation of exposed areas, and adjustment of work activities/locations.

Further information regarding these adaptive management measures are provided in the corresponding Annual Reports available through CN's Project website (available here: <https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources>).



6 PROJECT CHANGES

Any changes to the Project are to be addressed in accordance with Conditions 2.16, 2.17 and 2.11.8 of the Decision Statement, as amended July 26, 2022. No project changes occurred in 2024.

No project changes occurred in 2024; however, a proposed project change was presented to IAAC in 2024 that included switching from propane to natural gas for heating mainline track switches during winter. In accordance with Condition 2.16 of the Decision Statement, CN notified IAAC, outlining the anticipated environmental effects, how these may differ from those identified during the environmental assessment of the Designated Project, and the corresponding mitigation measures. Since no new environmental impacts were expected, the change does not require additional mitigation measures, new follow-up programs, or changes to existing follow-up programs. The switch is expected to reduce NO_x and other air emissions, leading to improved air quality during operation. Approval for this proposed project change is pending.

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, including Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11, and 12.1.2. This section covers those items.

7.1 CN TRUCK ELECTRIFICATION

Condition 4.14 requires CN to provide an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks (i.e., CNTL) that may serve the Designated Project, and that CN shall provide this information annually until such time that CN fully electrifies its truck fleet.

In 2020, CN signed a Memorandum of Understanding with Lion Electric to acquire zero-emission trucks as part of the CNTL fleet for use at CN's 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.

CN worked collaboratively with the manufacturer to develop the trucks and installed charging stations at its Montreal and Vancouver Intermodal terminals. The pilot was expected to begin in 2024 in Montreal and Vancouver with lessons learned ensuring that the trucks and the charging stations meet operational requirements.

However, in December 2024, the manufacturer Lion Electric entered creditor protection. After considering multiple options and the implications to the pilot, CN made the decision to look at pursuing other opportunities.



CN remains committed to advancing decarbonization efforts of its trucking fleet and will continue to explore opportunities to relaunch a pilot program with other manufacturers. The results of the pilot will be used to inform and further refine the rollout of electric trucks and 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 the engine to be stopped 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 the installation will be expanded to more low-horsepower locomotives in 2025. Low-horsepower locomotives move traffic in rail yards, and while these locomotives are not currently planned to be used at the Milton Logistics Hub, this pilot will continue to inform CN's ongoing emission reduction initiatives.

Finally, CN continues to advance its locomotive decarbonization efforts. In November 2021, CN announced the purchase of its first 100% heavy-haul battery-electric locomotive which it expects to receive in 2026. In April 2024, CN announced the purchase of a plug-in hybrid locomotive, the first of its kind in North America, which it also expects to receive in 2026. Most recently, CN launched a medium horsepower hybrid locomotive in collaboration with Knoxville Locomotive Works. CN plans to continue to be a leader in the sector by deploying low and no-carbon technologies that would also eventually reduce idling in 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.

Preliminary work to define the program required per Condition 4.16 to encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the terminal continued in 2024. This work included further internal discussions to identify program requirements, alternative thresholds for the identification of high-emitting trucks, and options for management responses to notify high-emitters, as well as further assessment of available technologies for measuring emissions from individual trucks.

CN continues to explore available technologies used to monitor emissions from individual trucks to consider as part of the plan, with the location of such equipment proposed in or near the portal located on the incoming lanes of the truck access road.

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 (GHG) emissions from locomotives serving the Project. 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.

CN is committed to an environmentally sustainable future by seeking to minimize its environmental impact and facilitating the transition to a lower-carbon economy through sustainable transportation services and circular economy.

In 2017, CN set an approved science-based target for GHG emission reduction. To ensure consistency with the most recent climate science and best practices that apply a well below 2°C scenario, and in the context of the Company's acquisition of TransX, CN revised our target in 2021.

The new target, which was approved by the Science Based Targets initiative (SBTi) in April 2021, commits CN to reducing Scope 1 and 2 GHG emissions by 43% per gross ton mile by 2030 from a 2019 base year. CN is also committed to reducing Scope 3 GHG emissions from fuel- and energy-related activities by 40% per gross ton mile by 2030 from a 2019 base year.



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In 2021, CN announced its commitment to setting net-zero carbon emissions by 2050. In 2024, CN announced its net zero target approved by SBTi.

CN had a slight increase (0.7%) in its 2023 GHG emission intensity for Scope 1 and 2 relative to 2022 and has realized a 18.6% progress relative to our 2030 target. CN's 2023 GHG emission intensity for Scope 3 for fuel- and energy-related activities held essentially flat relative to 2022, and CN has realized a 30.8% progress relative to its 2030 target.

CN was the first North American railroad to formally commit to setting a net-zero target by joining the "Business Ambition for 1.5°C" and the United Nations' "Race to Zero" campaign, as well as the Government of Canada's Net-Zero Challenge which encourages companies to transition to net-zero emissions by 2050. In 2023, CN submitted its 2050 target to SBTi for approval and expects to complete SBTi's validation process in 2024.

Through the Railway Association of Canada (RAC), CN has been actively working with the Government of Canada since 1995 to address the impacts of rail activities on the environment through a Memorandum of Understanding (MOU). The 2023-2030 MOU, announced in December 2023, reflects a shared vision of working towards net-zero emissions by 2050 and builds upon the meaningful progress made to date by the Canadian rail sector. Transport Canada and RAC members will work together to advance low-carbon fuel use, move more goods by rail where possible, and accelerate the development of advanced net-zero solutions for locomotives.

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, the terminal is not yet in operation.

7.5 ARCHAEOLOGICAL ARTIFACTS

Condition 11.11 requires CN to facilitate discussions between the MCFN, SNGR, and HWN 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, SNGR, and HWN 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.

Initial discussions with the Ontario Ministry of Citizenship and Multiculturalism (formerly Ontario Ministry of Heritage, Sport, Tourism and Culture Industries) occurred with Stantec's licensed archaeologist responsible for managing the artifacts uncovered during the various stages of archaeological assessment for this Project in 2022 to confirm opportunities and licensing requirements to exchange (i.e., return, loan,



transfer) artifacts with the Indigenous communities. In 2023, CN reached out to the various Indigenous communities to gauge interest in such artifacts; however, no progress on these discussions occurred. A meeting between MCFN and Stantec archaeologist was facilitated by CN on July 10, 2024, to discuss different artifact sharing opportunities. Further discussions with SNGR and HWN are proposed for 2025. Continued support and discussions are ongoing to confirm how the Indigenous communities would like the artifacts displayed to address Condition 11.11.

7.6 EROSION AND SEDIMENT CONTROL REPAIRS

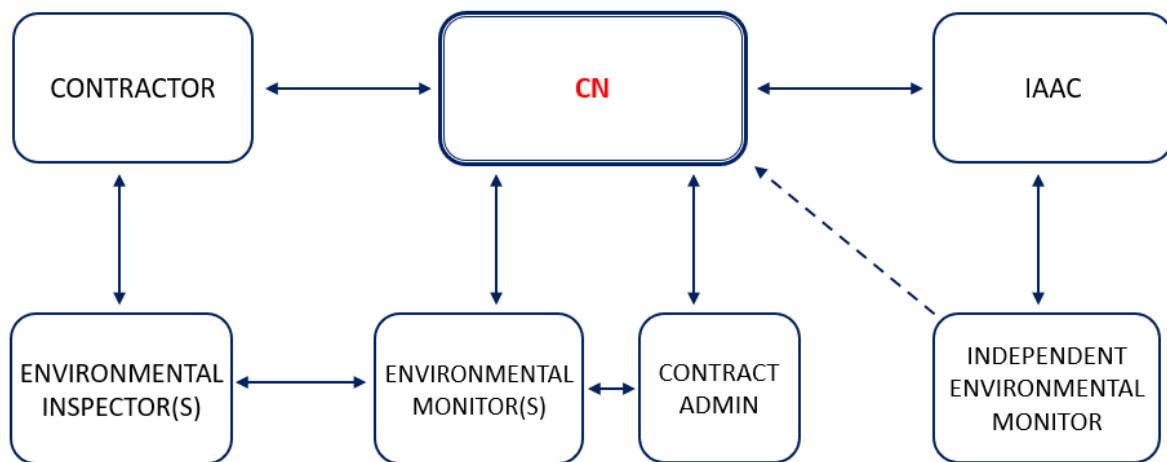
Condition 12.1.3 requires CN to report on any major repair done pursuant to the implementation of the infrastructure protection plan, including any major repair done pursuant to the regular inspection of all ESC devices installed within the PDA, including following rainfall events, and repair any defective or damaged device in a timely manner.

Monitoring of ESC measures implemented during construction is completed by three separate parties for this Project, including:

- Environmental Monitor (EM) – onsite monitor (on site daily) responsible to CN to monitor the installation and maintenance of ESC measures
- Environmental Inspector (EI) – responsible to the contractor to monitor the installation and maintenance of ESC measures
- Independent Environmental Monitor (IEM) – responsible to IAAC and CN to monitor the installation and maintenance of ESC measures (as conditions of approval)

Figure 1 illustrates the relationship between these various parties.

Figure 1: Environmental Monitoring Responsibilities During Construction



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Environmental monitoring is completed on a regular basis, with reporting completed to different degrees on a daily, weekly, and monthly basis. The EM and EI met weekly with CN and the contractor to review current site conditions and discuss any issues, including ongoing maintenance of ESC measures. Where deficiencies are observed, these are identified to the contractor to implement remedial actions, including regular maintenance, repairs, or additional measures, where needed.

In 2024, precipitation events occurred throughout the reporting year, causing some damage to infrastructure at the Project site that required attention and repairs.

During a major storm event in mid-July 2024, prolonged heavy rainfall resulted in rip-rap displacement and bank scouring within the inlet channel of Culvert 7, which conveys flows for Tributary C (fish habitat). Turbidity readings confirmed that levels remained within the allowable limits, with no sedimentation observed. To address the damage, minor adjustments were made to the downstream plunge pool so that the Culvert 7 outlet remained centrally aligned. Additional mitigation measures included the installation of temporary ESC measures, a fish rescue within the plunge pools upstream and downstream, and repairs to the rip-rap structures along the banks of Tributary C and the downstream plunge pool. Damaged rock check dams were reinstated, including u-shaped fish passage channels.

As the repairs were classified as in-water works, CN consulted with DFO on the repair plans before proceeding. DFO approved the repair plan, confirming that they aligned with the existing, valid *Fisheries Act* authorization and fell within reasonable contingency measures, and did not constitute any significant additional harmful alteration, disruption or destruction of fish and fish habitat. No further action was requested by DFO.

The mid-July storm events also impacted the Regional Diversion Ditch outlet and plunge pool downstream of Culvert 3, triggering a notification to IAAC and other relevant parties. In accordance with Condition 14.5.4 and 14.5.5 of the amended Decision Statement, 30-Day and 90-Day Reports were submitted.

Storm flows displaced existing rip-rap material from the spillway, depositing it into the plunge pool and backwater channel of Indian Creek, exposing the underlying geotextile filter cloth. Sediment-clouded water also entered the backwater channel. To prevent future occurrences, AECOM designed a more robust slope protection system, which was implemented by the Contractor. Mitigation measures included installation of temporary ESC measures; fish rescue at the outlet; removal of displaced rip-rap from the backwater channel; reconstruction of the outer portion of the plunge pool; replacement and realignment of rip-rap and filter cloth along the spillway banks and lower plunge pool; and addition of Terrafix Flexamat as enhanced protection in the upper-middle portion of the spillway. No fish mortality was observed, and no residual effects on water quality, fish, or fish habitat are anticipated as a result of the erosion incident.



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General repairs to ESC measures within the PDA were also completed following rainfall/snowfall events and where defective or damaged devices were observed, including:

- Silt fence repair (light and heavy duty)
- Install / maintain / repair staked strawbale check dams
- Install / maintain / repair rock check dams
- Slope stabilization with seed and erosion control blanket (ECB)
- Slope stabilization with riprap
- Swale construction / stabilization with seed / ECB
- Maintenance of installed mud mats
- Street sweeping
- Silt sock silt barrier install / maintenance
- Maintenance of filter bags and temporary silt basins used for dewatering
- Water application for dust management

These repairs were identified during the onsite monitoring activities, which were then reviewed and discussed with the contractor during weekly environmental compliance meetings, and follow-up undertaken to determine that repairs were completed. Construction photographs illustrating repaired ESC measures that were shared with agencies and the CCC during regular meetings in 2024 are provided in **Appendix 6A** and **Appendix 6B**.

8 CONCLUSION

The information provided in this report, including the applicable appendices, has been consolidated and prepared in fulfillment of Condition 2.11 and 2.12 of the Decision Statement. This document includes information describing how CN complied with the various conditions of approval throughout 2024 and identifies how CN plans to comply with these conditions in the future.

This Annual Report will be submitted to the IAAC no later than March 31, 2025, and will be posted on the Project website.



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APPENDIX 1

Activities Undertaken to Comply with Each Condition



CN MILTON LOGISTICS HUB

Appendix 1 - Activities Undertaken to Comply with Each Condition in 2024

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



IAAC Reference Number: 80100

March 28, 2025



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Abbreviations

ACRPP	Archaeological and Cultural Resources Protection Plan
A&M	Accidents and Malfunctions
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
HWN	Huron Wendat Nation
IAAC	Impact Assessment Agency of Canada
IEM	Independent Environmental Monitor
MCFN	Mississaugas of the Credit First Nation
MCM	Ontario Ministry of Citizenship and Multiculturalism

MECP	Ontario Ministry of the Environment, Conservation and Parks
MNR	Ontario Ministry of Natural Resources
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
SNGR	Six Nations of the Grand River
SWQQ FUP	Surface Water Quality and Quantity Follow-up Program
Stantec	Stantec Consulting Ltd.
SWM	Stormwater Management
WMCP	Wildlife Management and Connectivity Plan

Introduction

On January 21, 2021 (as amended July 26, 2022), 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.

Appendix 1 describes the activities undertaken in 2024 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 have been and 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 community 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, and in Section 2.2. 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.
	Activities Undertaken to Comply with 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.
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.
	Activities Undertaken to Comply with 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.
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.
	Activities Undertaken to Comply with Condition: 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. In 2024, some mitigation measures implemented specifically for the protection of species at risk include maintaining a previously installed barrier around identified Barn Swallow nesting habitat (i.e., existing barn), relocation of any Snapping Turtles identified within the construction area (as identified through wildlife monitoring), and maintaining previously installed exclusion fencing adjacent to previously identified Western Chorus Frog habitat. CN also maintained and continued to monitor the establishment of the restoration habitats along Tributary A and Indian Creek (i.e., riparian wetlands, turtle nesting mounds) and existing grasslands (i.e., Barn Swallow) through

Condition Number	Condition
	supplemental planting of native grassland species and milkweed (i.e., Monarch) that will support species at risk on-site. By protecting habitat (i.e., Barn Swallow), restoring on-site habitat (i.e., Snapping Turtle, Barn Swallow, Monarch), and creating / maintaining off-site habitat (i.e., Bobolink and Eastern Meadowlark), CN is meeting the conditions in consideration of the applicable recovery strategies and action plans for listed species at risk.
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>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>Activities Undertaken to Comply with Condition:</p> <p>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 email, which made the information available for each party. Follow up with each party was also completed, as required, 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>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>Activities Undertaken to Comply with Condition:</p> <p>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>

Condition Number	Condition
2.4.3	<p data-bbox="485 266 1860 331">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="485 363 1073 396">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 412 1875 649">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 and Section 3.2 for details on the views and information received and how it was incorporated.</p>
2.4.4	<p data-bbox="485 678 1875 743">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="485 776 1073 808">Activities Undertaken to Comply with Condition:</p> <p data-bbox="485 824 1887 1062">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 and Section 3.2 for details on the views and information received and how it was incorporated.</p>
2.5	<p data-bbox="485 1091 1881 1364">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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>CN has continued to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (SNGR) and the Huron-Wendat Nation (HWN) on this Project. Targeted discussions with each community were held prior to the start of construction 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 construction progress and to ensure meaningful engagement during the tender process and throughout construction. 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 during construction activities, and during operations to continue soliciting their views and information pertinent to the Project, as described in Section 3.1.</p>
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.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2022 Annual Report for details. The FUPs are available on the project website.</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>No updates to the FUPs were completed in 2024.</p> <p>Implementation of some of the FUPs occurred in 2024 (see Section 4) focusing on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction.</p>
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>Condition fulfilled. See 2022 Annual Report for details.</p> <p>No updates to any FUP were made in 2024.</p>
2.9	<p>The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:</p>
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>In 2024, follow-up programs were implemented, as described in Section 4.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: In 2024, the accuracy of the environmental assessment was verified as described in Section 4.
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;
	Activities Undertaken to Comply with Condition: Information on modified or additional mitigation measures can be found in Sections 4 and 5.
2.9.4	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
	Activities Undertaken to Comply with Condition: Information on modified or additional mitigation measures can be found in Sections 4 and 5.
2.9.5	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.
	Activities Undertaken to Comply with Condition: The results of the various FUPs implemented in 2023 were provided to IAAC and to the parties that informed development of the FUPs on March 28, 2024. The results of the various FUPs implemented in the 2024 calendar year will be reported to IAAC and to the parties that informed development of the FUPs no later than March 31, 2025. A summary of the results of each FUP implemented in 2024 can be found in Section 4.

Condition Number	Condition
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:</p> <p>Condition fulfilled. See 2022 Annual Report for details.</p> <p>Nations are advised of the timing of proposed FUP activities, such as archaeological monitoring, surface water sampling, and electrofishing activities and invited to participate as environmental monitors when available.</p>
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 for 2023 that provides all the specified information was prepared and submitted to IAAC on March 28, 2024.</p> <p>This Annual Report is being provided in accordance with Condition 2.11 to describe the results of activities completed in 2024.</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 executive summary included in the annual report for 2023 was prepared in both official languages and was submitted to IAAC on March 28, 2024.</p> <p>The executive summary included in the 2024 Annual Report was prepared in both official languages and will be submitted to IAAC no later than March 31, 2025.</p>
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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>The 2023 Annual Report, submitted to IAAC on March 28, 2024, including the executive summaries (in both languages), and other documents required by the conditions of approval (i.e., plans, protocols) are posted publicly on the project website (https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/) and will be maintained on the website for at least 15 years following publication. The 30-Day and 90-Day reports prepared in association with Condition 14.5.4 and 14.5.5 in 2024 are also available on the project website here: https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates.</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 final plans that were required prior to construction were submitted to IAAC prior to the start of construction activities in 2022. No updates to any of the final plans already submitted to IAAC are required prior to the start of work proposed in Phase 2. Any final plans for which corresponding construction activities have not yet been initiated will be submitted to IAAC prior to the start of those activities (i.e., Phase 3 design plans).</p>
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 SNGR, the HWN, 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
Change to the Designated Project (2.16 to 2.17)	
2.16	<p>If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.9, the Proponent shall notify the Agency in writing in advance. As part of the notification, the Proponent shall provide:</p> <ul style="list-style-type: none"> • 2.16.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the proposed change(s); • 2.16.2 any modified or additional measure to mitigate any environmental effect that may result from the proposed change(s) and any modified or additional follow-up requirement; and • 2.16.3 an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.16.2, the environmental effects that may result from the proposed change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.
	<p>Activities Undertaken to Comply with Condition:</p> <p>No project changes were implemented in 2024.</p>
2.17	<p>The Proponent shall submit to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of 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 relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.</p>
	<p>Activities Undertaken to Comply with Condition:</p> <p>No project changes were implemented in 2024.</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>Condition fulfilled with respect to pre-construction requirements. See 2021 Annual Report for details.</p> <p>The list of potentially affected parties 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>
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>Condition fulfilled with respect to pre-construction requirements. See 2021 Annual Report for details.</p> <p>Details on implementation of the community liaison communication process (CLCP) are provided under Condition 3.2.3.</p>

Condition Number	Condition
3.2.1	Determine, as part of the development of the community liaison communication process:
3.2.1.1	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;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.2	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;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
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);
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
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;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details. A summary of the results of the 2024 follow-up programs is provided in Section 4.

Condition Number	Condition
3.2.1.4.2	The quarterly reports related to noise complaints referred to in condition 4.9.3;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details. In 2024, any noise complaints were communicated to the CCC and documented in the quarterly reports available on the Project website.
3.2.1.4.3	The land use history, construction details and photographic record referred to in condition 11.2.2;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.4.4	The results of the post-construction inspections referred to in condition 11.4; and
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details. As construction activity in proximity to the heritage structures was completed at the end of 2023, a post-construction inspection was completed in January 2024 and report submitted to IAAC on February 9, 2024. Refer to Section 11.1 to 11.6.
3.2.1.4.5	The results of the heritage impact assessment referred to in condition 11.6.
	Activities Undertaken to Comply with Condition: 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(s), which cannot be completed until 3 years after the start of operations, will be provided to the correct local historical documentation repository (e.g., museum or library) and will be posted on the CN Milton website, as appropriate.

Condition Number	Condition
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: Condition Fulfilled. See 2021 Annual Report for details.</p>
3.2.2	<p>Provide the community liaison communication process to the Agency prior to construction;</p> <p>Activities Undertaken to Comply with Condition: Condition Fulfilled. The CLCP was provided to IAAC on December 1, 2021.</p>
3.2.3	As part of the implementation of the community liaison communication process:
3.2.3.1	<p>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>Activities Undertaken to Comply with Condition: The CLCP was established through the CLCP document and corresponding Terms of Reference provided to IAAC on December 1, 2021. In 2024, regular CCC meetings were held on February 1, April 4, June 6, June 13, August 1, October 10, and December 5. A special meeting was scheduled on March 11, to provide Committee members with an overview and update of the legal proceedings with respect to the project. Site tours took place on June 6 and October 10, 2024. The June 6 site tour was originally planned for April 4 but was rescheduled due to inclement weather. Information shared with the CCC is described in the quarterly reports available on the Project website. Regarding the specific sub-sections listed:</p> <ul style="list-style-type: none"> • 3.2.1.1 – Coordination of the CCC occurred through two third-party facilitators. Communication included a combination of in-person and virtual meetings, site visits, and the exchange of digital documents. All relevant information required to be posted has been posted to the Project website (see Condition 2.13). • 3.2.1.2 and 3.2.1.3 - A summary of input from community and stakeholder engagement, as well as how such information was considered by CN, was included in each of the quarterly CCC reports, including draft versions submitted to the CCC members for review and final versions posted to the project website. • 3.2.1.4.1 – A summary of the results of the 2024 follow-up programs is provided in Section 4. • 3.2.1.4.2 – Any noise complaints received by CN were included in the quarterly CCC reports and discussed with the CCC during regular meetings.

Condition Number	Condition
	<ul style="list-style-type: none"> • 3.2.1.4.3 – Condition fulfilled. See 2022 Annual Report. • 3.2.1.4.4 - As construction activities in proximity to the heritage structures were completed at the end of 2023, post-construction inspections were completed at 5381 Tremaine Road (CHR-5) and 5269 Tremaine Road (CHR-4) in January 2024 and the corresponding Cultural Heritage Conditions Reports were submitted to IAAC on February 9, 2024. • 3.2.1.4.5 – No heritage impact assessment has been completed for any cultural heritage property. • 3.2.1.5 – No changes have been implemented to the requirements set out in conditions 3.2.1.1 to 3.2.1.3.
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 summary of input from community and stakeholder engagement, as well as how such information was considered by CN, was included in each of the quarterly CCC reports, including draft versions submitted to the CCC members for review and final versions posted to the project website.</p> <p>A question and feedback tracking document has been established that compiles the list of questions and comments raised during CCC meetings, as well as provided in writing to the Co-Facilitators (e.g., by email) and CN's responses (shared with CCC). Any direct correspondence from members of the community received through the public inquiry line, email, or other means, as well as CN's response and how such comments were considered, are included in the CCC quarterly reports. Comments received from the public included questions and concerns are provided in the CCC quarterly reports, which are provided in Appendix 3B.</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 following measures were implemented to address feedback received in 2024:</p> <ul style="list-style-type: none"> • CN investigated complaints about driveway damages raised by two property owners on Lower Base Line. While CN determined that the damage was unlikely the result of Project construction activity, CN made the repairs at no cost to the homeowners.

Condition Number	Condition
	<ul style="list-style-type: none"> • CN installed a snow scraper near the outgate area for drivers to remove snow on top of trucks/vehicles before returning to the road. • Concerns registered through CN's Public Inquiry Line from residents and Town of Milton staff regarding debris were directed to the track supervisor and corrected. CN representatives apologized to the concerned resident about the blocked level crossing and explained the function of CN's operations. <p>No other measures were implemented to address 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 to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled. See 2021 Annual Report for details. Per measurements taken pursuant to Condition 4.1, baseline light trespass and glare 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. CN's contractor is required to manage light trespass and glare to meet or surpass the E3 guidelines during construction. Further, 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> <p>Nighttime construction was conducted between July 23 and 26 and between November 26 and 30, 2024. Consideration of adjacent receptors was taken when arranging targeted on-site lighting to illuminate construction activities. No concerns were raised by area residents during this nighttime work window.</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>Condition fulfilled regarding development and submission of mitigation measures. See 2021 Annual Report for details.</p> <p>In 2024, nighttime construction occurred on the evenings of July 23 to 26 and November 26 to 30. During this nighttime work, mitigation measures implemented include directing construction light fixtures at the construction area, avoiding lights in areas not subject to nighttime construction, providing advanced notice and complying with CN's Communication Protocol, and avoiding the restricted activity period to avoid impacts on migratory birds.</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>During nighttime work, construction light fixtures were directed at the construction area as per the contractor agreement, which requires the positioning of lights to illuminate the immediate work area and avoid directing lights off CN property, onto a public roadway that is open for public use or towards a private residence.</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 2024. 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>As per the contractor agreement, any motor vehicles used low-beam headlights within the PDA.</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	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
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
4.5	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of Ambient Light FUP. See 2022 Annual Report for details. No updates to the FUP were made in 2024.

Condition Number	Condition
4.5.1	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
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding Ambient Light monitoring during construction. See 2023 Annual Report. No additional light monitoring was conducted in 2024.
4.5.2	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.
	Activities Undertaken to Comply with Condition: No additional mitigation measures were identified for the works in 2024.
Noise (4.6 to 4.10)	
4.6	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:
	Activities Undertaken to Comply with Condition: 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.

Condition Number	Condition
4.6.1	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;
	Activities Undertaken to Comply with Condition: Construction of the noise barriers and/or vegetated berms are proposed during construction so that these measures are in place at the start of operations. However, final designs, including the locations and heights of the noise barriers and/or vegetated berms, have not yet been confirmed, but will be confirmed prior to construction of these mitigation measures during subsequent phases of construction. No noise concerns were raised in 2024.
4.6.2	Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;
	Activities Undertaken to Comply with Condition: 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.
4.6.3	Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;
	Activities Undertaken to Comply with Condition: Construction of the Lower Baseline grade separation commenced in 2024, and temporary sound barriers were installed for the activities. The temporary sound barriers were constructed in consideration of adjacent receptors and at locations around the construction site where construction activities associated with the Lower Base Line grade separation are occurring. The barriers consist of noise hoarding fence a minimum of 3 m high extending for approximately 110 m.

Condition Number	Condition
4.6.4	Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;
	Activities Undertaken to Comply with Condition: Noise-dampening technologies including mufflers were used on all construction vehicles. A daily vehicle maintenance check was completed by site operators to maintain equipment in good working order.
4.6.5	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
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to identifying and submitting best practices for noise reduction during construction. See 2021 Annual Report. Best management practices associated with noise control are implemented in accordance with the Noise Reduction Plan. This includes routing haulage and dump trucks on main roads where possible, using vehicles and equipment with efficient muffling devices, minimizing drop heights of materials and use of positive noise attenuation for all construction zones where repetitive metal to metal contact may generate excess noise, limiting operating time within the daytime period whenever possible, reducing reverse operations by arranging equipment to enter and leave the Site in the same direction where possible, and implementing a no idling policy for mobile equipment and vehicles where applicable.
4.6.6	Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.
	Activities Undertaken to Comply with 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. Where generators were required to be used in 2024, they were limited to the extent required only and not left idling. In all instances of use (i.e., to run pumps for dewatering), silenced generators with a sound power level of 107 dBA or less were used.

Condition Number	Condition
4.7	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled in terms of developing the Noise Communication Protocol. See 2021 Annual Report for details. The Noise Communication Protocol was implemented in 2024, as described in the following sub-sections:
4.7.1	The schedule of construction activities, including construction activities that produce noise, and any update to that schedule;
	Activities Undertaken to Comply with Condition: The overview of the construction schedule and sequencing prepared pursuant to Condition 15.2 was posted on the project's website.
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
	Activities Undertaken to Comply with Condition: Nighttime construction work occurred during the evenings of July 23 to 25 and November 26 to 30, 2024. Notification of the respective night-time construction activities were communicated in accordance with the Noise Communication Protocol, including through digital advertisements, construction updates on the project website, and email notifications to the local government and the Project email list.

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>CN monitored the public inquiry line, the ‘contact us’ page on the project website, and the emergency line for any concerns related to construction. Any concerns raised were considered by CN and acknowledged within 48 hours of receipt, with these concerns documented in the CCC quarterly reports and discussed with the CCC during regular meetings (see Condition 3.2.3.2). See Condition 4.9 for a summary of complaints received during the reporting period.</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>In 2024, construction activities occurred primarily 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).</p> <p>Nighttime construction activities were conducted during the evenings of July 23 to 25, and November 26 to 30, 2024. Construction occurred overnight to provide sufficient time for the completion of utility installations in July and the installation of culverts in November to occur while reducing disruption to mainline rail operations. Conducting such activities during the daytime was considered not technically feasible due to the number of trains using the mainline at this time and the duration of activities (i.e., approximately 8 hours) required to complete the mainline cutovers. Notification of the construction activity was communicated in accordance with the Noise Communication Protocol for the respective works.</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>

Condition Number	Condition
	<ul style="list-style-type: none"> • 4.9.1 - 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; • 4.9.2 - 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 • 4.9.3 - 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>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled with respect to development of the Noise Communication Protocol. See 2021 Annual Report. No noise complaints received in 2024.</p>
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>Condition fulfilled in terms of developing the Acoustic Environment FUP. See 2022 Annual Report for details. The final version of the Acoustic Environment FUP is posted on the project website.</p> <p>As per the Acoustic Environment FUP, monitoring of sound levels occurred in 2024 during the first four weeks of Phase 2 and included comparison of changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to Condition 4.6. See Section 4.2.2 for more details regarding the 2024 results of the Acoustic Environment FUP.</p>

Condition Number	Condition
4.10.1	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;
	Activities Undertaken to Comply with Condition: For a summary of Phase 1 acoustic monitoring activities, see Section 4.2.2 of the 2022 Annual Report. Sound levels were monitored during the first four weeks of Phase 2 construction activities. Monitoring occurred at locations determined during the development of the FUP. See Section 4.2.2 for more details regarding the 2024 results of the Acoustic Environment FUP.
4.10.2	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;
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.
4.10.3	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
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.
4.10.4	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.
	Activities Undertaken to Comply with Condition: No modified or additional noise mitigation measures were implemented in 2024.

Condition Number	Condition
Air Quality (4.11 to 4.25)	
4.11	The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:
	Activities Undertaken to Comply with Condition: In 2024, measures to mitigate fugitive dust emissions attributed to the Project were implemented during construction. 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.
4.11.1	Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, the contractor is 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. In 2024, the only dust suppressant used on site was water, as applied by the on-site water truck along major haul roads.
4.11.2	Not handling non-enclosed granular materials during sustained high wind conditions;
	Activities Undertaken to Comply with Condition: 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. In 2024, the contractor referred to the Environment Canada Wind Warning threshold criteria of 70 km/h or more for sustained wind or gusts exceeding 90 km/h. Where such high wind conditions were observed, handling of non-enclosed granular materials was paused.
4.11.3	Covering or enclosing sources of granular materials stored in open containers within the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: In 2024, no granular materials were stored in open containers.

Condition Number	Condition
4.11.4	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>Activities Undertaken to Comply with 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). In 2024, existing temporary gravel roads were maintained and kept clear of loose material. Additional temporary access roads were constructed and covered in gravel to reduce dust generation in high traffic areas. The contractor deployed a street sweeper during construction to remove any accumulated mud or debris tracked from the construction site onto area roadways. Regular inspection and maintenance of mud mats, access points, and street conditions around the site was ongoing on-going.</p>
4.11.5	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>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 was installed and maintained during construction in conjunction with the construction of the on-site access roads. Speed limit signs were installed on May 4, 2022.</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> <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.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>At this time, there are no plans for the use of a temporary portable concrete plant.</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:
4.13.1	<p>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>Activities Undertaken to Comply with Condition:</p> <p>A no-idling policy has been developed with the contractor and has been implemented for mobile equipment and road vehicles within the PDA. In 2024, the contractor complied with the no idling policy.</p>
4.13.2	<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> <p>Activities Undertaken to Comply with 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 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> <p>In 2024, only Tier 3 and 4 equipment was operational on-site. No zero-emission equipment was available to conduct the construction activities.</p>
4.13.2.1	<p>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>Activities Undertaken to Comply with Condition:</p> <p>In 2024, only Tier 3 and 4 equipment was operational on-site. No zero-emission equipment was available to conduct the construction activities. A list of all heavy equipment operated on site, including serial numbers and appropriate Tier</p>

Condition Number	Condition
	emission standards, is kept on file within the site trailer office. Any Tier 3 equipment were equipped with diesel particulate filters. All equipment operating on site is maintained regularly by qualified operators and mechanics so that vehicles were maintained in accordance with maintenance instructions provided by the manufacturer.
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:</p> <p>In 2024, standard diesel fuel has been used to run Tier 3 and 4 equipment on-site. No alternative fuels (i.e., natural gas, propane or hydrogen) have been used to run equipment on site.</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:</p> <p>Operation has not commenced. This condition will be met during operations.</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:</p> <p>Operation has not commenced. This condition will be met during operations.</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:</p> <p>In 2024, no emission control technologies were removed from equipment and vehicles.</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: An update is provided in Section 7.1.</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: Throughout 2021 to 2024, CN worked collaboratively with the manufacturer to develop the trucks and expected to take possession of its first truck in 2024; however, the manufacturer (Lion Electric) entered creditor protection in December 2024. After considering multiple options and the implications to the pilot, CN made the decision to look at pursuing other opportunities. In 2024, CN installed charging stations in its Montreal and Vancouver Intermodal Terminals in preparation for the future potential of having electric trucks serve these terminals. CN remains committed to advancing decarbonization efforts of its trucking fleet and will explore opportunities to relaunch a pilot program with other manufacturers. The results of a pilot will be used to inform and further refine the rollout of electric trucks and the design for the Milton Logistics Hub.</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: The live pilot was expected to take place throughout 2024 in Montreal and Vancouver; however, the manufacturer (Lion Electric) was unable to provide the electrified trucks as it entered creditor protection. CN remains committed to advancing decarbonization efforts of its trucking fleet and will explore opportunities to relaunch a pilot program with other manufacturers. The results of a pilot will be used to inform and further refine the rollout of electric trucks and the design for the Milton Logistics Hub.</p>

Condition Number	Condition
4.15	<p data-bbox="462 264 1885 440">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 data-bbox="462 477 1052 505">Activities Undertaken to Comply with Condition:</p> <p data-bbox="462 524 1885 623">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 data-bbox="462 643 1885 813">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 the engine to be stopped 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 on which AESS shutdowns are possible is expected to increase.</p> <p data-bbox="462 833 1885 1073">In parallel, CN has also tested is also rolling out 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 the installation will be expanded to more low-horsepower locomotives in 2025. Low-horsepower locomotives move traffic in rail yards, and while these locomotives are not planned to be used at the Milton Logistics Hub, this pilot will continue to inform CN's ongoing emission reduction initiatives.</p> <p data-bbox="462 1092 1885 1263">Finally, CN has announced in November 2021, the purchase of its first 100% heavy-haul battery-electric locomotive which it expects to receive in 2026. In April 2024, CN announced the purchase of a plug-in hybrid locomotive, the first of its kind in North America, which it also expects to receive in 2026. Most recently, CN launched a medium horsepower hybrid locomotive in collaboration with Knoxville Locomotive Works (KLW). CN plans to continue to be a leader in 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:</p> <p>Preliminary work continued on the proposed Air Pollutant and Greenhouse Gas Emissions Reduction Plan in 2024 and included further internal discussions to progress program requirements, thresholds for the identification of high-emitting trucks, and options for management responses to notify high-emitters. The focus of CN's efforts included further assessment of available technologies for measuring emissions from individual trucks to inform the development of the plan.</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:</p> <p>Operation has not commenced. This condition will be met during operations.</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:</p> <p>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 operation.</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 prior to and during operations.</p>

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition: Operation has not commenced. The annual progress report will be prepared once operations commence and will form part of the annual report.
4.18	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.
	Activities Undertaken to Comply with Condition: 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.
4.19	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.
	Activities Undertaken to Comply with Condition: 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.
4.20	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.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>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:</p> <p>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:</p> <p>Condition fulfilled in terms of developing the Air Quality FUP. See 2022 Annual Report for details. The final version of the Air Quality FUP is posted on the project website.</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: Condition fulfilled. See 2021 Annual Report for details.</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> <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 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. These two stations were operational throughout 2024 and are monitoring the listed parameters.</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> <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 • 4.21.3.3 - Meteorological conditions (including wind speed, wind direction, temperature and relative humidity);

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>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> <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; <p>Activities Undertaken to Comply with Condition:</p> <p>The results of the 2024 Air Quality FUP are summarized in Section 4.2.3.</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:</p> <p>The results of the 2024 Air Quality FUP are summarized in Section 4.2.3, including any discussion regarding any exceedances of the air quality standards as a result of the Project.</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>Condition fulfilled with respect to design. See 2021 Annual Report for details.</p> <p>Condition fulfilled with respect to maintaining flows within Indian Creek, Tributary A and Tributary C. See 2023 Annual Report for details. Flows occur within these waterbodies such that maximum and minimum flows are maintained to safely accommodate and convey the range of climate conditions.</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>Condition fulfilled with respect to design. See 2021 Annual Report for details.</p> <p>Construction of SWM Pond 1 and 2 was completed in 2023. While SWM Pond 1 remains off-line pending completion of upstream drainage infrastructure (sewers, swales), operation of SWM Pond 2 was initiated in June 2024 to reduce accumulated precipitation and local runoff. Vegetation planting plans were implemented at both SWM Ponds in 2024.</p>

Condition Number	Condition
5.2.1	Design the stormwater management system so that it can convey multiple storm events, including a regulatory storm event;
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details.
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Installation of the oil grit separators has not been initiated.
5.2.3	Install shut off valves on the stormwater management pond outlets; and
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Condition fulfilled with respect to installation of gate valves (shut off valves) on the outlet structures of SWM Ponds 1 and 2. See 2023 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Construction of SWM Pond 1 and 2 was completed in 2023. While SWM Pond 1 remains off-line pending completion of upstream drainage infrastructure (sewers, swales), operation of SWM Pond 2 was initiated in June 2024 to reduce accumulated precipitation and local runoff.
5.3	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

Condition Number	Condition
	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.
	Activities Undertaken to Comply with Condition: This condition will be met during construction and operation. No use of salt for de-icing or traction control occurred in 2024.
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>
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design for Phase 1 of construction. See 2021 Annual Report for details. Erosion and sediment control (ESC) measures (i.e., silt fence, strawbale check dams, rock check dams, coir matting, etc.) have been installed, monitored, and maintained by the contractor in 2024. Vegetation planting (seeding) occurred on any temporary drainage channels on site throughout the summer and fall months, as appropriate. Any dewatering that occurred on site (i.e., isolating and dewatering for in-water work, dewatering ponded site runoff) utilized filter bags, strawbales and silt fence as appropriate to control sediment.
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>
	Activities Undertaken to Comply with Condition: Any fueling of equipment and generators has been completed more than 30 m away from any wetland or waterbody.
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>
	Activities Undertaken to Comply with Condition: Concrete pours in 2024 occurred in areas isolated from wetlands and waterbodies (i.e., Lower Base Line grade separation, truck access road overpass), preventing the risk of high pH runoff being an issue.

Condition Number	Condition
5.7	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.
	Activities Undertaken to Comply with Condition: No wastewater or wash water was discharged into any wetland or waterbody in 2024.
5.8	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to developing measures to mitigate the mobilization and transport of potential residual agricultural contaminants. See 2021 Annual Report for details. Condition fulfilled with respect to implementing measures to mitigate the mobilization and transport of potential residual agricultural contaminants. See 2023 Annual Report for details. In 2024, herbicide was applied by a licensed commercial pesticide applicator to target Phragmites and invasive thistle in the Indian Creek and Tributary A enhancement areas. No other new applications of fertilizers, manure, or pesticides/herbicides have been applied to the fields within the PDA. Buffers and setbacks were maintained from waterbodies, and ESC measures were implemented when construction activity in those areas commenced.
5.9	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:

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in terms of developing the SWQQ FUP (which includes SWM). See 2022 Annual Report for details. The final version of the SWQQ FUP is posted on the project website.</p> <p>Construction of SWM Pond 1 and 2 was completed in 2023. While SWM Pond 1 remains off-line pending completion of upstream drainage infrastructure (sewers, swales), operation of SWM Pond 2 was initiated in June 2024 to reduce accumulated precipitation and local runoff. Discharge from SWM Pond 2 was included in the 2024 SWQQ FUP monitoring.</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>
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:</p> <p>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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in terms of developing the SWQQ FUP. See 2022 Annual Report for details. The final version of the SWQQ FUP is posted on the project website.</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:</p> <p>Surface water quantity monitoring has been ongoing in accordance with the SWQQ FUP since January 2022 (see Section 4.2.5) and will continue for at least five years following the end of construction.</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:</p> <p>Surface water quality monitoring has been ongoing in accordance with the SWQQ FUP since January 2022 (see Section 4.2.5) and will continue for at least five years following the end of construction.</p>
5.10.3	<p>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>Activities Undertaken to Comply with Condition:</p> <p>Surface water quality and quantity was measured at monitoring locations where flows enter and exit the PDA along Tributary A and Indian Creek as identified in the SWQQ FUP (see Section 4.2.5).</p>
5.10.4	<p>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>Activities Undertaken to Comply with Condition:</p> <p>Refer to Section 4.2.5 of the 2024 Annual Report for a description of any modified or additional mitigation measures developed and implemented in 2024.</p>

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition: 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.
Groundwater (5.11 to 5.13)	
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of appropriate measures. See 2021 Annual Report for details. Condition fulfilled regarding implementation of appropriate measures as part of the Sun-Canadian Pipeline installation. See 2022 Annual Report for details.
5.12	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. While groundwater dewatering occurred in 2024, specifically in relation to dewatering of the caissons (nominally 20 m deep) for the Lower Baseline grade separation, dewatering did not exceed 50,000 litres/day. Nonetheless, a dewatering system was implemented on-site to dissipate the energy and reduce the sediment content of discharging water during construction.

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>Condition fulfilled in terms of developing the Groundwater FUP. See 2022 Annual Report for details. The final version of the Groundwater FUP is posted on the project website.</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>Groundwater monitoring has been ongoing in accordance with the Groundwater FUP since January 2022 (see Section 4.2.6) and will continue for at least one year following the end of construction.</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>Refer to Section 4.2.6 for a description of any modified or additional mitigation measures developed and implemented in 2024.</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: Condition fulfilled regarding design of wetlands. See 2021 Annual Report for details. Condition fulfilled regarding the construction of wetlands along the realigned portion of Tributary A. See 2022 Annual Report for details.</p>
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 Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details. Condition fulfilled regarding construction and maintenance of drainage features. See 2023 Annual Report for details.</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: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details.</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: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details.</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: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details. The feature-based water balance analysis was provided to IAAC on November 26, 2021.</p>
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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in terms of developing the Wetlands FUP. See 2022 Annual Report for details. The final version of the Wetlands FUP is posted on the project website.</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 of the wetlands adjacent to Tributary A and Indian Creek occurred in 2024, the results of which are summarized in Section 4.2.7.</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>Monitoring of the wetlands adjacent to Tributary A and Indian Creek occurred in 2024, the results of which are summarized in Section 4.2.7</p>
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 Undertaken to Comply with Condition:</p> <p>Monitoring of the wetland adjacent to Tributary A and Indian Creek occurred in 2024, the results of which are summarized in Section 4.2.7. No modified or additional mitigation measures were identified in 2024.</p>

Condition Number	Condition
6.3.4	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.
	Activities Undertaken to Comply with Condition: 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.
6.4	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of vegetated buffers. See 2021 Annual Report for details. Vegetated buffers around wetlands and along riparian areas have been maintained during construction in accordance with the design plans. Construction delineation fencing was installed prior to construction and has been maintained to separate construction activities from these areas, as required.
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
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: In 2024, encroachment into the identified buffer areas was limited to restoration work associated with the outfall from the regional diversion ditch and supplemental planting of milkweed (i.e., plots) to enhance Monarch habitat.

Condition Number	Condition
6.5	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No construction occurred outside of the designated PDA in 2024.
6.6	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.
	Activities Undertaken to Comply with Condition: In 2024, soil disturbance was limited to areas required for the construction of the Lower Base Line grade separation, truck access road and associated overpass, and initial track work north of Britannia Road. No major earth works activities occurred in 2024. Vegetation, including wildlife trees, in areas not subject to construction activities, or in areas to be retained / protected (i.e., naturalization areas, future phases of construction, perimeter trees), were retained and protected using staking and fencing to delineate the limits of construction.
6.7	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.
	Activities Undertaken to Comply with Condition: In 2024, in accordance with the Soil Management Plan provided to IAAC on November 26, 2021, topsoil was stripped to facilitate grading and construction activities and stockpiled on site for potential reuse during future phases of construction (i.e., landscaping, berms). Topsoil was stripped during dry periods and ESC measures have been installed to reduce erosion from these areas. No excess soil has been identified necessitating removal from the site. Contaminated soils encountered during construction in September 2024 were disposed of in accordance with proper screening requirements.

Condition Number	Condition
6.8	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>Activities Undertaken to Comply with Condition:</p> <p>In accordance with the Ontario Invasive Plant Council's Clean Equipment Protocol for Industry, as well as measures outlined in the EPP and tender documents, all equipment brought on-site was cleaned prior to arrival to reduce the potential introduction of invasive vegetation. No imported fill was brought to the site in 2024. To avoid the spread of invasive vegetation within the PDA, herbicide treatments were completed in October 2024.</p>
6.9	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>Activities Undertaken to Comply with Condition:</p> <p>In 2024, progressive reclamation within disturbed areas no longer planned for construction activity were completed. Appropriate seed mix(es) were selected and used based on surrounding land use and vegetative communities and included Ontario groundcover species and nurse crops appropriate for progressive reclamation. Refer to Section 4.2.8 of the 2024 Annual Report for the summary of the progressive reclamation monitoring results.</p>
6.10	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>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in terms of developing the Progressive Reclamation FUP. See 2022 Annual Report for details. The final version of the Progressive Reclamation FUP is posted on the project website.</p>

Condition Number	Condition
	<p>Monitoring of progressive reclamation areas was conducted in 2024, the results of which are summarized in Section 4.2.8.</p> <p>Note that the Progressive Reclamation FUP does not include portions of the channel realignment areas as they are considered in the specific follow-up programs to monitor for the success of vegetation establishment specific to those design plans (i.e., Wetlands FUP, the Fish and Fish Habitat FUP, and the Wildlife Management Plan).</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>Condition fulfilled with respect to design. See 2021 Annual Report for details.</p> <p>Measures implemented in 2024 to protect fish and fish habitat were consistent with the DFO Measures to Avoid Causing Harm to Fish and Fish Habitat and in accordance with the DFO Authorization, including but not limited to the following:</p> <ul style="list-style-type: none"> • Implementation and maintenance of ESC measures to reduce erosion and sedimentation in waterbodies during construction. • All pumps used for dewatering or flow diversion were fitted with screens in accordance with DFO's Interim Code of Practice: End-of-pipe Fish Protection Screens for Small Water Intakes in Freshwater (Tributary A, Indian Creek) • Fish salvage operations were completed prior to any in-water work by qualified aquatic biologists • No in-water work occurred during of the restricted activities period (March 15 to June 30) • DFO-approved emergency in-water repair work was conducted in August to mitigate observed erosion in Tributary C channel. • Designated refueling areas for yard equipment were established at a safe distance (30 m setback minimum distance from top of bank) from fish habitat.
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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Aquatic biologists were retained by CN to conduct fish rescues throughout the reporting year prior to any in-water work. Fish rescues were conducted as follows (see Section 4.2.9):</p> <ul style="list-style-type: none"> • Lower Baseline Culvert installation on March 1, 2024 • Flood waters near Tributary C on July 17, 2024. • Regional Drainage Channel outlet/Culvert 3 outfall on August 13, 2024. • Culvert 7 Plunge Pool on August 27, 2024. • Pooled areas north of Britannia Road on September 18, 2024.
7.2.1	<p>Salvage and relocate fish to the satisfaction of Fisheries and Oceans Canada;</p> <p>Activities Undertaken to Comply with Condition:</p> <p>CN retained an aquatic biologist to conduct fish rescues in 2024, with any fish caught being transferred downstream into the same waterbody.</p> <p>The results of these fish rescues were documented in the Fish and Fish Habitat FUP Report provided to DFO on December 20, 2024 to address monitoring requirements under the DFO Authorization.</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:</p> <p>Any fish caught during the fish rescues were transferred downstream into the same waterbody and outside of the work area.</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:</p> <p>Not applicable (see Condition 7.2.2).</p>
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-</p>

Condition Number	Condition
	<p>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>Condition fulfilled with respect to design. See 2021 Annual Report for details.</p> <p>Fish screens were installed on any intake used for pumping water to maintain flow conveyance (i.e., dam and pump) or to isolate and dewater areas where fish may be present (i.e., fish bearing waters in Tributary A and Indian Creek). The fish screens were installed by the contractor based on design plans and with oversight from the Environmental Monitors. These screens were placed on the bottom of the watercourse without disturbing the bed of the waterbody.</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 2024, all in-water construction activity occurred outside of the restricted activity period (March 15 to June 30).</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 2024, all in-water construction activity occurred outside of the restricted activity period (March 15 to June 30).</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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled with respect to development of the offsetting plan. See 2021 Annual Report for details.</p>

Condition Number	Condition
7.5.1	Delineate existing and future fish habitat, including riparian buffers; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.5.2	Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.6	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.7	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.8	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.
	Activities Undertaken to Comply with Condition: There were no tree removals in proximity to watercourses in 2024.

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:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.1	Do not excessively aggrade or degrade;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.2	Convey baseline flow levels;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.3	Maintain baseline bankfull frequency;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.4	Do not alter downstream channel morphology; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.5	Provide fish habitat features and allow for fish migration and passage.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
7.10	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.
7.10.1	Constructing the realigned channels offline;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.
7.10.2	Siting the realigned channels predominantly outside of the existing channels;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.10.3	Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.
7.10.4	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.
7.11	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:

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in regard to design. See 2021 Annual Report for details.</p> <p>Construction of SWM Pond 1 and 2 was completed in 2023. While SWM Pond 1 remains off-line pending completion of upstream drainage infrastructure (sewers, swales), operation of SWM Pond 2 was initiated in June 2024 to reduce accumulated precipitation and local runoff. Vegetation planting plans were implemented at both SWM Ponds in 2024.</p>
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:</p> <p>Condition fulfilled in regard to design. See 2021 Annual Report for details.</p> <p>Construction of SWM Pond 1 and 2 was completed in 2024. Vegetation planting plans were implemented at both SWM Ponds in 2024. This condition will be fulfilled during operation to mitigate increased temperature in water discharged from the stormwater management system.</p>
7.11.2	<p>Maintain grassed swales; and</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the grassed swales has not yet commenced and they are not yet operational.</p>
7.11.3	<p>Install below-grade pipes and bottom draw outlet pipes.</p> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in regard to design. See 2021 Annual Report for details.</p> <p>Condition fulfilled in regard to the installation of bottom draw outlet pipes. See 2023 Annual Report for details.</p> <p>Construction of the below grade pipes proposed to collected stormwater runoff from the terminal has not yet commenced and they are not yet operational.</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.</p>

Condition Number	Condition
	<p>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:</p> <p>Condition fulfilled in regard to development of the Fish and Fish Habitat FUP. See 2022 Annual Report for details. The final version of the Fish and Fish Habitat FUP is posted on the project website.</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 Undertaken to Comply with Condition:</p> <p>Based on monitoring completed in 2024, and reporting on the mitigation measures implemented during construction, no significant adverse effect on fish and fish habitat within or downstream of the Project footprint was observed. See Section 4.2.9 for details.</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:</p> <p>Visual assessment and photo documentation of the realigned Tributary A and Indian Creek were conducted in 2024 to capture Year 1 conditions at the same locations monitored in 2023. These same locations will also be used for subsequent monitoring events. See Section 4.2.9 for details.</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:</p> <p>Fall monitoring of stream characteristics for Tributary A was conducted on October 16 and 21, 2024, and Indian Creek on October 15 and 21, 2024. The monitoring results indicate that the channels remained generally stable and did not experience any major changes. See Section 4.2.9 for details.</p>

Condition Number	Condition
7.12.3	Monitor water temperature of the overland runoff flows from the stormwater management system;
	Activities Undertaken to Comply with Condition: Construction of SWM Pond 1 and 2 was completed in 2023. While SWM Pond 1 remains off-line pending completion of upstream drainage infrastructure (sewers, swales), operation of SWM Pond 2 was initiated in June 2024 to reduce accumulated precipitation and local runoff. Monitoring of the temperature of water discharged from SWM Pond 2 was captured in the SWQQ FUP.
7.12.4	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
	Activities Undertaken to Comply with Condition: No modified or additional mitigation measures were implemented in 2024 based on the results of the monitoring referred to in condition 7.12.1, 7.12.2 or 7.12.3.
7.12.5	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.
	Activities Undertaken to Comply with 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.

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>In 2024, construction activities included measures to protect migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs as outlined in the Environmental Protection Plan (EPP). Such measures included:</p> <ul style="list-style-type: none"> • completing site preparation and construction activities outside of the nesting period for birds, or only completing such activities during the nesting period under very limited circumstances and where a wildlife sweep had been performed by a professional biologist to confirm no evidence of breeding • implementing measures to discourage bank swallows from nesting in temporary banks or stockpiles • avoiding grading and heavy earth moving from May 1 to June 30 within 100 m south of the Barn Swallow colony in the existing barn <p>While the restricted activity period for vegetation removal (as established previously through consultation with ECCC and as documented in the EPP) was respected throughout the Project to limit the disturbance to migratory birds, there were instances where clearing during this timing window was necessary to facilitate construction activities. In these cases, vegetation removal was conducted following nest sweeps, with appropriate flagging / buffering of areas where breeding activity was observed. In June, 2024, an area was cleared where Song Sparrow behavior suggested potential nesting activity, although no nests were observed. The incident was reported to IAAC and ECCC on July 31, 2024. Following this, additional protocols were developed to further clarify vegetation removal locations and enhance internal communication measures moving forward. The protocol was reported to IAAC and ECCC.</p> <p>The slopes of any temporary banks on site (i.e., graded areas, soil stockpiles) were maintained at an angle of 70 degrees or less, specifically between April 15 and July 15, to discourage bank swallows from nesting. Regular monitoring of these areas was conducted by CN's Environmental Monitor (EM) and, while Rough-wing Swallows were observed flying on site, no Bank Swallows were observed and no nests were encountered.</p>

Condition Number	Condition
	No grading and heavy earth moving occurred from May 1 to June 30 within 100 m south of the Barn Swallow colony in the existing barn. All activities remained outside of the concrete barrier (jersey barriers) established around the barn. In 2024, Barn Swallows were observed flying in and out of both the existing barns.
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>To facilitate construction activities on site in 2024, vegetation clearing was required during the breeding bird season. 23 nest sweeps were conducted over 20 days between May 6 and August 27. In areas where migratory bird breeding evidence was observed, vegetation clearing was deferred until after the breeding bird season and the areas in question were flagged off.</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>Condition fulfilled. See 2022 Annual Report for details.</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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled in regard to measures being included in the WMCP and EPP. See 2021 Annual Report for details.</p> <p>In 2024, limited clearing of track side vegetation (i.e., grass and shrubs in an open field) and small vegetated areas around the PDA was required to facilitate various grading and construction activities. 23 nest sweeps of the associated areas were conducted by a qualified biologist between May 6 and August 27, 2024, prior to vegetation clearing. Visual assessments were made at each tree and shrub to be cleared to assess evidence of active nests of migratory birds.</p>

Condition Number	Condition
8.3	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.
	Activities Undertaken to Comply with 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. No building construction occurred in 2024.
8.4	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled in terms of developing the Migratory Bird FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the Migratory Bird FUP is posted on the project website.
8.4.1	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
	Activities Undertaken to Comply with Condition: As a result of an incident involving the clearing of a hedgerow during the restricted activity period, a revised action plan with mitigation measures was developed to improve communication and clarify the status of nest sweep surveys, as well as specific areas restricted for vegetation removal. The incident was reported to IAAC and ECCC on July 31, 2024. Updated protocols were established to strengthen communication process and ensure clear identification of areas where vegetation removal is limited. The protocol was reported to IAAC and ECCC.

Condition Number	Condition
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. Operation has not begun in 2024.</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. See 2021 Annual Report for details.</p>
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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p>

Condition Number	Condition
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 Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.</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> <p>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. In 2024, construction activities were initiated north of [REDACTED]. The chorus frog exclusion fencing installed in 2023 was maintained throughout the year.</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> <p>Activities Undertaken to Comply with Condition: In 2024, construction activities were initiated north of [REDACTED]. The chorus frog exclusion fencing installed in 2023 was maintained throughout the year to prevent Western Chorus Frog from entering the construction areas.</p>

Condition Number	Condition
8.6.1	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
	Activities Undertaken to Comply with Condition: Prior to the start of construction in 2024, the wetlands previously identified as suitable breeding habitats for the Western Chorus Frog were removed by the adjacent developer(s). As such, no breeding habitat remained near the construction area [REDACTED]. Given the loss of habitat and the absence of Western Chorus Frog calls within and around the PDA in 2023, it was concluded that Western Chorus Frog is no longer present in or adjacent to the PDA. This conclusion was agreed upon through consultation with ECCC in 2024.
8.6.2	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2023 Annual Report for details.
8.7	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding installation of exclusion fencing. See 2023 Annual Report for details.
8.8	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.
	Activities Undertaken to Comply with Condition: Culvert replacement along the mainline between [REDACTED] occurred outside of the breeding season for Western Chorus Frog.

Condition Number	Condition
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:</p> <p>A preliminary plan for the creation of restoration habitat for Western Chorus Frogs was identified in the WMCP, and further refined through consultation with ECCC. However, based on the changes to the existing habitat adjacent to the PDA by others, as described in regard to Condition 8.6.1, discussion with ECCC (as well as Conservation Halton and the Town of Milton) is ongoing to determine the location of any restored habitat for Western Chorus Frog. Discussion with ECCC, Conservation Halton and the Town of Milton are on-going. No compensation habitat for Western Chorus Frog was constructed in 2024.</p>
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>Condition fulfilled in terms of developing the Western Chorus Frog FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the Western Chorus Frog FUP is posted on the project website.</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 any habitat restored by CN by Western Chorus Frog will be monitored once it has been completed.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Use of any implemented measure to maintain or enhance habitat connectivity will be monitored.
8.10.3	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
	Activities Undertaken to Comply with Condition: All Western Chorus Frog monitoring results will be reported to ECCC and CH.
8.10.4	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
	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.
8.10.5	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.
	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.

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: Condition fulfilled. See 2023 Annual Report for details.</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: Condition fulfilled. See 2021 Annual Report for details.</p>
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: Condition fulfilled in terms of developing the grassland habitat FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the grassland habitat FUP is posted on the project website. Monarch, Eastern Meadowlark and Bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2024 (see Section 4.2.12).</p>

Condition Number	Condition
8.13.1	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;
	Activities Undertaken to Comply with Condition: Eastern Meadowlark and Bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2024 (see Section 4.2.12).
8.13.2	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
	Activities Undertaken to Comply with Condition: The monitoring carried out in 2024 did not demonstrate that any modified or additional mitigation measures were required.
8.13.3	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.
	Activities Undertaken to Comply with Condition: 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. In 2024, no modified or additional mitigation measures were implemented.

Condition Number	Condition
8.14	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).
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.15	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of plans for habitat enhancement features. See 2021 Annual Report for details. Condition fulfilled regarding construction of the habitat enhancement features, including the nesting mounds). See 2023 Annual Report for details.
8.15.1	Locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.15.2	Maintain the habitat enhancement features functional during operation.
	Activities Undertaken to Comply with Condition: 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.

Condition Number	Condition
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>Condition fulfilled with respect to the methods for relocating snapping turtles observed within in-water construction. See 2022 Annual Report for details.</p> <p>Condition fulfilled regarding completion of in-water work associated with Tributary A and Indian Creek. See 2023 Annual Report for details.</p> <p>In 2024, in-water repair works within Tributary C occurred outside of the overwintering period for snapping turtles.</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>Condition fulfilled prior to construction. See 2021 Annual Report for details.</p> <p>Regular inspection of the wildlife exclusion fencing was completed by CN's EM and any maintenance needs were communicated to CN and the contractor through regular weekly meetings. Repairs were completed by the contractor as required.</p>
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:</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>

Condition Number	Condition
8.19	With respect to all exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18, the Proponent shall:
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:</p> <p>Condition fulfilled with respect to installation of exclusion fencing. See 2021 Annual Report for details.</p> <p>Regular inspection of the wildlife exclusion fencing was completed by CN's EM and any maintenance needs were communicated to CN and the contractor through regular weekly meetings. Repairs were completed by the contractor as required.</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:</p> <p>In 2024, CN's EM inspected the exclusion fencing along portions of Tributary A and Indian Creek regularly (i.e., weekly) and directly following any heavy rain event, as well as during any construction activity in close proximity to the fencing. Where maintenance or repair was flagged to the contractor, monitoring of these areas was completed by CN's EM to confirm that repairs were completed.</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> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2023 Annual Report for details. Signs installed in 2023 have been maintained.</p>

Condition Number	Condition
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:</p> <p>Condition fulfilled in terms of developing the snapping turtle and midland painted turtle FUP, which was included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the snapping turtle and midland painted turtle FUP is posted on the project website.</p> <p>Monitoring of wildlife exclusion fencing and for the presence of any turtles within the construction area or in-water construction areas occurred in 2024 (see Section 4.2.13).</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:</p> <p>Condition fulfilled. See 2023 Annual Report for details.</p>
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 Undertaken to Comply with Condition:</p> <p>Regular monitoring of internal access road within the PDA was completed by CN's EM and the operators of construction equipment. No turtles were observed crossing any internal access roads.</p>

Condition Number	Condition
8.21.3	<p data-bbox="464 266 1980 477">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="464 505 1052 532">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 550 1965 721">Adaptive management approaches in 2024 included the release of an adult Snapping Turtle into a newly constructed riparian wetland pond along Indian Creek in April 2024. The turtle had been captured during the in-water construction activities and was relocated to the Ontario Turtle Conservation Centre in 2023 as it was encountered during the turtle overwintering period. Collaborations during the turtle relocation efforts resulted in interest by Halton Hills Turtle Guardians for future possible relocation of additional turtles into the enhancement areas.</p>
8.22	<p data-bbox="464 756 1980 857">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="464 885 1052 912">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 930 1751 958">In 2024, the following observations were recorded and reported to the Natural Heritage Information Centre:</p> <ul data-bbox="512 976 1980 1399" style="list-style-type: none"> <li data-bbox="512 976 1980 1044">• One Snapping Turtle (captured and relocated to OTCC for the overwintering period in November 2023) was returned to Indian Creek enhancement area on April 16, 2024. <li data-bbox="512 1052 1980 1153">• A total of 16 Snapping Turtles were observed during the turtle basking surveys that took place throughout the month of April and May. The sightings occurred on April 16, May 1, 6, 7 and 16, 2024. For 15 of the observed turtles, only observations were made, and no action was required. <li data-bbox="512 1161 1980 1229">• One deceased Snapping Turtle was observed on May 7, 2024, along the banks of the old Indian Creek Channel. No apparent signs of injury or trauma were identified, and cause of death was unknown. <li data-bbox="512 1237 1980 1370">• Additionally, eight turtles (five Snapping Turtles, two Midland Painted Turtle and one Red-eared Slider) were incidentally observed throughout the season. The sightings occurred on May 6, 14, 15, 16, 22, June 6, 25 and 27, 2024. For five of the turtles observed, only observations were made and no action was required as they were either observed within the created wetland habitats or outside the PDA. <li data-bbox="512 1378 932 1399">• For the remaining three turtles,

Condition Number	Condition
	<ul style="list-style-type: none"> ○ One Midland Painted Turtle was observed on May 6, 2024, crossing Lower Base Line outside of the PDA. A qualified biologist was called to the site to monitor the turtle until it safely crossed over to the other side of the Lower Base Line. ○ One Midland Painted Turtle was observed on May 22, 2024, crossing the access road north of SWMP1. The EM was notified but the turtle had already left and could not be found when the EM arrived on site. <p>One adult Snapping Turtle was found directly within the PDA, outside the fencing surrounding the Tributary A enhancement area on June 6, 2024. A qualified biologist was called to the site and the turtle was relocated to inside the Tributary A enhancement area.</p>
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>Appropriate measures 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 were established in the EPP and WMCP, both of which were developed in consultation with ECCC.</p> <p>Mitigation measures implemented in 2024 include measures to discourage Bank Swallows from nesting in temporary banks or stockpiles on site.</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 was maintained and kept accessible for use as nesting habitat for Barn Swallow. Barn Swallows were observed flying in, out, and around the barn in 2024. The concrete barrier installed in 2022 was removed in 2024 since the adjacent construction activities were no longer occurring in proximity to the Barn Swallow habitat.</p>

Condition Number	Condition
8.23.2	<p>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>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2022 Annual Report for details.</p>
8.23.3	<p>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>Activities Undertaken to Comply with Condition: The Contractor implemented 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. No Bank Swallow nesting activity was observed.</p>
8.23.4	<p>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>Activities Undertaken to Comply with Condition: No Barn Swallow or Bank Swallow nests were encountered in culverts in 2024.</p>
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: Condition fulfilled regarding compensation for the loss of Monarch habitat. See 2023 Annual Report for details. Additional seeding and planting were carried out in 2024 to address deficiencies identified during the 2023 follow-up program, including the creation of milkweed plots and seeding using a variety of nectaring wildflowers.</p>

Condition Number	Condition
8.24.1	The Proponent shall limit the use of chemical herbicides and pesticides in the replacement habitat established pursuant to condition 8.24.
	Activities Undertaken to Comply with Condition: In 2024, herbicide was applied by a licensed commercial pesticide applicator (Contractor) to control invasive species, including Phragmites and invasive thistle in the Indian Creek and Tributary A enhancement areas. The Contractor minimized herbicide use in replacement habitats to comply with Condition 8.24.1; and with Condition 6.8 to prevent the spread of invasive vegetation.
8.25	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:
	Activities Undertaken to Comply with Condition: Condition fulfilled in terms of developing the Monarch FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the Monarch FUP is posted on the project website.
8.25.1	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;
	Activities Undertaken to Comply with Condition: Monitoring of Monarch use at the Luther Marsh habitat replacement area was completed in June, July, August, and September 2024 and is summarized in Section 4.2.12.

Condition Number	Condition
8.25.2	Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement habitat established pursuant to condition 8.24;
	Activities Undertaken to Comply with Condition: Construction of the Monarch habitat within the PDA commenced in 2022 and a portion of this habitat functioned as Monarch habitat in 2023, with additional habitat creation and enhancement carried out in 2023. Monitoring of on-site Monarch habitat per the FUP continued in 2024 (see Section 4.2.14).
8.25.3	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
	Activities Undertaken to Comply with Condition: 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. Monitoring by DUC of the enhanced habitat in Luther Marsh in 2024 demonstrated that milkweed was not abundant in the planted area. Therefore, a supplemental hand planting of milkweed seeds and plugs was conducted in fall 2024.
8.25.4	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.
	Activities Undertaken to Comply with Condition: 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.

Condition Number	Condition
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 Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.</p>
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 Undertaken to Comply with Condition: In 2024, one Eastern Milksnake was observed at Culvert 2A which is accessible to the wetland associated with Tributary A, and therefore, no modified or additional mitigation measures were recommended.</p>
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> <p>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled with respect to design. See 2021 Annual Report for details.</p>

Condition Number	Condition
	Even though no Eastern Milksnakes were observed during the pre-construction surveys, measures to mitigate adverse environmental effects on Eastern Milksnake were implemented in 2024, including general wildlife mitigation measures as documented in the WMCP (Section 4.1), such as wildlife exclusion fencing, monitoring for and relocation of any snakes within the active construction areas. Wildlife sensitivity training was delivered to all onsite personal at the beginning of construction and wildlife education information was posted in the construction office.
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: Condition fulfilled with respect to design. See 2021 Annual Report for details.</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: Condition fulfilled in terms of developing the Milksnake FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the Eastern Milksnake FUP is posted on the project website. Monitoring for Eastern Milksnake within the PDA was conducted in 2023 and is summarized in Section 4.2.15.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Sightings of eastern milksnake within the PDA were monitored by CN's EM and through incidental observations reported by the operators of construction equipment (as per the wildlife training plan). In 2024, one Eastern Milksnake was observed at Culvert 2A which is accessible to the wetland associated with Tributary A.
8.28.2	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
	Activities Undertaken to Comply with Condition: There was no evidence of harm to Eastern Milksnake and therefore, no modified or additional mitigation measures were recommended (see Section 4.2.15).
8.28.3	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.
	Activities Undertaken to Comply with Condition: 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.
8.29	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.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</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>Any employee or contractor working within the PDA received wildlife awareness training prior to the start of construction or as part of their site orientation. This was delivered through a training video developed by specialists in wildlife management identifying wildlife, including any species at risk, that may be encountered on site and the measures to follow in the event of an encounter. Communication between CN, the contractor and CN's EM during weekly meetings reported on the results of any wildlife surveys or observations on site and the implementation of wildlife mitigation measures. In many cases, wildlife observations (i.e., turtles, snakes) were reported to CN's EM by equipment operators in the field.</p>
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>Condition fulfilled in regard to design. See 2021 Annual Report for details.</p> <p>Condition fulfilled regarding establishment of ecopassages. See 2023 Annual Report for details.</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</p>

Condition Number	Condition
	<p>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>Condition fulfilled in terms of developing the Ecopassages FUP, included in the WMCP. See 2022 Annual Report for details. The final version of the WMCP including the Ecopassages FUP is posted on the project website.</p>
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 Undertaken to Comply with Condition:</p> <p>Monitoring of the Culvert 1 ecopassage commenced in 2024. Observations confirmed that the ecopassage had been installed as designed; however, scouring of substrate resulted in a portion of the dry shelf along both sides of Culvert 1 to be below high flow of the tributary. Remediation work was carried out in November 2024 to address the scouring, which included installing 2-inch clear stone and rip-rap material via wheelbarrow placement in areas of low grade to build the grade back up to previous approved design elevations. The conveyance of water flow was not observed to have been altered by the additional material. While it is expected that the ecopassage may be submerged during periods of high flow, periods of submersion are temporary and the ecopassage will return to normal function after flow has returned to average level.</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 Undertaken to Comply with Condition:</p> <p>Before the end of the fifth year of installation of ecopassages, it will be determined - in consultation with ECCC, Halton Region, CH and Ministry of Natural Resources (MNR) (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
8.33	<p data-bbox="464 266 1982 407">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="464 431 1052 461">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 480 1913 545">Condition fulfilled in terms of developing the WMCP. See 2022 Annual Report for details. The final version of the WMCP is posted on the project website.</p> <p data-bbox="464 561 1913 626">The WMCP was implemented by CN and the contractor prior to and during construction activities in 2024. Such measures included the implementation of general wildlife mitigation measures that included:</p> <ul data-bbox="512 643 1976 1149" style="list-style-type: none"> • adherence to restricted activity periods • use of wildlife exclusion fencing • isolating and dewatering areas prior to any in-water work • completing fish rescues prior to any in-water work • any contractors working on site completed the wildlife sensitivity training • regular inspection and maintenance of wildlife exclusion fencing • relocating any snakes or turtles encountered within the construction area following incidental observations or targeted surveys • implementing measures to discourage Bank Swallows from nesting in temporary banks during the breeding period • implementing speed limits for vehicles on internal roads • maintaining wildlife connectivity along the Indian Creek corridor through the maintenance of wildlife exclusion fencing during the offline construction of the channel realignment • general site management activities, such as storage of hazardous materials, maintenance of erosion and sediment control measures, using animal resistant storage containers for food waste
8.33.1	<p data-bbox="464 1182 1961 1284">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="464 1308 1052 1338">Activities Undertaken to Comply with Condition:</p> <p data-bbox="464 1357 1339 1386">Condition fulfilled in regard to design. See 2021 Annual Report for details.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Condition fulfilled in regard to installation of the ecopassages. See 2023 Annual Report for details.
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
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 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
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.

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>Condition fulfilled in terms of developing the Country Food FUP. See 2022 Annual Report for details. The final version of the Country Food FUP is posted on the project website.</p> <p>Condition fulfilled for Phase 1 of construction. See 2022 Annual Report for details. As Phase 2 of the construction continues into 2025, no country food monitoring occurred in 2024.</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>As Phase 2 of the construction continues into 2025, no country food monitoring occurred in 2024</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>

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>As Phase 2 of the construction continues into 2025, no country food monitoring occurred in 2024</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> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled for Phase 1 of construction. See 2021 Annual Report for details. Any revisions to the sleep disturbance analysis required to reflect future construction activities will be addressed in subsequent annual reports.</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> <p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled in terms of developing the Acoustic Environment FUP. See 2022 Annual Report for details. The final version of the Acoustic Environment FUP is posted on the project website. This program will be implemented during operation.</p>

Condition Number	Condition
9.3.1	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;
	Activities Undertaken to Comply with Condition: 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.
9.3.2	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;
	Activities Undertaken to Comply with Condition: 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.
9.3.3	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
	Activities Undertaken to Comply with Condition: 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.

Condition Number	Condition
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 Undertaken to Comply with 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
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>Agricultural land leases for the agricultural lands under CN's care and control, located adjacent to the PDA, were valid in 2024. 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: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled. See 2021 Annual Report for details.</p>
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 Undertaken to Comply with Condition: Condition fulfilled regarding photographic record of the shed. See 2021 and 2022 Annual Report for details.</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 Undertaken to Comply with Condition: Condition fulfilled. See 2022 Annual Report for details.</p>

Condition Number	Condition
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 Undertaken to Comply with Condition:</p> <p>In 2024, construction within 50 m of cultural heritage resources was required to provide vehicle access to the site, and construction / temporary storage associated with SWM Pond 2. CN was required to use existing entrances into the site to gain access to the PDA for construction, and the existing driveways adjacent to 5269 and 5381 Tremaine Road were used for construction. These access roads, as well as some construction activities, are located within 50 m of these heritage structures. Specific measures implemented to mitigate potential effects on these identified cultural heritage resource structures include delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment, and monitoring.</p>
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>Condition fulfilled. See 2021 Annual Report for details.</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>Continuous vibration monitoring was conducted in 2024 at 4 locations within the PDA: (1) adjacent to the house located at 5381 Tremaine Road (CHR-5), (2) adjacent to the house located at 5269 Tremaine Road (CHR-4), (3) adjacent to the barn located at 5269 Tremaine Road (CHR-4), (4) adjacent to the house located at 4393 Tremaine Road (CHR-1). No construction-related exceedances were noted at any of these locations during the monitoring period.</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</p>

Condition Number	Condition
	<p>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>Continuous vibration monitoring was conducted where construction occurred within 50 m of a cultural heritage resource in 2024. No construction related exceedances were noted at any of these locations during the monitoring period.</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>Activities Undertaken to Comply with Condition:</p> <p>Construction activities adjacent to 5381 Tremaine Road (CHR-5) and 5269 Tremaine Road (CHR-4) were substantially completed in December 2023. While these access roads will remain available to construction vehicles pending completion of the permanent Administration Building access road planned off Tremaine Road, construction activities were halted adjacent to these structures at the end of 2023. To determine if any vibration-related damage has occurred as a result of 2023 construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN retained Stantec Consulting Ltd. to inspect these cultural heritage resources in January 2024. A Cultural Heritage Conditions Report was completed for each of these properties and submitted to IAAC on February 9, 2024.</p> <p>Subsequent construction activities occurred within 50 m of the barn and existing heritage residences in 2024, including vehicle access to the site and construction / temporary storage associated with SWM Pond 2. As such, CN retained a qualified individual to conduct an updated assessment of these cultural heritage resources in January 2025, the results of which will be presented in the Annual Report for 2025.</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>CN retained Stantec Consulting Ltd. 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. The results of this assessment were included in the Cultural Heritage Conditions Reports</p>

Condition Number	Condition
	completed on January 10, 2024 and submitted to IAAC on February 9, 2024. No vibration-related damage to the cultural heritage resources were identified in 2024 as a result of construction.
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>No repairs were deemed necessary since no vibration-related damages to the cultural heritage resources were identified in 2024 as a result of construction.</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 Undertaken to Comply with Condition:</p> <p>The results of all inspections, including a description of any damage that has occurred as a result of construction and of any repair that the Proponent has made or plans to make, were submitted to IAAC on February 9, 2024, within 30 days of the Proponent completing all inspections. Based on the observations completed on January 10, 2024, no repairs were deemed necessary since no vibration-related damages to the cultural heritage resources were identified in 2024 as a result of construction.</p>
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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled regarding development of the plan. See 2021 Annual Report for details.</p> <p>The cultural heritage structures, including the 4 dwellings (CHR-1, CHR-3, CHR-4 and CHR-5), as well as the barn associated with CHR-4, have been protected during construction, including exclusion and vibration monitoring noted above. CN has completed repairs to the dwellings identified in the cultural heritage property maintenance and re-use plans in 2024, including:</p>

Condition Number	Condition
	<ul style="list-style-type: none"> • CHR-4 (5269 Tremaine): secure structure from break-ins and vandalism by boarding windows and doors • CHR-5 (5381 Tremaine): secure structure from break-ins and vandalism by installing chain-link fencing around the property, boarding windows and doors, and by removing access stair to second floor, repair of downspout, maintain heat during the winter months, monitor for evidence of trespassing. The property (barn structure) was later occupied by tenant in Q3 2024. <p>Despite the efforts made to secure CHR-4 and CHR-5, there were continued signs of habitation, trespassing and vandalism in 2024. Two dwellings outside of the PDA (CHR-1 and CHR-3) remain occupied by tenants. CHR-5 barn structure was also occupied by tenant in Q3 2024.</p> <p>CN will continue working with a contractor in 2025 to review existing conditions of these dwellings and to complete any maintenance requirements. CN will also be working with cultural heritage consultant(s) to review the cultural heritage property maintenance and re-use plans in order to identify recommendations for securing and mothballing these structures.</p>
11.5.1	<p>How the Proponent shall preserve the heritage value of each cultural heritage resource;</p> <p>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.</p>
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: Condition fulfilled. See 2021 Annual Report for details.</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: Condition fulfilled. See 2021 Annual Report for details.</p>

Condition Number	Condition
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 Ministry of Citizenship and Multiculturalism (MCM) (formerly Ministry of Heritage, Sport, Tourism and Culture Industries), 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 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. To explore possible future alternatives to the removal or demolition of any cultural heritage resource under the care and control of CN, the Cultural Heritage Sub-Committee of the CCC was created in 2022 to review possible adaptive re-use options for the dwelling(s) located at 4393 and 5269 Tremaine Road (see Condition 3.2.3.1).</p>

Condition Number	Condition
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: Condition fulfilled. See 2021 Annual Report for details.</p>
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: Condition fulfilled. See 2021 Annual Report for details. A copy of the ACRPP is available on the project website.</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: Condition fulfilled. See 2021 Annual Report for details. Prior notification was provided to each of the Indigenous communities to advise of and coordinate participation in monitoring for 2024 construction activities that may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the PDA (i.e., deep excavation associated with Truck Assess Road Overpass).</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. Invitations for participation were extended to MCFN, Six Nations and HWN. Participation by archaeological monitors from the MCFN and HWN occurred in 2024.
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:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No chance finds were reported on site in 2024.
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2024.
11.8.3.2	Delineate an area of at least 20 metres around the discovery as a no-work zone;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2024.

Condition Number	Condition
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;
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p> <p>No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2024.</p>
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
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p> <p>No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2024.</p>
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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p> <p>No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2024.</p>

Condition Number	Condition
11.9	<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 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>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.</p>
11.9.1	<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: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.</p>
11.9.2	<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: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.</p>
11.9.3	<p>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>Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.
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
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains or ossuaries were encountered in 2024.
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2024.
11.10	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.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Any employee or contractor working within the PDA received archaeological awareness training prior to the start of construction or as part of their site orientation. This was delivered through a training video developed by a licensed archaeologist identifying possible artifacts that may be encountered on site and the measures to follow in the event of a chance find.
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.
	<p>Activities Undertaken to Comply with Condition:</p> <p>Any artifacts encountered by a licensed archaeologist become 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. CN will seek consent from the MCFN, the SNGR and the HWN 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>On July 10, 2024, CN facilitated a discussion between MCFN and the licensed archaeologist from Stantec regarding opportunities to curate the collection indefinitely in conjunction with SNGR and HWN. Interest was also expressed in support of select artifacts being part of a display and commemorative opportunity (i.e., land acknowledgement) on the project site. Further discussions with MCFN, SNGR and HWN are planned for 2025.</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>Condition fulfilled in regard to development of the infrastructure protection plan for Phase 1 of construction. See 2021 Annual Report for details.</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 monitored weather forecasts on a daily basis using reliable government sources (i.e., Environment Canada) and subscribed to alerts for extreme weather events. This information was used to plan construction activities and identify any flood-producing severe rainfall events in advance of them occurring. The Independent Environmental Monitor (IEM) also monitored 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 were regularly inspected by the contractor and CN Environmental Monitors, including following rainfall events. The results of these inspections were reviewed and discussed with CN during weekly coordination calls to identify any erosion and sediment controls requiring repairs or maintenance. Any defective or damaged erosion and sediment control devices were repaired and any additional erosion and sediment control measures recommended for implementation were discussed and implemented, as appropriate.</p>

Condition Number	Condition
12.1.3	<p data-bbox="478 266 1751 331">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 data-bbox="478 363 1066 396">Activities Undertaken to Comply with Condition:</p> <p data-bbox="478 412 1892 834">As a result of significant rainfall of 25.1 mm on July 15, heavy runoff from the CN Milton Logistics Hub site as a result of caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3. The storm flows caused existing rip-rap material to be displaced from the spillway and deposited within the plunge pool at the base of the slope. As a result, the geotextile filter cloth beneath was exposed, and sediment-clouded water was observed entering the backwater channel of Indian Creek. As soon as conditions were safe after the storm events, the contractor was able to gain access and stabilize the slope temporarily. Vegetation was cleared following a nest sweep, and temporary access to the site was constructed to enable repairs to be undertaken. A mini excavator was used to bring in rip-rap loads by the bucket on July 17 and 18, which were placed on the slope to stabilize the bank. An alternate, more robust, form of slope protection for the spillway was designed by AECOM and implemented by DCC, to avoid subsequent occurrences of this incident. This incident was documented in the 30-day and 90-day reports submitted to IAAC on August 13 and October 13, 2024 pursuant to Condition 14.5.4 and 14.5.5 of the amended Decision Statement issued July 26, 2022, respectively.</p> <p data-bbox="478 850 1877 989">No other major repairs were completed pursuant to the implementation of the plan, including any major repairs to project infrastructure in accordance with the infrastructure protection plan. There were no other major failures of the erosion and sediment control devices in 2024 caused by flooding, freezing rain, ice storm or another extreme weather event.</p>
12.1.4	<p data-bbox="478 1016 1654 1049">Backfill all open excavations in a timely manner during construction, unless not technically feasible.</p> <p data-bbox="478 1081 1066 1114">Activities Undertaken to Comply with Condition:</p> <p data-bbox="478 1130 1843 1260">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. In 2024, open excavations were required to facilitate construction of the Lower Base Line grade separation and truck access road overpass. These activities were short duration activities where excavations were backfilled in a timely manner.</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: Condition fulfilled. See 2021 Annual Report for details.</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 environmental monitoring contract with Stantec, CN has required the IEM to report to CN, in writing, about the implementation of any condition set out in the Decision Statement during construction and to 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. Monthly reports were prepared by the IEM in 2024 that include such information, and these reports were submitted to CN and IAAC each month.</p>
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: Condition fulfilled with respect to frequency. See 2021 Annual Report for details. In 2024, all reports prepared pursuant to Condition 13.2 by the Independent Environmental Monitor were submitted to IAAC at the same time that CN received that information.</p>

Condition Number	Condition
13.4	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>Activities Undertaken to Comply with Condition:</p> <p>Through the environmental monitoring 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>

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 is being implemented by the contractor via their contractual obligations. CN or a CN representative is 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>In 2024, hazardous materials, such as fuel, were stored in a fuel cage at the central work area with proper primary and secondary containment and in accordance with applicable federal, provincial and municipal safety procedures and requirements.</p>

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Combustible and flammable materials, specifically fuel, were stored in the fuel cage at the site trailers, which was more than six metres away from the Designated Project's property line.
14.1.3	Provide information to shippers regarding safe loading practices; and
	Activities Undertaken to Comply with Condition: CN will communicate with shippers their expectations for safe loading of materials in storage containers.
14.1.4	Place spill containment kits in designated locations within the Designated Project Development Area where there is a higher risk of spills.
	Activities Undertaken to Comply with Condition: Spill containment kits were placed in designated locations within the PDA where there is a higher risk of spills. Spill kits were located at several locations within the PDA including the site trailer, SWM pond 1, and SWM pond 2, Culvert 2A/2B, Laydown Area 1, Laydown Area 3 and Laydown Area 4.
14.2	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
14.3	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:

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p> <p>The A&M Response Plan – Operation will include these components once it is developed prior to operation.</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>Condition fulfilled. See 2021 Annual Report for details.</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>Condition fulfilled for construction. See 2021 Annual Report for details.</p> <p>The A&M Response Plan – Operation will be developed by CN prior to operation.</p>
14.3.2.1	<p>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>Activities Undertaken to Comply with Condition:</p> <p>Condition fulfilled for construction. See 2021 Annual Report for details.</p> <p>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 operation within the terminal.</p>

Condition Number	Condition
14.3.2.2	<p>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>Activities Undertaken to Comply with Condition: Condition fulfilled for construction. See 2021 Annual Report for details. 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>
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: Condition fulfilled for construction. See 2021 Annual Report for details. 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: Condition fulfilled. See 2021 Annual Report for details. 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>
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: Condition fulfilled. See 2021 Annual Report for details.</p>

Condition Number	Condition
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 Undertaken to Comply with Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p> <p>Evaluation procedures and coordination with relevant authorities will be included in the A&M Response Plan – Operation once it is developed prior to operation of the terminal.</p>
14.4	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>Activities Undertaken to Comply with Condition:</p> <p>The A&M Response Plan – Construction was submitted to IAAC on December 9, 2021. No updates to the A&M Response occurred in 2024.</p> <p>CN shall submit an updated plan to IAAC, and relevant authorities involved with the implementation within 30 days of the plan being updated.</p> <p>The A&M Response Plan – Operation will include these components once it is developed prior to operation.</p>
14.5	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>Activities Undertaken to Comply with Condition:</p> <p>As a result of significant rainfall of 25.1 mm on July 15, heavy runoff from the CN Milton Logistics Hub site as a result of caused damage to the existing surface water outlet from the Regional Diversion Ditch located downstream of Culvert 3. The storm flows caused existing rip-rap material to be displaced from the spillway and deposited within the plunge pool at the base of the slope. As a result, the geotextile filter cloth beneath was exposed, and sediment-clouded water was observed entering the backwater channel of Indian Creek.</p>

Condition Number	Condition
	<p>Dufferin Construction Company (“the Contractor”) was unable to immediately access the spillway on July 15 due to wet and unsafe conditions. As an interim measure, strawbale check dams were installed upstream of the spillway, to slow the flow of water and provide additional erosion and sediment control for any sediment transfer downstream.</p> <p>As soon as conditions were safe after the storm events, the contractor was able to gain access and stabilize the slope temporarily. Vegetation was cleared following a nest sweep, and temporary access to the site was constructed to enable repairs to be undertaken. A mini excavator was used to bring in rip-rap loads by the bucket on July 17th and 18th. This rip-rap was placed on the slope to stabilize the bank.</p> <p>An alternate, more robust, form of slope protection for the spillway was designed by AECOM and implemented by Dufferin Construction Company (DCC) between August 13 and 20, 2024 to avoid subsequent occurrences of this incident.</p> <p>No other accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2024.</p>
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>The communications plan referred to in condition 14.6 was implemented in response to the incident that occurred on July 15, 2024. In accordance with the A&M Communication Plan, the incident was reported to various parties via phone call and email, as well as in person to downstream landowners. Notification was provided to IAAC, DFO, Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron Wendat Nation, the Ontario Ministry of the Environment, Climate and Parks (MECP) Spills Action Centre (ECCC representative in Ontario), the Region of Halton, the Town of Milton, and downstream landowners.</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.

Condition Number	Condition
	<p>Activities Undertaken to Comply with Condition:</p> <p>In accordance with the A&M Communication Plan, the incident was reported to various parties via phone call and email, as well as in person to downstream landowners. Notification was provided to IAAC, DFO, Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Huron Wendat Nation, the Ontario Ministry of the Environment, Climate and Parks (MECP) Spills Action Centre (ECCC representative in Ontario), the Region of Halton, the Town of Milton on July 16, 2024, and to downstream landowners from July 17 to 18, 2024.</p> <p>As part of the notifications to the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, and the Huron Wendat Nation, information regarding the date and location where the accident or malfunction occurred, a summary description of the accident or malfunction, and description of the substance released into the environment as a result of the accident or malfunction was provided.</p>
14.5.3	<p>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>Activities Undertaken to Comply with Condition:</p> <p>Notification was provided to the Spills Action Centre (ECCC representative in Ontario), Town of Milton, Halton Region on July 16, 2024.</p>
14.5.4 (and all sub-conditions 14.5.4.1 to 14.5.4.5)	<p>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 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
	<p>Activities Undertaken to Comply with Condition:</p> <p>On August 13, 2024, a 30-Day Report was submitted to IAAC addressing the sediment incident that occurred on July 15, 2024. A copy of this report is available on the Project website here: https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates.</p>
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>On October 8, 2024, a 90-Day Report was submitted to IAAC pursuant to condition 14.5.4. to address the sediment incident that occurred on July 15, 2024. A copy of this report is available on the Project website here: https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates</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>Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.</p> <p>A&M Communication Plan for operation will be developed prior to the start of operation.</p>

Condition Number	Condition
14.6.1	The types of accidents and malfunctions requiring the Proponent to notify the parties referred to in condition 14.6;
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.
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
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.

Section 15: Schedules

Condition Number	Condition
General (15.1 to 15.4)	
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 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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
15.2	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: Updated schedules prepared in accordance with Conditions 15.1 and 15.2 are provided as Appendix 4 and 5.
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.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	<p>Condition fulfilled in regard to Condition 15.1 and 15.2. See 2021 Annual Report for details.</p> <p>Updated schedules prepared in accordance with Condition 15.3 were submitted to the MCFN, the SNGR, the HWN, the Town of Milton, Halton Region, and Conservation Halton on March 28, 2024 via email correspondence directing them to the project website.</p>

Section 16: Record Keeping

Condition Number	Condition
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.
	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.
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.
	Activities Undertaken to Comply with Condition: All records referred to in condition 16.1 will be retained in Canada at CN's headquarters office located at 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.
16.3	The Proponent shall notify the Agency of any change to the contact information of the Proponent included in the Decision Statement.
	Activities Undertaken to Comply with Condition: No changes to the contact information occurred in 2024. IAAC will be notified if there is a change to the contact information of the Proponent.

APPENDIX 2A

Record of Consultation Agencies



APPENDIX 2A: 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)				
02/09/2024	Email – Outgoing	Julie Buron Compliance (compliance-conformite@iaac-aeic.gc.ca)	France Moreau Darren Reynolds Chris Powell	Stantec submitted the Cultural Heritage Conditions Report for 5269 Tremaine Road and 5381 Tremaine Road, in response to Condition 11.4. The report documents the assessment conducted in 2024 to determine if vibration related damage has occurred as a result of CN's construction activities, and concludes that since no damage from construction activities or corresponding vibration effects were observed, no repairs were warranted. Attachments: <ul style="list-style-type: none">Mem_IAAC_vibration_condition_CN_Milton_2024020.pdf
02/21/2024	Email - Outgoing	Steve Fraser Julie Buron Tara Schweitzer (DFO) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Dae Young Lea (HC) Julie Boudreau (HC) Sean Persad (Canadian Transport Agency)	Darren Reynolds France Moreau Luanne Patterson Chris Powell	Email of meeting minutes for a February 14, 2024 regulators call. Attendees on the call included: Darren Reynolds and France Moreau (CN), Sheryl Lusk and Carolyn Hann (ECCC), and Chris Powell (CN). Overview of phone call included the following topics: <ul style="list-style-type: none">Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2.Western Chorus Frog habitat compensation updatesNoise monitoring progressStatus update for 2023 Annual Report and corresponding FUPSite visit discussions for agency visits Attachments: <ul style="list-style-type: none">Prs_CN_MLH_Regulators_20240213.pdf
06/20/2024	Email – Outgoing	Julie Buron Sarah Devin Sheryl Lusk (ECCC)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	CN sent email to IAAC and ECCC to notify them of a vegetation clearing incident that took place by the Contractor in an area that was swept for bird habitat and was subsequently flagged off as restricted access due to the presence of bird nesting activity. CN committed to following up with a more detailed memo and action plan once the incident is further investigated.
06/21/2024	Email – Incoming	Sarah Devin Julie Buron Post Decision (postdevision@iaac-aeic.gc.ca)	Ricky Chiu	As follow up to the outgoing email dated July 20, 2024 IAAC responded to CN's email regarding the vegetation clearing incident. They provided thanks for the email and a general request that any future correspondence regarding the Milton Logistics Hub Project be sent to their "post decision" email at postdevision@iaac-aeic.gc.ca to ensure all communications reaches their team.
07/02/2024	Email – Outgoing	Sarah Devin Tara Schweitzer (DFO) Sheryl Lusk (ECCC) Carolyn Hann (ECCC) Julie Boudreau (HC) Dae Young Lea (HC) Sean Persad (Canadian Transport Agency)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	Email meeting minutes for a July 6, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson, and Ricky Chiu (CN), Sarah Devin (IAAC), Sheryl Lusk and Bethany Thurber (ECCC), Dae Young Lee (Heath Canada), Sean Persad (TC), Tara Schweitzer and Chris Strand (DFO) Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">Overview of construction activities conducted over the previous months following the 60-day shutdownRecap of Phases, corresponding construction activities and project scheduled highlightsStatus update on various legal cases (i.e. Judicial review, Section 98 appeal)DFO introduced Chris Strand as DFO replacement for Tara SchweitzerWestern Chorus Frog habitat discussions updateUpdate on latest Community Consultation Committee consultationOffer extended for another agency site meeting Attachments: <ul style="list-style-type: none">prs_CN_MLH_CCC_20240702.pdfMilton_Phases_Figures_2024-07-02.pdf

APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
07/16/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report.
07/31/2024	Email – Outgoing	Sarah Devin (IAAC) Julie Buron (IAAC) Post Decision (postdevision@iaac-aiiec.gc.ca) Sheryl Lusk (ECCC)	Darren Reynolds Ricky Chiu Luanne Patterson Chris Powell	As follow up to the outgoing mail dated June 20, 2024 regarding the vegetation clearing incident, CN provided a memo which documented the results of the bird nest sweeps conducted on May 23 and 28, 2024 by Stantec biologists. The memo also included observed potential effects to the environment and actions taken. Mitigation measures developed to prevent future unauthorized vegetation clearing include submission of requests for wildlife sweeps with sufficient coordination time, conducting sweeps with staffs from both Stantec and the Contractor, enhanced demarcation of identified protected areas, and clear written clearance before vegetation clearing can commence. Attachments: <ul style="list-style-type: none">CN_incident_veg clearing_20240730_fnl_signed.pdf
08/26/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devin (IAAC) Carolyn Hann (ECCC) Julie Boudreau (HC) Tara Schweitzer (DFO) Sheryl Lusk (ECCC) Dae Young Lee (HC) Sean Persad (CTA) Bethany Thurber (ECCC)	Darren Reynolds Ricky Chiu Luanne Patterson Chris Powell	CN provided meeting minutes of the August 6 regulators call. Meeting notes included confirmation that a regulators site visit would be deferred to later in the year (fall), but virtual September meeting will stay as is. Meeting minutes included list of those present for the virtual call. Call discussion topics included the following: <ul style="list-style-type: none">Overview of construction activities over the past few months including work at LBL grade separation and along the truck access roadAdditional details on Culvert 3 and spillway slope damage/repairsProject remains on schedule with current phase of workUpdates on the legal casesUpdates on WCF potential offsite options for habitat creationCCC consultation highlightsVarious action items Attachments: <ul style="list-style-type: none">Prs_CN_MLH_Regulators_20240806
08/13/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devin (IAAC) Post Decision (postdecision@iaac-aeic.gc.ca) Chris Strands (DFO) Tara Schweitzer (DFO)	Luanne Patterson Ricky Chiu Darren Reynolds Eric Harvey Manny Loureiro Chris Powell	CN sent email with the 30-Day Incident report regarding the (storm-related erosion) spills incident at the Regional Diversion Ditch, which occurred on July 15. Attachment: <ul style="list-style-type: none">Mem_CN_accident_3-Day_20240813_fnl.pdf



APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
10/11/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devin (IAAC) Post Decision (postdecision@iaac-aeic.gc.ca) Chris Strands (DFO) Tara Schweitzer (DFO)	Luanne Patterson Ricky Chiu Darren Reynolds Eric Harvey Manny Loureiro Chris Powell	CN sent email with the 90-Day Incident report regarding the (storm-related erosion) spills incident at the Regional Diversion Ditch, which occurred on July 15. Attachment: <ul style="list-style-type: none">Mem_CN_incident_90-day_20241008_fnl.jpg
10/15/2024	Email – Incoming	Steven Fraser (IAAC) Julie Buron (IAAC) Sarah Devin (IAAC)	Luanne Patterson Ricky Chiu	DFO (Steven Fraser) notified CN that Julie Buron is currently on another assignment and that he is assuming IAAC responsibility for the CN Milton Logistics Hub file.
10/15/2024	Email – Outgoing	Steven Fraser (IAAC) Julie Buron (IAAC) Sarah Devin (IAAC)	Luanne Patterson Ricky Chiu	CN acknowledged Staven Fraser’s email (dated October 15) regarding the IAAC staffing change responsible for the CN Milton Logistics Hub file.
10/31/2024	Email – Outgoing	Sheryl Lusk Carolyn Hahn John Brett Sarah Devin (IAAC) Steven Fraser (IAAC)	Chris Powell Ricky Chiu Luanne Patterson Darren Reynolds Andrew Taylor Isabelle Picard	Stantec, on behalf of CN, followed up with an updated Western Chorus Frog memo directed to ECCC which included IAAC representatives in CC, regarding the results of WCF surveys and observations of previously identified habitat features that have been removed by the adjacent developers, as well as the implications to habitat determination within CN’s right-of way and the conditions of approval. As a result, support has been requested from ECCC by CN in the determination that WCF habitat no longer exists within or adjacent to the CN’s right-of-way and to support CN’s proposed approach and location for the creation of new WCF habitat. Attachment: <ul style="list-style-type: none">Mem_CN_Milton_WCFR_30102024_fnl.pdf
10/31/2024	Email – Outgoing	Julie Buron Sarah Devin Steven Fraser Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Tara Schweitzer (DFO) Dae Young Lee (HC) Julie Boudreau (HC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the October 01, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2Coordination with public and Town of Milton for relevant construction activitiesEngagement with CCCWestern Chorus Frog habitat compensation updatesNoise monitoring progressStatus update for 90-Day Report (regarding outlet channel failure)Agency site meeting Attachments: <ul style="list-style-type: none">Prs_CN_MLH_Regulators_20241001.pdf
11/05/2024	Email – Incoming	Steven Fraser	Darren Reynolds	IAAC provided feedback regarding the 90-day report for the regional diversion ditch storm related erosion incident. They noted that the report satisfies the requirements of the 90=day reporting and provided thanks for continued efforts on site. Attachment: <ul style="list-style-type: none">Mem_CN_incident_90-Day_20241008
11/11/2024	Email – Outgoing	Steven Fraser Carl Johansson Post Decision (postdecision@iaac-aeic.gc.ca) Compliance (compliance-conformite@iaac-aeic.gc.ca)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell Denis Kirchhoff Kristen Wozniak Steve Thurtell (IEM)	Steve Thurtell (Independent Environmental Monitor) informed IAAC and CN that during his October inspection, he observed concrete frequently being washed onto the ground and suggested for cleanup of the concrete and construction of more washout basins.



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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
11/14/2024	Email – Outgoing	Steven Fraser Carl Johansson Post Decision (postdecision@iaac-aeic.gc.ca) Compliance (compliance-conformite@iaac-aeic.gc.ca)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell Denis Kirchhoff Kristen Wozniak Steve Thurtell (IEM)	As follow up to the concrete washout observed by Steve Thurtell (IEM) (email dated November 11), CN informed that the concrete washout had been cleaned up.
12/3/2024	Email – Outgoing	Julie Buron Sarah Devin Steven Fraser Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Tara Schweitzer (DFO) Dae Young Lee (HC) Julie Boudreau (HC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the November 5, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 2 activities including maintenance and monitoring, current site conditions, and construction activities• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Scheduled site visit with IAAC on December 11 and 12, 2024, with an extended invitation for other agencies to participate• Proposed change in fuel source for switch heaters Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241105.pdf
12/12/2024	Email – Incoming	Sarah Devin Steven Fraser Sheryl Lusk (ECCC) Carolyn Hahn (ECCC) John Brett (ECCC)	Chris Powell Ricky Chiu Luanne Patterson Darren Reynolds Andrew Taylor Isabelle Picard	As follow up to the updated Western Chorus Frog memo submitted on October 31, 2024, ECCC responded with their comments. While ECCC agreed with CN that removal of all the wetland features adjacent to the PDA in 2023 likely meant that hibernating sites for WCFs were no longer present within the PDA, the affected site should be replaced with at least a one-to-one ratio of restored habitat suitable for WCF. ECCC is supportive of alternative options, but preference is for compensation to be considered closer to the PDA to benefit local WCF populations in the area surrounding the PDA and to align with the population and distribution objectives for WCF in the federal Recovery Strategy. Attachment: <ul style="list-style-type: none">• MiltonLogisticsHub_WCF_2024-12-12_ECCC_Comments.docx
Canadian Transportation Agency (CTA)				
10/31/2024	Email – Outgoing	Sean Persad Dae Young Lee (HC) Julie Boudreau (HC) Tara Schweitzer (DFO) Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the October 01, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2• Coordination with public and Town of Milton for relevant construction activities• Engagement with CCC• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Agency site meeting Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241001.pdf

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
12/3/2024	Email – Outgoing	Sean Persad Dae Young Lee (HC) Julie Boudreau (HC) Tara Schweitzer (DFO) Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the November 5, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 2 activities including maintenance and monitoring, current site conditions, and construction activities• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Scheduled site visit with IAAC on December 11 and 12, 2024, with an extended invitation for other agencies to participate• Proposed change in fuel source for switch heaters Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241105.pdf
Department of Fisheries and Oceans Canada (DFO)				
05/15/2024	Email – Outgoing	Tara Schweitzer Julie Buron (IAAC) Julie Simard (MNR)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	CN sent DFO an email indicating that dewatering activity of a naturally flooded area had taken place within the Project Development Area on May 14, 2024 where fish salvage activity was undertaken. CN identified that several fish were found deceased and/or injured and that this matter was currently being investigated to understand the circumstances of the occurrence. A report would be provided once more details were available.
05/16/2024	Email – Incoming	Tara Schweitzer Julie Buron (IAAC) Julie Simard (MNR)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	DFO provided a response to the May 15, 2024 email regarding injured/deceased fish and requested that a memo incident report be submitted which outlines approximate number of dead fish, species, etc. with photos along with a description of work that took place, as well as lessons learned and/or adaptive management practices to avoid future deaths where possible.
06/13/2024	Email – Outgoing	Tara Schweitzer Julie Buron (IAAC) Julie Simard (MNR)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	In response to DFO’s May 16, 2024 email regarding the deceased/injured fish, CN submitted a memo incident report, documenting the incident and adaptive management practices adopted to avoid future fish mortality. Attachment: <ul style="list-style-type: none">• Mem CN incident 20240611 fin.pdf
06/25/2024	Email – Incoming	Tara Schweitzer Julie Buron (IAAC) Julie Simard (MNR)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	DFO acknowledged receipt of memo incident report regarding the deceased/injured fish, sent by CN on June 13, 2024, and confirms no further information is required.
06/25/2024	Email – Outgoing	Tara Schweitzer Julie Buron (IAAC) Julie Simard (MNR)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	CN provided thanks for confirming that no further information is needed regarding the June 13, 2024 memo incident report regarding the deceased/injured fish.

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to just IAAC and DFO.
07/16/2024	Email - Incoming	Chris Strand Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP)	Ricky Chiu Theresa Nelson Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	DFO acknowledged receipt of notification sent on July 16 regarding the Culvert 3 Regional Diversion Ditch spillway damages and spills incident and confirmed that it satisfies Section 38(4) of the <i>Fisheries Act</i> . DFO requested for updates on the repair plan and/or mitigation measures to be implemented.
07/16/2024	Phone Call - Outgoing	Chris Strand	Ricky Chiu	CN informed DFO that the rip rap protection along the slope draining from the regional diversion ditch was eroded during the storm event on July 15, 2024, and shared that the Contractor is currently preparing to complete an interim fix to stabilize the slope, with a permanent fix thereafter. CN also confirmed that the 30-day and 90-day report will cover the root cause, remediation, mitigation measures and assessment of additional impacts and potential deposit of sediment in downstream areas. DFO requested that if there are any additional impacts in the Indian Creek, such as channel failure and deposit of sediments in downstream areas, that DFO be notified with an email, including a repair plan/ mitigation measure to be implemented.
08/07/2024	Email – Incoming	Filipe Aguiar	Aaron Stadnyk	DFO followed up on the phone call on July 16, 2024, between CN and DFO regarding bank washout into Indian Creek (due to July 15 storm event). DFO requested for all appropriate corrective measures to be taken following the washout, including removal of the material that made its way into the watercourse following the washout.
08/07/2024	Email – Outgoing	Filipe Aguiar	Ricky Chiu Aaron Stadnyk	CN provided a same day follow-up on DFO’s response regarding the July 15 bank washout into Indian Creek and provided information regarding actions taken (i.e., sediment and erosion control measures which included the installation of cofferdams, silt fencing, temporary stone, etc.), current site conditions, and permanent remediation plans.



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08/08/2024	Email - Incoming	Filipe Aguiar Chris Strand	Ricky Chiu Aaron Stadnyk	DFO thanked CN for their email (dated August 7, 2024), acknowledged the comprehensive breakdown of the corrective measures to be implemented, and confirmed that they have no further questions regarding the occurrence. Attachments: <ul style="list-style-type: none">Image002.pngImage003.pngImage 004.png
08/13/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devin (IAAC) Post Decision (postdecision@iaac-aeic.gc.ca) Chris Strands (DFO) Tara Schweitzer (DFO)	Luanne Patterson Ricky Chiu Darren Reynolds Eric Harvey Manny Loureiro Chris Powell	CN sent email with the 30-Day Incident report regarding the (storm-related erosion) spills incident at the Regional Diversion Ditch, which occurred on July 15. Attachment: <ul style="list-style-type: none">Mem_CN_accident_3-Day_20240813_fnl.pdf
08/20/2024	Email – Outgoing	Chris Strand	Ricky Chiu	CN informed that prolonged heavy rainfall in mid-July 2024 resulted in rip-rap displacement and bank scouring within the inlet channel of Culvert 7, which conveys flows for Tributary C (fish habitat). While no sedimentation was observed and turbidity readings have been within the allowable criteria, minor adjustments to the downstream plunge pool is required to ensure that the Culvert 7 outlet is aligned centrally in the plunge pool. CN provided the work plan related to the rip-rap repairs and plunge pool adjustment for DFO's review. While both work is to be completed in dry condition, they are categorized as "in-water work". Works include cofferdam installations, bird sweeps (as necessary), fish rescues, repair/adjustment of rip-rap structures along the banks of Tributary C and downstream plunge pool of Culvert 7, and other repair work.
08/20/2024	Email – Outgoing	Brett Ellis Chris Strand Tara Schweitzer	Ricky Chiu	CN forwarded the email dated August 20 regarding Culvert 7 plunge pool repairs to other DFO staff.
08/22/2024	Email – Incoming	Brett Ellis Chris Strand Tara Schweitzer	Ricky Chiu	DFO provided written approval confirmation of the proposed repair plan for Culvert 7. DFO also confirmed that as an active, valid <i>Fisheries Act</i> authorization is in place, the additional works fall within reasonable contingency measures and not constitute any significant additional harmful alteration, disruption or destruction to fish or fish habitat.
10/11/2024	Email – Outgoing	Julie Buron (IAAC) Sarah Devin (IAAC) Post Decision (postdecision@iaac-aeic.gc.ca) Chris Strands (DFO) Tara Schweitzer (DFO)	Luanne Patterson Ricky Chiu Darren Reynolds Eric Harvey Manny Loureiro Chris Powell	CN sent email with the 90-Day Incident report regarding the (storm-related erosion) spills incident at the Regional Diversion Ditch, which occurred on July 15. Attachment: <ul style="list-style-type: none">Mem_CN_incident_90-day_20241008_fnl.jpg
10/31/2024	Email – Outgoing	Tara Schweitzer Dae Young Lee (HC) Julie Boudreau (HC) Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the October 01, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2Coordination with public and Town of Milton for relevant construction activitiesEngagement with CCCWestern Chorus Frog habitat compensation updatesNoise monitoring progressStatus update for 90-Day Report (regarding outlet channel failure)Agency site meeting Attachments: <ul style="list-style-type: none">Prs_CN_MLH_Regulators_20241001.pdf

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Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
12/3/2024	Email – Outgoing	Tara Schweitzer Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Dae Young Lee (HC) Julie Boudreau (HC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the November 5, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 2 activities including maintenance and monitoring, current site conditions, and construction activities• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Scheduled site visit with IAAC on December 11 and 12, 2024, with an extended invitation for other agencies to participate• Proposed change in fuel source for switch heaters Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241105.pdf
12/22/2024	Email – Outgoing	Chris Strand Tara Schweitzer	Ricky Chiu Darren Reynolds Luanne Patterson Chris Powell Sean Geddes	CN provided DFO with the Fish and Fish Habitat FUP for 2024. Attachments: <ul style="list-style-type: none">• Fish and Fish Habitat FUP – Construction Monitoring Report 2024 20241220 Final
Environment and Climate Change Canada (ECCC)				
02/15/2024	Meeting	Sheryl Lusk Carolyn Hahn John Brett	Andrew Taylor Isabelle Picard Chris Powell France Moreau	Meeting to discuss Western Chorus Frog habitat loss and compensation. Stantec presented the surveys conducted to date and offsite habitat changes resulting in adjacent development of residential subdivisions, as well as implications to assume habitat within the CN right-of-way. Compensations alternatives were also discussed during the meeting.
06/20/2024	Email – Outgoing	Sheryl Lusk Julie Buron (IAAC) Sarah Devin (IAAC)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	CN notified IAAC and ECCC of a vegetation clearing incident that took place by the Contractor in an area that was flagged off as restricted access due to the presence of bird nesting activity. CN committed to following up with a detailed memo and action plan after further investigations
07/31/2024	Email – Outgoing	Sarah Devin (IAAC) Julie Buron (IAAC) Post Decision (postdevision@iaac-aiiec.gc.ca) Sheryl Lusk (ECCC)	Darren Reynolds Ricky Chiu Luanne Patterson Chris Powell	As follow up to the outgoing mail dated June 20, 2024, regarding the vegetation clearing incident, CN provided a memo which documented the results of the bird nest sweeps conducted on May 23 and 28, 2024 by Stantec biologists. The memo also included observed potential effects to the environment and actions taken. Mitigation measures developed to prevent future unauthorized vegetation clearing include submission of requests for wildlife sweeps with sufficient coordination time, conducting sweeps with staffs from both Stantec and the Contractor, enhanced demarcation of identified protected areas, and clear written clearance before vegetation clearing can commence. Attachments: <ul style="list-style-type: none">• CN_incident_veg clearing_20240730_fnl_signed.pdf
10/31/2024	Email – Outgoing	Sheryl Lusk Carolyn Hahn John Brett Sarah Devin (IAAC) Steven Fraser (IAAC)	Chris Powell Ricky Chiu Luanne Patterson Darren Reynolds Andrew Taylor Isabelle Picard	Stantec, on behalf of CN, followed up with an updated Western Chorus Frog memo regarding the results of WCF surveys and observations of previously identified habitat features that have been removed by the adjacent developers, as well as the implications to habitat determination within CN's right-of way and the conditions of approval. As a result, support has been requested from ECCC by CN in the determination that WCF habitat no longer exists within or adjacent to the CN's right-of-way and to support CN's proposed approach and location for the creation of new WCF habitat. Attachment: <ul style="list-style-type: none">• Mem_CN_Milton_WCFR_30102024_fnl.pdf



APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
10/31/2024	Email – Outgoing	Sheryl Lusk Bethany Thurber Carolyn Hann Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Tara Schweitzer (DFO) Dae Young Lee (HC) Julie Boudreau (HC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the October 1, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2• Coordination with public and Town of Milton for relevant construction activities• Engagement with CCC• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure) Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241001.pdf
12/3/2024	Email – Outgoing	Sheryl Lusk Bethany Thurber Carolyn Hann Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Tara Schweitzer (DFO) Dae Young Lee (HC) Julie Boudreau (HC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the November 5, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 2 activities including maintenance and monitoring, current site conditions, and construction activities• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Scheduled site visit with IAAC on December 11 and 12, 2024, with an extended invitation for other agencies to participate• Proposed change in fuel source for switch heaters Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241105.pdf
12/12/2024	Email – Incoming	Sheryl Lusk Carolyn Hahn John Brett Sarah Devin (IAAC) Steven Fraser (IAAC)	Chris Powell Ricky Chiu Luanne Patterson Darren Reynolds Andrew Taylor Isabelle Picard	As follow up to the updated Western Chorus Frog memo submitted on October 31, 2024, ECCC responded with their comments. While ECCC agreed with CN that removal of all the wetland features adjacent to the PDA in 2023 likely meant that hibernating sites for WCFs were no longer present within the PDA, the affected site should be replaced with at least a one-to-one ratio of restored habitat suitable for WCF. ECCC is supportive of alternative options, but preference is for compensation to be considered closer to the PDA to benefit local WCF populations in the area surrounding the PDA and to align with the population and distribution objectives for WCF in the federal Recovery Strategy. Attachment: <ul style="list-style-type: none">• MiltonLogisticsHub_WCF_2024-12-12_ECCC_Comments.docx
Health Canada (HC)				
03/12/2024	Email – Incoming	Dae Young Lee Umme Akhtar	Darren Reynolds Chris Powell	HC acknowledged confirmation that CN still intends to submit the 2023 Annual report in light of the March 2023 federal court ruling. Based on HC's review of the 2022 Air Quality Monitoring report, they noted that the document <i>CN Milton Logistics Hub: Updates of Air Quality Baseline Information</i> (2021) was referenced frequently and hence requested a copy of the document.
03/26/2024	Email -Outgoing	Dae Young Lee Umme Akhtar	Chris Powell Darren Reynolds France Moreau	On behalf of CN, Stantec provided HC with a copy of the “CN Milton Logistics Hub: Updates of Air Quality Baseline Information” (2021). Attachments: <ul style="list-style-type: none">• CN MLH AAO baseline-update 2021 20211209 fin.pdf

APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
05/09/2024	Letter – Incoming	Dae Young Lee Kitty Ma Heather Jones-Otazo Alexandra Iliescu Jordan Taylor Umme Akhtar Joel Kaushansky Julie Buron (IAAC)	Luanne Patterson	HC provided CN with their review and comments of the 2023 Annual Report and Construction Ambient Air Quality Monitoring Follow-Up Program Results for the Project. No comments were provided for the Annual Report, but comments were provided for the AQ FUP Report.
07/08/2024	Email - Outgoing	Dae Young Lee Umme Akhtar ia-ei@hc-sc.gc.ca ia-on-ie-on@hc-sc.gc.ca Post Decision (postdecision@iaac-aeic.gc.ca) Compliance (compliance-conformite@iaac-aeic.gc.ca) Julie Buron (IAAC) Sarah Devin (IAAC) Sheryl Lusk (ECCC) Bob Gray (Halton) Curt Benson (Halton) Andrew Siltala (Milton) Header Merza (MECP) Zhiping Yang (MECP) Ted Belayneh (MECP) Robin Vanstone (Six Nations) Tania Hill-Montour (Six Nations) Adam LaForme (MNCFN) Adrian Blake (MNCFN) consultations@wendake.ca Isabelle Lechasseur (Wendake FN) Jean-Francois Richard (Wendake FN)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	In response to the letter dated May 9, 2024 from Health Canada, Stantec on behalf of CN addressed the comments provided by Health Canada and updated the 2023 AQ FUP report to reflect the necessary changes. A comment response table was also provided addressing the May 9, 2024 HC comments. Attachments: <ul style="list-style-type: none">Rpt CN MLH AQ FUP2023 20240522 fnl v2 sgn.pdfHC Comment Response 2023 Annual Report FUPs 20240705.pdf
07/08/2024	Email – Incoming	Dae Young Lee Post Decision (postdecision@iaac-aeic.gc.ca) Compliance (compliance-conformite@iaac-aeic.gc.ca) Julie Buron (IAAC) Sarah Devin (IAAC)	Ricky Chiu Luanne Patterson Darren Reynolds Chris Powell	In response to the email dated July 8, 2024, Health Canada provided thanks for the opportunity to review the updated 2023 AQ FUP report and comment response table, and confirmed they have no further comments to provide at this time.
07/25/2024	Email – Outgoing	Dae Young Lee Umme Akhtar	Chris Powell Ricky Chiu Manny Loureiro Darren Reynolds Fabian Alvarado	Stantec, on behalf of CN, reached out to Health Canada to commence discussions regarding Round 2 monitoring for Phase 2 construction associated with the Acoustics Environment Follow-up Program requirements. Monitoring to be scheduled in 2025. Request for consultation through a virtual meeting was provided with various date/time options. A brief overview of construction activities proposed for Phase 2 of the project. The intent of the discussion is to request input from Health Canada on proposed timing for the second round of this monitoring.
10/08/2024	Email – Incoming	Dae Young Lee	Chris Powell Ricky Chiu Manny Loureiro Darren Reynolds Fabian Alvarado	Health Canada provided a follow-up confirmation email associated with Round 2 Noise assessment monitoring during Phase 2 construction activities for 2025. They provided thanks for the July 25, 2024 outreach and subsequent virtual meeting held on September 5, 2024. Health Canada reviewed the plan and provided support/agreement with their proposed timing of the noise monitoring to occur sometime within Q3 or Q4 of 2025 to collect data associated with track construction activities between Derry Road and Louis St. Laurent Blvd.



APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
10/31/2024	Email – Outgoing	Dae Young Lee (HC) Julie Boudreau (HC) Tara Schweitzer (DFO) Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the October 01, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 1 and 2 activities including maintenance and monitoring, current site conditions, and construction activities in preparation for Phase 2• Coordination with public and Town of Milton for relevant construction activities• Engagement with CCC• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Agency site meeting Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241001.pdf
12/3/2024	Email – Outgoing	Dae Young Lee Julie Boudreau Sheryl Lusk (ECCC) Bethany Thurber (ECCC) Carolyn Hann (ECCC) Julie Buron (IAAC) Sarah Devin (IAAC) Steven Fraser (IAAC) Tara Schweitzer (DFO) Sean Persad (CTA)	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell	Email of meeting minutes for the November 5, 2024 regulators call. Attendees on the call included: Darren Reynolds, Luanne Patterson and Ricky Chiu (CN), Steven Fraser (IAAC), Sheryl Lusk and Carolyn Hann (ECCC), Sean Persad (CTA) and Chris Powell (Stantec). Overview of phone call included the following topics: <ul style="list-style-type: none">• Overview of Phase 2 activities including maintenance and monitoring, current site conditions, and construction activities• Western Chorus Frog habitat compensation updates• Noise monitoring progress• Status update for 90-Day Report (regarding outlet channel failure)• Scheduled site visit with IAAC on December 11 and 12, 2024, with an extended invitation for other agencies to participate• Proposed change in fuel source for switch heaters Attachments: <ul style="list-style-type: none">• Prs_CN_MLH_Regulators_20241105.pdf
PROVINCIAL AGENCIES				
Ministry of the Environment, Conservation and Parks (MECP)				
07/16/2024	Phone call – outgoing	MECP Representative (unknown)	Ricky Chiu Aaron Stadnyk Claire Marchand	CN contacted MECP via telephone to notify them of the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to just IAAC and DFO. The MECP did not have any immediate concerns with the incident and provided the following ref. # MECP-SAC Reference No: 1-8ZX5BB

APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
MUNICIPALITIES				
Town of Milton (ML)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to just IAAC and DFO.
Halton Region (HR)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to just IAAC and DFO.

APPENDIX 2A: CONSULTATION WITH AGENCIES, MUNICIPALITIES AND OTHER STAKEHOLDERS - POST PANEL EA REPORT

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
CONSERVATION AUTHORITY				
Conservation Halton (CH)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to just IAAC and DFO.
COMMUNITY CONSULTATION				
OTHER STAKEHOLDERS				
05/31/2024	Notice of Construction Email – Outgoing	Multiple stakeholders on the Project Distribution List	CN_Milton_Project@cn.ca	CN informed the public and multiple stakeholders of the construction activity within CN's track between Britannia Road to Derry Road that was planned for May to November 2024. The Notice of Construction was also posted in the project website (cnmilton.ca). Attachment: <ul style="list-style-type: none">CN-Milton-Notice-of-Construction-Britannia-Rd-Map-20240530.pdf
07/17/2024 to 07/18/2024	Site visit	Multiple adjacent landowners	Manny Loureiro	CN informed multiple adjacent landowners of the damages made to the regional diversion ditch at the MLH site as a result of a major storm event on July 15, 2024, via door-to-door site visits. Landowners who were present thanked CN for the notification and expressed no issues.



APPENDIX 2B

Record of Consultation Indigenous Groups



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
Huron-Wendat Nation (HWN)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to IAAC and DFO.
07/16/2024	Email – Outgoing	Amelie D'Astous Jeanne Moisan consultation@wendake.ca	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr	Stantec, on behalf of CN, notified HWN of planned archaeological monitoring taking place July 18, 2024 for deep excavation work at the CN Milton site. Monitoring details (date/time/location) were provided and Stantec inquired whether HWM would like to provide monitors for the scheduled activity. Attachment: <ul style="list-style-type: none">CN_MLH_Map_parking2024.pdf
07/17/2024	Email - Incoming	Dominique Lesage Marie-Sophie Gendron	Denis Kirchhoff	In response to the email dated July 16, 2024, HWM confirmed that they have a monitor available that will participate in the monitoring activity.
07/18/2024	Email – Outgoing	Dominique Lesage Marie-Sophie Gendron	Denis Kirchhoff	In response to the email dated July 17, 2024, Stantec notified HWM that scheduled work has been delayed due to weather conditions, and a follow-up will be provided with a revised date/time.
07/18/2024	Email – Outgoing	Dominique Lesage Marie-Sophie Gendron	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Krista Lane	Stantec provided the new follow-up scheduled date (July 19, 2024) and time for the proposed deep excavation archaeological monitoring work (originally scheduled on July 18, 2024), and requested confirmation from HWN regarding their monitoring availability. Attachments: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
07/18/2024	Email - Incoming	Dominique Lesage Marie-Sophie Gendron	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Krista Lane	HWN informed that they do not have a monitor available to participate in the July 19 archaeological monitoring work.
09/10/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	HWN notified CN of a new monitor to be on site for a few days and requested for an update about project mitigation.



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
09/10/2024	Email – Outgoing	Jean-Louis Vincent Savard	Ricky Chiu	CN provided a follow-up response with details including planting progress on the slopes of the stormwater management ponds and that the ponds had recently been topsoiled and will be hand seeded shortly to allow for vegetation up-take and stabilization of the slopes. CN also included information regarding stockpiling material adjacent to the south side of the stormwater management ponds and plans for temporary stabilization until the material is removed from site. HWN provided a same day response, thanking CN for the update.
09/16/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	HWN expressed their concerns regarding inadequate watering of newly planted trees and shrubs using white trucks on site and suggested weekly in-person watering.
09/18/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	With regards to the planting progress on the slopes of the stormwater management ponds, HWN reminded CN of the importance of protecting the base of the trunks of the new trees planted at the stormwater management ponds to protect against rodents.
09/18/2024	Email - Outgoing	Jeanne Moisan Perrier	Andrew Sinclair Heather Bonn Denis Kirchhoff Mary-Kate Jory	Stantec notified HWN of planned surface water quality and flow monitoring activities for September and to take place between a three-day time span. Meeting and monitoring details provided. Requested confirmation of there is interest to participate in the monitoring session.
09/19/2024	Email – Incoming	Jeanne Moisan Perrier	Andrew Sinclair Heather Bonn Denis Kirchhoff Mary-Kate Jory	HWN responded with thanks and requested the October monitoring dates.
09/20/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	HWN informed CN of a damaged silt fence near gate 4 and provided a photo of the observation.
09/20/2024	Email – Outgoing	Jean-Louis Vincent Savard	Ricky Chiu	CN thanked HWN for informing of the damaged silt fence and informed that the damage will be investigated, and repairs will be carried out.
09/20/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	HWN confirmed that a Stantec representative was on site to assess the damaged silt fence.
09/21/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu	With regards to the observed damaged silt fence (email dated September 20, 2024), HWN suggested that the damage might be due to an animal. Link provided in email: https://www.google.com/gasearch?q=weasel%20family&source=sh/x/gsm2/5
09/23/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu Scott Duncan	HWN informed of dead goose on site (email subject title stating dead goose at storm pond gate 4 site morning of September 23), with a follow-up email shortly after asking if CN intends to dispose of the dead goose.
09/23/2024	Email – Outgoing	Jeanne Moisan Perrier	Andrew Sinclair Heather Bonn Denis Kirchhoff Mary-Kate Jory	With regards to the email dated September 19, 2024, Stantec provided the dates for surface water monitoring in October (i.e., October 28 to 31).
09/24/2024	Email – Incoming	Jean-Louis Vincent Savard	Ricky Chiu Scott Duncan	With regards to the dead goose observed on site, HWN informed that a “coyote came for dead goose last night”.
09/27/2024	Email – Outgoing	Jean-Louis Vincent Savard	Ricky Chiu	CN thanked HWN for their email dated September 24, 2024, and acknowledged that the goose appeared to have been taken by a predator.
09/27/2024	Email – Outgoing	Jean-Louis Vincent Savard	Ricky Chiu	CN followed up on the email dated September 17 regarding tree protection measures against rodents and notified that the landscapers were on site today (i.e., September 27) to install rodent guards at the newly planted trees at the SWM ponds. CN also shared that a Stantec biologist had assessed and confirmed that rodent damage to tree trunks or any plants in the natural enhancement areas was not observed.
09/27/2024	Email – Outgoing	Jean-Louis Vincent Savard	Ricky Chiu	CN followed up on email dated September 16 regarding concerns of insufficient new tree and plant watering on site. CN confirmed that the contractor and landscaper are diligently watering the newly planted vegetation on the slopes of the SWM ponds, and that they continue to monitor and water diligently even during the current wet weather conditions.



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
10/09/2024	Email – Outgoing	Consultations@wendake.ca Amelie D'Astous Jeane Moisan Dominique Lesage	Darren Reynolds Luanne Patterson Ricky Chiu Dennis Kirchhoff Chris Powell Kristen Wozniak Mitch Ellah Marc Faiella	Stantec, on behalf of CN, reached out to HWN to inform them of planned fish surveys starting on Tuesday, October 15, 2024 and requested confirmation with whether HWN would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
10/17/2024	Email – Outgoing	Consultations@wendake.ca Amelie D'Astous Jeane Moisan Dominique Lesage	Darren Reynolds Luanne Patterson Ricky Chiu Dennis Kirchhoff Chris Powell Kristen Wozniak	Stantec, on behalf of CN, reached out to HWN to inform them of a planned geomorphic survey to be completed on Monday, October 21, 2024 and requested confirmation with whether HWN would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
10/21/2024	Email – Incoming	Dominique Lesage Benjamin Labbe Jeanne Moisan Perrier	Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Denis Kirchhoff	HWN responded to the email dated October 17, that their archaeological monitors were present on CN site today (October 21) and that they will reach out to Stantec staff to visit the location where the geomorphic surveys are conducted. Contact information of the two HWN monitors on site were provided (Anthony Bond & Yan Labbe).
Mississaugas of the Credit First Nation (MCFN)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to IAAC and DFO.
07/16/2024	Email - Outgoing	Joelle Williams Adam LaForme Adrian Blake	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr	Stantec, on behalf of CN, notified MCFN of planned archaeological monitoring taking place July 18th for deep excavation work at the CN Milton site. Monitoring details (date/time/location) were provided and Stantec inquired whether HWM would like to provide monitors for the scheduled activity. Attachment: <ul style="list-style-type: none">CN_MLH_Map_parking2024.pdf



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
07/17/2024	Email – Incoming	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr	MCFN responded to the email dated July 16 regarding archaeological monitoring opportunities and provided a copy of the participation agreement noting that they have added the opportunity to their work schedule and will follow up with attendance confirmation of a Field Liaison Representative. Later that same day a follow-up email was provided to Stantec from MCFN confirming contact information for the available Field Liaison Representative.
07/18/2024	Email – Incoming	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr	MCFN requested confirmation of the planned archaeological monitoring to be carried out on July 18.
07/18/2024	Email – Outgoing	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr Krista Lane	Stantec informed that the archaeological monitoring originally scheduled on July 18 was delayed due to inclement weather and shared that they will provide follow up details when available. Stantec provided a follow-up later that day, confirming that the monitoring work was re-scheduled to July 19 and provided additional monitoring information. Attachment: <ul style="list-style-type: none">• CN_MLH_map_parking2024.pdf
07/18/2024	Email – Incoming	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Krista Lane	MCFN confirmed their Field Liaison Representative’s availability for the archaeological monitoring opportunity scheduled for July 19. and provided his contact details.
10/09/2024	Email- Outgoing	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Mitch Ellah Marc Faiella	Stantec, on behalf of CN, informed MCFN of the planned fish surveys starting on Tuesday, October 15, 2024 and requested confirmation with whether MCFN would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">• CN_MLH_map_parking2024.pdf
10/09/2024	Email – Incoming	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Mitch Ellah Marc Faiella	MCFN acknowledged the email (dated October 9) regarding the fish surveys with thanks and informed that they will follow up to confirm if a Field Liaison Representative will be available.



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
10/17/2024	Email – Outgoing	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Michael Dhanraj	Stantec, on behalf of CN, informed MCFN of a planned geomorphic survey to be completed on Monday, October 21, 2024 and requested confirmation with whether MCFN would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
10/18/2024	Email – Incoming	Joelle Williams	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Michael Dhanraj	MCFN acknowledged the email (dated October 17) regarding the planned geomorphic survey with thanks and informed that they will follow up to confirm if a Field Liaison Representative will be available.
Six Nations of the Grand River (SNGR)				
07/16/2024	Email - Outgoing	Julie Buron (IAAC) Sarah Devon (IAAC) IAAC Project Email Chris Strand (DFO) Maxime Picard (Huron Wendat) Casey Jonathan (MCFN) Dawn Laforme (Six Nations) Tanya Hill-Montour (Six Nations) Bob Gray (Halton) Andrew Siltala (Milton) Hassan Basit (CH) CC: Tara Schweitzer (DFO) Rodney Northey (Gowling WLG) Andrew Bernstein (Torys LLP) Theresa Nelson (CN)	Ricky Chiu Daniel Gagne Eric Harvey Darren Reynolds Luanne Patterson Manny Loureiro Chris Powell	CN provided written notification to IAAC, DFO and other parties of interest regarding the July 15 spill incident that occurred associated with damages to the Culvert 3 Regional Diversion Ditch spillway because of a heavy rain event. The notification included a description of the incident, summary of temporary mitigation measures implemented, and advised that further information would be provided in a 30-Day and 90-Day Report that will be circulated to IAAC and DFO.
07/16/2024	Email - Outgoing	Tanya Hill-Montour Dawn Laforme	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr	Stantec, on behalf of CN, notified SNGR of archaeological monitoring scheduled on July 18, 2024, associated with deep excavation work at the CN Milton site. Stantec provided monitoring details and inquired if SNGR would like to provide monitors for the scheduled activity. Attachment: <ul style="list-style-type: none">CN_MLH_Map_parking2024.pdf



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
07/18/2024	Email – Outgoing	Tanya Hill-Montour Dawn Laforme	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Heather Kerr Krista Lane	Stantec followed up with SNGR to confirm that the archaeological monitoring was delayed due to inclement weather and that details will be provided once available. A subsequent follow-up email (same day) from Stantec to SNGR confirmed that the monitoring work was re-scheduled to July 19, 2024. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
07/18/2024	Email – Incoming	Dawn Laforme Tanya Hill-Montour Tierra Henhawk	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Krista Lane	SNGR responded to archaeological monitoring opportunity notifications (emails dated July 17 and 18) with a reminder that they still have not received the attached monitor agreement for CH Milton and requested follow up. Attachment: <ul style="list-style-type: none">2024_Arch Monitor Agreement for One Monitor.docx
10/09/2024	Email – Outgoing	Lauren Jones Daylon Gee Dawn Russell Peter Graham	Theresa Nelson Ricky Chiu	CN provided follow-up written responses to SNGR for questions that were raised during the July 16 site tour (the email references an August visit). Questions raised ranged from topics including: <ul style="list-style-type: none">terminal size in relation to CN owned landsstatus of Western Chorus Frog presence on sitescope of tree removal to accommodate for constructionbat presence and acoustic surveysbird nesting habitatair monitoring stationssediment and erosion control measures
10/09/2024	Email – Outgoing	Tanya Hill-Montour Dawn Laforme	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Mitch Ellah Marc Faiella	Stantec, on behalf of CN, reached out to SNGR to inform them of planned fish surveys starting on Tuesday, October 15, 2024 and requested confirmation with whether SNGR would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf
10/09/2024	Email – Incoming	Tanya Hill-Montour Dawn Laforme	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak Mitch Ellah Marc Faiella	SNGR acknowledged the fish survey invitation (email dated October 9) with thanks.
10/16/2024	Email – Incoming	Lauren Jones Daylon Gee Dawn Russell Peter Graham	Theresa Nelson Ricky Chiu	In response to the written responses provided pertaining the questions raised during the July 16 site tour (email dated October 9), SNGR provided follow-up questions.



APPENDIX 2B: CONSULTATION WITH INDIGENOUS GROUPS - POST PANEL EA REPORT

Communication Date	Communication Method	Community Representatives	Project Team Members	Communication Summary
10/17/2024	Email – Outgoing	Tanya Hill-Montour Dawn Laforme	Denis Kirchhoff Darren Reynolds Luanne Patterson Ricky Chiu Chris Powell Kristen Wozniak	Stantec, on behalf of CN, reached out to SNGR to inform of a planned geomorphic survey on Monday October 21, 2024 and requested confirmation with whether SNGR would be interested in providing a monitor to participate in the activity. Attachment: <ul style="list-style-type: none">CN_MLH_map_parking2024.pdf



APPENDIX 3A

Consideration of Views and Information Received



APPENDIX 3A: 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 4.21 Air Quality Follow- Up Program			
HC AQ1	July 5, 2024	The unseasonably high benzene levels observed in Q3 of 2023 were attributed to an unknown regional air quality event, rather than to the Project or local source(s) (Section 4.1.1.2). The tentative conclusion was partly supported by a communication with the National Air Pollution Surveillance (NAPS) program, which shared unverified observations that elevated volatile organic compound (VOC) levels were detected at NAPS stations in the region during a similar time period (Section 4.1.1.2). Health Canada recommends further verifying the conclusion by comparing the 2023 Air Monitoring Results to the regional NAPS VOC data when they become publicly available.	Once the regional NAPS VOC data become publicly available, Stantec will review to confirm the unverified observations that elevated volatile organic compound (VOC) levels were detected at NAPS stations in the region during a similar time period. This information was included in the 2024 Construction Ambient Air Quality Monitoring Follow-Up Program Results Final Report (Stantec, 2025), a copy of which will be provided to HC on March 31, 2025.
HC AQ2	July 5, 2024	The monitoring period for 24-hour fine particulate matter (PM2.5), annual PM2.5 and 1-hour nitrogen dioxide (NO2) was not deemed sufficiently long to allow for a proper comparison of the monitored results to the correct statistical forms of the Canadian Ambient Air Quality Standards (CAAQS) metric values based on 3 years of data (Section 2.6.1). Nonetheless, Health Canada supports the continued comparison of at least one year of data against the CAAQS values to inform the potential need for source investigation and additional or modified mitigation measures.	Noted. We will continue to compare the available measured 24-hour fine particulate matter (PM2.5), annual PM2.5 and 1-hour nitrogen dioxide (NO2) to the CAAQS values, and once sufficient data exists (i.e., 3 years) to provide for proper comparison of the monitored results to the correct statistical forms, this caveat will be removed from the reports. This information was included in the 2024 Construction Ambient Air Quality Monitoring Follow-Up Program Results Final Report (Stantec, 2025), a copy of which will be provided to HC on March 31, 2025.
HC AQ 3	July 5, 2024	The CAAQS values were referenced inconsistently throughout the document. For example, the 2020 CAAQS values for 1-hour and annual NO2 were indicated as 119 and 32 µg/m3, respectively, in Table 2.4, while as 119 and 34 µg/m3 in Table 3.7 and as 192 and 32 µg/m3 in Table 4.1. Health Canada recommends the consistent and correct use of CAAQS values throughout the Air Monitoring Results report.	An updated version of the 2023 Air Quality Follow-up Program has been prepared that corrects the 2020 CAAQS for annual NO2 referenced throughout the report. A copy of the update report was provided to Health Canada and IAAC on July 8, 2024, and this update has been reflected in the 2024 Construction Ambient Air Quality Monitoring Follow-Up Program Results Final Report (Stantec, 2025), a copy of which will be provided to HC on March 31, 2025.
Condition 8.5 Western Chorus Frog Survey and Result Consultation			
ECCC 1	October 12, 2023 (outstanding comments from 2023 Annual Report)	<p>Regarding the <i>CN Milton Logistic Hub Western Chorus Frog – Survey Results and Habitat Compensation Revised June 2023</i> document (Pg. 1-5), ECCC advises that although no WCF were confirmed on site during the 2023 surveys it is too early to conclude that the species is absent from the site, that the species is no longer breeding in the remaining wetland, and that hibernation sites no longer occur in the project development area (PDA).</p> <p>On page 2, it is noted that there were changes to suitable WCF breeding habitat adjacent to the PDA, but wetland habitat remains near [REDACTED] (expected to be removed in the future). It was also confirmed by ECCC during the site visit on April 20, 2023 that suitable WCF hibernation sites remained [REDACTED]. It is noted on page 1, that multiple WCF individuals were confirmed calling during the 2020 daytime surveys and recordings on automated recording units at [REDACTED]. While the 2023 surveys did not confirm presence of WCF, it is known from the 2020 surveys that the species was present in low numbers in the PDA and, due to these low numbers, can be more difficult to detect during surveys. As such, there remains the possibility that individuals could still be present in low numbers at the PDA and may not have been calling at the time surveys were carried out.</p> <p>As per the residence description for Western Chorus Frog (https://species-registry.canada.ca/index-en.html-/documents/2963), “Only when the habitat no longer exists or the absence of Western Chorus Frog from a specific wetland or aquatic features has been demonstrated is the area considered to no longer contain a Western Chorus Frog hibernating site.”</p> <p>As there remains breeding and hibernation sites for WCF adjacent and within the PDA, and since we are aware that low numbers of WCF have been confirmed on site previously, ECCC advises that the 2023 WCF surveys alone may not demonstrate absence of the species.</p>	<p>Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation Memo</i> (Stantec, October 20, 2024).</p> <p>In the memo, Stantec acknowledged that the wetland habitat at [REDACTED] was still present during the 2023 WCF surveys. However, the construction activities associated with the adjacent land development during the fall of 2023 subsequently resulted in the filling / grading of the wetland adjacent to [REDACTED] removing any remaining breeding habitat adjacent to the PDA. Photos provided in the memo (conditions in the fall of 2023 and in the summer of 2024) show that no wetlands supporting WCF habitat remain.</p> <p>With the previous removal of the wetland adjacent to [REDACTED] and the removal of the last remaining wetland adjacent to [REDACTED] in fall of 2023, suitable breeding habitat for WCF is completely absent in proximity to the PDA. Given the absence of breeding sites, it is reasonable to conclude that WCF no longer occur in or adjacent to the PDA.</p> <p>Considering the removal of both wetland features adjacent to the PDA, and additionally, the absence of WCF during the spring 2023 surveys, it is reasonable to conclude that hibernating sites (i.e., residences) for WCF are not present within the PDA.</p> <p>See ECCC 8 for their agreement that the removal of all the wetland features adjacent to the PDA in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for WCF were no longer present within the PDA.</p>
ECCC 2	October 12, 2023 (outstanding comments from 2023 Annual Report)	<p>Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (pg. 2), On Page 2, the following is written in the Stantec report, “To date one wetland pocket and portions of another have been removed by one land developer and the remainder of the second pocket is planned for removal by the second land developer either this year or next. As a result, while historic records of WCF were reported, within the wetlands [REDACTED], including observations from Stantec of two individuals calling in 2021 (2020?), removal of these wetlands and absence of observed WCF in 2023 indicate that the previously identified potential Project-related impacts on the WCF are, as practical matter, no longer an issue.”</p> <p>ECCC does not agree that project related impacts on WCF are no longer an issue. It is ECCC’s understanding that the second developer has not removed the second pocket of wetland at this time and so there still remains breeding habitat to support WCF on adjacent lands. Given this understanding and the advice provided above that surveys carried out in 2023 alone do not demonstrate absence of WCF that may</p>	<p>Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation Memo</i> (Stantec, October 20, 2024).</p> <p>In the memo, Stantec acknowledged that the wetland habitat at [REDACTED] was still present during the 2023 WCF surveys. However, the construction activities associated with the adjacent land development during the fall of 2023 subsequently resulted in the filling / grading of the wetland adjacent to [REDACTED] removing any remaining breeding habitat adjacent to the PDA. Photos provided in the memo (conditions in the fall of 2023 and in the summer of 2024) show that no wetlands supporting WCF habitat remain.</p>



APPENDIX 3A: CONSULTATION, PLAN AND FOLLOW-UP PROGRAM COMMENT SUMMARY AND RESPONSE TABLE TO ADDRESS CONDITION 2.4 OF THE MINISTER’S DECISION

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		be present at the PDA in low numbers, and that ECCC has confirmed there still remains suitable hibernating sites in [REDACTED] during the April 20, 2023 site visit, ECCC advises that the project may still result in impacts to WCF.	Therefore, Stantec noted that given the loss of habitat in the area by others, CN's potential impacts on WCF is arguably limited (if not zero), so the one-to-one ratio specified in the condition may not be the only way to determine adequate compensation. See ECCC 8 for their agreement that the removal of all the wetland features adjacent to the PDA in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for WCF were no longer present within the PDA.
ECCC 3	October 12, 2023 (outstanding comments from 2023 Annual Report)	Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (Pg. 2- Condition 8.5), ECCC does not support the approach of replacing 2020 WCF pre-construction surveys with 2023 WCF surveys. As noted above, while WCF were not confirmed during 2023 surveys, we know they were present on the site in low numbers in 2020 and this can make them more difficult to detect. The Stantec report notes, “Based on the results of these surveys, no WCF were observed within the vicinity of the [REDACTED] and any habitats that previously supported the species no longer do so.” Based on the information provided, ECCC does not support the conclusion in the Stantec report.	Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024). In the memo, additional information and rationale were provided documenting removal of any wetland pockets potentially suitable for breeding WCF in vicinity of the PDA. See ECCC 8 for their agreement that the removal of all the wetland features adjacent to the PDA in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for WCF were no longer present within the PDA.
ECCC 4	October 12, 2023 (outstanding comments from 2023 Annual Report)	Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (Pg. 3- Condition 8.6), the purpose of 2023 surveys were to assist with the timing of the installation of exclusion fencing to exclude WCF [REDACTED].	Noted.
ECCC 5	October 12, 2023 (outstanding comments from 2023 Annual Report)	Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (Pg. 3- Condition 8.7), while the Stantec report notes the absence of WCF breeding habitat in the area, this conflicts with information provided on page 2 and information provided in the memo titled, CN Milton Logistic Hub Western Chorus Frog – Survey Results and Habitat Compensation Revised June 2023 which states that there remains [REDACTED] [REDACTED] If there remains suitable breeding sites on adjacent habitat, then hibernating sites confirmed in the [REDACTED] by ECCC on April 20, 2023 could still support the species. The installation of exclusion fencing (condition 8.7 of the Decision Statement) within the PDA between [REDACTED] [REDACTED] has now excluded any individuals that may be present from accessing these hibernation sites.	Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024). In the memo, Stantec acknowledged that the wetland habitat at [REDACTED] was still present during the 2023 WCF surveys. However, the construction activities associated with the adjacent land development during the fall of 2023 subsequently resulted in the filling / grading of the wetland adjacent to [REDACTED] removing any remaining breeding habitat adjacent to the PDA. This, combined with the absence of WCF during the 2023 surveys suggests the absence of the species in the vicinity of the PDA. See ECCC 8 for their agreement that the removal of all the wetland features adjacent to the PDA in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for WCF were no longer present within the PDA. Nonetheless, ECCC remains in the position that the installation of the exclusion fencing in the spring of 2023 (per condition 8.7) created a temporary disturbance excluding WCF from any potential hibernating sites in the ROW (see ECCC 8).
ECCC 6	October 12, 2023 (outstanding comments from 2023 Annual Report)	Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (Pg. 3- Condition 8.9), the Stantec report notes, “In the absence of breeding habitat, there are no residences (i.e. hibernation sites) within [REDACTED] that can be impacted by project activities (construction or operation). As such it would not be appropriate to install the previously discussed compensation habitat [REDACTED].” Based on the information in both Stantec reports, ECCC understands that there is a remaining wetland pocket that can support WCF breeding on adjacent property, there remains suitable hibernation habitat [REDACTED] [REDACTED] (confirmed by ECCC at the April 20, 2023 site visit), and exclusion fencing was installed in the [REDACTED] based on 2023 survey results. Based on the information provided, ECCC is of the opinion that there remains residences (i.e. hibernation sites) within the [REDACTED] that may be impacted by the project.	Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024). In the memo, Stantec acknowledged that while the wetland habitat at [REDACTED] was still present during the April 20, 2023 site visit, the construction activities associated with the adjacent land development during the fall of 2023 subsequently resulted in the filling / grading of the wetland adjacent to [REDACTED] removing any remaining breeding habitat adjacent to the PDA. In the memo, photos of the existing conditions in the fall of 2023 and in the summer of 2024 show that no wetlands supporting WCF habitat remain. With the previous removal of the wetland adjacent to [REDACTED] and the removal of the last remaining wetland adjacent to [REDACTED] in fall of 2023, suitable breeding habitat for WCF is completely absent in proximity to the PDA. Stantec concludes in the memo that, given the absence of breeding sites, it is reasonable to conclude that WCF no longer occur in or adjacent to the PDA. Considering the removal of both wetland features adjacent to the PDA, and additionally, the absence of WCF during the spring 2023 surveys, it is reasonable to conclude that hibernating sites (i.e., residences) for WCF are not present within the PDA. See ECCC 8 for their agreement that the removal of all the wetland features adjacent to the PDA in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for WCF were no longer present within the PDA.



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ECCC 7	October 12, 2023 (outstanding comments from 2023 Annual Report)	Regarding the CN Milton Logistics Hub (CIAR#80100) Supplemental Western Chorus Frog Surveys and Habitat Information document (Pg. 3- Condition 8.9), ECCC can be consulted on alternative habitat restoration options. Pursuant to condition 8.9, any alternative must offer at least a one-to-one ratio of restored habitat suitable for WCF; it must be implemented as soon as technically feasible after any hibernating site (residence) has been affected and it must offer equivalent or improved conservation outcomes for the species compared to the original planned compensation project proposed [REDACTED]	<p>Meeting held February 15, 2024 with ECCC, with supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024).</p> <p>In the memo, Stantec noted that CN is proposing alternative approaches to habitat creation elsewhere outside of the PDA given that the species is no longer expected to occur in or adjacent to the PDA. CN sought further comments on the alternatives being considered in this regard, with details and rationale provided for each alternative presented in the memo. Off-site compensation options available to CN noted in the memo include:</p> <ul style="list-style-type: none">• Off-site Area Close to the PDA – A potential site south of Lower Base Line on CN owned lands to the southeast of the PDA. The site is connected to the North Oakville-Milton West Wetland Complex, which has known WCF occurrences despite no records of this species occurring close to the site.• Partnering with Adjacent Developers – CN considered exploring partnership opportunities with the developers north of the proposed terminal. However, compensation by the developer for the loss of wetlands adjacent to [REDACTED] already occurred through the creation of new wetlands within the residential area [REDACTED], which is separated from the CN RoW. No additional lands were available for habitat compensation within the approved subdivision plans.• Off-site Separate from the PDA – CN considered identifying potential locations further away from the PDA in areas where WCF have been confirmed and where the creation of additional habitat is viable. Given the limited mobility of the species, compensation efforts are expected to be much more successful if in close proximity to existing populations. This consideration includes exploring opportunities to partner with other agencies or non-governmental organizations to identify and target areas further from the Project. <p>Condition 8.9 requires CN to replace any WCF hibernating site (residence) if such habitat will be temporarily or permanently affected by any activity associated with the Designated Project. Given the absence of hibernating sites within the PDA, as a result of the removal of breeding habitat adjacent to the PDA by others and given the implementation of proposed mitigation measures by CN for works in this area (i.e., exclusion fencing, timing windows), Stantec and CN are oof the position that no temporary or permanent effects to WCF habitat is expected as a result of Project activities. Therefore, no replacement / compensation habitat is required pursuant to Condition 8.9, although the one-to-one ratio specified in the condition may not be the only way to determine adequate compensation.</p> <p>Nonetheless, the memo explained that CN is proposing to create WCF habitat as a measure to progress efforts in the potential recovery of WCF consistent with the Recovery Strategy for the Western Chorus Frog, Great Lakes/ St. Lawrence – Canadian Shield Population, in Canada [Proposed] (2014). Specifically, this habitat creation is proposed to combat habitat loss and degradation and to increase species abundance and occupancy of suitable habitat. Further information from ECCC was requested in the memo.</p>
ECCC 8	December 12, 2024	<p>ECCC agrees with CN's conclusion that the removal of all the wetland features adjacent to the Project Development Area (PDA) in the fall of 2023 likely means that after the fall of 2023 that hibernating sites for Western Chorus Frog (WCF) were no longer present within the PDA as per the residence description.</p> <p>However, CN installed exclusion fencing in [REDACTED] in the spring of 2023 when there remained wetland to support breeding WCF adjacent to the ROW. This habitat was not removed until the fall of 2023, likely when any potential WCF would have been seeking areas to hibernate. As the exclusion fencing was installed in the spring this created a temporary disturbance by an activity associated with the Designated Project excluding WCF from any potential hibernating sites [REDACTED]. As a result of this temporary disturbance, ECCC does not agree with the conclusion that no compensation habitat is required pursuant to condition 8.9 of the Amended Decision Statement. Rather, ECCC is of the opinion that the proponent must replace the affected site with at least a one-to-one ratio of restored habitat suitable for WCF in consultation with ECCC, Conservation Halton and the Town of Milton.</p> <p>ECCC explained that CN installed exclusion fencing in [REDACTED] in spring 2023, when there remained wetland to support breeding WCF adjacent to [REDACTED], while this habitat was not removed until fall 2023, a likely period when any potential WCF would have been seeking areas to hibernate. As the exclusion fencing was installed in the spring, ECCC explained that this created a temporary disturbance by an activity associated with the Designated Project excluding WCF from any potential hibernating sites [REDACTED]</p>	Further consultation with ECCC is planned for 2025.



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ECCC 9	December 12, 2024	<p>In the February 15, 2024, meeting between ECCC, CN and Stantec to discuss WCF Habitat compensation options, ECCC noted they were supportive of alternative options, but it remained ECCC’s preference that compensation be considered closer to the PDA to benefit the local populations. The proposed compensation in partnership with Ducks Unlimited Canada [REDACTED] would not directly benefit local populations of WCF that exist in closer proximity to the PDA.</p> <p>It was also noted that CN would follow up with Conservation Halton to engage in discussions regarding compensation opportunities.</p> <p>Pursuant to condition 8.9, any compensation alternative must offer at least a one-to-one ratio of restored habitat suitable for Western Chorus Frog and must be implemented as soon as technically feasible after any hibernating site (residence) has been affected. In addition, ECCC recommends that it must offer equivalent or improved conservation outcomes for the species compared to the original planned compensation project south of Lower Base Line Road.</p>	<p>The memo entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024) was circulated to Conservation Halton and the Town of Milton.</p> <p>Further consultation with Conservation Halton and the Town of Milton is planned for 2025.</p>
ECCC 10	December 12, 2024	<p>It remains ECCC’s preference that compensation habitat be created to benefit local populations of WCF in the area surrounding the PDA to align with population and distribution objectives for the species in the federal Recovery Strategy:</p> <ul style="list-style-type: none">Over the long-term, ensure the viability of each local population and metapopulations, where present, by increasing the areas of occupied suitable habitat, the breeding population level within each local population, as well as the connectivity among the local populations constituting a metapopulation. Also, where technically and biologically feasible, restore historical or extirpated local populations or create new habitat.	<p>Further consultation with ECCC, Conservation Halton and the Town of Milton is planned for 2025.</p> <p>CN is committed to continue to discuss alternative locations for the compensation habitat in a manner that progresses efforts in the potential recovery of WCF consistent with the Recovery Strategy for the Western Chorus Frog, Great Lakes/ St. Lawrence – Canadian Shield Population, in Canada [Proposed] (2014).</p>
ECCC 11	December 12, 2024	<p>What were the outcomes of discussions with Conservation Halton? Were there any potential partnership opportunities to explore through those conversations that could benefit local populations closer to the PDA? In addition, has this been discussed with the Town of Milton (as per condition 8.9), and are there any partnership opportunities there?</p>	<p>The memo entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024) was circulated to Conservation Halton and the Town of Milton.</p> <p>Further consultation with Conservation Halton and the Town of Milton is planned for 2025. Written response pending in 2025.</p>
ECCC 12	December 12, 2024	<p>What other options were explored for compensation separate from the PDA that would support the local WCF population in the area of the PDA?</p>	<p>All alternatives for compensation explored by CN were discussed with ECCC during the February 15, 2024 and were outlined in the supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024).</p> <p>Written response pending in 2025.</p>
ECCC 13	December 12, 2024	<p>What was the rationale for not selecting an option closer to the PDA?</p>	<p>Rationale for the not selecting an option closer to the PDA was discussed with ECCC during the meeting on February 15, 2024 and was outlined in the supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024).</p> <p>Further consultation with ECCC, Conservation Halton, and the Town of Milton is scheduled for 2025 to determine if the rationale remains valid. Written response pending in 2025.</p>
ECCC 14	December 12, 2024	<p>What rationale supported the selection for compensation near the Luther Marsh?</p>	<p>Rationale for the selection of the preferred alternatives was discussed with ECCC during the February 15, 2024 and was outlined in the supplemental memo provided to ECCC on October 31, 2024 entitled <i>CN Milton Logistic Hub – Western Chorus Frog Survey Results and Habitat Compensation</i> Memo (Stantec, October 20, 2024).</p> <p>Written response pending in 2025.</p>

APPENDIX 3B

General Enquiry Tracking – Community Consultation Committee



APPENDIX 3B: CONSULTATION, PLAN AND FOLLOW-UP PROGRAM COMMENT SUMMARY AND RESPONSE TABLE TO ADDRESS CONDITION 2.4 OF THE MINISTER’S DECISION

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
5/Dec/24	Site Tours	Committee	Plan additional site tours in 2025 to showcase environmental and infrastructure progress.	Facilitators to schedule and provide details at the next meeting.	Facilitators	For follow-up
5/Dec/24	Communications	Committee	Develop sample visuals that would accompany draft community awareness plan	CN to create and present concepts at Feb 2025 meeting.	CN	For follow-up
5/Dec/24	Communications	Committee	Incorporate updates on Indian Creek realignment and environmental mitigation efforts into public communication strategies and expand awareness of CN's community partnerships, including Laurier and local organizations. Highlight community benefits in future materials.	CN to consider	CN	Noted
5/Dec/24	Indigenous Relations	Committee	Interest in having guest from Huron-Wendat to attend CCC meetings on occasion.	CN to consider	CN	Noted
5/Dec/24	Communications	Committee	Incorporate feedback to make the website more user-friendly and prioritize navigation for community feedback	CN to consider	CN	Noted
5/Dec/24	Health and Safety	Committee	Share occupational health information presentation with internal CN teams	CN to share with internal teams	CN	Noted
5/Dec/24	Health and Safety	Committee	Explore health-focused resources for truck drivers, such as: Vending machines with healthier options, safe spaces for rest and exercise at hubs, and sharing links to services like Healthy Trucker on the website	CN to consider	CN	Noted
10/Oct/24	Heritage Properties	Sub-Committee	Salvage opportunities for house and barn at 5269 Tremaine Road	██████ shared contact details with CN. CN to follow-up.	CN	For follow-up
10/Oct/24	Heritage Properties	Sub-Committee	Reuse of 5381 Tremaine Road for residential programming	██████ to confirm proximity guidelines.	CN	For follow-up
1/Aug/24	Traffic	██████	Educate community about sharing the road with trucks; road safety.	CN works with Halton Police to ensure trucks are road worthy. Committee member noted there are educational resources available; links shared during meeting are captured in meeting summary.	CN	Noted
1/Aug/24	Emergency Management	██████	Would CN be willing to send Milton Fire Department representatives to CN's Colorado training facility?	Yes. The offer has been made in the past. CN works with emergency services in partnership to train in case of incident; including Milton Fire Dept.; remind Milton FD the offer still stands.	CN	Noted
1/Aug/24	Community Outreach	Committee	Rail safety / level crossing education in schools and within community. [Per April 4, 2024 item]	Suggestion from Committee members was to connect with school principals directly; it would be helpful if concerned Committee members could help facilitate those introductions / opportunities	Committee	Noted
13/Jun/24	Site Visit Support Material	██████	Provide small map of site to accompany site visit.	To be provided with each site tour	CN	Noted
13/Jun/24	Community Partnerships	██████	Consider working with Conestoga College for access to students in relevant programs	CN welcomes further information about students graduating from applicable programs.	CN	Noted
13/Jun/24	Site Management	Committee	During a previous site visit, a participant enquired about recycling bins on site.	CN has placed recycling bins in offices in the construction trailers.	CN	Noted
13/Jun/24	Site Design	██████	What is the truck queuing capacity for the truck entrance from Britannia?	Traffic analysis was discussed at the August 1, 2024 meeting.	CN	Noted
13/Jun/24	Site Design	██████	Could the administration building achieve net zero status?	CN to consider	CN	Noted
13/Jun/24	Site Design	Committee	Greening of the administration building parking lot (e.g., bioswales, solar lighting).	██████ to share some examples of structures that have innovative greening initiatives.	CN	Noted
13/Jun/24	Fish Habitat	CN	Fish overflow / rescue	Discussed during August 1 meeting	CN	Resolved
4/Apr/24	Site Design	██████	Landscape plan	██████ stated the plan is still in development; can be shared with CCC when ready.	CN	For follow-up
4/Apr/24	Terminal Design	██████	What is the capacity of trucks entering and exiting the facility	██████ to get the entry/exit numbers.	CN	For follow-up
4/Apr/24	Safety	██████	Ongoing monitoring of sea lamprey: is this done by DFO or Stantec?	██████ to speak with CN Police to ensure schools in Milton are part of rail safety outreach. CN to share links to Operation Lifesaver videos. See August 1, 2024 note	CN	Noted



APPENDIX 3B: CONSULTATION, PLAN AND FOLLOW-UP PROGRAM COMMENT SUMMARY AND RESPONSE TABLE TO ADDRESS CONDITION 2.4 OF THE MINISTER’S DECISION

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
4/Apr/24	Traffic		Traffic memo	Follow up from December 2 2023 meeting; followed up with BA Group. There is no updated plan. Halton Region's 2011 transportation master plan remains the existing plan. BA Group have drafted a memo with updates; to be shared with CCC.	CN	Noted
4/Apr/24	Environmental		Ongoing monitoring of sea lamprey: is this done by DFO or Stantec? Follow up with DFO about their lamprey-cide program and whether/how they ensure program was effective in eradicating the species.	Discussed during the October 10, 2024 meeting. Every September/October, Great Lakes Fishery Commission posts a treatment schedule about which tributaries linked to the Great Lakes will undergo sea lamprey spraying. CN to advise CCC when Indian Creek and/or Tributary A are on the list. No sea lamprey has been identified since the treatment.	CN	Resolved
4/Apr/24	Safety		What is the speed limit for trains passing through residential areas and what speed monitoring is done?	Speed limits on average are 60mph but can vary in different regions. to look into speed limit through Milton.	Co-Facilitators	Resolved
4/Apr/24	Site Design	Co-Facilitators	Architect's memo / Summary	To be shared during June 13 meeting.	CN	Resolved
1/Feb/24	Indigenous Relations	Committee	Interest in having environmental monitors representing Indigenous groups on site participate in CCC meetings on occasion	CN and Co-Facilitators to co-ordinate	CN; Co-Facilitators	Noted
1/Feb/24	Parking		Interest in rest areas, access to facilities, and overflow parking for drivers to be incorporated into the terminal design.	Specifics discussed offline.	CN	Noted
1/Feb/24	Safety		At Willmott Park a chain link fence replaces the noise wall. During construction, will/could a higher fence be installed, even if only temporary, to discourage people from getting too close?	For further discussion	CN	Noted
1/Feb/24	Soil Management		Request for baseline soil quality testing now.	Discussed during April 4 meeting. See Soil Chemical Analysis (Appendix E.13) https://iaac-aeic.gc.ca/050/evaluations/document/104605	CN	Noted
1/Feb/24	Community Outreach	Co-Facilitators	Arrange outreach meetings with Halton Multicultural Council and West End Homebuilders Association	and reached out; low interest	Co-Facilitators	Resolved
1/Feb/24	Noise		Anecdotal comment on increased noise from trains moving through Derry Road area	reiterated no changes to operations; follow-up on specific noise concerns ongoing.	CN	Resolved
1/Feb/24	Community Outreach	Co-Facilitators	Arrange outreach meetings with Halton Multicultural Council and West End Homebuilders Association	and reached out; low interest	Co-Facilitators	Resolved
1/Feb/24	Community Notification		As work begins north of Britannia, will CN inform residents on either side of the tracks of the impending activity?	Community notification program was implemented, with a construction notice posted on the CN Milton website, advertisements with Milton Today, and an email to project subscribers.	CN; Kirk & Co.	Resolved
1/Feb/24	Community Outreach	Co-Facilitators	Create CCC website with basic information about Committee work.	Components of new website discussed during April 4 and June 6 meetings.	Co-Facilitators	Resolved
1/Feb/24	Construction Access Area		At the north end of the park there is a gate leading from the pedestrian path around the stormwater detention pond. During the construction, will this gate need to be used and if so, will the Town need to be notified so they can close the pedestrian path?	The primary access for the work planned for that section will be working from Britannia north; trucks will access from Britannia Road overpass; materials will be delivered via the railway itself and unloaded at the side of the track; the intent is to minimize the intrusion on the neighboring properties in terms of access; there is an access point currently used for maintenance at Derry Road overpass; there is no plan to use the access point in the park for this work.	CN	Resolved
1/Feb/24	Heritage Properties		Has the house at 5381 been checked for asbestos?	confirmed no record of asbestos.	CN	Resolved
1/Feb/24	Site Design	Committee	Request for aerial photo time lapse to be continually updated and shared.	Shared during April 4 meeting	CN	Resolved
1/Feb/24	Site Design	Committee	Share site map of Phases 1 & 2	Shared with Committee	CN	Resolved
1/Feb/24	Site Design		An overall site plan highlighting which facilities have been completed and which ones are in future phases would be helpful in making the construction progress easier to visualize.	Shared with Committee	CN	Resolved



APPENDIX 3B: CONSULTATION, PLAN AND FOLLOW-UP PROGRAM COMMENT SUMMARY AND RESPONSE TABLE TO ADDRESS CONDITION 2.4 OF THE MINISTER’S DECISION

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
8/Dec/23	Noise		Concerns about noise levels in areas beyond where noise monitoring stations; concerns about noise of construction vehicles.	to engage with to discuss further. Construction contractor is transitioning from "beeping" noises on vehicles to a quieter alert.	CN	Resolved
7/Dec/23	Traffic		Can the traffic management study be updated? Even if Halton Region is still working on its Master Plan, the website suggests traffic data is continuously captured.	has spoken with BA Group about assessing the traffic data that the Region has, even without the official transportation management plan. No numbers have changed so updating CN's plan will be ineffective. Memo provided.	CN	Noted
7/Dec/23	Soil Management		Will CN test soil after construction is complete and share these results?	CN shared Technical Data Report Soil Chemical Analysis (Appendix E.13) https://iaac-aeic.gc.ca/050/evaluations/document/104605	CN	Resolved
3/Aug/23	Environmental Enhancements		Provide further insight about the native plants that have medicinal purposes for animals.	CN has reached out to the Indigenous communities to see if there is a plant list they would like to suggest to be considered for planting at the site. Waiting for feedback	CN	For follow-up
3/Aug/23	Feedback	Co-Facilitators	, Chief Stakeholder Relations Officer, is interested in learning more from this Committee and speaking directly with members as a means to inform the approach for CN's wider activities; this is a way in which the Committee can influence more broadly, as had been discussed during previous Committee meetings.	attended December 2024 meeting and is continuing to get information about the committee and its work.	CN / Co-Facilitators	Noted
1/Jun/23	Agriculture	External	During a meeting with CN and Halton Federation of Agriculture a presentation by Greenbelt Foundation provided an opportunity to examine the soil	CN has moved forward and are participating in this soil sampling study, as a way to enhance farming on the balance of the CN-owned property.	CN	Resolved



APPENDIX 4

Condition 15.1 Schedule Compliance Report 2023



CN MILTON LOGISTICS HUB

Condition 15.1

Schedule Compliance Report 2024

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



IAAC Reference Number: 80100

March 28, 2025

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
CCC	Community Consultation Committee
CIAR	Canadian Impact Assessment Registry
CH	Conservation Halton
CHR	Cultural Heritage Resource
CLCP	Community Liaison Communication Process
CN	Canadian National Railway Company
dBA	Decibels adjusted - weighted absolute noise power
DFO	Fisheries and Oceans Canada
DUC	Ducks Unlimited 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
GPS	Global Positioning System
ha	Hectare
HIA	Heritage Impact Assessment
HWN	Huron-Wendat Nation
IAAC	Impact Assessment Agency of Canada
LAA	Local Assessment Area
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
MNR	Ontario Ministry of Natural Resources
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
SNGR	Six Nations of the Grand River
SWQQ	Surface Water Quality and Quantity
Stantec	Stantec Consulting Ltd.
SWM	Stormwater Management
WCF	Western Chorus Frog
WMCP	Wildlife Management and Connectivity Plan and Follow-up Program

Introduction

On January 21, 2021 (amended July 26, 2022) the Minister of Environment and Climate Change Canada issued to the Canadian National Railway Company (CN) a Decision Statement with respect to the Milton Logistics Hub (the Project), allowing the Project to proceed (CIAR 1119). The Decision Statement, as amended, includes conditions with which CN must comply during construction and operation of the Project.

Condition 15.1 of the Decision Statement requires CN to submit to the Impact Assessment Agency of Canada (IAAC) 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.

Condition 15.3 of the Decision Statement requires CN to submit to IAAC an update to the schedules referred to in Condition 15.1 every year no later than March 31. This updated schedule is intended to fulfill this condition.

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. The start of construction occurred on January 24, 2022. 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> <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>	January 2021	Throughout construction and operation as required by each condition

Condition Number	Condition	Commencement	Estimated Completion
2.2	The Proponent, when carrying out the Designated Project, shall do so as defined in condition 1.8 of this Decision Statement.	January 2021	TBD Throughout construction
	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.		
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.	-	-
	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.		
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.	January 2021	Ongoing
	Activities Planned to Fulfill Condition: The construction contractors and sub-contractors are 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 mitigate potential project effects.		

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 (Ongoing)	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;	-	-
	Activities Planned to Fulfill Condition: 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.		
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;	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
2.4.3	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	-	-
	Activities Planned to Fulfill Condition: 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.		
2.4.4	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.	-	-
	Activities Planned to Fulfill Condition: 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.		

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 (SNGR) and the Huron-Wendat Nation (HWN). 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 on 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	March 1, 2022

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. 		
	Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.		
2.7	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.	2021 throughout construction and/or operation as determined by each FUP	2021 throughout construction and/or operation as determined by each FUP
	Activities Planned to Fulfill Condition: CN will update the FUPs consistent with the frequency determined in condition 2.6.3.		

Condition Number	Condition	Commencement	Estimated Completion
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:</p> <p>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
2.9.1	Implement the follow-up program according to the information determined pursuant to condition 2.6;	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>FUPs will be implemented according to the information determined pursuant to condition 2.6, as documented in the final versions of each program.</p>		

Condition Number	Condition	Commencement	Estimated Completion
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;	-	-
	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.		
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;	-	-
	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.		
2.9.4	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	-	-
	Activities Planned to Fulfill Condition: 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, and 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.		

Condition Number	Condition	Commencement	Estimated Completion
2.9.5	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.	-	-
	Activities Planned to Fulfill Condition: 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. 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.		
2.10	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.	November 2020	Ongoing throughout the FUPs until FUP completion
	Activities Planned to Fulfill Condition: The various FUPs have been discussed with the MCFN, the SNGR and/or the HWN 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.		

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
	Activities Planned to Fulfill Condition: 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.		
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.	March 31 2022	Annually
	Activities Planned to Fulfill Condition: 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.		
Information Sharing (2.13 to 2.14)			
2.13	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	60 days prior to the start of construction (first posting of Schedules for 15.1 and 15.2 posted July 31, 2021)	15 years following original posting of relevant information

Condition Number	Condition	Commencement	Estimated Completion
	River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.		
	Activities Planned to Fulfill Condition: 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. CN will notify IAAC, the party or parties referenced in each respective condition, potentially affected parties, the MCFN, the SNGR and the HWN of the availability of these documents within 48 hours of their publication.		
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
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
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
	Activities Planned to Fulfill Condition: 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 SNGR, the HWN, 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.		
Change to the Designated Project (2.16 to 2.17)			
2.16	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.	To be determined, if appropriate	To be determined, if appropriate
	Activities Planned to Fulfill Condition: In the event a change is proposed, CN will consult with the MCFN, SNGR, HWN, CH and other relevant authorities as required.		

Condition Number	Condition	Commencement	Estimated Completion
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:</p> <p>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, SNGR, HWN, 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	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.	January 2021	Completed (initial list); future updates if and as requested.
	Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.		

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	Ongoing
	<p>Activities Planned to Fulfill Condition:</p> <p>CN developed a community liaison communication process (CLCP) in 2021 in consultation with community members and has committed to implement the CLCP throughout all phases of the Project. This includes the establishment of the Community Consultation Committee (CCC) led by two independent, third-party co-facilitators. 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:	-	Completed
3.2.1.1	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;	-	-
	Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.		
3.2.1.2	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;	-	-
	Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.		
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);	-	-
	Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
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:</p> <p>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> <p>Conditions 3.2.1.4.1 to 3.2.1.4.3 have been fulfilled. See 2021 Annual Report for details.</p> <p>Condition 3.2.1.4.4. will be completed in 2024 for inspections conducted following the completion of Phase 1 construction activities at the end of 2023. See Condition 11.4 for details.</p> <p>Condition 3.2.1.4.5 will be completed during operations. See 2022 Annual Report for details.</p>			

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.5	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;	-	-
	Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.		
3.2.2	Provide the community liaison communication process to the Agency prior to construction;	-	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. The CLCP was provided to IAAC on December 1, 2021.		
3.2.3 (including all sub-conditions 3.2.3.1 to 3.2.3.4)	As part of the implementation of the community liaison communication process: <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 	May 2021	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 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. 		
	<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	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).	June 2021	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
4.2 (including sub-conditions 4.2.1 and 4.2.2)	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: <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); or • 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	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: <p>As noted in the 2022 Annual Report, the baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines. Therefore, the threshold established in condition 4.2.2 applies to the Project. 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. CN's contractor is required to manage light trespass and glare to meet or surpass the E3 guidelines during construction. Further, 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	Ongoing
	Activities Planned to Fulfill Condition: <p>Condition fulfilled. See 2021 Annual Report for details</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	Completed
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details</p>			

Condition Number	Condition	Commencement	Estimated Completion
4.5	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:	Start of Construction	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur throughout construction and reported as part of the annual reporting requirement (Condition 2.11).		
4.5.1	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	-	-
	Activities Planned to Fulfill Condition: Monitoring of light trespass and glare attributed to the Project did not occur in 2024. Light monitoring will occur once project nighttime light sources are installed and will continue until the end of the first year, when the Project operates at its full operational capacity.		

Condition Number	Condition	Commencement	Estimated Completion
4.5.2	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.	-	-
	Activities Planned to Fulfill Condition: If 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.		
Noise (4.6 to 4.10)			
4.6	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:	Start of Construction	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Noise mitigation measures have been identified by CN and incorporated into detailed design and construction planning. The contractor agreement includes construction specific mitigation measures being implemented by the contractor during construction. Contractor is keeping a daily equipment use log documenting equipment #'s, activities, time, and locations, where operating on site. Berms and barriers are being constructed during the construction phase of the Project to mitigate noise during operations.		
4.6.1	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;	2022	Ongoing
	Activities Planned to Fulfill Condition: Construction of the noise barriers and/or vegetated berms are proposed during construction so that these measures are in place at the start of operation. However, final designs, including the locations and heights of the noise barriers and/or vegetated berms will be confirmed prior to construction of these mitigation measures during subsequent phases of construction. As an interim measure in 2022, in response to noise concerns raised by a local resident, CN constructed an interim noise barrier along the property line and road frontage near Lower Base Line.		
4.6.2	Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
4.6.3	Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;	June 2024	End of Construction
	Activities Planned to Fulfill Condition: Contractor installed temporary sound barriers (hoarding) around Lower Base Line grade separation to mitigate noise during construction. The location of this hoarding will be adjusted as required to accommodate and address specific construction activities anticipated throughout construction.		
4.6.4	Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;	-	End of Construction
	Activities Planned to Fulfill Condition: Contractor is using noise dampening technologies on construction vehicles to mitigate noise during construction. Equipment is regularly inspected to ensure proper working order of noise dampening technology. Contractor is reporting on regular maintenance of equipment, including noise dampening technology, to CN as part of regular monthly reporting on compliance.		
4.6.5	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	-	-
	Activities Planned to Fulfill Condition: A Noise Reduction Plan for construction is being implemented by the contractor to manage noise generated 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. A Noise Reduction Plan will be developed prior to operation to address mitigation measures required by CN for the management of noise generated by operations staff within the PDA and while travelling between the PDA and 400-series highway network.		

Condition Number	Condition	Commencement	Estimated Completion
4.6.6	Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.	-	End of Construction
	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.		
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	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on the CLCP and Noise Communication. The protocol will be implemented throughout construction.		

Condition Number	Condition	Commencement	Estimated Completion
4.8	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.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: Construction activities occur during daytime hours (between 7:00 am to 10:00 pm), as defined in Condition 1.7. 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.		
4.9	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:	March 2021	Ongoing
	Activities Planned to Fulfill Condition: The Noise Communication Protocol was provided to IAAC on December 9, 2021. The Noise Communication Protocol is being implemented as part of construction practices and will continue to be implemented during operation of the Project. The Noise Communication Protocol is posted to the CN public website.		

Condition Number	Condition	Commencement	Estimated Completion
4.9.1	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;	-	-
	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.		
4.9.2	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	-	-
	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.		
4.9.3	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.	-	-
	Activities Planned to Fulfill Condition: On a quarterly basis, CN provides 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.		

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	Four weeks after the Designated Project operates at its full operational capacity
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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>Condition fulfilled for acoustic monitoring for Phase 1 in 2022 and Phase 2 in 2024, see 2024 Annual Report for details. During Phase 3 of construction, additional 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>		

Condition Number	Condition	Commencement	Estimated Completion
4.10.2	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;	-	-
	Activities Planned to Fulfill Condition: 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.		
4.10.3	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	-	-
	Activities Planned to Fulfill Condition: 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.		
4.10.4	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.	-	-
	Activities Planned to Fulfill Condition: 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.		

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 are being implemented throughout construction by the contractor and will be implemented during operations. These measures have been identified in the contractor's Air Quality Best Management Practice Plan.</p>	Start of construction	Ongoing
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>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 are being used, as required, as construction continues.</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	Covering or enclosing sources of granular materials stored in open containers within the Designated Project Development Area;	-	-
	Activities Planned to Fulfill Condition: As part of the contractor agreement, the contractor is covering or enclosing 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.		
4.11.4	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	-	-
	Activities Planned to Fulfill Condition: As part of the contractor agreement, the contractor is building and managing 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.		
4.11.5	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.	-	-
	Activities Planned to Fulfill Condition: 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 will be established for all permanent roads within the PDA. Appropriate signage was installed and will be maintained during construction and operations.		

Condition Number	Condition	Commencement	Estimated Completion
4.12 (including all sub-conditions 4.12.1 to 4.12.3)	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: <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
	Activities Planned to Fulfill Condition: 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.		
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	Ongoing
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;	-	-
	Activities Planned to Fulfill Condition: A no-idling policy has been developed with the contractor and is being implemented for mobile equipment and road vehicles within the PDA. The contractor is monitoring and reporting to CN on compliance with the no idling policy.		

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 must 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	Ongoing, until implementation
	<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	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.	March 2022	Ongoing, until fully implemented in the CN locomotive fleet
	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 technologies have, or have not, been implemented.		
4.16	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:	April 2023	Ongoing
	Activities Planned to Fulfill Condition: Work to progress the development of an air pollutant and greenhouse gas emissions reduction plan has occurred in consultation with ECCC and TC 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.		

Condition Number	Condition	Commencement	Estimated Completion
4.16.1	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;	-	-
	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.		
4.16.2	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;	-	-
	Activities Planned to Fulfill Condition: Anti-idling signage and requirements for anti-idling were 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.		
4.16.3	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	-	-
	Activities Planned to Fulfill Condition:		

Condition Number	Condition	Commencement	Estimated Completion
	As part of the development of the air pollutant and greenhouse gas emissions reduction plan, CN is reviewing alternative measures (other than visual inspection) to collect information about air pollutants and greenhouse gases emitted by trucks entering the terminal. CN is also exploring the development of a system to notify truck operators of any truck that meets or exceeds the emissions thresholds for high-emitting trucks identified in the air pollutant and greenhouse gas emissions reduction plan. A description of proposed measures 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.	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
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>	April 2022	Ongoing
	<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>		

Condition Number	Condition	Commencement	Estimated Completion
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.	-	-
	Activities Planned to Fulfill Condition: 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.		
4.18	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.	5 years after the start of operations	As determined during the review after the fifth year of operation
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
4.19	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.	Start of operation	Ongoing
	Activities Planned to Fulfill Condition: 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).		
4.20	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.	Prior to operation	Ongoing
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
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.	-	-
	Activities Planned to Fulfill Condition: 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).		
4.21	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:	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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		

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: Condition fulfilled. See 2021 Annual Report for details.</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: 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 has been monitoring and will continue to 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
	Activities Planned to Fulfill Condition: Monitoring results collected during construction and operation have been and will be compared to the standards referred to in conditions 4.21.4.1 and 4.21.4.2 as part of the FUP.		
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>	-	-
	Activities Planned to Fulfill Condition: 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 and reported as part of the FUP.		

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> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	February 2020	Completed
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 	January 2021	Completed

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 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. 		
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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>	Start of construction	Ongoing
	<p>Activities Planned to Fulfill Condition:</p> <p>Use of salt for de-icing or traction control purposes during construction will not be allowed. The contractor will 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 Conservation Halton. 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>		

Condition Number	Condition	Commencement	Estimated Completion
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 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 provided implementation plans for the ESC drawings and measures prior to the commencement of construction, by construction phase, and are currently being implemented. Dewatering plans have been confirmed prior to construction by the contractor, specific to work that may require activities associated with dewatering. Vegetation planting is being 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 is complete, to control erosion and sedimentation. The ESC plans were provided to IAAC on December 1, 2021.</p>	June 2020	Ongoing
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>Areas within the limits of construction to conduct equipment refueling, maintenance, and material storage areas are identified within the PDA. 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 by the EM during construction of the Project.</p>	Start of construction	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
5.6	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.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: 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 is being completed by the EM during construction of the Project.		
5.7	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.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: The contractor agreement requires the contractor to collect and treat all wastewaters and wash waters per CCME guidelines prior to release. Contractor has developed and is implementing the plan indicating where and how wastewater is managed during construction. Monitoring of the contractor's implementation of wastewater management is being completed by the EM during construction of the Project.		
5.8	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.	June 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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 is implementing a program for ESC, which includes control of water and sediment mobilization throughout the PDA during construction. Monitoring of implementation of the ESC program is being completed by the EM during construction of the Project.		
5.9	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:	February 2020	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
5.9.1	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	-	-
	Activities Planned to Fulfill Condition: SWM system performance will be reviewed every five years following the end of construction.		

Condition Number	Condition	Commencement	Estimated Completion
5.9.2	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.	-	-
	Activities Planned to Fulfill Condition: This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.		
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; 	February 2020	Five years following the end of construction

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 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; • 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>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>		

Condition Number	Condition	Commencement	Estimated Completion
Groundwater (5.11 to 5.13)			
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	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
5.12	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.	June 2020	End of construction
	Activities Planned to Fulfill Condition: A dewatering assessment was completed in 2020. The contractor is implementing measures to dissipate energy and reduce sediment content in discharging water from dewatering, as required. The Dewatering Assessment Report and preliminary Dewatering Plan were provided to IAAC on December 1, 2021.		
5.13	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:	February 2020	One year following the end of construction

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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 Planned to Fulfill Condition:</p> <p>Groundwater quality and quantity are being monitored within the PDA and Local Assessment Area (LAA) during construction and for a minimum of 1 year following the end of construction. CN is monitoring wells established for the project since no access to private wells was granted during the private well survey conducted in 2021 within proximity to planned dewatering activities. If it is determined that construction dewatering is required, CN will monitor their wells within the projected dewatering cone of depression to determine the potential for drawdown interference.</p>		

Condition Number	Condition	Commencement	Estimated Completion
5.13.2	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).	-	-
	Activities Planned to Fulfill Condition: 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.		

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:</p> <p>Condition fulfilled regarding design of wetlands. See 2021 Annual Report for details. The construction of replacement wetlands along the realigned portion of Tributary A was completed in 2022, and the construction of replacement wetlands along the realigned portion of Indian Creek was completed in November 2023.</p> <p>Maintenance of the 7.1 hectares of replacement wetlands will occur throughout operations.</p>	August 2020	Ongoing
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>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	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.		
6.2	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:	July 2020	End of construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.2.1	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;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
6.2.2	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;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.2.3	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	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.2.4	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.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.3	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:	August 2020	Completion of the follow-up program will be 5 years post construction of the wetlands.

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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 have been considered by CN in finalizing this FUP. The implementation of the Wetlands Follow-up Program will be following construction of the wetlands. The Wetlands FUP was provided to IAAC on November 26, 2021.		
6.3.1	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;	-	-
	Activities Planned to Fulfill Condition: 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).		
6.3.2	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;	Summer 2023	5 years post construction
	Activities Planned to Fulfill Condition: 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.		
6.3.3	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	Summer 2025	5 years post construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Delineation of any restoration wetlands, as well as wetland areas that are still establishing, was completed in 2024. In 2025, 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 wetlands do not perform as intended, resulting in wetlands not achieving predicted areal extent, water levels or maintaining their functions, remedial actions will be recommended and completed as part of the Wetland FUP.		
6.3.4	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.	-	-
	Activities Planned to Fulfill Condition: 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.		
6.4	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:	May 2021	Ongoing
	Activities Planned to Fulfill Condition: Vegetation buffers have been identified and are included in the construction contract drawings to be maintained during construction and throughout operation of the Facility.		
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	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
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 Planned to Fulfill Condition:</p> <p>The limits of construction (i.e., area within which the contractor is permitted to operate) have been 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>	-	-
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:</p> <p>Limits of construction have been established to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. These limits are based on 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 identified for 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 this 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>	May 2021	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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 implemented for 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 this will be verified through monitoring by the EM.		
6.7	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.	May 2021	End of construction
	Activities Planned to Fulfill Condition: 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 is being and will continue to be monitored during construction by the EM.		
6.8	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.	September 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: The 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.		
6.9	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.	May 2021	End of construction
	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.		
6.10	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.	May 2021	End of construction FUP was updated in February 2022

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>		

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 has retained 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. Activities for salvage and relocation will follow the mitigation measures, best management practices and any approval conditions in the FAA including the preference for relocating fish.</p>		

Condition Number	Condition	Commencement	Estimated Completion
7.3	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.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: 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.		
7.4	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.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: 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. Activities for creation of new channels will be scheduled to occur offline, prior to realignment and bringing the new channels online.		

Condition Number	Condition	Commencement	Estimated Completion
7.4.1	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.	-	-
	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.		
7.5	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.	Final LOI submitted to DFO May 2021.	End of construction
	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.		
7.5.1	Delineate existing and future fish habitat, including riparian buffers; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
7.5.2	Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.6	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.	November 2020	Start of construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
7.7	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.	N/A	N/A
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.8	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.	Start of construction	End of construction
	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.		
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:	July 2020	End of construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
7.9.1	Do not excessively aggrade or degrade;	-	-
	Activities Planned to Fulfill Condition: 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).		
7.9.2	Convey baseline flow levels;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.3	Maintain baseline bankfull frequency;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.4	Do not alter downstream channel morphology; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.5	Provide fish habitat features and allow for fish migration and passage.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.10	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:	Channel realignment detailed design drawings and construction schedule as per condition 15.2.	Completed

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Condition fulfilled. Channel realignment construction planning has been completed in Tributary A and Indian Creek to minimize the extent and duration of flow diversions in existing channels.		
7.10.1	Constructing the realigned channels offline;	Spring 2021	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. The construction process for constructing the realigned channels is included in the channel realignment drawings. Realigned portions of Tributary A and Indian Creek were constructed offline and allowed to stabilize prior to receiving flows, with in-water work limited to the locations where the new channels connected to the existing channels. Completion of Tributary A occurred in December 2022, while completion of Indian Creek occurred in November 2023. The requirement to construct the realigned channels offline has been incorporated into the contractor agreement and LOI submitted to DFO.		
7.10.2	Siting the realigned channels predominantly outside of the existing channels;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2022 Annual Report for details.		
7.10.3	Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. The realigned portion of Tributary A was commissioned in November 2022 and the realigned portion of Indian Creek was commissioned in November 2023. Commissioning of these new channels or channel segments did not occur until the newly created channel or channel segment had been constructed, and planting had been completed and allowed to stabilize, as per the channel realignment drawings. DFO reviewed the condition of Tributary A prior to commissioning and confirmed acceptance to proceed. CN's EM reviewed the condition of Indian Creek prior to commissioning and confirmed acceptance to proceed, which was subsequently reviewed in the field and confirmed with DFO shortly after commissioning.		

Condition Number	Condition	Commencement	Estimated Completion
7.10.4	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.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled in regard to Tributary A; see 2022 Annual Report. Condition fulfilled in regard to Indian Creek in 2023. See Appendix 1.		
7.11	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:	September 2020	End of construction
	Activities Planned to Fulfill Condition: 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. Construction of the SWM Ponds 1 and 2 were completed in 2024 and vegetation planting was completed in 2024 in accordance with the vegetation planting plan; however, the Ponds are not yet operational pending completion of upstream drainage infrastructure and commencement of operation. Once SWM system is operational, 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.		

Condition Number	Condition	Commencement	Estimated Completion
7.11.1	Maintain vegetated edges and berms around the wet ponds and along the outlet channel;	-	-
	Activities Planned to Fulfill 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. Planting of the berms and pond embankments will be incorporated into the contractor's requirements for construction of Phase 2 of the Project.		
7.11.2	Maintain grassed swales; and	-	-
	Activities Planned to Fulfill 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 SWM Report and detailed design drawings. Construction of the grassed swales has not yet commenced.		
7.11.3	Install below-grade pipes and bottom draw outlet pipes.	-	-
	Activities Planned to Fulfill Condition: 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. Both SWM Pond 1 and 2 are constructed, including bottom draw outlet pipes; however, construction of the below grade pipes proposed to collected stormwater runoff from the terminal workpads has not yet commenced.		
7.12	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:	July 2020	Prior to construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
7.12.1	Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;	-	-
	Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, the effectiveness of offsetting measures will be monitored.		
7.12.2 (including sub-conditions 7.12.2.1 and 7.12.2.2)	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: <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); 	-	-
	Activities Planned to Fulfill 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. In addition, stream characteristics will be monitored in the fall post construction.		
7.12.3	Monitor water temperature of the overland runoff flows from the stormwater management system;	-	-
	Activities Planned to Fulfill 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.		

Condition Number	Condition	Commencement	Estimated Completion
7.12.4	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	-	-
	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 additional mitigation measures are required, modified or additional mitigation measures will be developed and implemented.		
7.12.5	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.	-	-
	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.		

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>	Ongoing	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 were provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the 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 were 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	Determine the dates of the breeding season, in consultation with Environment and Climate Change Canada, for any year that vegetation clearing shall occur; and	-	-
	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 is required to comply. The WMCP and EPP, including vegetation clearing dates, were provided to IAAC on November 26, 2021. Vegetation removal is being monitored by the EM and the IEM for compliance with the restricted timing windows.		
8.2.2	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.	-	-
	Activities Planned to Fulfill Condition: Measures describing vegetation clearing outside of the breeding season are 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.		
8.3	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.	December 2020	Ongoing
	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.		

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>	June 2020	End of Follow-up Program
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>		
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.	-	-
	Activities Planned to Fulfill Condition: 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.		
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	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
8.5.1	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;	-	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
8.5.2	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, including breeding and hibernating sites (residences) identified through the surveys; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details. Based on observed changes to the offsite habitat as a result of construction activities by others, consultation with ECCC has continued to determine implications on habitat within CN's mainline. Refer to Appendix 1, Condition 8.9.		
8.5.3	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 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.	-	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details. The Western Chorus Frog exclusion fence was installed in April 2023 along the [REDACTED]. Based on observed changes to the offsite habitat as a result of construction activities by others, consultation with ECCC has continued to determine implications on habitat within CN's mainline. Refer to Appendix 1, Condition 8.9.		
8.6	The Proponent shall install, prior to construction and during the breeding season for western chorus frog, exclusion fencing to prevent western chorus frog 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:	May 2020	Prior to construction in area of WCF
	Activities Planned to Fulfill Condition: Wildlife exclusion fencing was installed in April 2023 along the [REDACTED] to prevent WCF from entering construction areas, as directed by a qualified wildlife biologist and in accordance with the EPP. Exclusion fencing will be monitored and maintained during construction.		
8.6.1	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	-	-
	Activities Planned to Fulfill Condition: Based on consultation with ECCC, the breeding season dates for WCF 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. Wildlife exclusion fencing was installed in April 2023 and will remain until construction is completed between Britannia Rd and Louis St. Laurent Ave.		

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 breeding sites (residences) prior to installing exclusion fencing.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. Exclusion fencing was installed prior to the beginning of breeding season to exclude WCF from construction areas. A qualified wildlife biologist was 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 WCF were previously 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 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:</p> <p>Wildlife exclusion fencing was installed along [REDACTED] between April 10 and 18, 2023, to prevent Western Chorus Frog from entering construction areas. Installation was carried out as directed by a qualified wildlife biologist in accordance with the EPP. The design of the exclusion fence was developed in consultation with the ECCC. While existing fencing will be monitored and maintained, no additional exclusion fence is to be installed.</p>	May 2020	End of construction
8.8	<p>The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog determined pursuant to condition 8.6.1.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Replacement of culverts adjacent to identified breeding and hibernating sites (residences) was completed in 2024 outside of the breeding season for WCF.</p>	May 2020	Complete

Condition Number	Condition	Commencement	Estimated Completion
8.9	<p>If any hibernating site (residence) for western chorus frog 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 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:</p> <p>Discussion with ECCC regarding habitat compensation for the replacement of any previously identified affected WCF hibernating sites (residences) continues. Further consultation is planned with ECCC, as well as Conservation Halton and the Town of Milton, in 2025 to confirm the location of the proposed compensation habitat.</p>	May 2020	On-going
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 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>	May 2020	Implement until at least the end of the fifth year of operation

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: CN prepared a FUP for WCF, including mitigation measures, 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 WCF (see Section 5.2). This FUP was updated in March 2022. Work in areas adjacent to the previously identified WCF habitat commenced in 2024. Further consultation with ECCC occurred in 2024 and is planned with Conservation Halton, the Town of Milton and ECCC for 2025 to confirm any compensation requirements and plans, the results of which will inform the need for any refinements to the monitoring and follow-up requirements of the WMCP.		
8.10.1	Monitor the use by western chorus frog individuals of the habitat restored pursuant to condition 8.9;	-	-
	Activities Planned to Fulfill Condition: Use of restored habitat by WCF will be monitored once it has been completed.		
8.10.2	Monitor the use by western chorus frog individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;	-	-
	Activities Planned to Fulfill Condition: Use of any implemented measures to maintain or enhance habitat connectivity will be monitored as implemented through the WMCP.		
8.10.3	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	March 2023	End of fifth year of operation (December 2028)
	Activities Planned to Fulfill Condition: All WCF monitoring results will be reported to ECCC and CH.		

Condition Number	Condition	Commencement	Estimated Completion
8.10.4	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 individuals attributed to the Designated Project; and	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation measures are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.		
8.10.5	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.	-	-
	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.		
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

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to during construction, 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 have 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.		
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 completed. Maintenance ongoing.
	Activities Planned to Fulfill Condition: 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.		

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	Implementation of the FUP for 20 years following establishment of the replacement grassland habitat
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 and 2022 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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, 2022 & 2023 and will continue to be monitored for 20 years following the establishment of the replacement grassland.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.13.2	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	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation are required, any such measures will be developed and implemented as outlined in the adaptive management section of the FUP and described in Appendix 1.		
8.13.3	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.	-	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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 (i.e., similar to recommendations made in 2023. See Condition 8.13.3 in Appendix 1). Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.		
8.14	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).	September 2020	Prior to Construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
8.15 (including sub-conditions 8.15.1 and 8.15.2)	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: <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 	September 2020	November 2023 Construction of features complete, maintenance ongoing.

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 8.15.2 - maintain the habitat enhancement features functional during operation. 		
	Activities Planned to Fulfill Condition: 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 SNGR for comment. Any feedback received from these parties has been considered for inclusion in the WMCP. Construction of these enhancement features has been completed by the contractor as part of Phase 1 of construction. These features will be maintained during operation.		
8.16	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.	September 2020	End of construction
	Activities Planned to Fulfill Condition: 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.		
8.17	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.	Prior to Construction	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	<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>		
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>	Prior to Operation	Construction to be completed prior to operation, maintenance ongoing throughout operation
	<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>		
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 	Start of Construction	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	proximity or if a previous inspection has detected an imminent breach and repair any damage promptly.		
	Activities Planned to Fulfill 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 (MNRF 2013). 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.		
8.20	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.	Prior to Construction	Ongoing
	Activities Planned to Fulfill Condition: 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.		

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>	August 2020	Ongoing
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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 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 after 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 required to mitigate the risk to turtles, 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	Ongoing

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 Natural Resources.</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	Ongoing

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	Ongoing
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>	August 2020	<p>On-site monitoring until 5th year after operations</p> <p>Off-site habitat monitoring for 20 years after establishment</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 and 2022 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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 2024 and is summarized in the annual reports for 2024. 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	Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement habitat established pursuant to condition 8.24;	-	-
	Activities Planned to Fulfill Condition: Monitoring of Monarch use of the replacement habitat (per condition 8.24) commenced in 2023 and will be monitored as outlined in the WMCP FUP.		
8.25.3	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	-	-
	Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 8.25.1 or 8.25.2 demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.		
8.25.4	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.	-	-
	Activities Planned to Fulfill Condition: 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.		

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: Condition fulfilled. See 2021 Annual Report for details.</p>	May 2020	Completed
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: Condition fulfilled. See 2021 Annual Report for details.</p>	May 2020	Completed
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>	May 2020	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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.		
8.27.2	Develop, prior to construction, measures to mitigate adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) 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	May 2020	Ongoing
	Activities Planned to Fulfill 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 and will be implemented by the construction contractor and the EM. Wildlife training will be given to all onsite personnel prior to starting work at the site. Wildlife education is posted in the construction office and will remain for all construction phases.		
8.27.3	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 (Lampropeltis Triangulum) 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 (Lampropeltis Triangulum), 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 (Lampropeltis Triangulum), which may include appropriately adapting any existing exclusion fencing.	May 2020	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
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 Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>	August 2020	<p>Development of the FUP is complete.</p> <p>Implementation of the FUP until at least the end of the fifth year of operation</p>
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 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	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	-	-
	Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 8.28.1 monitoring results demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.		
8.28.3	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.	-	-
	Activities Planned to Fulfill Condition: 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.		
8.29	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	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.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
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	Ongoing
	Activities Planned to Fulfill Condition: 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.		
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	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on development of the ecopassage design. The Ecopassage was constructed in 2023 and became operational in January 2024.		
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	Implementation of the FUP until the end of the fifth year following the installation of all ecopassages
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 and 2022 Annual Report for details on creation of the FUP. Implementation of the FUP began in 2024 and will continue until the end of the fifth year following the installation of all ecopassages.		

Condition Number	Condition	Commencement	Estimated Completion
8.32.1	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	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.		
8.32.2	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.	-	-
	Activities Planned to Fulfill Condition: Before the end of the fifth year following the installation of all ecopassages, 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.		

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	Implementation of the FUP until the end of the fifth year following the installation of all ecopassages

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>Condition fulfilled. See 2021 and 2022 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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	Implementation of the FUP will occur until the end of the fifth year of operation
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</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 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>		

Condition Number	Condition	Commencement	Estimated Completion
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 demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined 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
	Activities Planned to Fulfill Condition: 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 need for modified or additional mitigation measures. A copy of the Sleep Disturbance Analysis (Aecom, 2021) was provided to IAAC on December 1, 2021. Any revisions to the sleep disturbance analysis required to reflect future construction activities will be addressed in subsequent annual reports.		
9.3	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:	June 2020	FUP to be finalized prior to operation Implementation of the FUP for least two years following the start of operation
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
9.3.1	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;	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
9.3.2	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;	-	-
	Activities Planned to Fulfill Condition: 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.		
9.3.3	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	-	-
	Activities Planned to Fulfill Condition: Once operation begins and the FUP is implemented, monitoring results will be compiled on a monthly basis and made available to IAAC upon request.		
9.3.4	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.	-	-
	Activities Planned to Fulfill Condition: 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.		

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 2025, 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	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.	August 2020	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
11.2	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:	March 2020	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
11.2.1	Make a photographic record of the shed and salvage any component of the building in which there is public or private interest; and	-	-
	Activities Planned to Fulfill Condition: 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 was 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.		

Condition Number	Condition	Commencement	Estimated Completion
11.2.2	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.	-	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
11.3	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:	Prior to construction	End of construction
	Activities Planned to Fulfill Condition: 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 delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment and monitoring.		
11.3.1	Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;	-	Completed
	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 been communicated to the contractor and referenced during the vibration monitoring activities where construction occurs within 50 m of a cultural heritage resource.		

Condition Number	Condition	Commencement	Estimated Completion
11.3.2	Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and	-	-
	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. Monitoring at these locations are anticipated to be discontinued in 2025 once construction activities within 50 meters of the cultural heritage resources are completed.		
11.3.3	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.	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
11.4	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:	January 2024	Within 30 days of completing all inspections
	<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> <p>CN retained a qualified individual to assess two of the cultural heritage resources in January 2025 based on the completion of construction activities within proximity of these resources at the end of 2024. A Cultural Heritage Conditions Report was completed and submitted to IAAC on February 21, 2025. Results will be discussed in the 2025 Annual Report.</p>		
11.4.1	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>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	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	-	-
	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.		
11.4.3	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.	-	-
	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.		
11.5	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:	2020	Ongoing, or until such time as the cultural heritage resources are relocated or demolished

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: CN retained Stantec to develop cultural heritage property maintenance and re-use plans for each cultural heritage resource (CHR) 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.		
11.5.1	How the Proponent shall preserve the heritage value of each cultural heritage resource;	-	-
	Activities Planned to Fulfill Condition: The cultural heritage property maintenance and re-use plan sets out how the heritage value of each cultural heritage resource will be preserved.		
11.5.2	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	-	-
	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.		

Condition Number	Condition	Commencement	Estimated Completion
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:</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>	Three years after start of Operation	After the HIA is complete

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: 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.		
11.6.1	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.	-	-
	Activities Planned to Fulfill Condition: 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.		
Archaeology (11.7 to 11.11)			
11.7	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.	N/A	N/A
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

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	Ongoing

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. 		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
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	Ongoing

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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
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
	Activities Planned to Fulfill Condition: 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.		

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 ongoing discussions with the MCFN, the SNGR and the HWN, 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 SNGR and the HWN 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>		

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	<p>Completed for construction phases</p> <p>Infrastructure Protection Plan for operations to be completed prior to the start of operations.</p> <p>Ongoing</p>
	<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, and remains applicable for subsequent phases of construction. An updated Infrastructure Protection Plan will be prepared 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	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;	-	-
	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.		
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	-	-
	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.		
12.1.4	Backfill all open excavations in a timely manner during construction, unless not technically feasible.	-	-
	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.		

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> <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>	Prior to construction.	End of construction
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 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>	Prior to construction.	End of construction

Condition Number	Condition	Commencement	Estimated Completion
13.3	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.	Prior to construction.	End of construction
	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 and adjusted if/as necessary as determined by IAAC and the IEM.		
13.4	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.	Start of construction	Five years following end of construction
	Activities Planned to Fulfill Condition: Through a 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.		

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. The plans 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 were 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 SNGR, Town of Milton, and Halton Region for review. Any views or information provided were considered by CN in finalizing the A&M Response Plan. When the A&M Response Plan is updated for operations, consultation with the MCFN, the SNGR, Town of Milton and Halton Region will be completed.</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 construction and 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). An update to the A&M Response Plan for Operation will be developed for the operational phase of the terminal and will be completed in consultation with the MCFN, SNGR, 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	Ongoing
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	Ongoing

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 is 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 the required written reports to IAAC by the timelines specified in the conditions.</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	Ongoing
<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	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.	60 days prior to start of construction	
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
15.2	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.	60 days prior to start of construction	
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
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
	Activities Planned to Fulfill 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.		

Condition Number	Condition	Commencement	Estimated Completion
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 SNGR, the HWN, potentially affected parties, the Town of Milton, Halton Region, CH and IAAC on July 30, 2021 (all at the same time).</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	Ongoing
	Activities Planned to Fulfill 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.		
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	Ongoing
	Activities Planned to Fulfill 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.		
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
	Activities Planned to Fulfill Condition: IAAC will be notified if there is a change to the contact information of the Proponent. No changes are proposed at this time.		

APPENDIX 5

Updated Schedule - Condition 15.2



[illegible]

APPENDIX 6A

Construction Photos Presented to Agencies



Construction Photos Presented to Agencies
Presented on January 9, 2024





CN Milton Regulators Update Call

Construction Update

January 09, 2024

Completion of the Laying of New Tracks (November 23 to 29, 2023)



November 23, 2023 3:12 p.m.

Work Block to Connect New Realigned Mainline (December 2, 2023)



Sub-excavation works



Installation of geo-textile and geo-grid

December 2, 2023 1:58 a.m.



December 2, 2023 12:31 a.m.



Compaction with tamper plate

Resurfacing of New South Tracks (December 8, 2023)



New mainline and old mainline visible in this photo.

December 8, 2023 12:14 p.m.

Culvert 1 Ecopassage (December 20, 2023)



Culvert 1 – Backfilling and Waterproofing Works (November 29, 2023)



November 29, 2023 11:00 a.m.

Culvert 1 – Backfilling Works (December 5, 2023)



December 5, 2023 12:49 p.m.

Culvert 1 – Upstream Realigned Channel (December 19, 2023)



Upstream and downstream coffer dams removed with flows now passing through the Culvert 1 ecopassage

Completion of Middle Section of Culvert 2A (December 20, 2023)



Following the track diversion, the original mainline was removed and the middle section of Culvert 2A was installed

Tributary A – Fish Rescue & Construction Dewatering at Culvert 2A (December 4, 2023)



Approximately 30 fish were rescued from the isolated work area (via electrofishing) and released downstream at the Tributary A realignment natural channel

Tributary A – Fish Rescue & Construction Dewatering at Culvert 2A
(December 4, 2023)



Discharge location - Rock check dam to allow dissipation of water before entering Tributary A. No sediment disturbance observed at discharge point.

Culvert 2A Installation Works (December 8, 2023)



Excavation, grading, and installation works to complete middle section of Culvert 2A.
Work occurring within the isolated work area.

Culvert 2A Installation Works - Backfilling (December 13, 2023)



Backfilling and compaction over waterproofing to complete Culvert 2A.

Culvert 2A – Dewatering (December 19, 2023)



Dewatering seepage into worksite in old Tributary A. Large silt bag in place to manage pumped water

Culvert 2A – Water Diversion of Tributary A Continues
(December 19, 2023)



Indian Creek Realignment Area (November 20, 2023)



Final placement of seed and matting installation, removal of access ramp, and valley stabilization

Indian Creek Realignment Area (December 14, 2023)



Matting installed on Indian Creek Valley slope (former location of access ramp)

Indian Creek Wildlife Fencing for Phase 2 (December 19, 2023)



With completion of work in the valley, wildlife fence was relocated outside of the valley to separate Phase 2 construction areas from active natural areas

Culvert 3, Culvert 7 and Tributary C Diversion (December 20, 2023)



Culvert 3 (Regional Bi-pass) Extension (December 13, 2023)



December 13, 2023 1:50 p.m.

Culvert 3 (Regional Bi-pass) Extension (December 14, 2023)



Culvert 3 extension downstream of the new mainline. Original mainline removed to facilitate construction.

Culvert 3 Installation (December 20, 2023)



Culvert 3 backfilled with granular material. Main construction access relocated. Sediment fence established at culvert connection.

Culvert 7 Installation (November 21, 2023)



Installation of riprap protection at inlet to Culvert 7 upstream of the new mainline

Tributary C Realignment – Fish Rescue (November 24, 2023)



Fish rescue conducted with section of Tributary C to be abandoned, prior to realignment of Tributary C and completion of Culvert 7. Upstream and downstream coffer dams established to isolated work area.

Tributary C Realignment – Excavation Work (November 30, 2023)



Excavation of the realigned section of Tributary C to facilitate grade separation, looking downstream of the new mainline. Original mainline has been removed to facilitate downstream extension of Culvert 7.

Culvert 7 Installation (December 15, 2023)



Installation of 2400mm precast sections downstream of new mainline. Future service and yard tracks will provide access to the future terminal at this location.

Tributary C Stabilization Installed (December 21, 2023)



Straw bale check dams and matting installed within the new channel, with rip rap at outlet from Culvert 7. Area seeding to encourage vegetation growth in the Spring.

Construction Photos Presented to Agencies
Presented on February 13, 2024



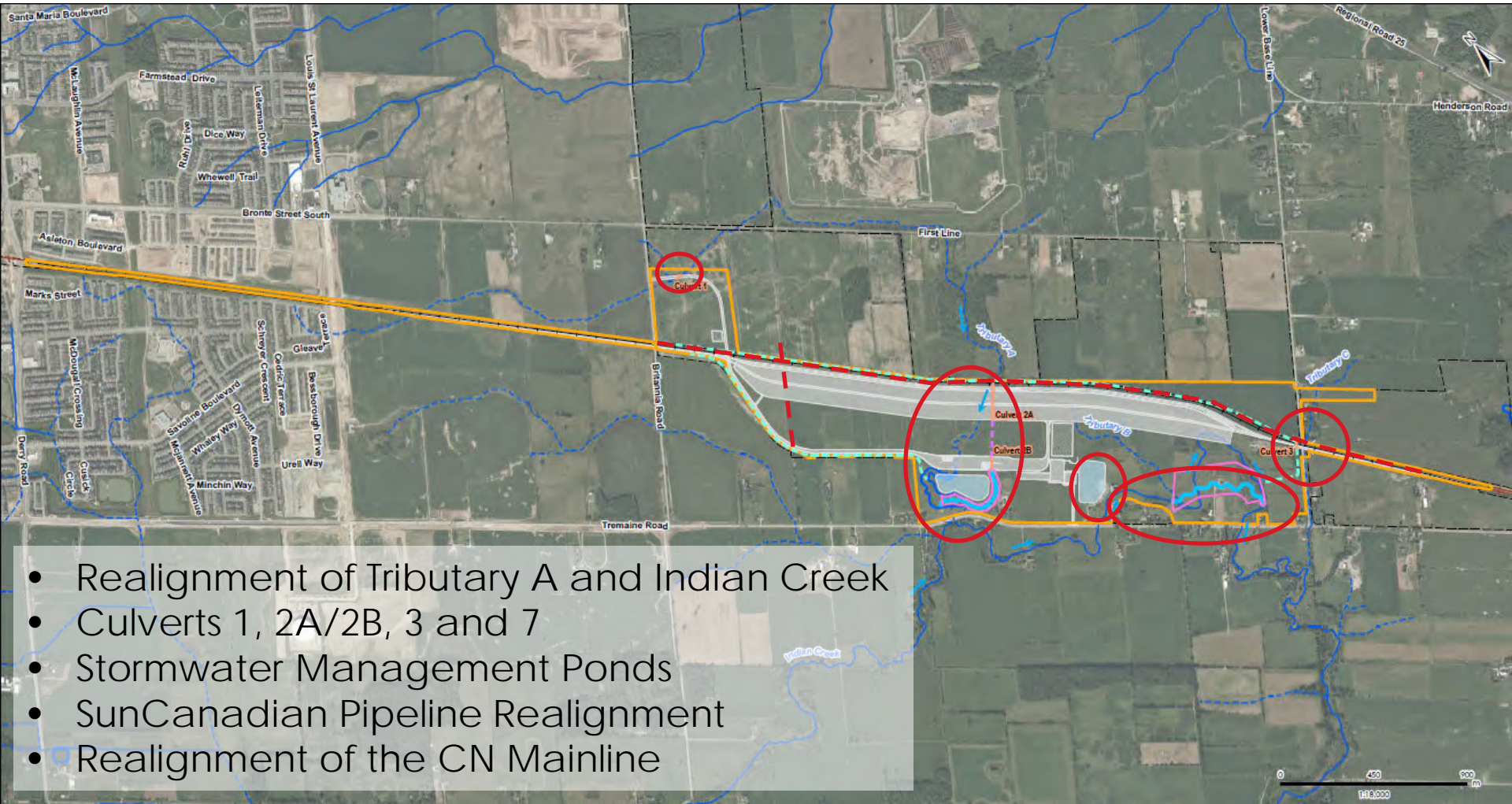


CN Milton Regulators Update Call

Construction Update

February 13, 2024

CN Milton Logistics Hub – Phase 1

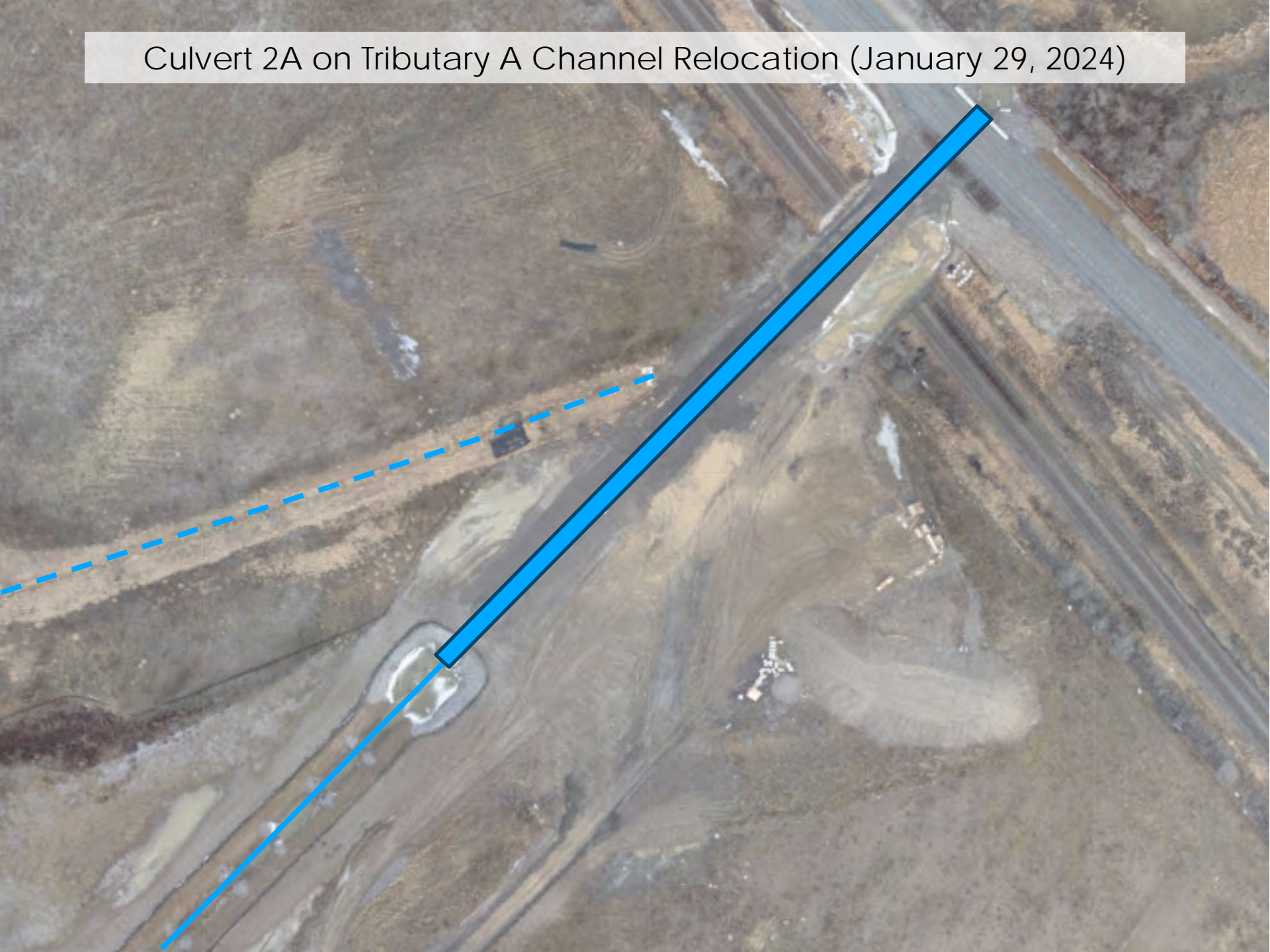


Indian Creek Channel Diversion (January 29, 2024)

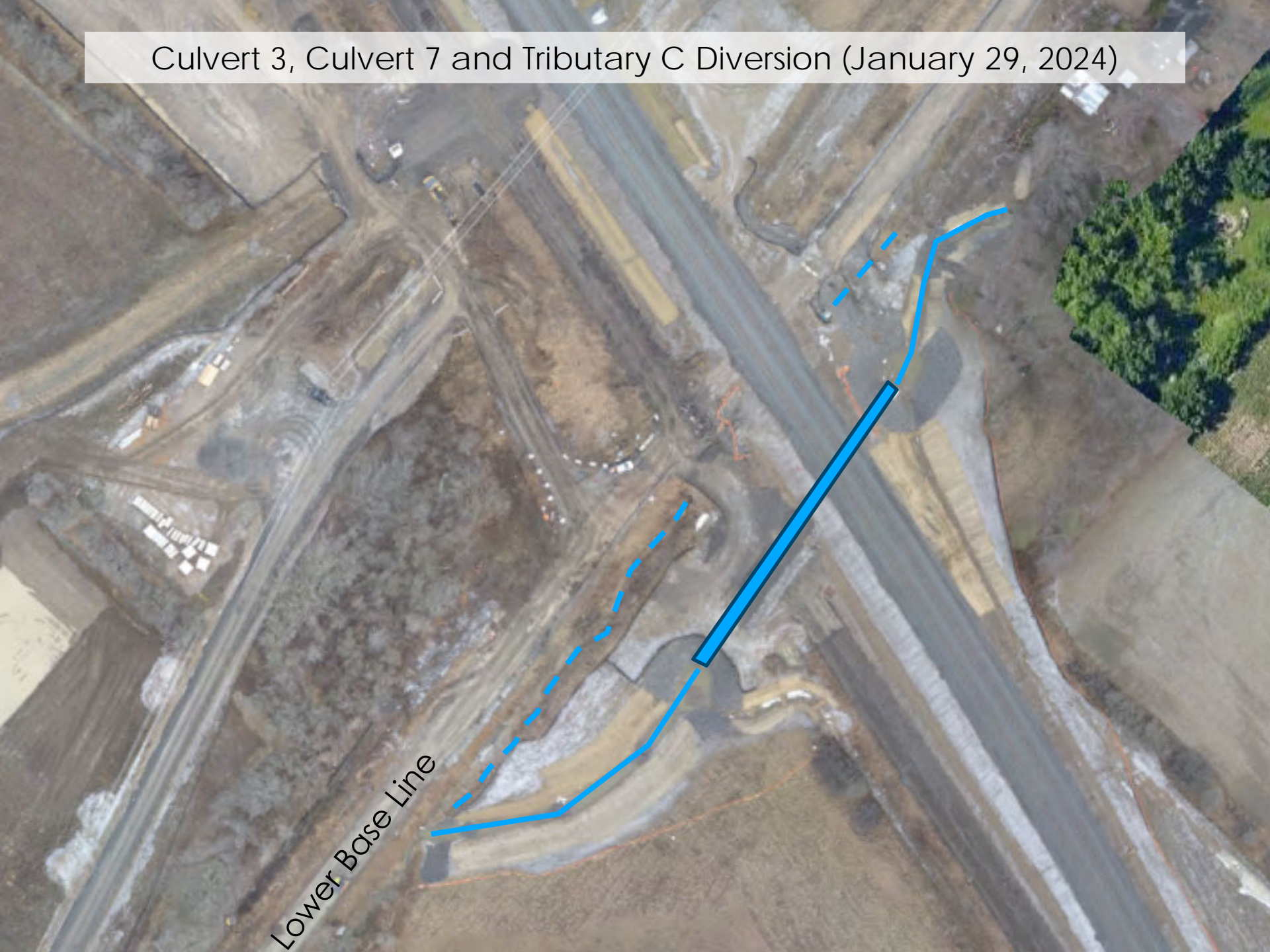


Tremaine Road

Culvert 2A on Tributary A Channel Relocation (January 29, 2024)

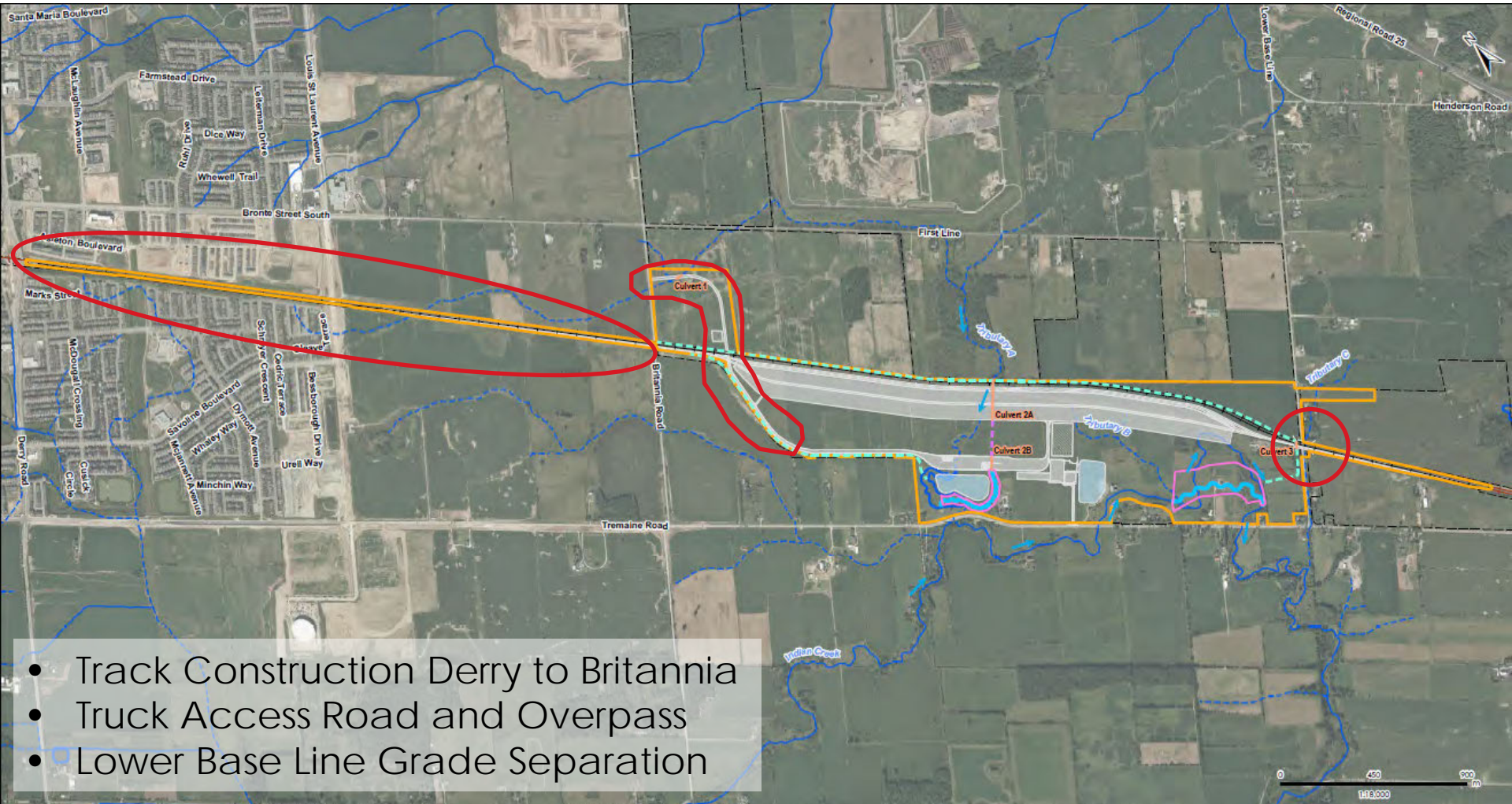


Culvert 3, Culvert 7 and Tributary C Diversion (January 29, 2024)



Lower Base Line

CN Milton Logistics Hub – Phase 2A



Localized flooding due to rain and melt events to start the new year



Images of flooding along Indian Creek following high precipitation event
(January 10, 2024)

Localized flooding due to rain and melt events to start the new year



Images of flooding along Indian Creek following high precipitation event
(January 10, 2024)

Lower Base Line Grade Separation – Frozen Conditions (January 16, 2024)



Culvert 7 on Tributary C – Frozen Conditions (January 15, 2024)



Jan 15, 2024 11:24:46 a.m.
43°27'2.766"N -79°49'30.606"W
3242 Lower Base Line
Milton
Regional Municipality of Halton
Ontario

Tributary A – Frozen Conditions (January 15, 2024)



Jan 15, 2024 11:52:45 a.m.
43°27'36.348"N -79°50'18.966"W
Milton
Regional Municipality of Halton

On-going Monitoring and Maintenance Activities (February 1, 2024)



Displaced coir matting on the banks to be repaired when conditions suitable.

Preparation for the Start of Construction Phase 2



Delineating limits of construction and installing silt fence (January 22, 2024)

Clearing and grubbing along Lower Base Line (January 22, 2024)



Jan 22, 2024 11:56:07 a.m.
43.44929159N 79.82720392W
3316 Lower Base Line West
Milton

Check dams installed, erosion and sediment fence to be installed

Installation of Delineation Fencing / Erosion Controls (February 1, 2024)



Site preparation to start construction of the grade separation on February 12

Construction Photos Presented to Agencies
Presented on March 25, 2024





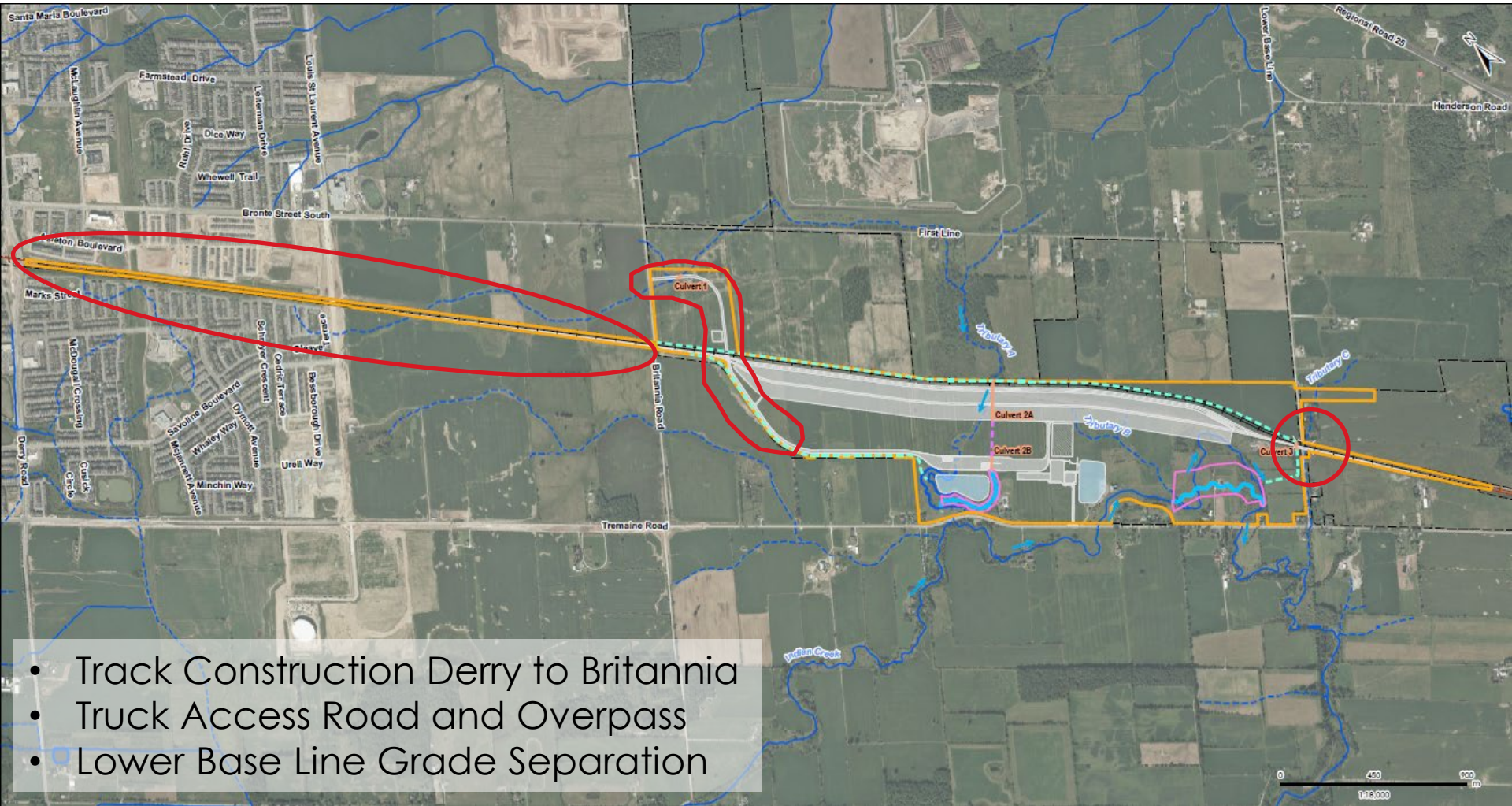
CN Milton Regulators Update Call

Construction Update

March 25, 2024

CN Milton Logistics Hub – Phase 2A

Phase 2A officially commenced on February 12, 2024



Lower Base Line (LBL) West: Drilling begins for shoring wall (February 12, 2024)



February 12, 2024 1:43 p.m.

Shoring progress on LBL West piles (February 15, 2024)



Lower Base Line W
Milton ON
Canada
Feb 15, 2024 08:25AM



LBL West – Lagging work & Anchor Testing (February 15 to March 1, 2024)



LBL West – Installation and Welding of fence post supports (March 4, 2024)



3249 Lower Base Line, Milton, ON L9T 2X5, Canada

LBL West – 450mm Culvert Installation (March 1, 2024)



LBL West – Excavation & install for 600mm culverts (Mar 1, 2024)



Rip-rap & straw bale install at inlet and backfilling (March 4, 2024)



LBL South – 450mm Culvert Installation (February 29, 2024)



3316 Lower Base Line W
Milton ON L7M 0S9
Canada
Feb 29, 2024 09:41 AM



3293-3399 Lower Base Line W
Milton ON L7M 0S9
Canada
Feb 29, 2024 12:31 PM



3293-3399 Lower Base Line W
Milton ON L7M 0S9
Canada
Feb 29, 2024 01:31 PM

LBL - Grade Separation
Excavation and cut & fill work for north wing wall (Feb 29-March 1, 2024)



3249 - 3259 Lower Base Line W.
Milton ON L9L 0L7
Canada
Mar 01, 2024 08:35AM

LBL – Grade Separation
Footings keyway and pads for south wing wall (March 1, 2024)



242 Lower Base Line W
Milton ON L9L 1K6
Canada
Mar 01 2024 09:06AM

LBL Grade Separation
Grade Separation forming works on south wing wall (March 1-4, 2024)



3249 Lower Base Line, Milton, ON L9T 2X5, Canada

Tremaine Access Road February 13-15, 2024

Completion of
vegetation removal

February

Placement of geotextile & grid

Milton, ON L9T 2X5, Canada

Placement and
compaction of granular

Milton, ON L9T 2X5, Canada

Tremaine Access Road - Installation of 1050mm culverts (February 20-27, 2024)



5501 Tremaine Rd, Milton, ON L9T 2X5, Canada

Britannia Access Rd - Continued vegetation removal for
berm construction preparation (February 12-20, 2024)



February 12, 2024 12:32 p.m.

Britannia Access Road Berm Construction (February 16, 2024)



5670 First Line, Milton, ON L9T 2X5, Canada

5670 First Line, Milton, ON L9T 2X5, Canada

Britannia Road – 3m Interceptor Ditch Construction (February 27, 2024)



Mile 38.5 Crossing – Temporary 900mm culvert install East and West of crossing (February 23, 2024)



Britannia Road – Relocated silt fence at inlet of Culvert 1 (Feb. 21, 2024)



18 Heaven Cres, Milton, ON L9T 7K4, Canada

Grading activity north of culvert 1 (February 26, 2024)



16 Heaven Cres, Milton, ON L9T 7K4, Canada

New Laydown Area 1 – Site prep and access construction (Feb. 20-27, 2024)



Laydown Area 2 – Topsoil stock piling, removal and grading (February 26, 2024)



Construction Shut Down Activities

In light of the March 1, 2024 decision by the Federal Court to re-evaluate the Minister of Environment's Decision Statement, construction on site will be temporarily shut down. The following activities are currently taking place for care and maintenance to prepare the site for shut down.

- Site stabilization and repairs to erosion control measures:
 - repair coir mat in ditch/mainline on Tributary C
 - silt fence repairs along Tributary B
 - replace strawbales
- Backfill stripped area and install drainage swale to Culvert 2A
- Grade slopes of stockpiles to deter bird nesting (bank swallows)
- Backfill open excavations
- Lower Base Line Grade Separation:
 - monitor track and piles at Lower Base Line
 - install protection guard rail for shoring wall
 - conduct sweep of the roadway
- Removal of equipment and materials from the site (security)
- Environmental monitoring activities will continue twice weekly
- Follow-up programs will continue as scheduled

Construction Photos Presented to Agencies
Presented on July 2, 2024





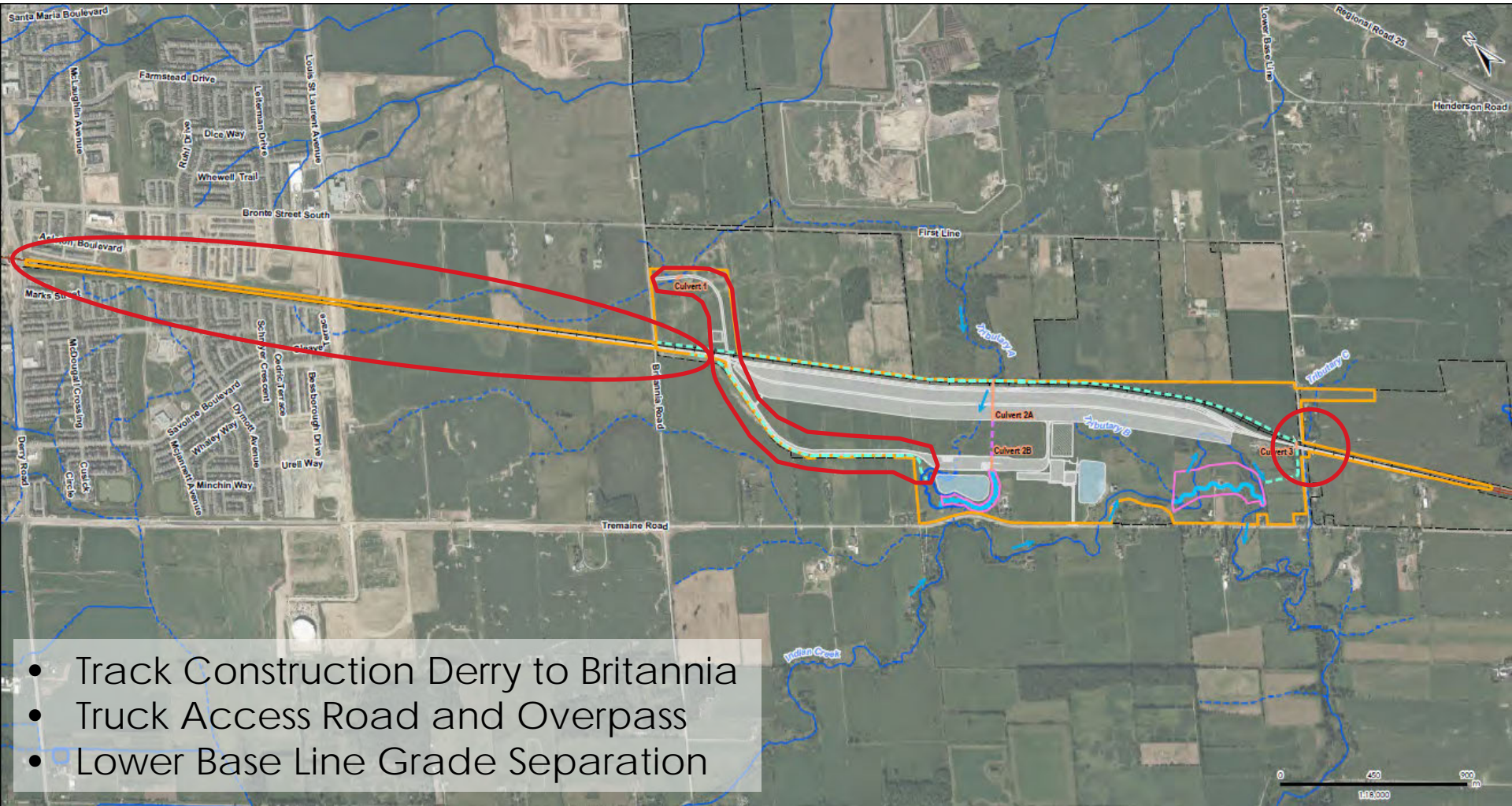
CN Milton Regulators Update Call

Construction Update

July 2, 2024

CN Milton Logistics Hub – Phase 2A

Phase 2A officially commenced on February 12, 2024





Judicial Review Decision Halted Construction - March 1, 2024
Stay Order Issued to CN Allowing Construction to Continue - May 1, 2024
Full Construction Recommenced - May 15, 2024

Lower Base Line Grade Separation



May 15, 2024 at 10:52:25 AM
Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line West grade separation and shore wall
Continued tie-back installation – May 15, 2024

May 24, 2024 at 9:13:21 AM
3256-3288 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line W Stress testing tie back strands – May 24, 2024

May 30, 2024 at 2:22:20 PM
3242 Lower Base Line W
Milton ON L9E 0K6
Canada



Lower Base Line W excavation and continued wood lagging install – May 30, 2024

Jun 11, 2024 at 3:29:50 PM
3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Lower Base Line W lower-level tie back installation - June 11, 2024

JUN 11, 2024 at 1:04:27 PM
3261-3291 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line W bulk excavation to sub grade elevation - June 11, 2024

Milton ON
Canada
Sherwood



Britannia Access Rd. bridge works – bulk excavation June 7, 2024

Milton ON
Canada
Sherwood



Britannia Access Rd – West ditch grading of topsoil – June 7, 2024

Britannia Access Rd excavation and grading for interceptor ditch - May 24, 2024



Wilton, ON
Canada
Sherwood



Britannia Access Rd Interceptor Ditch - embankment matting installing May 30, 2024

May 30, 2024 at 1:13:08 PM
Milton ON
Canada
Harrison




Mainline track north of Britannia – topsoil stripping May 30, 2024

Jun 4, 2024 at 10:36:56 AM
119-209 Gleave Terr
Milton ON L9T 8N5
Canada

Mainline track south of Louis St. Laurent
East side track topsoil stripping - June 4, 2024

Jun 7, 2024 at 12:27:58 PM
3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Abandoned mainline track
Grading of cut/fill material
along west ditch line - June 7, 2024

Lower Base Line W – Install of 2400mm man-hole
connection to existing culvert - June 10, 2024

June 10, 2024 1:30:25 PM
Lower Base Line W
Milton ON L9E 0K4
Canada



Jun 11, 2024 at 1:18:27 PM

Lower Base Line & Laydown Area 1 - 600mm concrete pipe install - June 11, 2024

Canada
Sherwood



Jun 11, 2024 at 3:22:39 PM

1200mm CB/MH1 connection to new 60mm concrete pipe - June 11, 2024

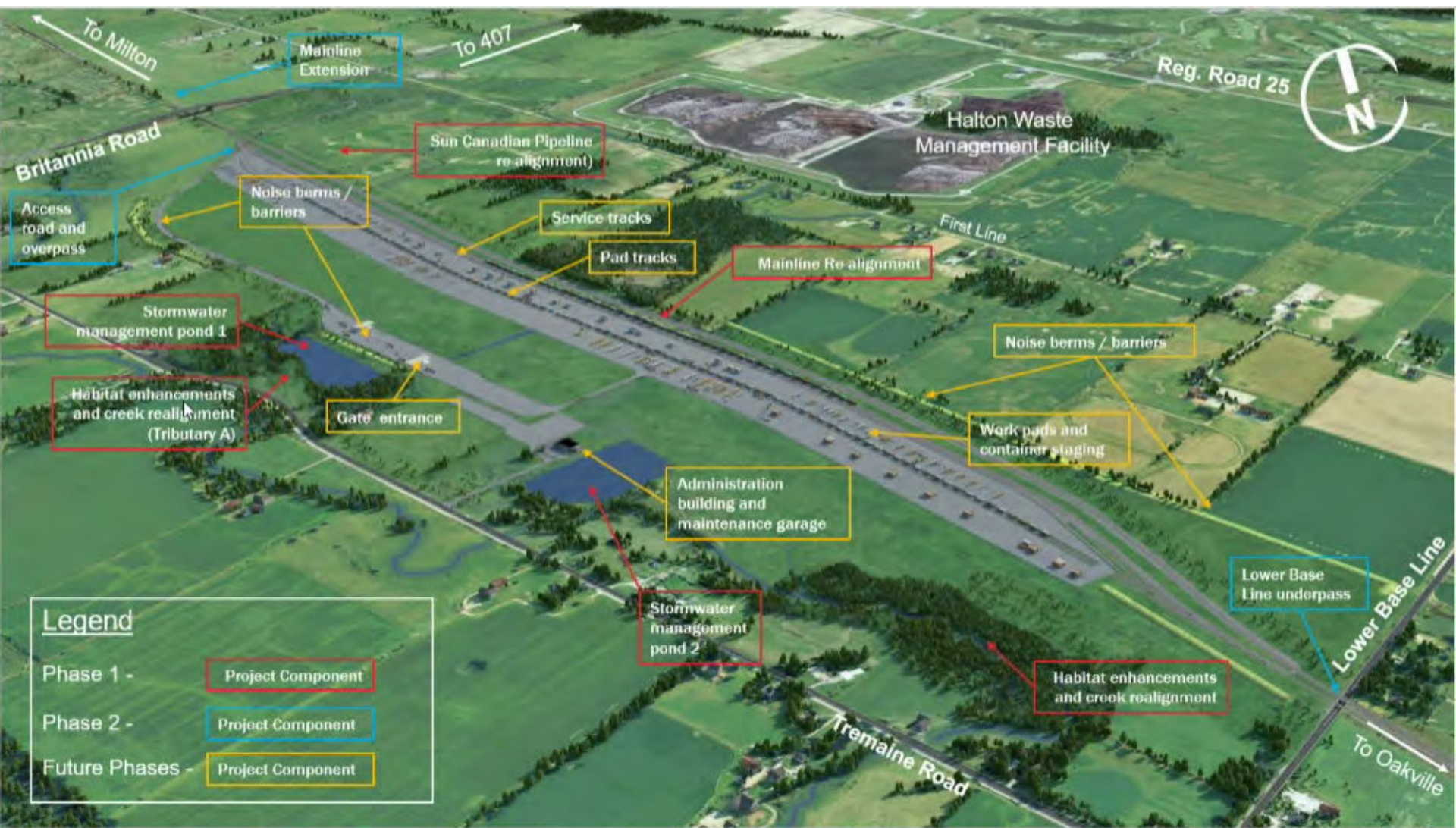
Canada
Sherwood



Milton ON
Canada
Sherwood



Water trucks on site for ongoing dust control



Construction Photos Presented to Agencies
Presented on August 6, 2024





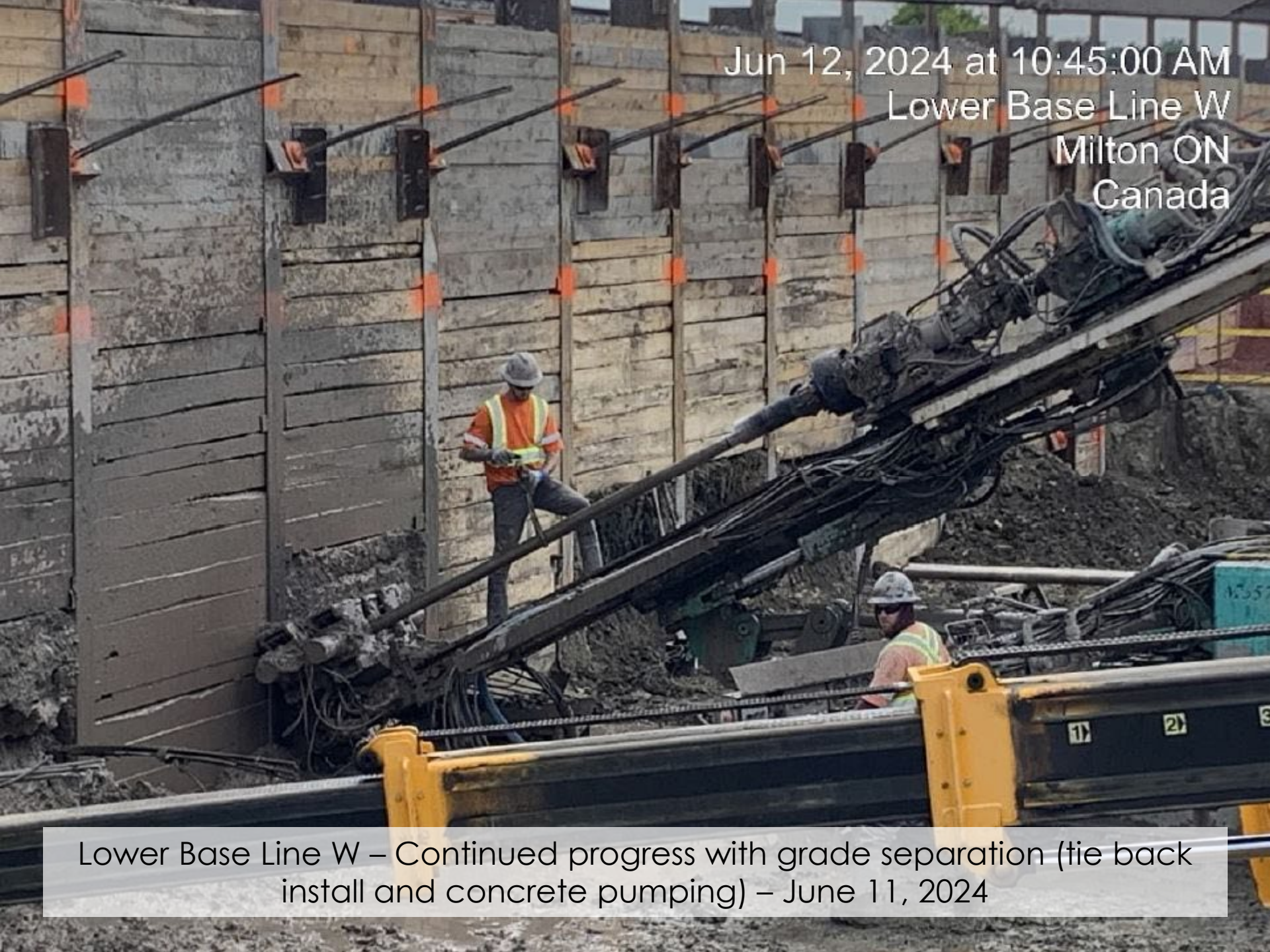
CN Milton Regulators Call Construction Update and July 15 Spillway Slope Damage / Repair

August 6, 2024

Lower Base Line Grade Separation



Jun 12, 2024 at 10:45:00 AM
Lower Base Line W
Milton ON
Canada



Lower Base Line W – Continued progress with grade separation (tie back install and concrete pumping) – June 11, 2024

Jun 20, 2024 at 7:37:44 AM
3249-3259 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL West – Grading prep for crane pad and caissons installation - June 18, 2024



LBL West – Drilling prep and caisson installation for crane pad June 24- July 2, 2024

Jul 3, 2024 at 11:03:14 AM
3249-3259 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL West – Concrete pouring & elevation chipping for caissons July 2-9, 2024

LBL W – Grade separation progress and caisson installment – July 15, 2024



Jun 26, 2024 at 2:54:25 PM
Milton ON
Canada
Sherwood



Britannia Access Road Bridge – Caisson and pile install – June 26, 2024

Jul 3, 2024 at 9:39:43 AM
Milton ON
Canada
Sherwood



Britannia Access Road Bridge – Begin tie back install – July 3, 2024

Britannia Access Rd – Excavate around abandoned pipeline near SunCanadian Access Rd and install two HDP 900mm culverts. - July 2-9, 2024



Jul 3, 2024 at 2:34:44 PM
Milton ON
Canada
Sherwood

Jun 12, 2024 at 3:26:59 PM
Britannia Rd
Milton ON
Canada



Britannia Access Road – Continued cut/fill grading north of main line – June 12, 2024

Britannia Access Road – Core matting and straw bales at west ditch – June 14, 2024

Jun 14, 2024



Jun 14, 2024 at 2:23:36 P

Milton C

Canad

Sherwo





Britannia Access Rd – Ongoing excavation of west ditch and grade separation for crane pad (June/July 2024). Impacted by heavy rainfall week of July 8 & 15 and required water pumping/removal.

Jul 19, 2024 at 4:19:13 PM
Milton ON
Canada
Sherwood



Britannia Access Rd – Grading of fresh topsoil – July 19, 2024



Stormwater Management Pond 1
Tree planting begins along the southwest edge – July 2024

Jul 15, 2024 at 8:50:53 AM
Milton ON
Canada
Sherwood



Ongoing tree planting at Stormwater Management Pond 1 - July 2024

Regional Diversion Ditch – July 15, 2024 Spillway Slope Damage / Repair

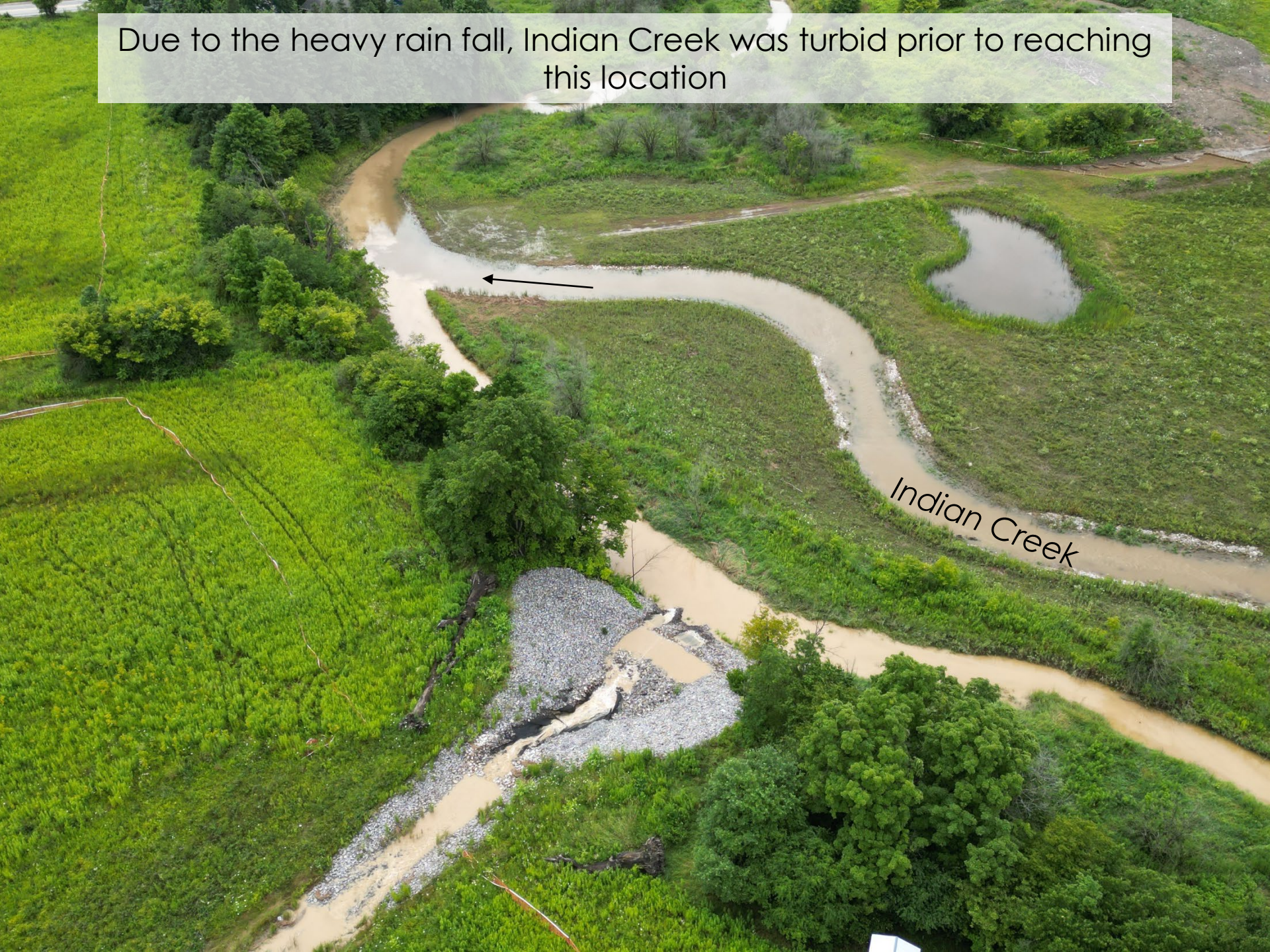
Aerial view of Culvert 3 and spillway location – Imagery taken early-July 2024



Regional Diversion Ditch spillway, downstream of Culvert 3, was impacted due to a heavy rainfall events on July 15 and 16, 2024



Due to the heavy rain fall, Indian Creek was turbid prior to reaching this location



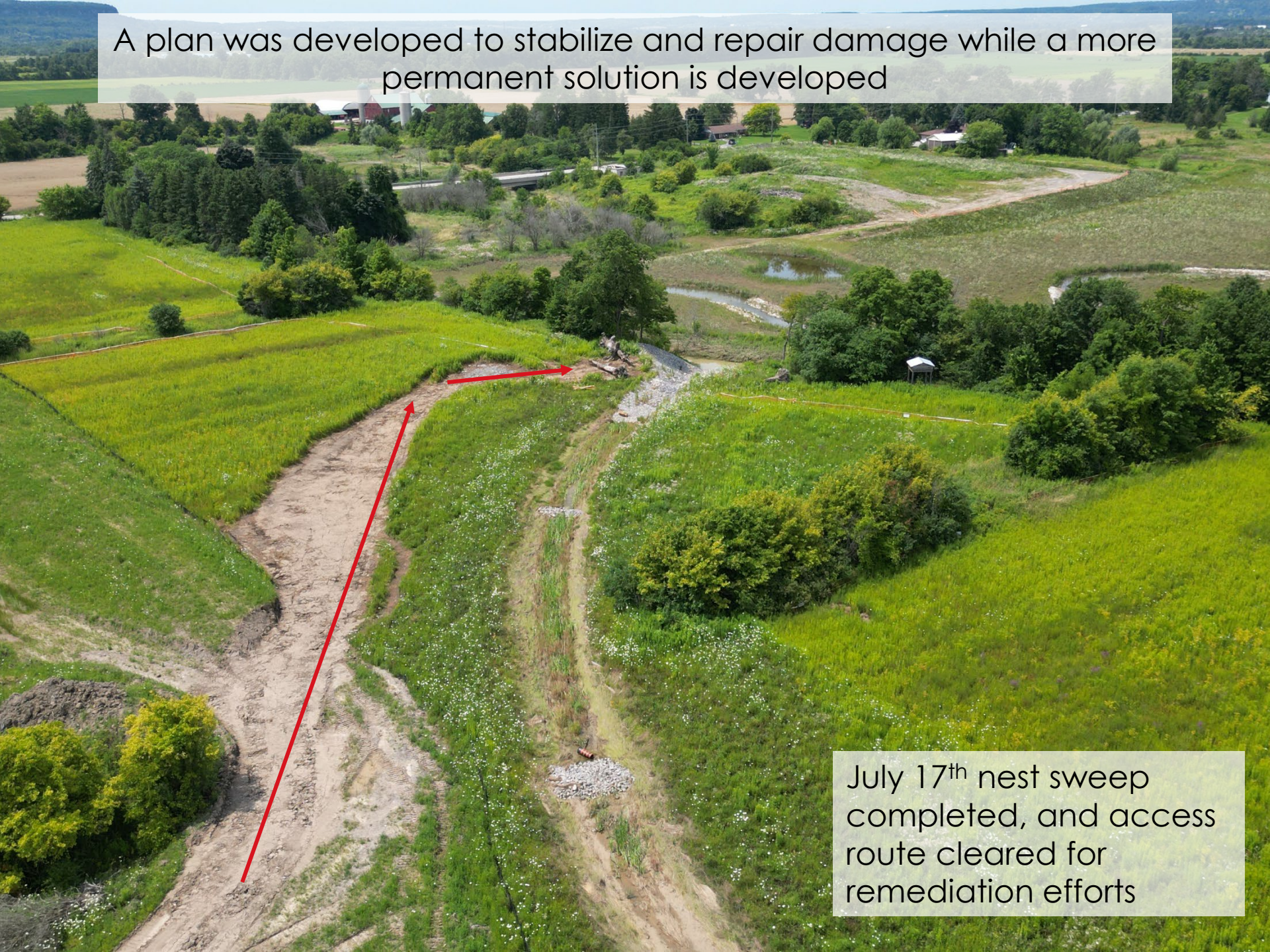
Extent of impacts included damage to the underlaying filter cloth and displaced rip-rap material resulting in the release of sediment



Displaced rip-rap at outlet of spillway



A plan was developed to stabilize and repair damage while a more permanent solution is developed



July 17th nest sweep completed, and access route cleared for remediation efforts

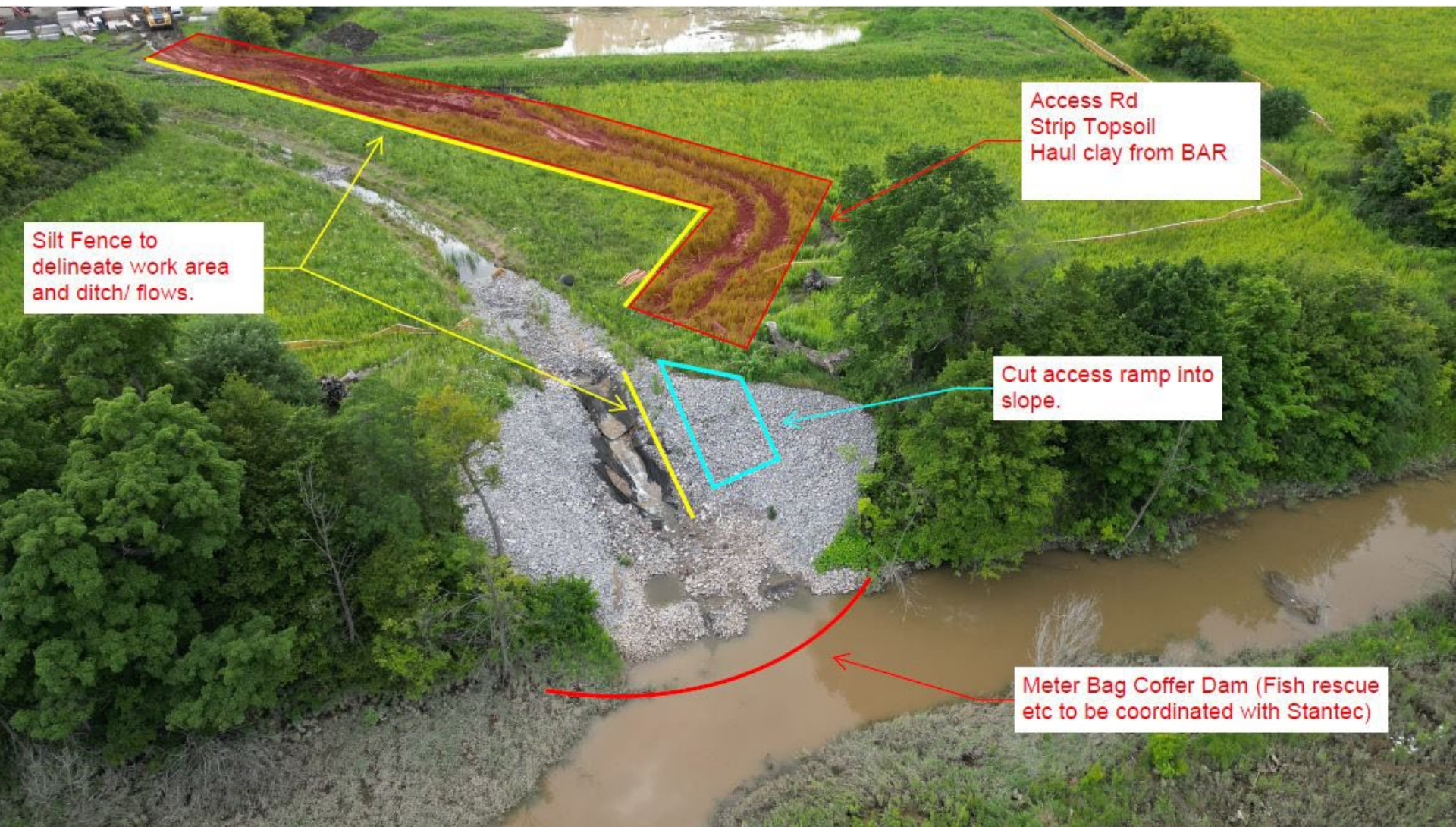
July 18, 2024 - Rip-rap added as temporary remediation to repair scouring



July 18, 2024 – Access route was established and rip-rap was brought in via mini excavators to fill eroded area of the spillway



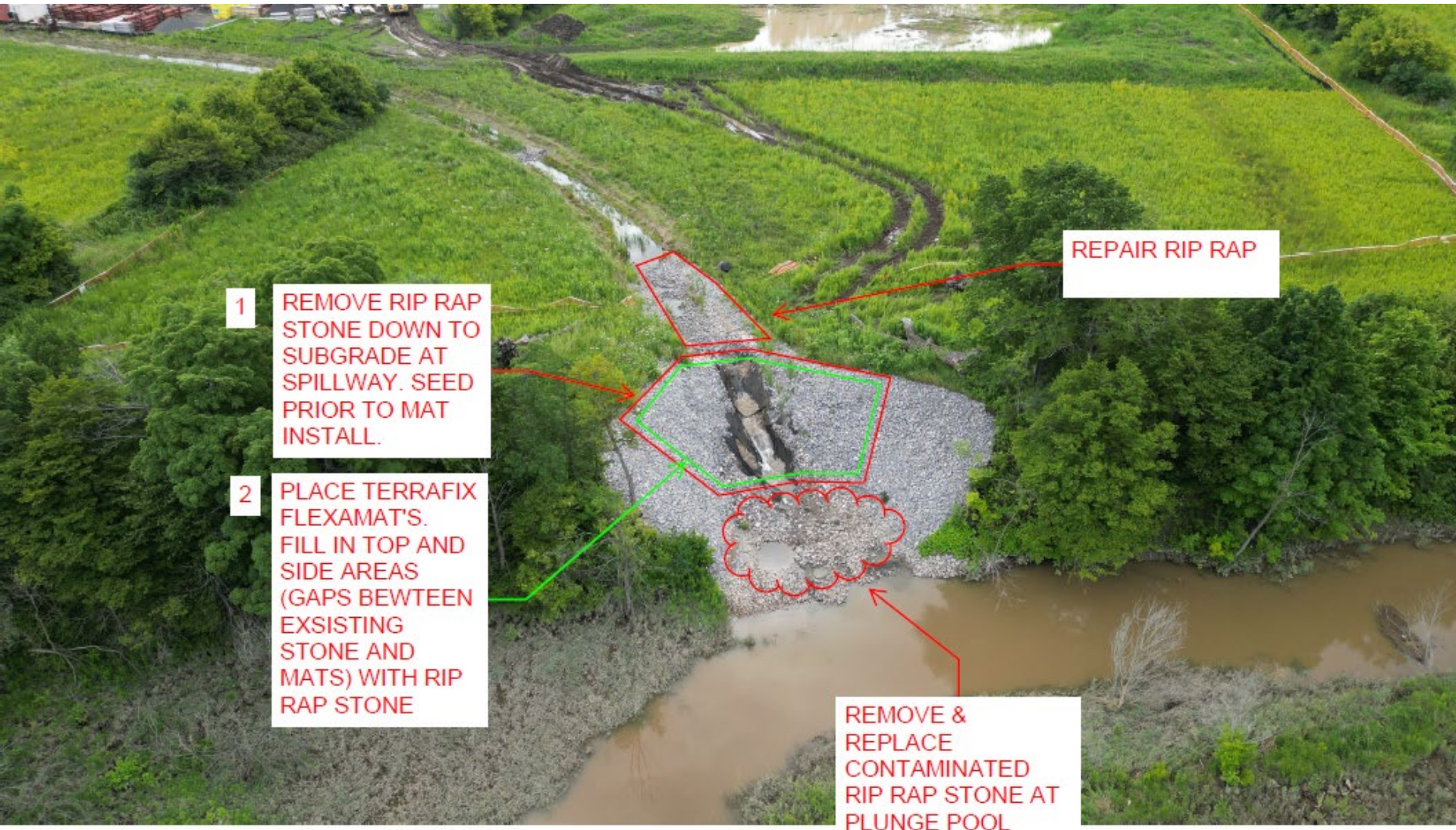
Full remediation plan to be executed – draft spillway repairs



Any flows into Culvert 3 are being temporarily diverted to reduce flow through this area to accommodate remediation efforts and reduce siltation



Full remediation plan to be executed – draft spillway repairs



Construction Photos Presented to Agencies
Presented on September 3, 2024





CN Milton Regulators Call Construction and Regional Diversion Ditch Repair Update

September 3, 2024

Lower Baseline Grade Separation and Bridge Work Progress



Jul 26, 2024 at 9:07:48 AM
Lower Base Line W
Milton ON L9E 0L7
Canada

Continued caisson installation at Lower
Baseline grade separate and bridge
work location occurred on July 26, 2024



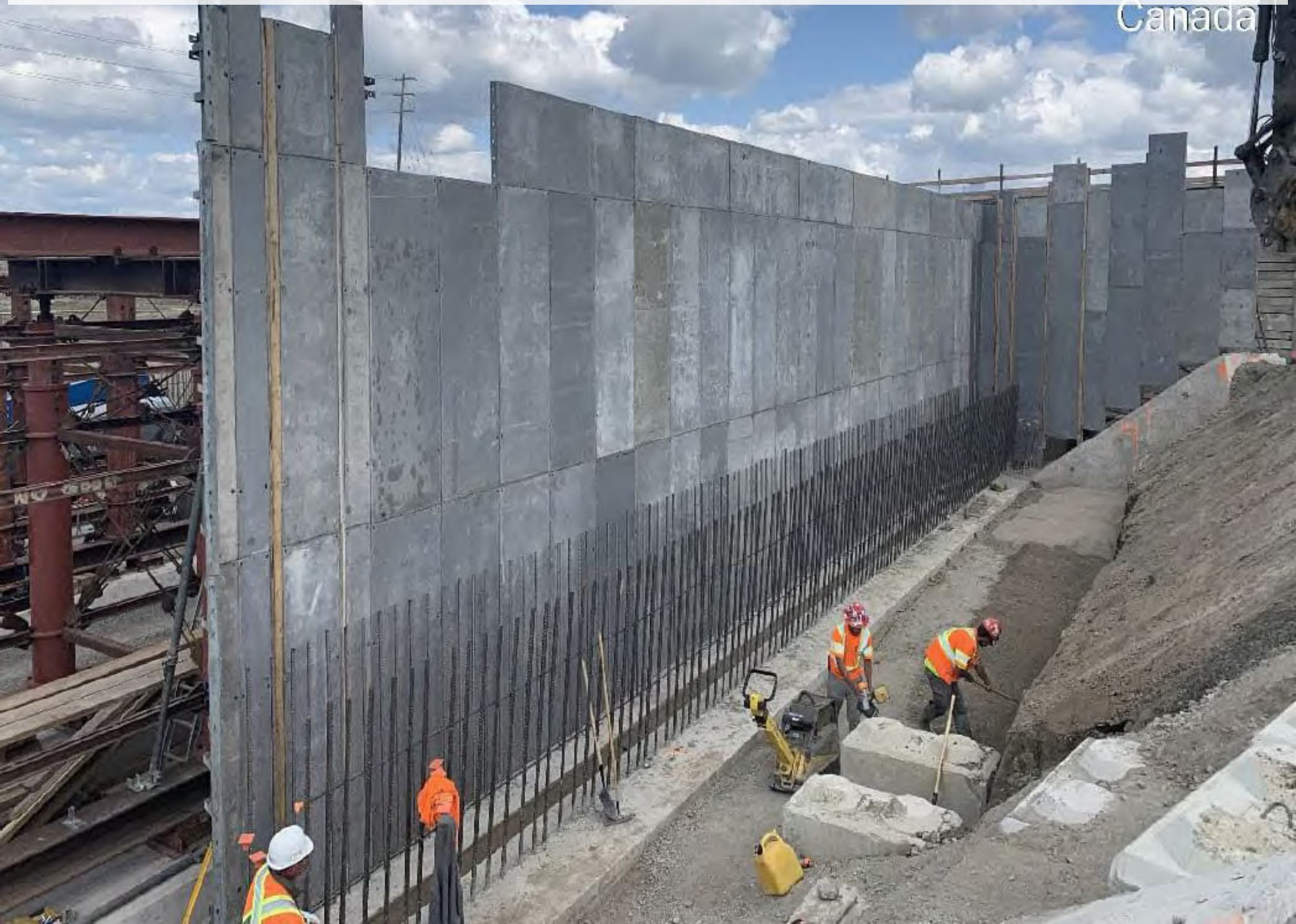
LBL Grade Separation/Bridge Work

Abutment footings installation in progress August 8, 2024

Aug 8, 2024 at 8:00:10 AM
5249-5259 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL Grade Separation/Bridge Work- Abutment wall forms progress August 22, 2024
Canada



Jul 24, 2024 at 3:13:53 PM
3256-3288 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line Road – Hoarding noise wall Installation commenced July 24, 2024

Jul 26, 2024 at 12:52:50 PM
3256–3288 Lower Base Line W
Milton ON L9E 0K4
Canada



LBL Road hoarding noise wall installation was completed on July 26, 2024.
A noise wall was also installed at the Hydro/LBL site access location

Britannia Access Road Shoring Wall/Bridge Progress



Jul 26, 2024 at 10:51:57 AM
Milton ON
Canada
Sherwood



Britannia Access Road Bridge Work
Start of welding chairs at temporary shoring wall – July 26, 2024

Continued excavation and wood lagging installation work at Britannia
Access Road temporary shoring wall – August 20, 2024

Canada
Sherwood



Aug 21, 2024 at 9:16:55 AM
Milton ON
Canada
Sherwood



Ongoing welding of the splice of H piles on the east side of Britannia Bridge Rd.

Ongoing Britannia Access Road filling and grading
east of Britannia bridge works – August 26, 2024.



450mm diameter sewer pipe
segments stationed along
mainline in preparation of future
installation – August 12, 2024



Continued installation of 450mm diameter concrete sewer pipe adjacent to the mainline track – August 23, 2024



Perimeter planting of stormwater management pond 1 & 2 completed mid-August 2024



July 15, 2024, Storm Event Spillway Damage



Permanent repair work commenced on August 13, 2024, with the installation of a meter-bag coffer dam. A fish rescue was also conducted within the coffer dam prior to dewatering along the Indian Creek outlet.



Following the coffer dam installation and fish rescue, the enclosed outlet was dewatered, and the displaced rip-rap was removed from the backwater channel of Indian Creek – August 13, 2024



Placement of rip-rap was installed at the outlet of the spillway and the coffer dam was removed. Original rip-rap material was shifted to accommodate for the installation of the Flexamat protection barrier – August 14, 2024



A temporary coffer dam & pump system was set up at Culvert 3, upstream of the diversion ditch, to redirect any flow so that repairs were completed in dry conditions.

Progress with installation of the Flexamat protective barrier - August 15, 2024



Repairs continued with installation of new filter cloth and rip-rap material along the banks of the spillway - August 16, 2024



Repairs were finished to the Regional Diversion Ditch on August 20, 2024. The temporary access road will be decommissioned and reseeded/restored back to natural conditions.



Construction Photos Presented to Agencies
Presented on October 1, 2024





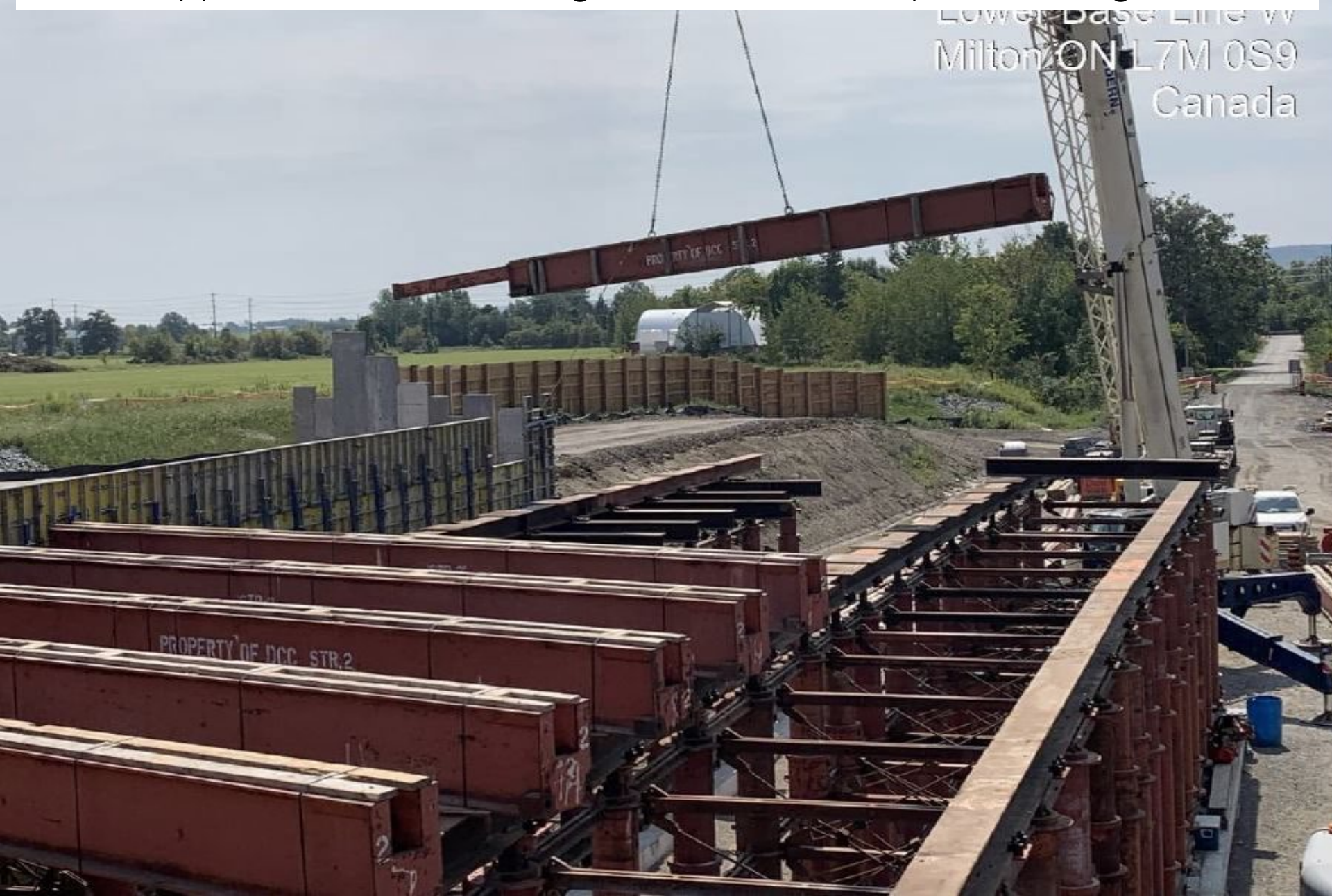
CN Milton Regulators Call Construction Update

October 1, 2024

Lower Baseline Road Bridge Work Progress



Continued construction for bridge work at Lower Base Line Road.
Main support beams for LBL bridge deck hoisted into position - Aug. 26, 2024



LBL Bridge Work – Bridge deck development and safety rail installation – Aug. 29, 2024

Aug 29, 2024 at 2:51 PM
3242 Lower Base Line W
Milton ON L9E 0K6
Canada



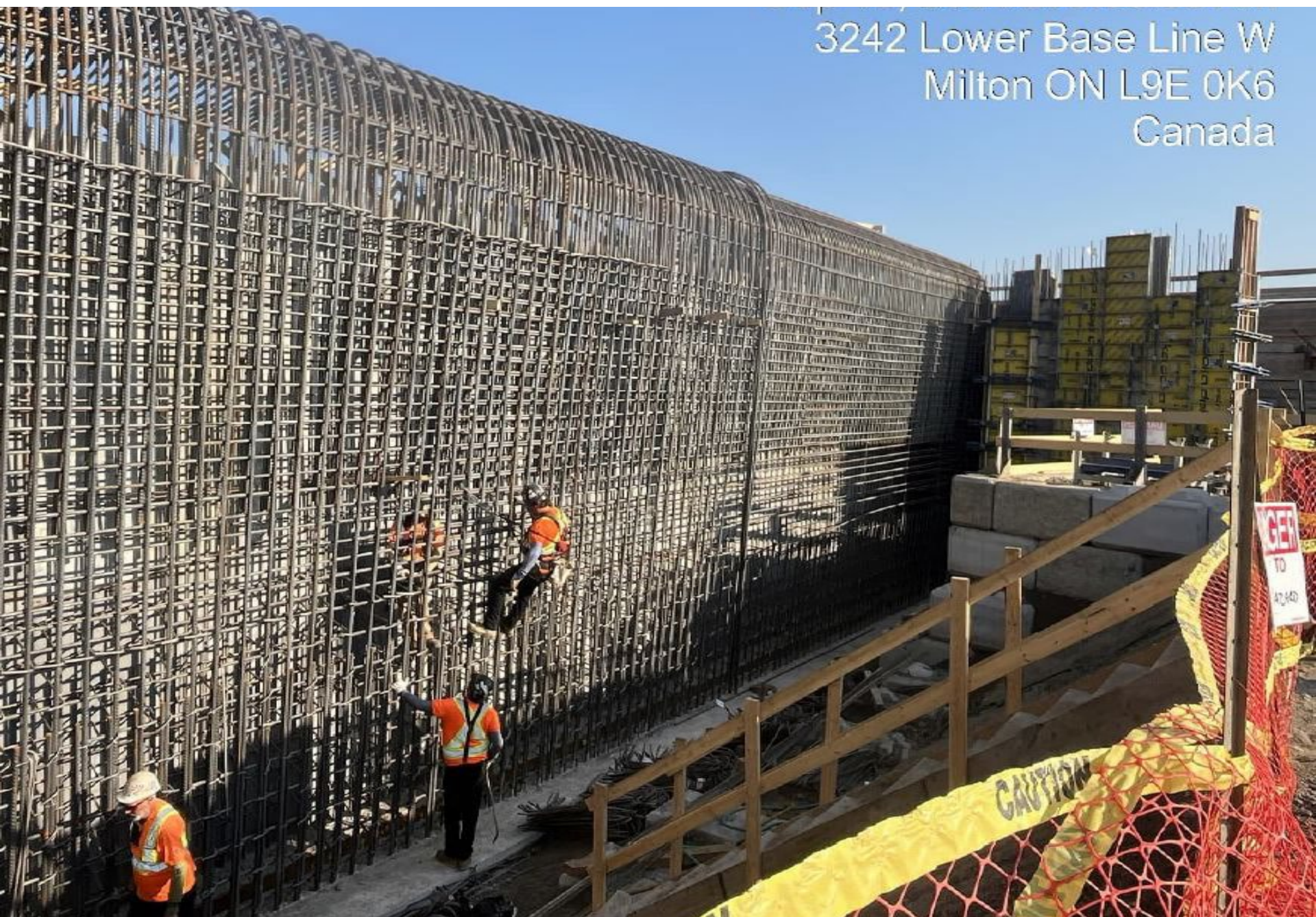
LBL Bridge work – Installation of anchor support
system for north abutment Sept 6, 2024

1 AM
02-10-0233 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL Bridge - Installation of rebar hooks for the south abutment wall - Sept 16, 2024

3242 Lower Base Line W
Milton ON L9E 0K6
Canada



Sep 30, 2024 at 8:29:52 AM
Lower Base Line W
Milton ON L9E 0L7
Canada



LBL Bridge – Installation of rebar steel for north abutment east wing wall Sept 30, 2024

Sep 6, 2024 at 2:44:55 PM
Milton ON
Canada
Sherwood



Lowe Baseline Road – Continued installation of chain link fencing south and west side of LBL grading limits– Sept. 6, 2024

Britannia Access Road Shoring Wall/Bridge Progress





Aug 26, 2024 at 8:43:25 AM
Milton ON
Canada
Sherwood

Britannia Bridge Work – Pile driving begins at
east side of bridge – Aug. 26, 2024

Sep 16, 2024 at 10:51:27 AM
Milton ON
Canada
Sherwood



Britannia Road Bridge – Placement and grading of granular material
at south pad area - Sept 16, 2024

Sep 19, 2024 at 2:52:30 PM
Milton ON
Canada
Sherwood



Britannia Access Rd Bridge – Begin pile driving along west side of bridge - Sept 19, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress



Aug 26, 2024 at 10:17:37 AM
Milton ON
Canada
Sherwood



Britannia Access Rd – Start of concrete base pouring of mud slab
for the RSS wall work – Aug. 26, 2024



Britannia Access Rd – Ongoing installation of concrete panels
at the west RSS wall – Sept 19, 2024

Sep 27, 2024 at 2:55:48 PM
Britannia Rd
Milton ON
Canada



Britannia Access Rd – Backfilling of material along west RSS wall – Sept. 27, 2024

Sep 11, 2024 at 10:47:05 AM
Milton ON
Canada
Harrison

Ongoing installation of 450mm diameter concrete sewer storm pipe along mainline – Sept 11, 2024



3105-3231 Lower Base Line W
Milton ON L9E 0K6
Canada



Blower truck on site and Terraseeding underway
at Stormwater Management Pond #1 – Sept 6, 2024

Seeding completed at Stormwater Management Pond # 2 – Sept 24, 2024



Construction Photos Presented to Agencies
Presented on November 5, 2024

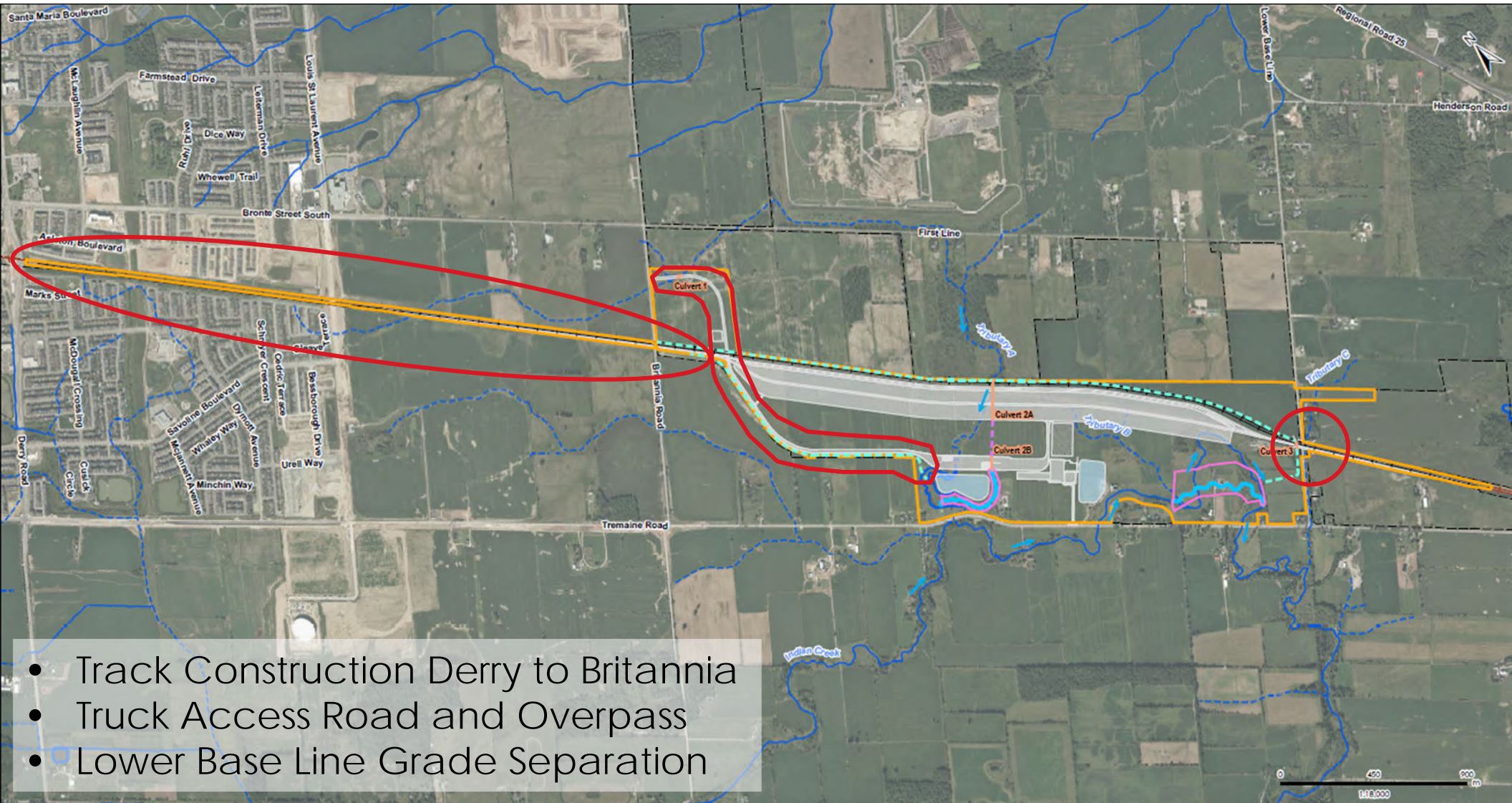




CN Milton Regulators Update Call Construction Update

November 5, 2024

CN Milton Logistics Hub – Phase 2



Lower Baseline Road Bridge Work Progress



Image: Oct. 30, 2024

Lower Baseline Road Bridge Work Progress at 11:04:52 AM

3261-3291 Lower Base Line W

Milton ON L9E 0K4

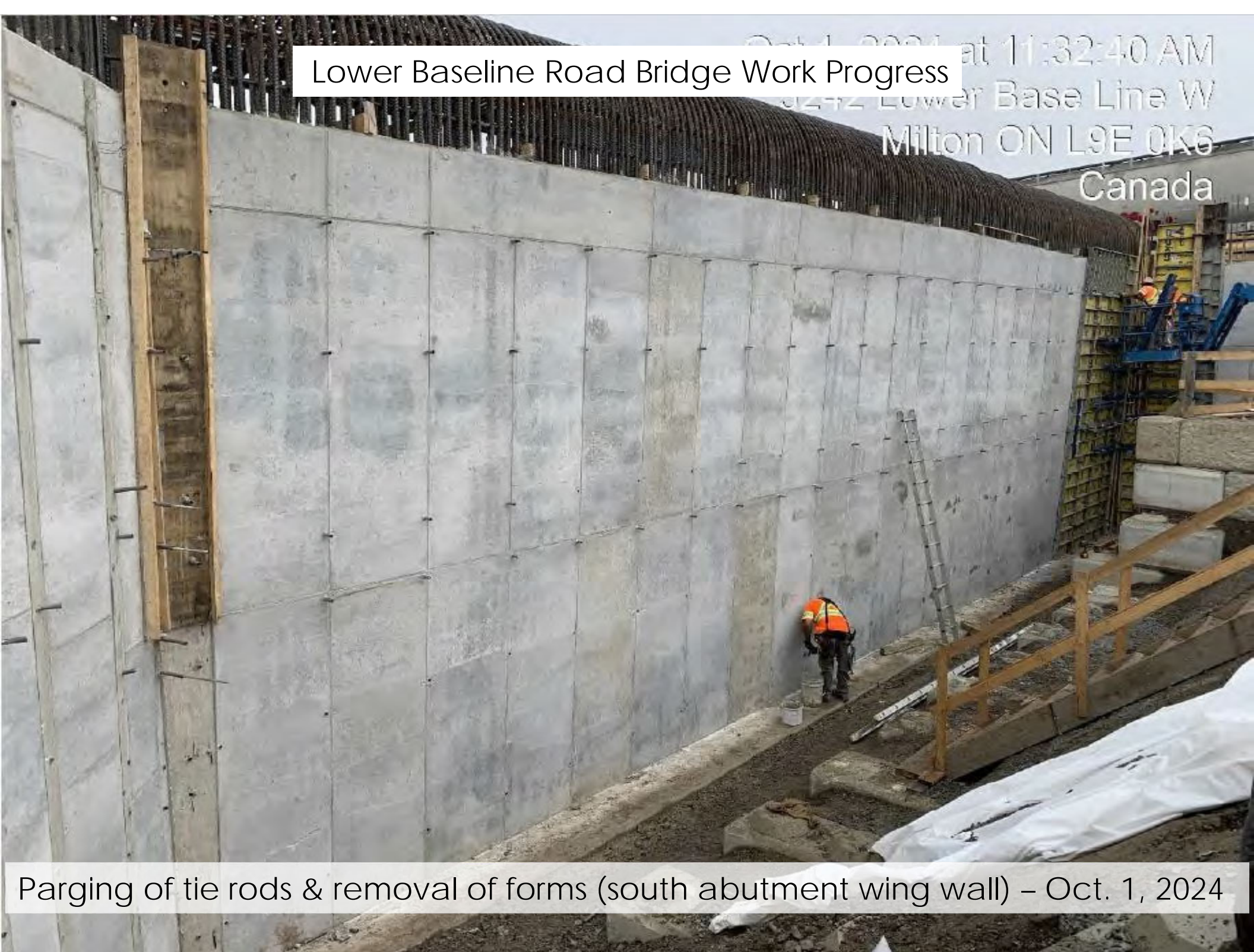
Canada



Installation of rebar steel for the north abutment wall – Oct. 1, 2024

Lower Baseline Road Bridge Work Progress

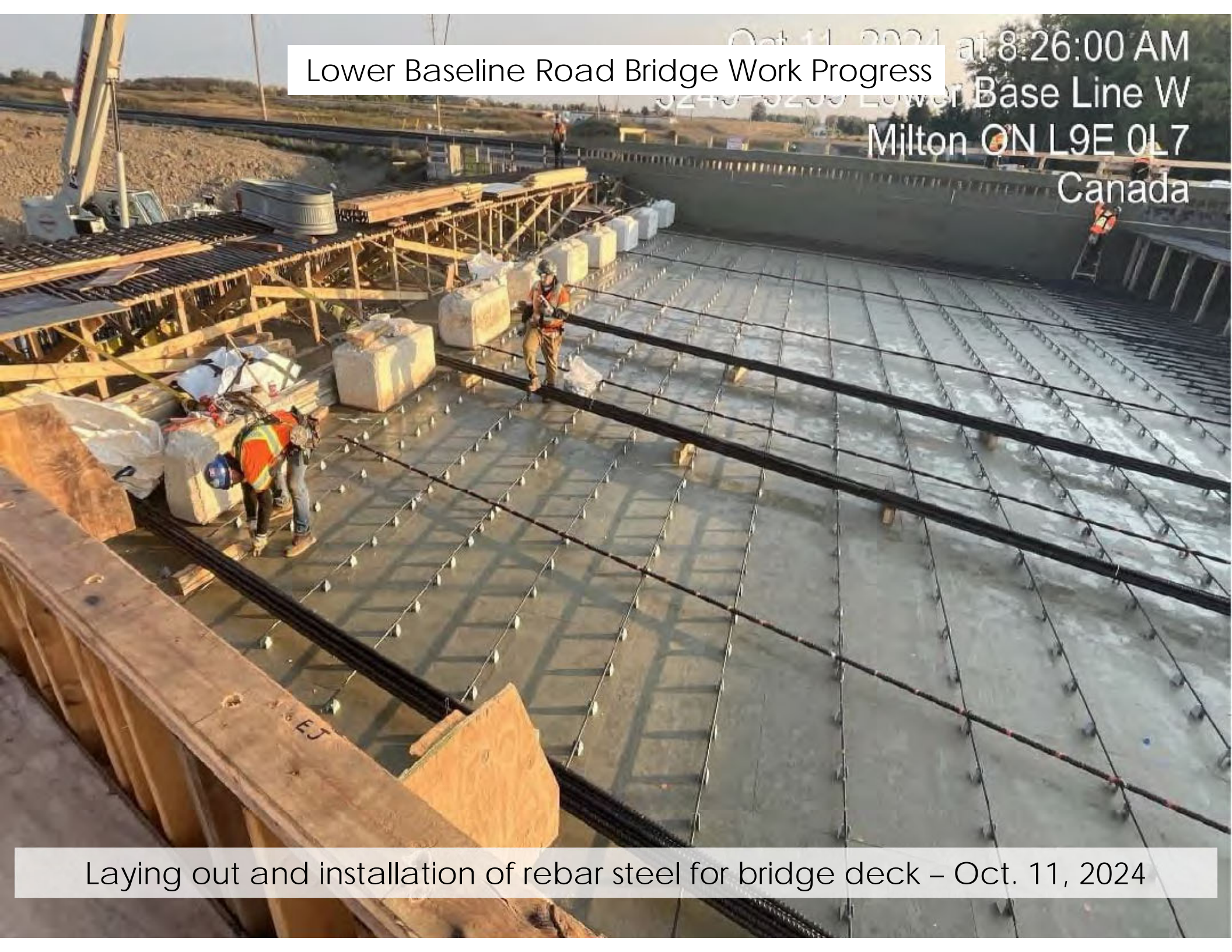
Oct 1, 2024 at 11:32:40 AM
3242 Lower Base Line W
Milton ON L9E 0K6
Canada



Parging of tie rods & removal of forms (south abutment wing wall) – Oct. 1, 2024

Lower Baseline Road Bridge Work Progress

Oct 11, 2024 at 8:26:00 AM
5240-5250 Lower Base Line W
Milton ON L9E 0L7
Canada



Laying out and installation of rebar steel for bridge deck – Oct. 11, 2024

Lower Baseline Road Bridge Work Progress

at 2:54:09 PM

3249-3259 Lower Base Line W

Milton ON L9E 0L7

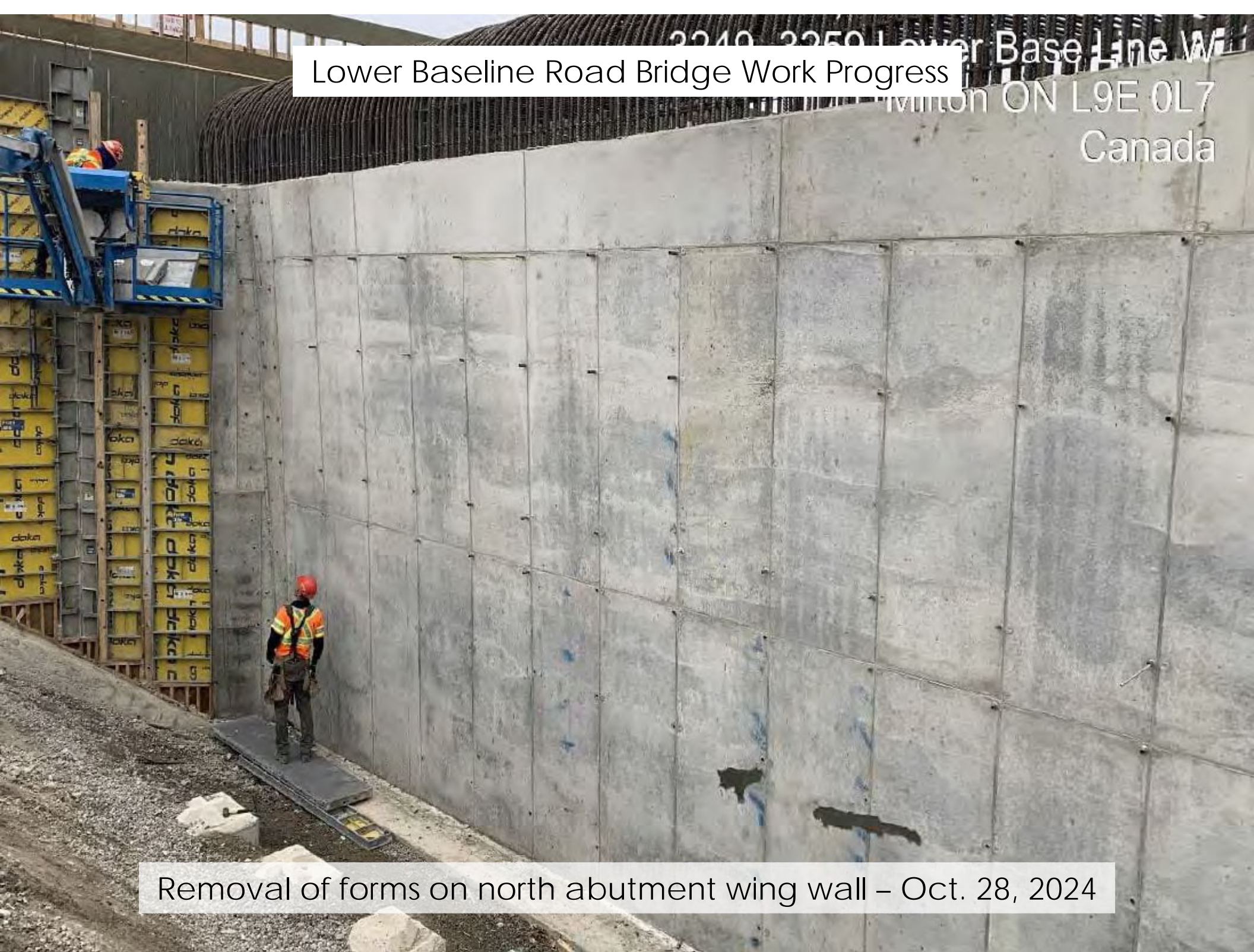
Canada



Installation of rebar chair supports on bridge deck – Oct. 28, 2024

Lower Baseline Road Bridge Work Progress

2240 2250 Lower Base Line W
Milton ON L9E 0L7
Canada



Removal of forms on north abutment wing wall – Oct. 28, 2024

Britannia Access Road Shoring Wall/Bridge Progress



Image: Oct. 30, 2024

Britannia Access Road Shoring Wall/Bridge Progress

8:47:35 AM
Milton ON
Canada
Sherwood



Ongoing pile driving on south retaining wall – Oct. 1, 2024

Britannia Access Road Shoring Wall/Bridge Progress

1:05:00 PM
Milton ON
Canada
Sherwood



Pile driving progress on south retaining wall (throughout October) – Oct. 17, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

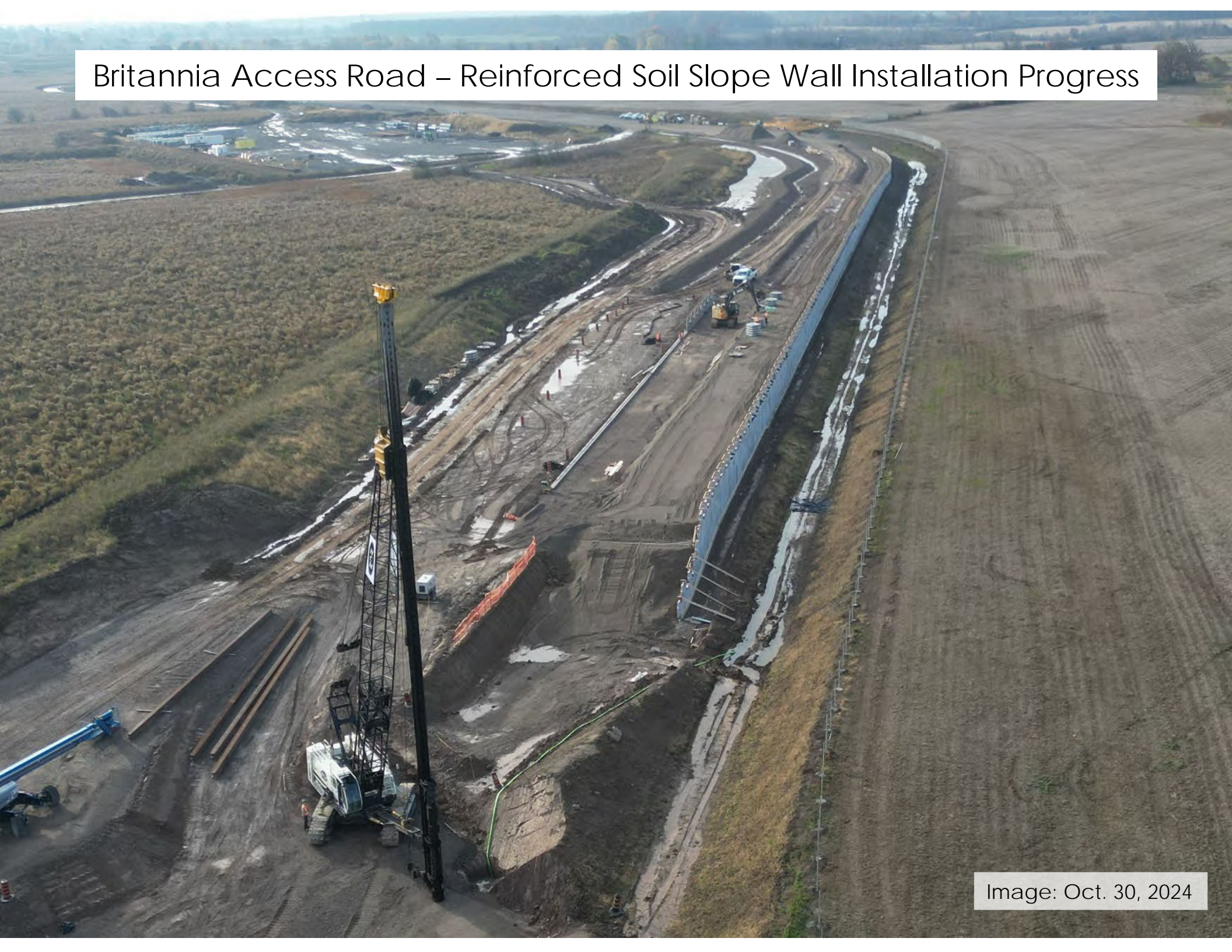


Image: Oct. 30, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



Western Wall – Installation of galvanized steel strips, and placement/grading of backfill – Oct. 1, 2024

Oct 11, 2024 at 9:15:38 AM

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Canada
Sherwood



Western Wall – Installation of safety railing – Oct. 11, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



Britannia Access Rd (West RRS Wall) – Ongoing site grading and continued placement of filter cloth between wall panels – Oct. 28, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Canada
Sherwood



Eastern Wall – Laying out of form beds for concrete panel – Oct. 17, 2024

Oct 21, 2024 at 1:50:28 PM

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Canada
Sherwood



Eastern Wall – Laying out of form beds for concrete panel – Oct. 21, 2024

North of Britannia – Track Construction Derry to Britannia



Progress on installation of the mainline storm sewer system
Exclusion fence installed and maintained – Oct. 30, 2024



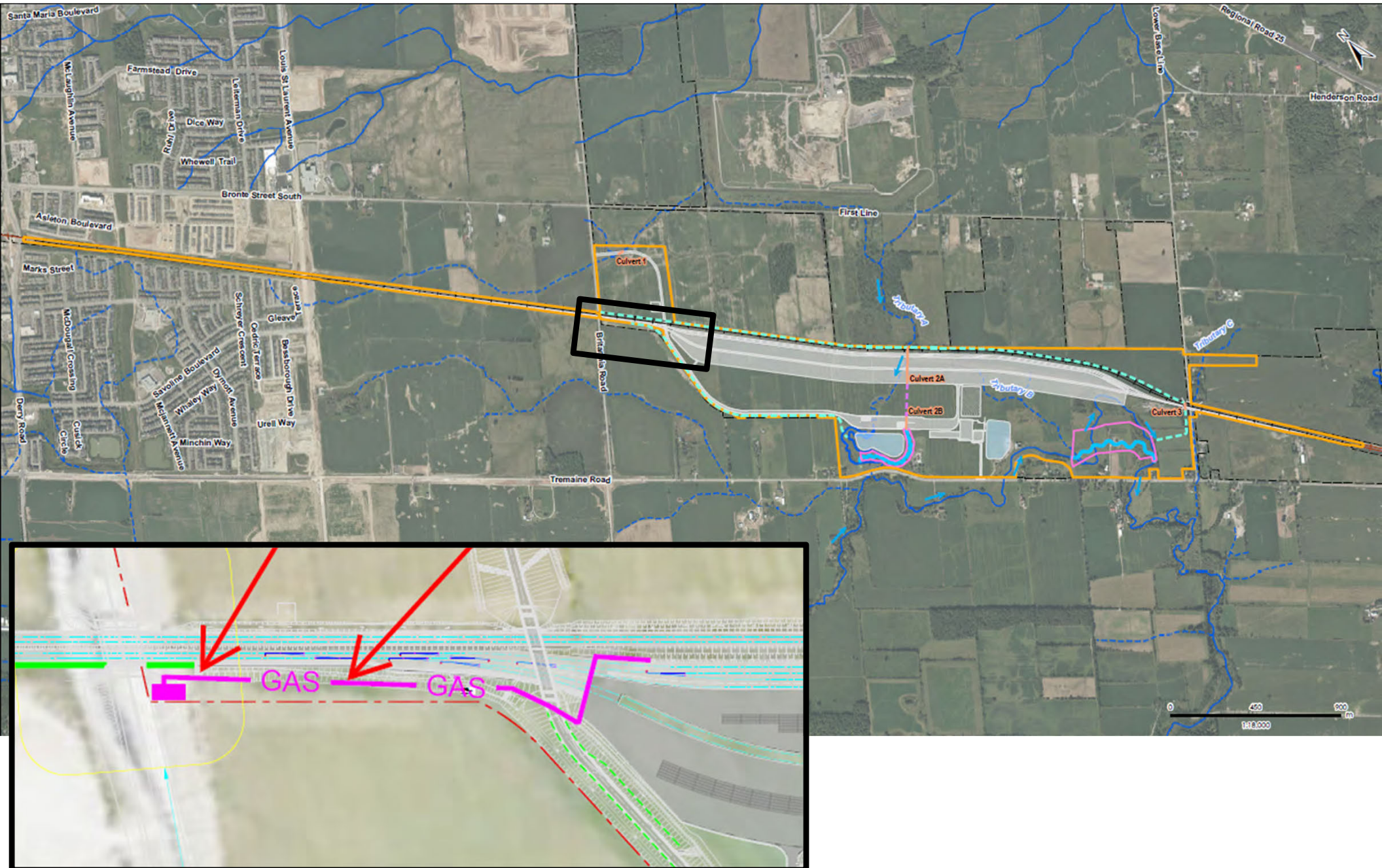
Using Natural Gas Switch Heaters Instead of Propane

- Track switches allow for railcars to be repositioned from one track to another
- In winter, switch heaters are required to prevent ice and snow build-up
- CN is proposing to revise the fuel source for switch heaters at the Milton Logistics Hub:
 - Originally proposing use of propane from centralized propane tanks within terminal
 - Now proposing use of natural gas from Enbridge's network on Britannia Road and Lower Base Line



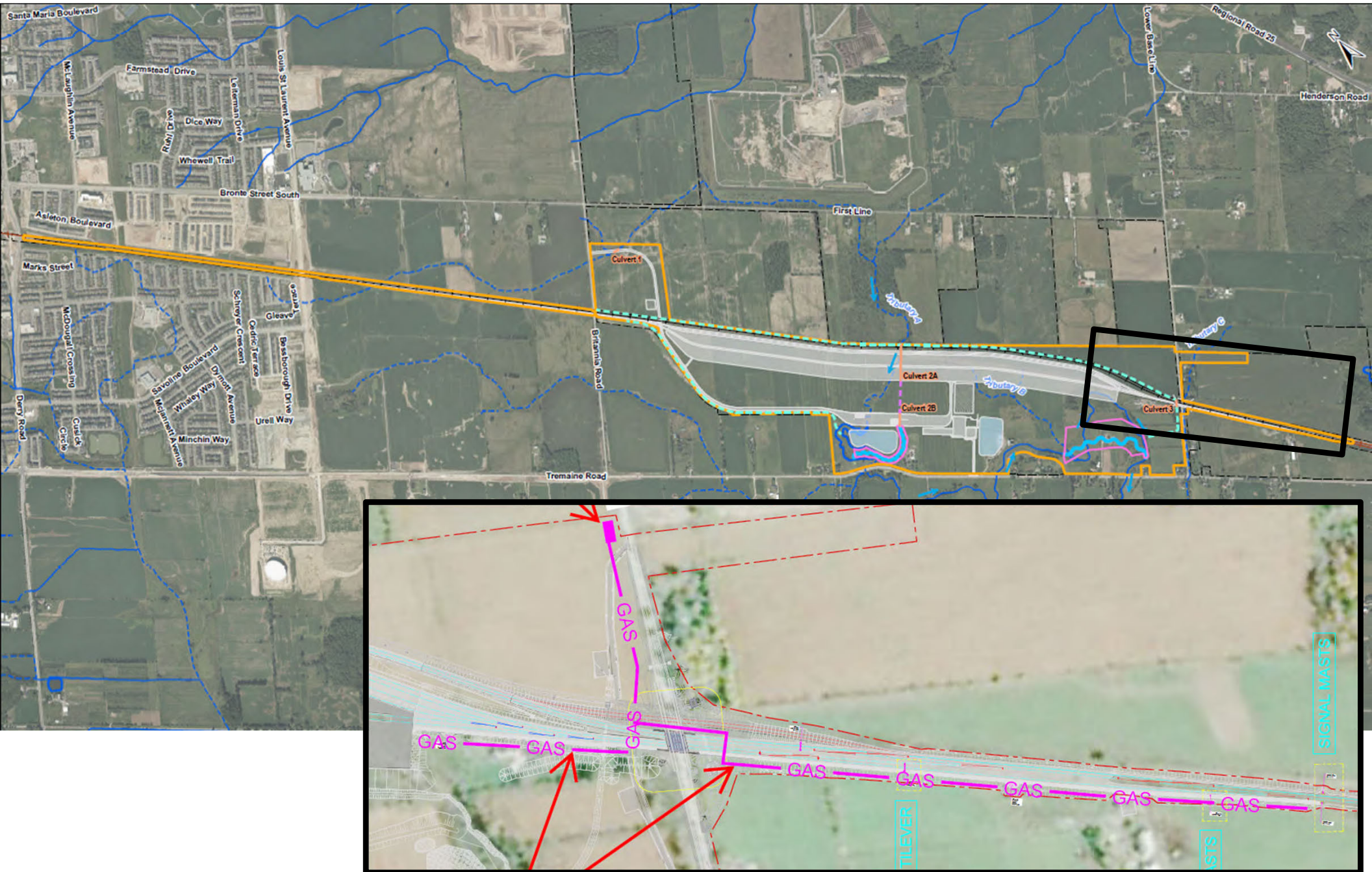
CN Milton Logistics Hub – Phase 2

Using Natural Gas Switch Heaters Instead of Propane



CN Milton Logistics Hub – Phase 2

Using Natural Gas Switch Heaters Instead of Propane



Using Natural Gas Switch Heaters Instead of Propane

- Project Effects:
 - **During Construction:**
 - No new adverse environmental effects during construction
 - Work within the Project Development Area
 - Main supply line locations are similar in both scenarios
 - Avoids at-grade centralized propane tanks
 - **During Operations:**
 - No new adverse environmental effects during operation
 - Reduced environmental effects on air quality
 - 30% reduction in NOx emissions from switch heaters
- Mitigation:
 - No new mitigation is required
- Follow-up and Monitoring:
 - No new monitoring is required

Construction Photos Presented to Agencies
Presented on December 3, 2024

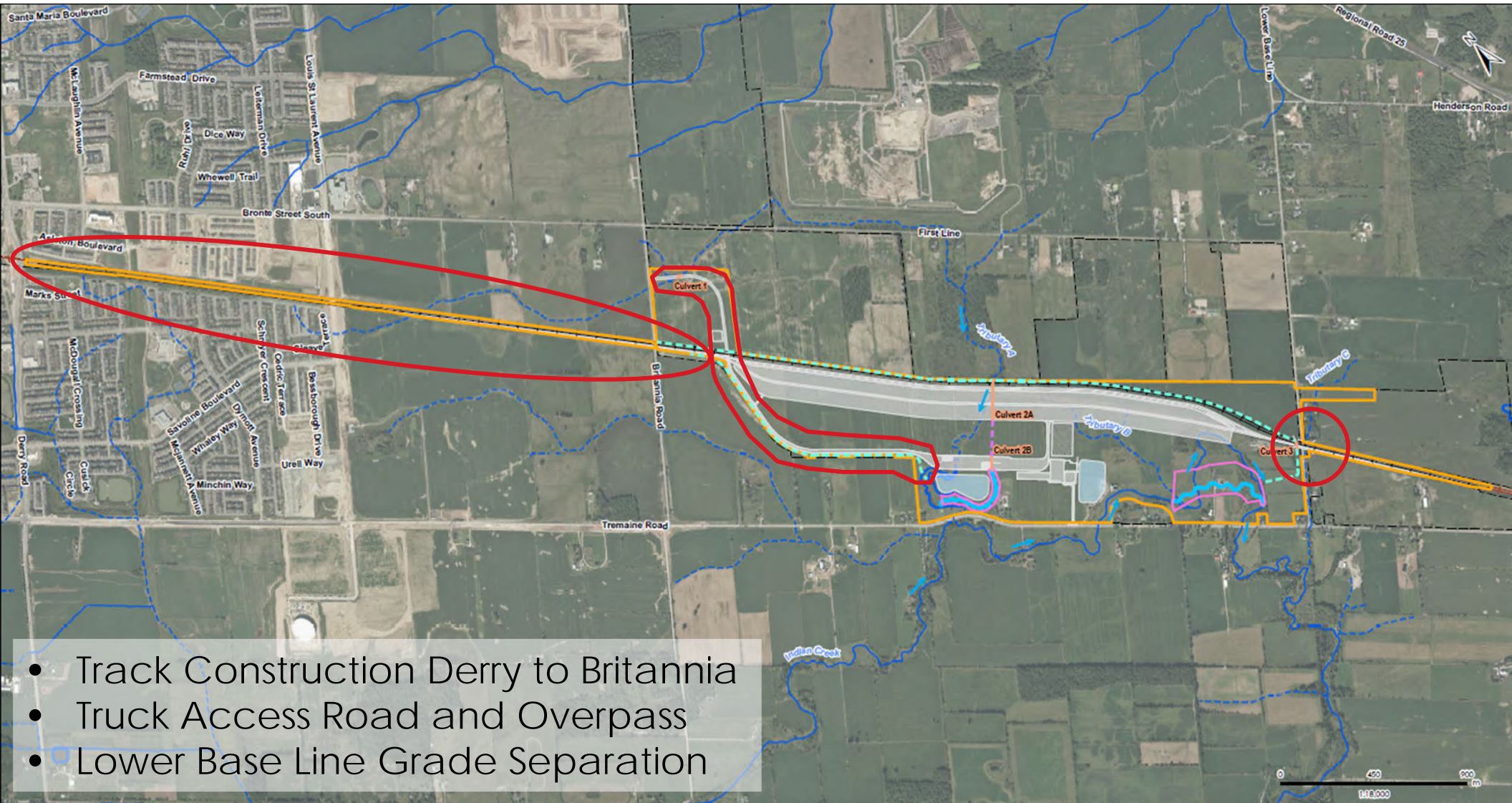




CN Milton Regulators Update Call Construction Update

December 3, 2024

CN Milton Logistics Hub – Phase 2 Progress



Lower Base Line Bridge Work Progress



Image: Nov. 19, 2024

Lower Base Line Bridge Work Progress

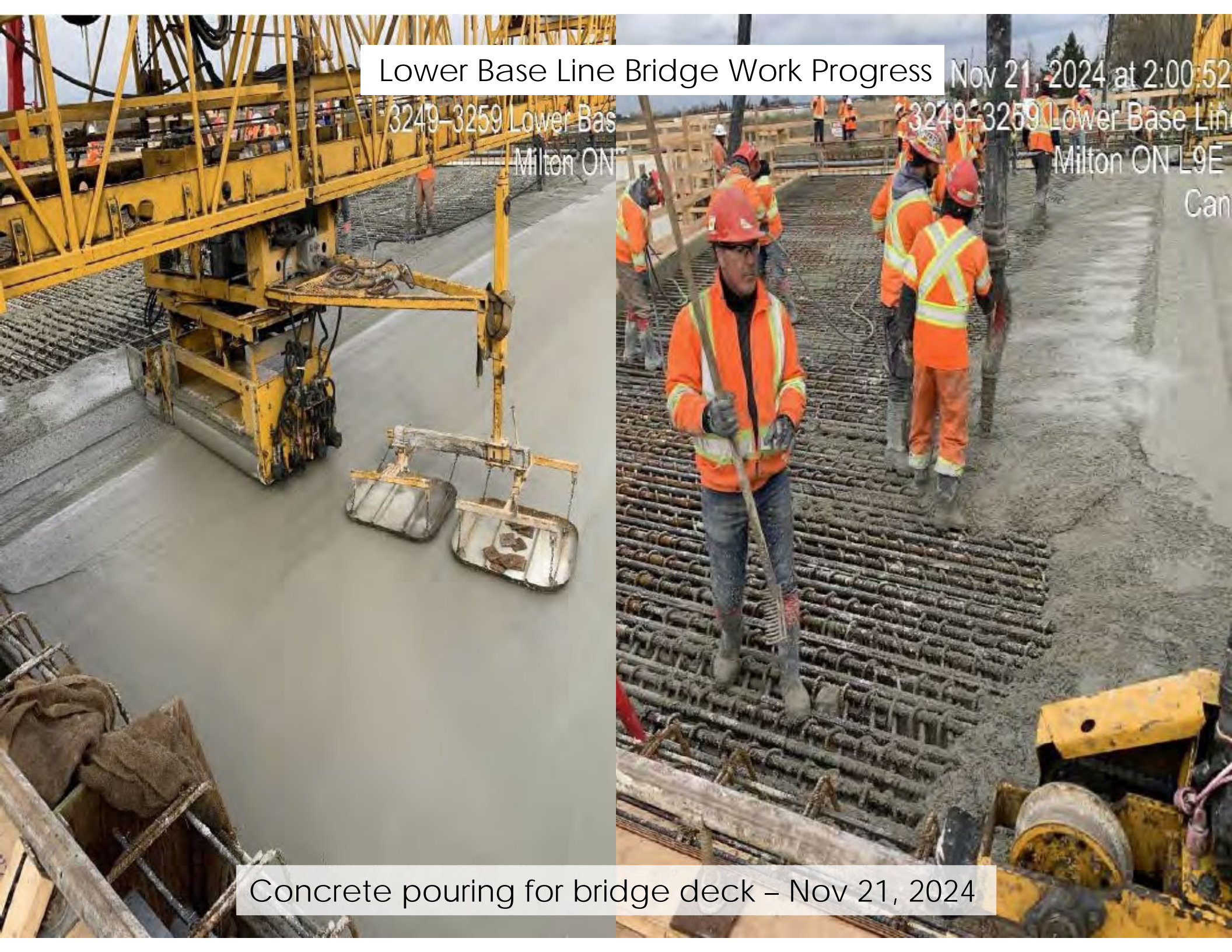
at 2:54:09 PM

3249-3259 Lower Base Line W

Milton ON L9E 0L7

Canada

Installation of rebar chair supports on bridge deck – Oct. 28, 2024



Lower Base Line Bridge Work Progress

Nov 21, 2024 at 2:00:52

3249-3259 Lower Base
Milton ON

3249-3259 Lower Base Line
Milton ON L9E
Can

Concrete pouring for bridge deck - Nov 21, 2024



Nov 6, 2024 at 3:10:50 PM

Lower Base Line Bridge Work Progress

Canada



Nov 6, 2024 at 2:23:33 PM

3249-3259 Lower Base Line W
Milton ON L9E 0L7
Canada

Concrete pour for east and west curb and sidewalk – Nov. 6, 2024



Nov 6, 2024 at 2:08:49 PM

3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Nov 6, 2024 at 2:19:01 PM

3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada

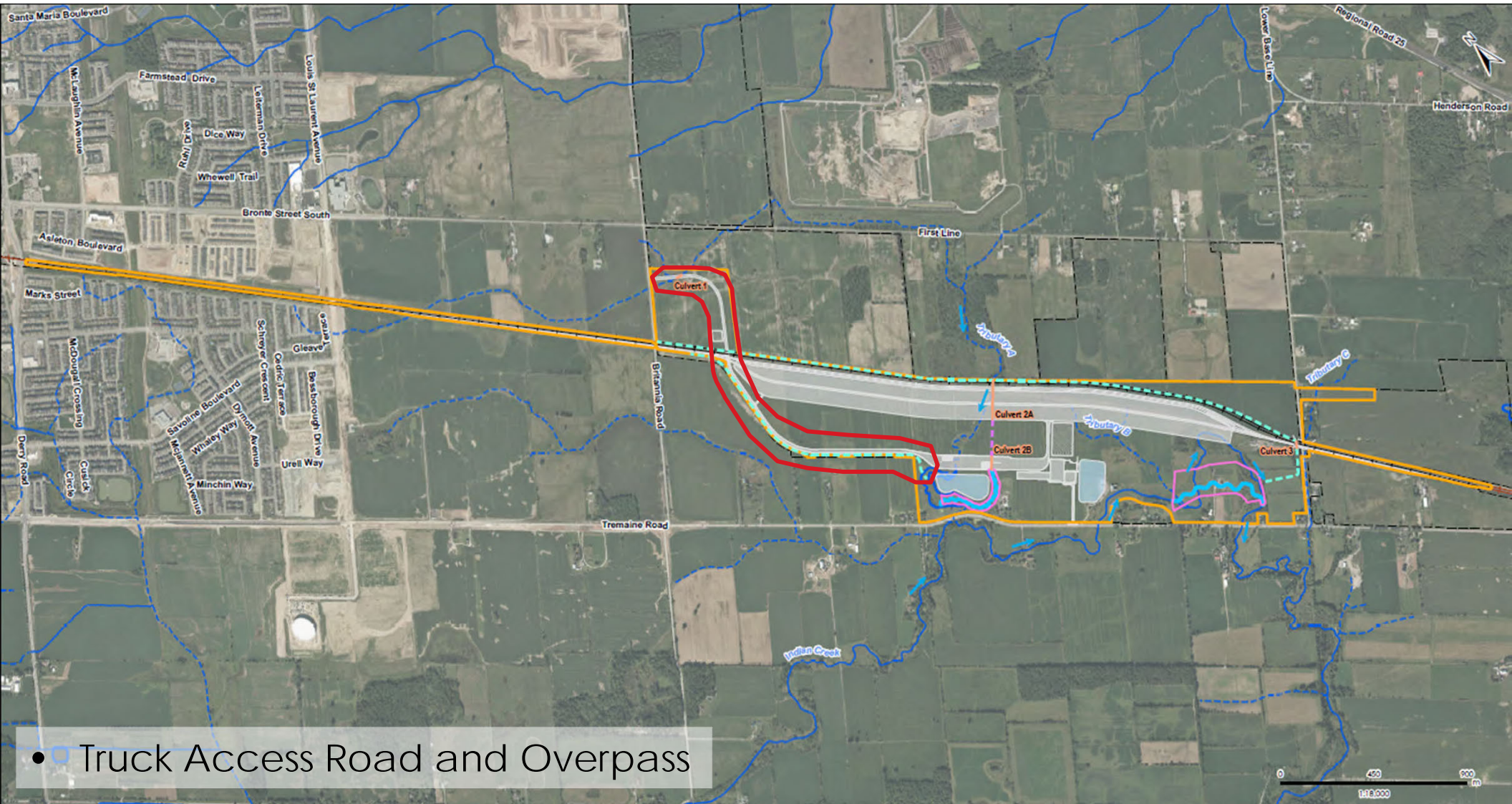


Utility Work – Mainline Conduit Installation 1:21:58 PM

4492 Tremaine Rd
Milton ON L9E 0L6
Canada

Trenching, installation, and backfill adjacent to realigned mainline west of
Lower Base Line – Oct. & Nov. 2024

CN Milton Logistics Hub – Phase 2 Progress



Britannia Access Road Shoring Wall/Bridge Progress



Image: Nov. 19, 2024

Britannia Access Road Shoring Wall/Bridge Progress 1:05:00 PM

Milton ON
Canada
Sherwood



Pile driving progress on south retaining wall (throughout October) – Oct. 17, 2024

Nov 11, 2024 at 3:34:18 PM

Britannia Access Road Shoring Wall/Bridge Progress

Milton ON

Canada

Sherwood



West side mud slab concrete pour for center pier footing support – Nov. 11, 2024

Britannia Access Road Shoring Wall/Bridge Progress



Continued construction & installation of forms for pier and brace support on west side of BAR Bridge – Nov. 19, 2024

Britannia Access Road Shoring Wall/Bridge Progress



H-pile driving at east abutment – Nov. 19, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress



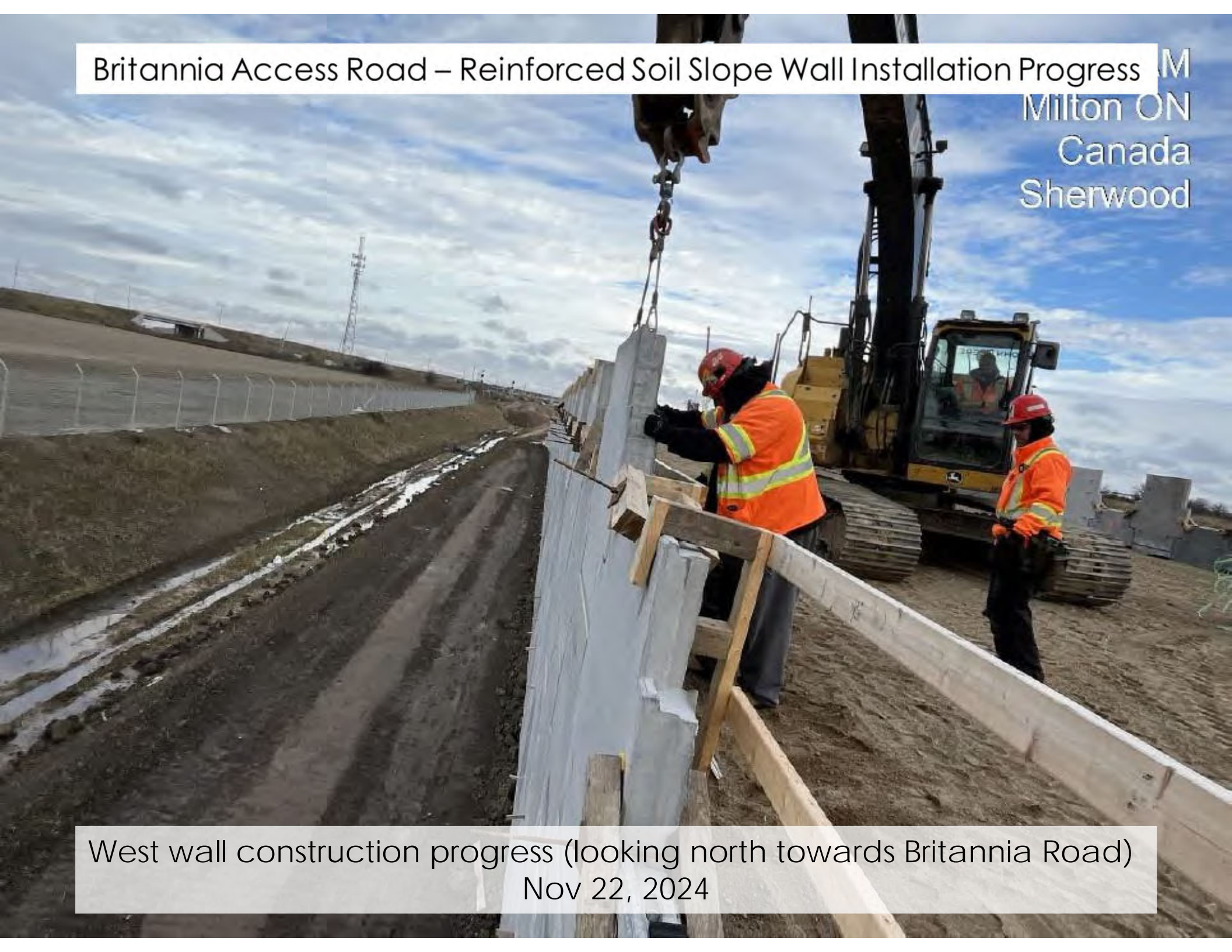
Preparation of approaches to truck overpass

Image: Nov. 19, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood

West wall construction progress (looking north towards Britannia Road)
Nov 22, 2024



Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



East wall construction progress - Nov 11, 2024

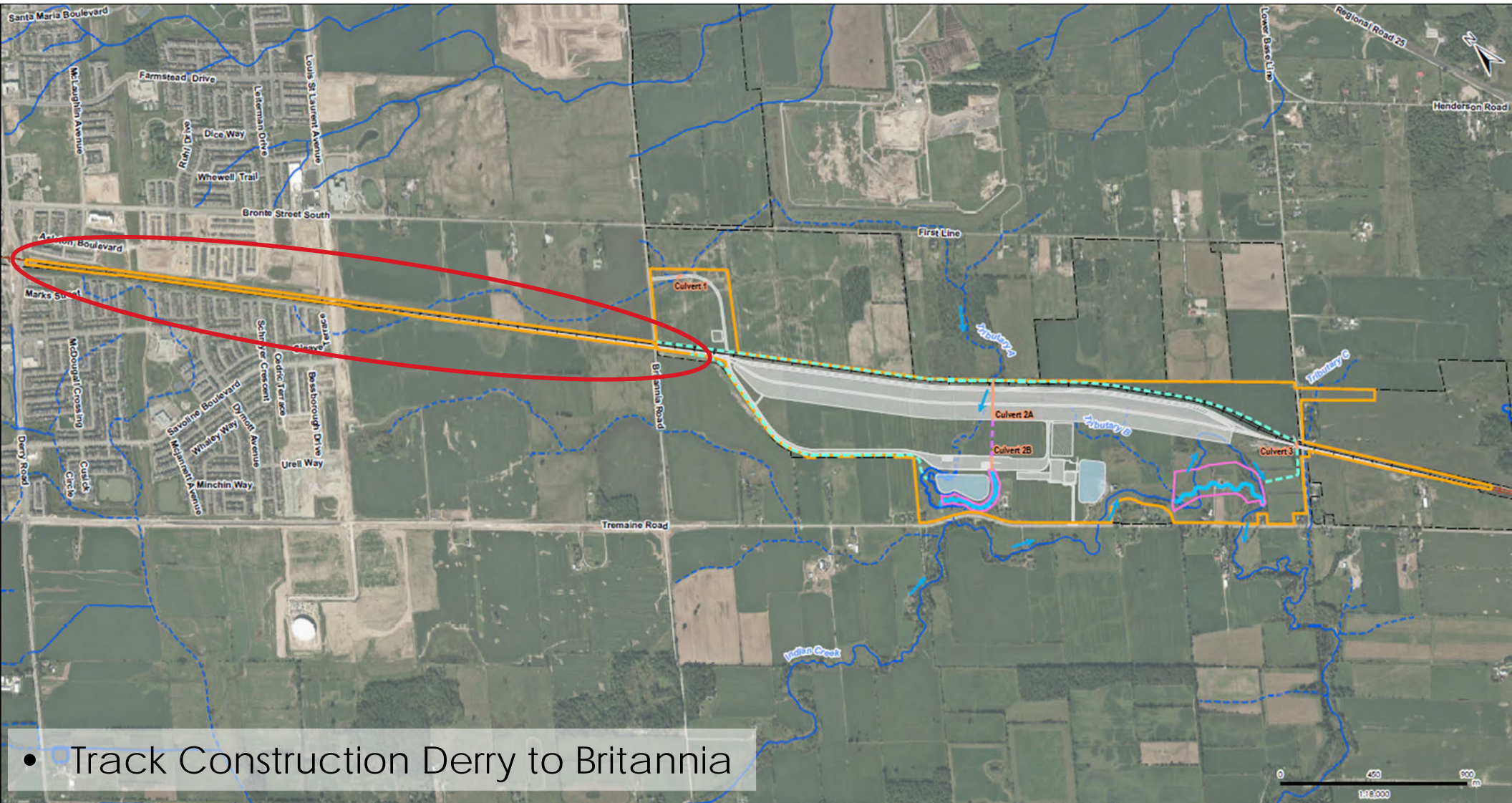
Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



Installation of galvanized steel strips and backfill
(ongoing throughout October and November 2024)

CN Milton Logistics Hub – Phase 2 Progress



Preparation for Track Construction Derry Road to Britannia Road



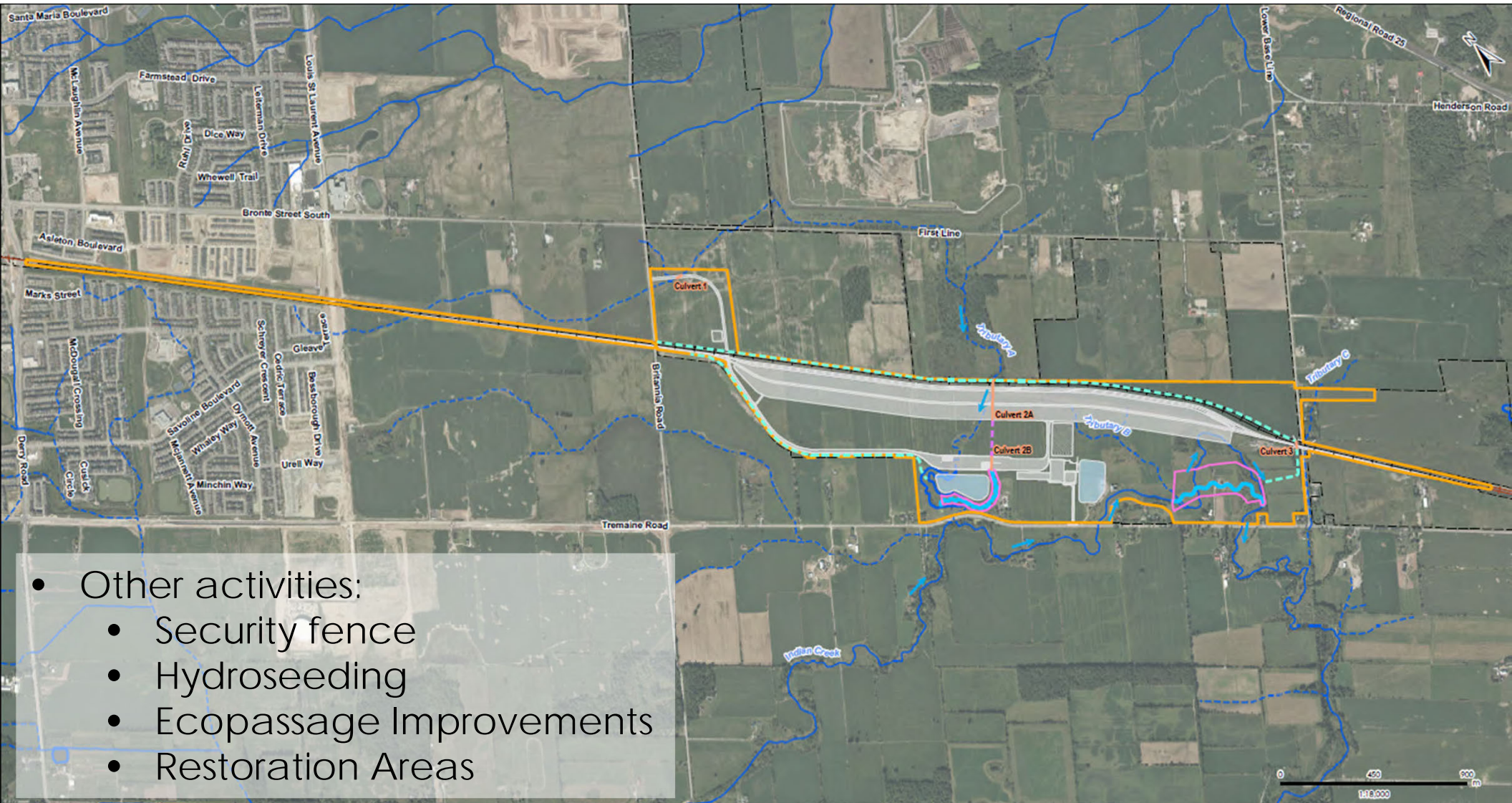
Progress on installation of the mainline storm sewer system
Exclusion fence installed and maintained – Oct. 30, 2024



Preparation for Track Construction Derry Road to Britannia Road

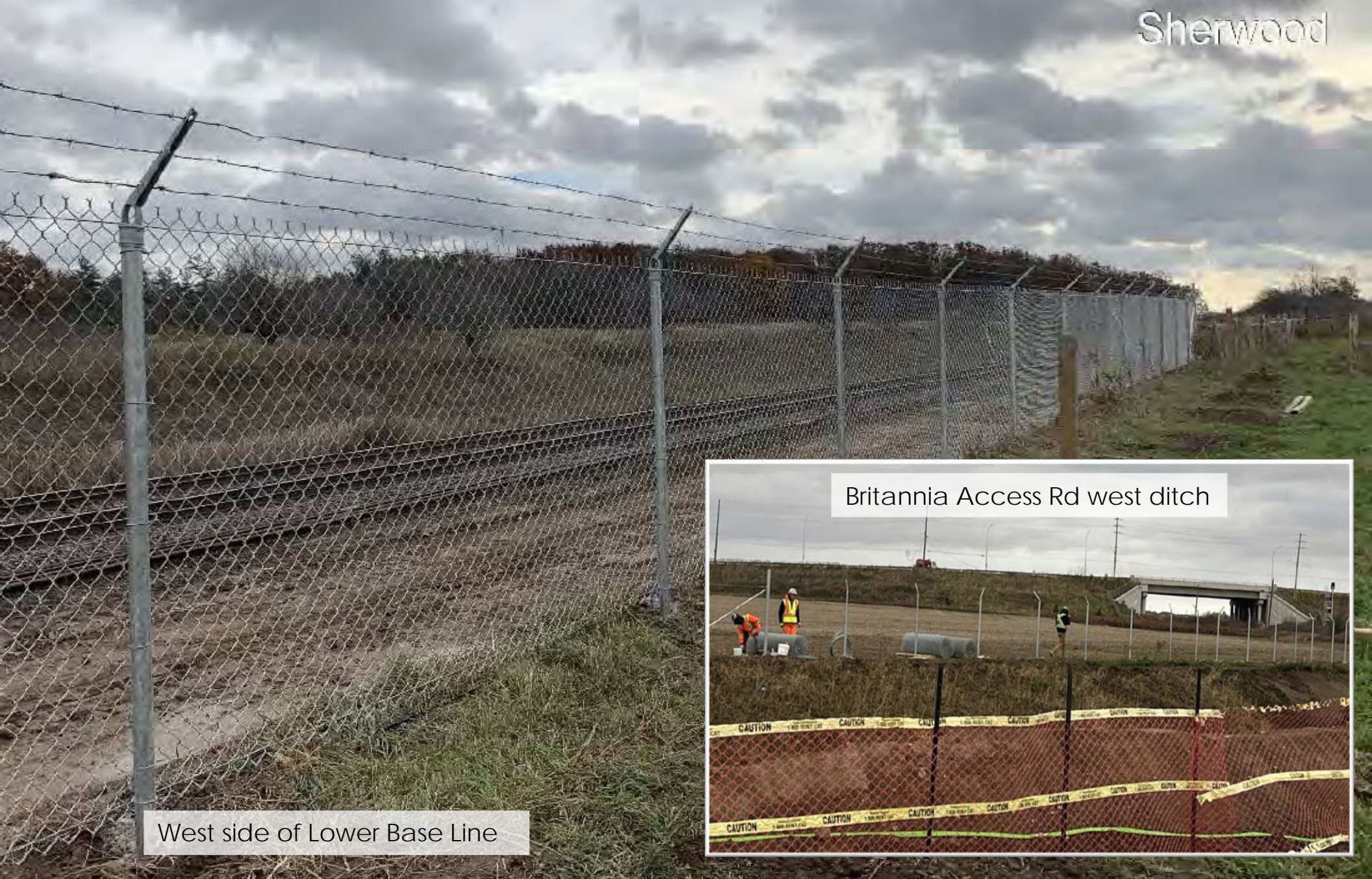
Burying of the storm sewer along the mainline and site grading progress
Nov. 19, 2024

CN Milton Logistics Hub – Phase 2 Progress

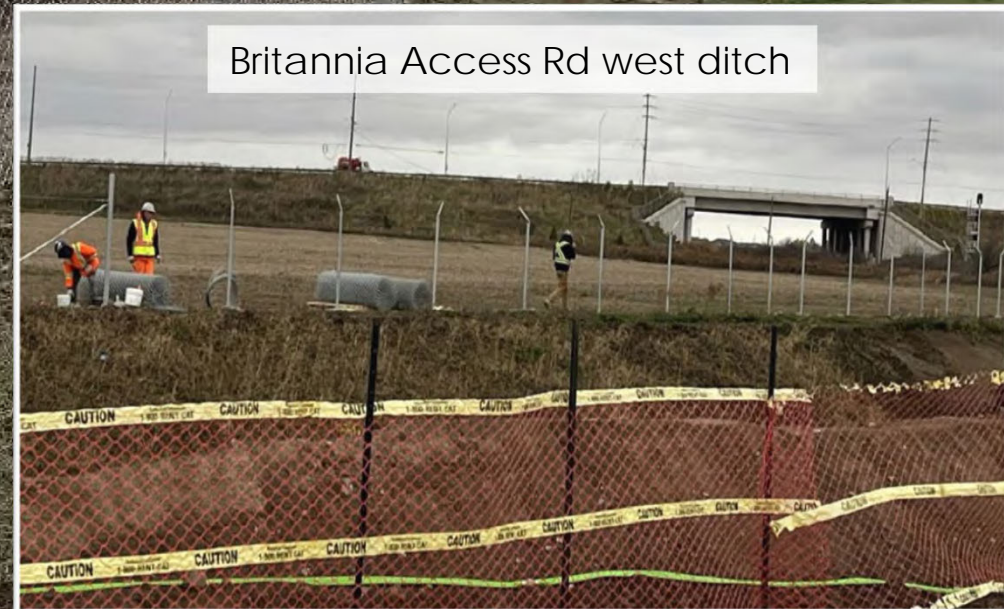


Security Fence Installation – Ongoing

Nov 6, 2024 at 10:31:00 AM
Milton ON
Canada
Sherwood



West side of Lower Base Line

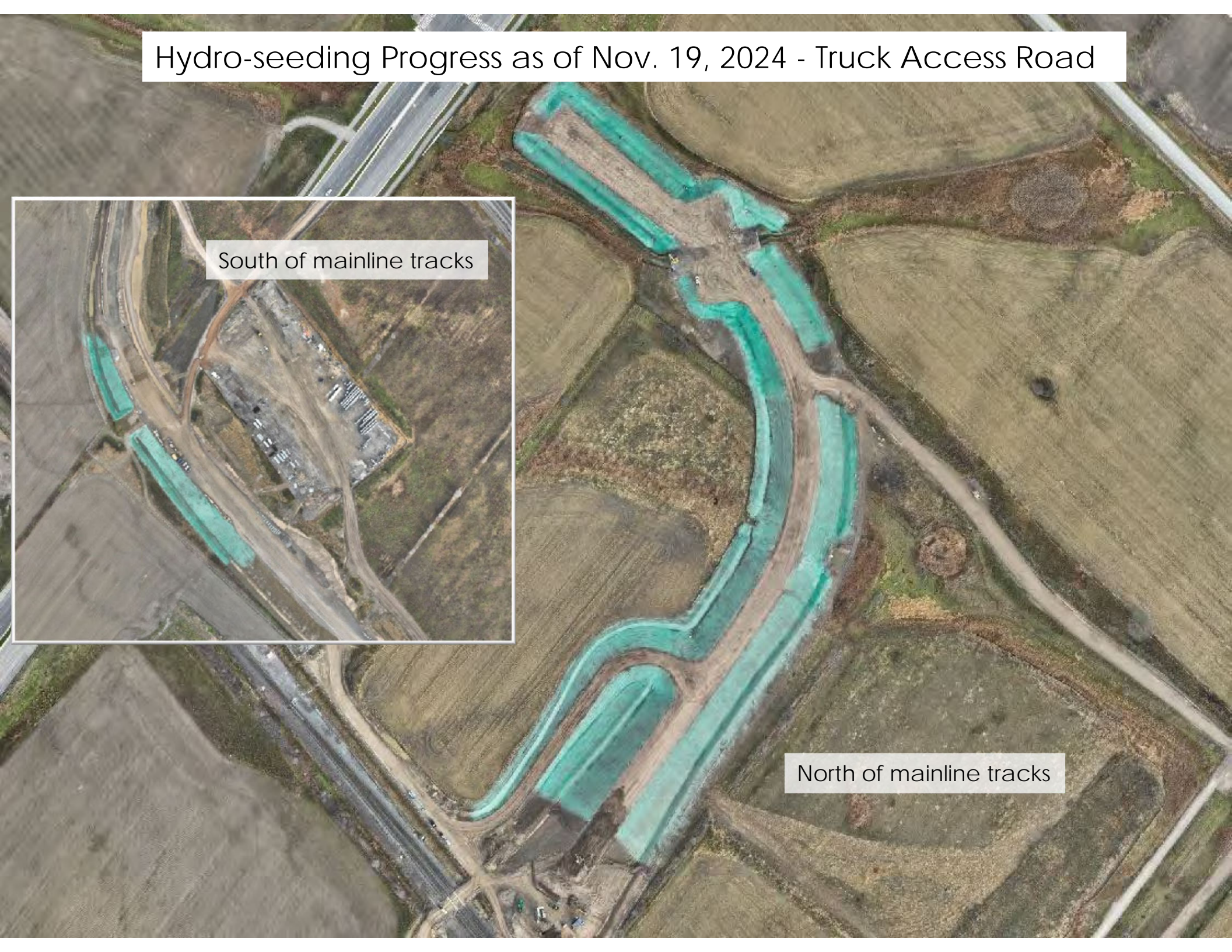


Britannia Access Rd west ditch

Hydro-seeding Progress as of Nov. 19, 2024 - Truck Access Road

South of mainline tracks

North of mainline tracks



Hydro-seeding Progress as of Nov. 19, 22024



West of Lower Base Line



East of Lower Base Line

Maintenance and Repairs to the Culvert 1 Ecopassage

Milton ON
Canada
Sherwood



Additional placement of material to fill gaps
and undulations along benches
(Nov. 18/19, 2024)

Enhancement Area – Naturalized Growth Progress (Nov. 19, 2024)



Tributary A - Between Culvert 2A & 2B

Enhancement Area – Naturalized Growth Progress (Nov. 19, 2024)



Tributary A realignment, outlet of Culvert 2B



Enhancement Area – Naturalized Growth Progress (Nov. 19, 2024)



Indian Creek – Looking towards Lower Base Line

Enhancement Area – Naturalized Growth Progress (Nov. 19, 2024)



Indian Creek – Looking towards Lower Base Line

APPENDIX 6B

Community Consultation Committee Presentations



Community Consultation Committee Presentations
Presented on February 1, 2024





CN Milton Community Consultation Committee Construction Update

February 1, 2024

Completion of the Laying of New Tracks (November 23 to 29, 2023)



November 23, 2023 3:12 p.m.

Work Block to Connect New Realigned Mainline (December 2, 2023)



Sub-excavation works



December 2, 2023 12:31 a.m.



Installation of geo-textile and geo-grid

December 2, 2023 1:58 a.m.



Compaction with tamper plate

Resurfacing of New South Tracks (December 8, 2023)



New mainline and old mainline visible in this photo.

December 8, 2023 12:14 p.m.

Culvert 1 Ecopassage (December 20, 2023)



Culvert 1 – Backfilling and Waterproofing Works (November 29, 2023)



November 29, 2023 11:00 a.m.

Culvert 1 – Backfilling Works (December 5, 2023)



December 5, 2023 12:49 p.m.

Culvert 1 – Upstream Realigned Channel (December 19, 2023)



Upstream and downstream coffer dams removed with flows now passing through the Culvert 1 ecopassage

Completion of Middle Section of Culvert 2A (December 20, 2023)



Following the track diversion, the original mainline was removed and the middle section of Culvert 2A was installed

Tributary A – Fish Rescue & Construction Dewatering at Culvert 2A (December 4, 2023)



Approximately 30 fish were rescued from the isolated work area (via electrofishing) and released downstream at the Tributary A realignment natural channel

Tributary A – Fish Rescue & Construction Dewatering at Culvert 2A (December 4, 2023)



Discharge location - Rock check dam to allow dissipation of water before entering Tributary A. No sediment disturbance observed at discharge point.

Culvert 2A Installation Works (December 8, 2023)



Excavation, grading, and installation works to complete middle section of Culvert 2A.
Work occurring within the isolated work area.

Culvert 2A Installation Works - Backfilling (December 13, 2023)



Backfilling and compaction over waterproofing to complete Culvert 2A.

Culvert 2A – Dewatering (December 19, 2023)



Dewatering seepage into worksite in old Tributary A. Large silt bag in place to manage pumped water

Culvert 2A – Water Diversion of Tributary A Continues
(December 19, 2023)



Indian Creek Realignment Area (November 20, 2023)



Final placement of seed and matting installation, removal of access ramp, and valley stabilization

Indian Creek Realignment Area (December 14, 2023)



Matting installed on Indian Creek Valley slope (former location of access ramp)

Indian Creek Wildlife Fencing for Phase 2 (December 19, 2023)



With completion of work in the valley, wildlife fence was relocated outside of the valley to separate Phase 2 construction areas from active natural areas

Culvert 3, Culvert 7 and Tributary C Diversion (January 29, 2024)



Culvert 3 (Regional Bi-pass) Extension (December 13, 2023)



December 13, 2023 1:50 p.m.

Culvert 3 (Regional Bi-pass) Extension (December 14, 2023)



Culvert 3 extension downstream of the new mainline. Original mainline removed to facilitate construction.

Culvert 3 Installation (December 20, 2023)



Culvert 3 backfilled with granular material. Main construction access relocated. Sediment fence established at culvert connection.

Culvert 7 Installation (November 21, 2023)



Installation of riprap protection at inlet to Culvert 7 upstream of the new mainline

Tributary C Realignment – Fish Rescue (November 24, 2023)



Fish rescue conducted with section of Tributary C to be abandoned, prior to realignment of Tributary C and completion of Culvert 7. Upstream and downstream coffer dams established to isolated work area.

Tributary C Realignment – Excavation Work (November 30, 2023)



Excavation of the realigned section of Tributary C to facilitate grade separation, looking downstream of the new mainline. Original mainline has been removed to facilitate downstream extension of Culvert 7.

Culvert 7 Installation (December 15, 2023)



Installation of 2400mm precast sections downstream of new mainline. Future service and yard tracks will provide access to the future terminal at this location.

Tributary C Stabilization Installed (December 21, 2023)



Straw bale check dams and matting installed within the new channel, with rip rap at outlet from Culvert 7. Area seeding to encourage vegetation growth in the Spring.

Preparation for the Start of Construction Phase 2



Working to define limits of construction and install silt fence (Jan. 22, 2024)

Localized flooding due to rain and melt events to start the new year



Images of flooding along Indian Creek following high precipitation event
(January 10, 2024)

Snake Mitigation and Monitoring

Baseline Surveys to Support Environmental Assessment

- Targeted field surveys conducted in 2015, 2017, and 2020
 - Eastern Garter Snake observed
 - No Eastern Milksnake observed (however, assumed present)
 - No special habitat (i.e., hibernacula) observed

Proposed Mitigation

- Pre-construction survey (2021) to capture and relocate any snakes within construction area prior to installing exclusion fence
- Installed temporary exclusion fencing during construction to isolate work areas from natural habitats
- Regular inspection of fencing and pre-construction surveys
- Habitat restoration and enhancement (generalized habitat for snakes)

Monitoring

- Regular inspection by Environmental Monitors
- Regular monitoring and maintenance of wildlife exclusion fencing
- Inspection and maintenance of temporary fencing completed weekly

Snake Observation During Construction

- 2022: Two observations of Eastern Milksnake within PDA (May and June)
 - Both observed along the wildlife exclusion fence along Indian Creek
- 2023: One observation of Eastern Garder Snake within PDA (September)
 - Observed within the Indian Creek enhancement area, outside construction area
- Mitigation:
 - Eastern Milksnake were relocated outside of exclusion fencing
 - Increased monitoring occurred to 3x/week in area of observation
 - Observations reported to NHIC



Habitat Restoration and Enhancement Areas



- Restoration and naturalization targeted along Tributary A and Indian Creek, including enhancement of former agricultural fields
- Eastern Milksnake are habitat generalists, preferring open habitats typically found in agricultural areas
- Diversifying habitats along riparian areas, including wetlands, ponds, and grassland areas, will provide habitat benefits to snake
- Root structures and rock piles are included to diversify habitat, which may be used by snakes for cover

Community Consultation Committee Presentations
Presented on April 4, 2024



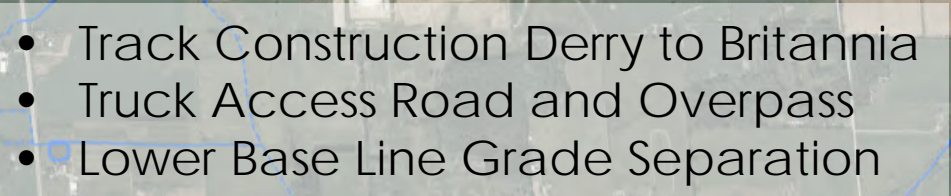


CN Milton Community Consultation Committee

Construction Update

April 4, 2024

Phase 2A officially commenced on February 12, 2024



Lower Base Line (LBL) West: Drilling begins for shoring wall (February 12, 2024)



February 12, 2024 1:43 p.m.

Shoring progress on LBL West piles (February 15, 2024)



Lower Base Line W
Milton ON
Canada

Feb 15, 2024 08:25AM



LBL West – Lagging work & Anchor Testing (February 15 to March 1, 2024)



LBL West – Installation and Welding of fence post supports (March 4, 2024)



3249 Lower Base Line, Milton, ON L9T 2X5, Canada

LBL West – 450mm Culvert Installation (March 1, 2024)



LBL West – Excavation & install for 600mm culverts (Mar 1, 2024)



Rip-rap & straw bale install at inlet and backfilling (March 4, 2024)



LBL South – 450mm Culvert Installation (February 29, 2024)



LBL - Grade Separation
Excavation and cut & fill work for north wing wall (Feb 29-March 1, 2024)



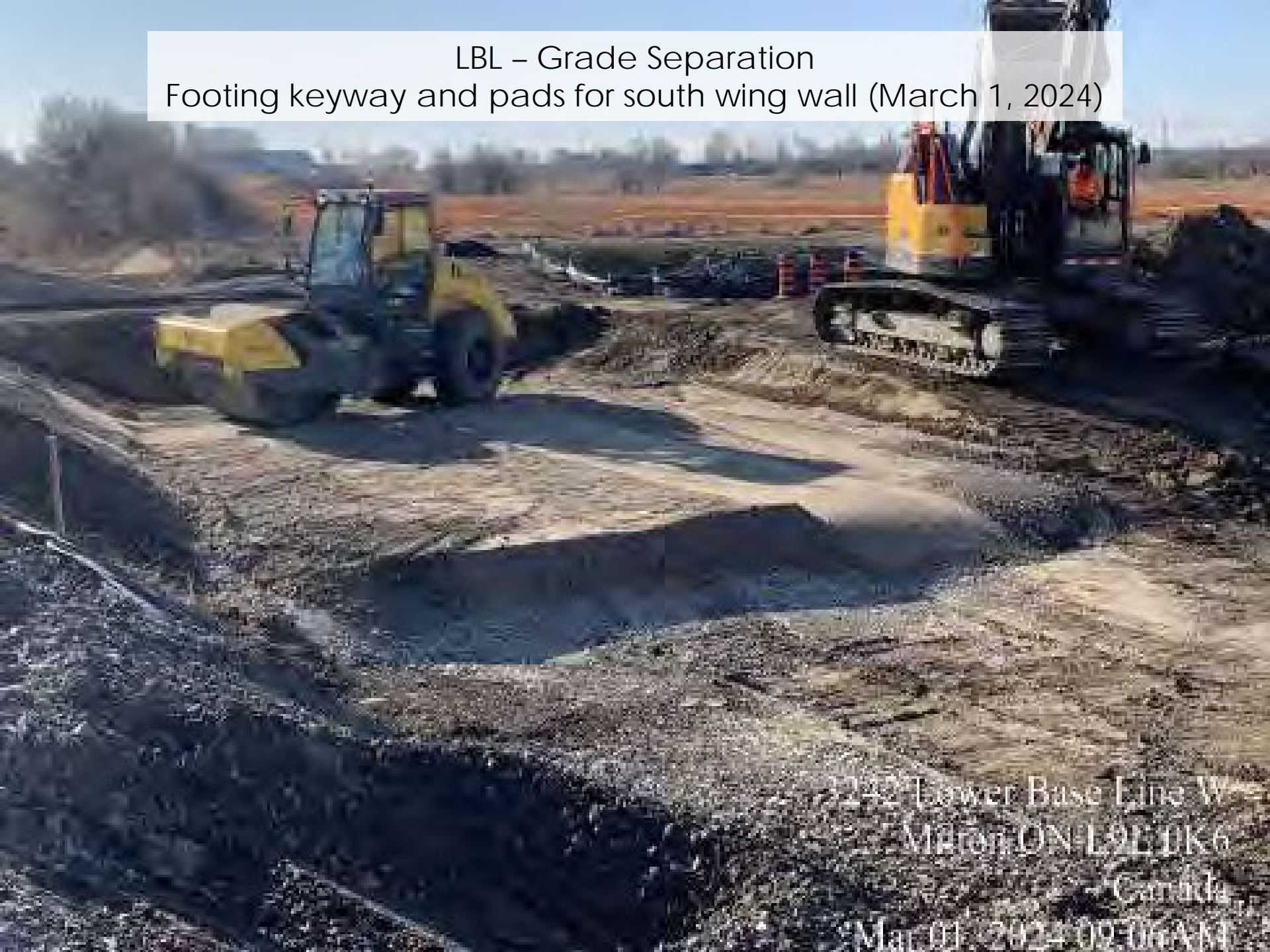
3249-3259 Lower Base Line W

Milton ON L9L 0L7

Canada

Mar 01, 2024 08:35AM

LBL – Grade Separation
Footings keyway and pads for south wing wall (March 1, 2024)



242 Lower Base Line W
Milton ON L9L 1K6
Canada
Mar 01, 2024 09:06 AM

LBL Grade Separation
Grade Separation forming works on south wing wall (March 1-4, 2024)



3249 Lower Base Line, Milton, ON L9T 2X5, Canada

Tremaine Access Road February 13-15, 2024

Completion of
vegetation removal



Placement and
compaction of granular



Tremaine Access Road - Installation of 1050mm culverts (February 20-27, 2024)



5501 Tremaine Rd, Milton, ON L9T 2X5, Canada

Britannia Access Rd - Continued vegetation removal for
berm construction preparation (February 12-20, 2024)



February 12, 2024 12:32 p.m.

Britannia Access Road Berm Construction (February 16, 2024)



5670 First Line, Milton, ON L9T 2X5, Canada

Britannia Road – 3m Interceptor Ditch Construction (February 27, 2024)



Mile 38.5 Crossing – Temporary 900mm culvert install East and West of crossing (February 23, 2024)



Britannia Road – Relocated silt fence at inlet of Culvert 1 (Feb. 21, 2024)



18 Heaven Cres, Milton, ON L9T 7K4, Canada

Grading activity north of culvert 1 (February 26, 2024)



16 Heaven Cres, Milton, ON L9T 7K4, Canada

New Laydown Area 1 – Site prep and access construction (Feb. 20-27, 2024)



Laydown Area 2 – Topsoil stock piling, removal and grading (February 26, 2024)



Construction Shut Down Activities

In light of the March 1, 2024 decision by the Federal Court to re-evaluate the Minister of Environment's Decision Statement, construction on site will be temporarily shut down. The following activities are currently taking place for care and maintenance to prepare the site for shut down.

- Site stabilization and repairs to erosion control measures:
 - repair coir mat in ditch/mainline on Tributary C
 - silt fence repairs along Tributary B
 - replace strawbales
- Backfill stripped area and install drainage swale to Culvert 2A
- Grade slopes of stockpiles to deter bird nesting (bank swallows)
- Backfill open excavations
- Lower Base Line Grade Separation:
 - monitor track and piles at Lower Base Line
 - install protection guard rail for shoring wall
 - conduct sweep of the roadway
- Removal of equipment and materials from the site (security)
- Environmental monitoring activities will continue twice weekly
- Follow-up programs will continue as scheduled

Sea Lamprey Control Program

- Sea Lamprey are a parasitic fish, non-native to Ontario Lakes and considered a commercial threat
- Feed off their host's fluids using suction and circular patterned teeth
- 9 juvenile Sea Lamprey were captured by Stantec Ecologists during the 2023 fish rescues conducted in Indian Creek
- While common along north shore tributaries, species was not previously known in Indian Creek
- Captured sea Lamprey were euthanized using clove oil diluted with water (humane, standard method)



Sea Lamprey Control Program

- CN advised the Department of Fisheries and Oceans Sea Lamprey Control Centre
 - Added Indian Creek as a candidate location for their “lampricide control program”
- CN also notified Ministry of Natural Resources and Forestry and Conservation Halton
- DFO applies lampricide to affected watercourses, which kills the larvae
- Any larvae killed in the process remain in the creek and decompose naturally
- Sea Lamprey Control Program Resource: Great Lakes Fisheries Commission (www.glfc.int)

Soil Quality and Sediment Protection Measures

CN has implemented various measures to mitigate potential impacts on soil and downstream watercourses during construction and operation

- **Soil Chemical Analysis TDR (2015)** – 49 soil samples from 24 boreholes and test were analyzed for selected metals, inorganics, volatile organic compounds (VOCs), petroleum hydrocarbon (PHC) fractions F1 to F4, polychlorinated biphenyls (PCBs), herbicides, pesticides, and/or polycyclic aromatic hydrocarbons (PAHs)
 - On-site soils would be classified as non-hazardous
 - Excess soils suitable for reuse on-site per MOECC and CCME guidelines for commercial and industrial land use
- **Key mitigation measures during construction and operation:**
 - Soil Management Plan
 - Erosion and Sediment Controls
 - Stormwater Management System

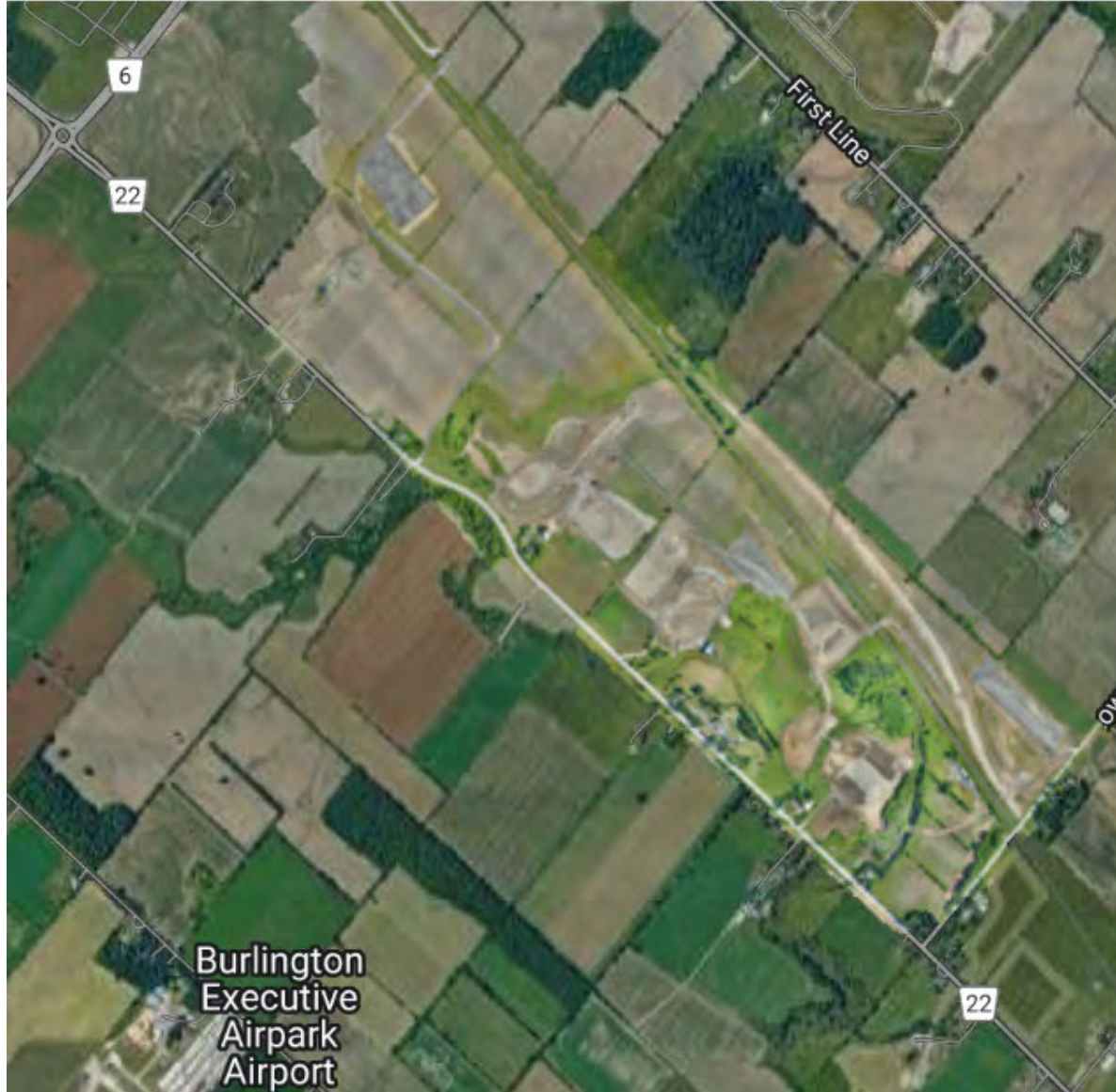
Soil Quality and Sediment Protection Measures

- **Environmental Monitoring:**
 - testing of any soils suspected of being potentially contaminated to determine suitability for re-use on-site or whether proper offsite disposal is required
- **Follow-up Programs and Adaptive Management:**
 - Surface Water FUP:
 - monitoring of water quality during construction and operation in watercourses
 - parameters include agricultural contaminants and those potentially associated with rail activities
 - Stormwater Management FUP:
 - monitoring of water quality from SWM Ponds / System
 - parameters include those potentially associated with rail activities (i.e.,)
 - Groundwater FUP:
 - monitoring of groundwater quality
 - Country Foods FUP:
 - soil quality monitoring for deposition from emissions upwind and downwind of the project

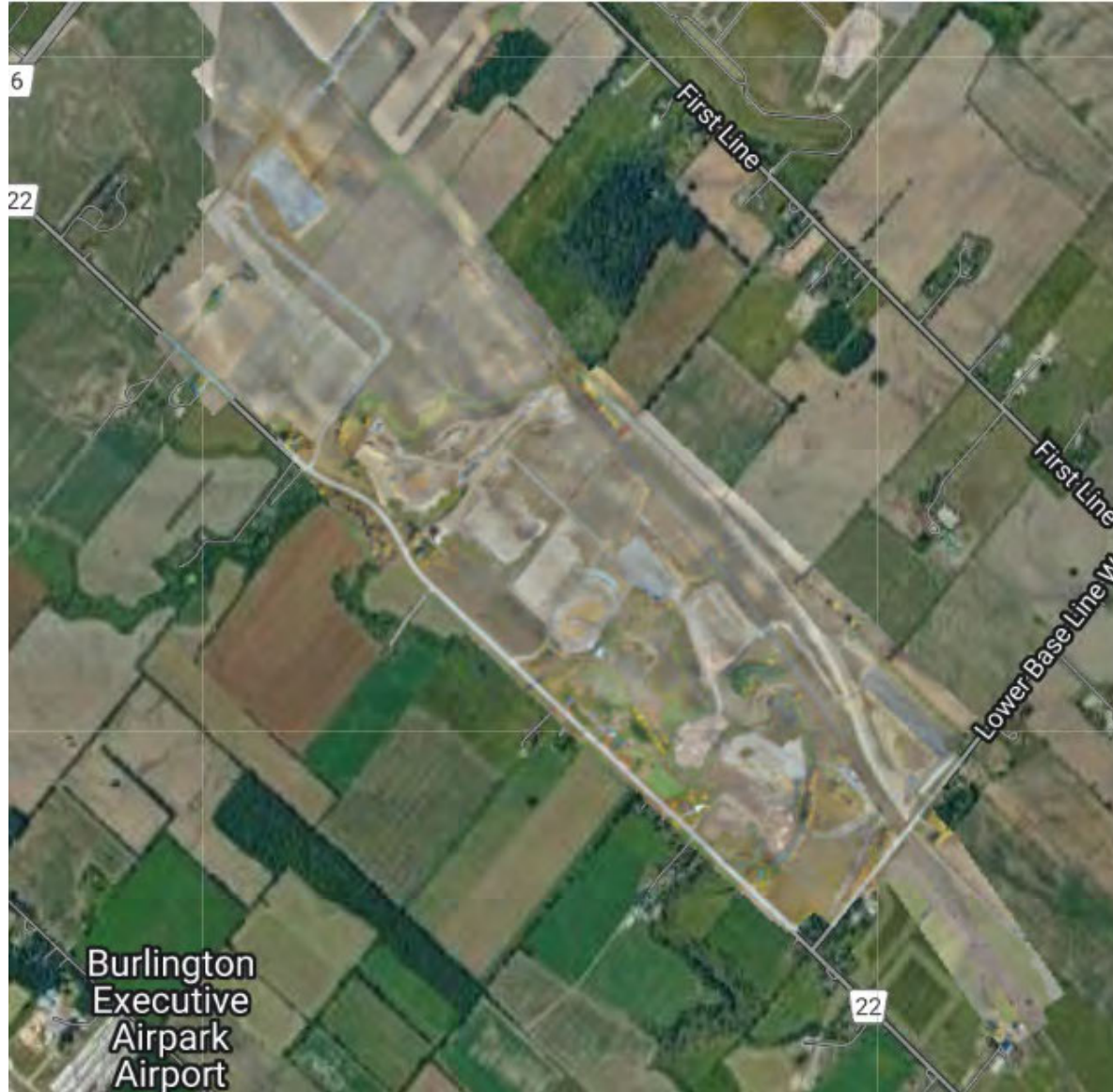
CN Milton Logistics Hub – Construction Progression April 22, 2022



CN Milton Logistics Hub – Construction Progression July 19, 2022 (*No Tail)



CN Milton Logistics Hub – Construction Progression October 19, 2022



CN Milton Logistics Hub – Construction Progression December 18, 2022

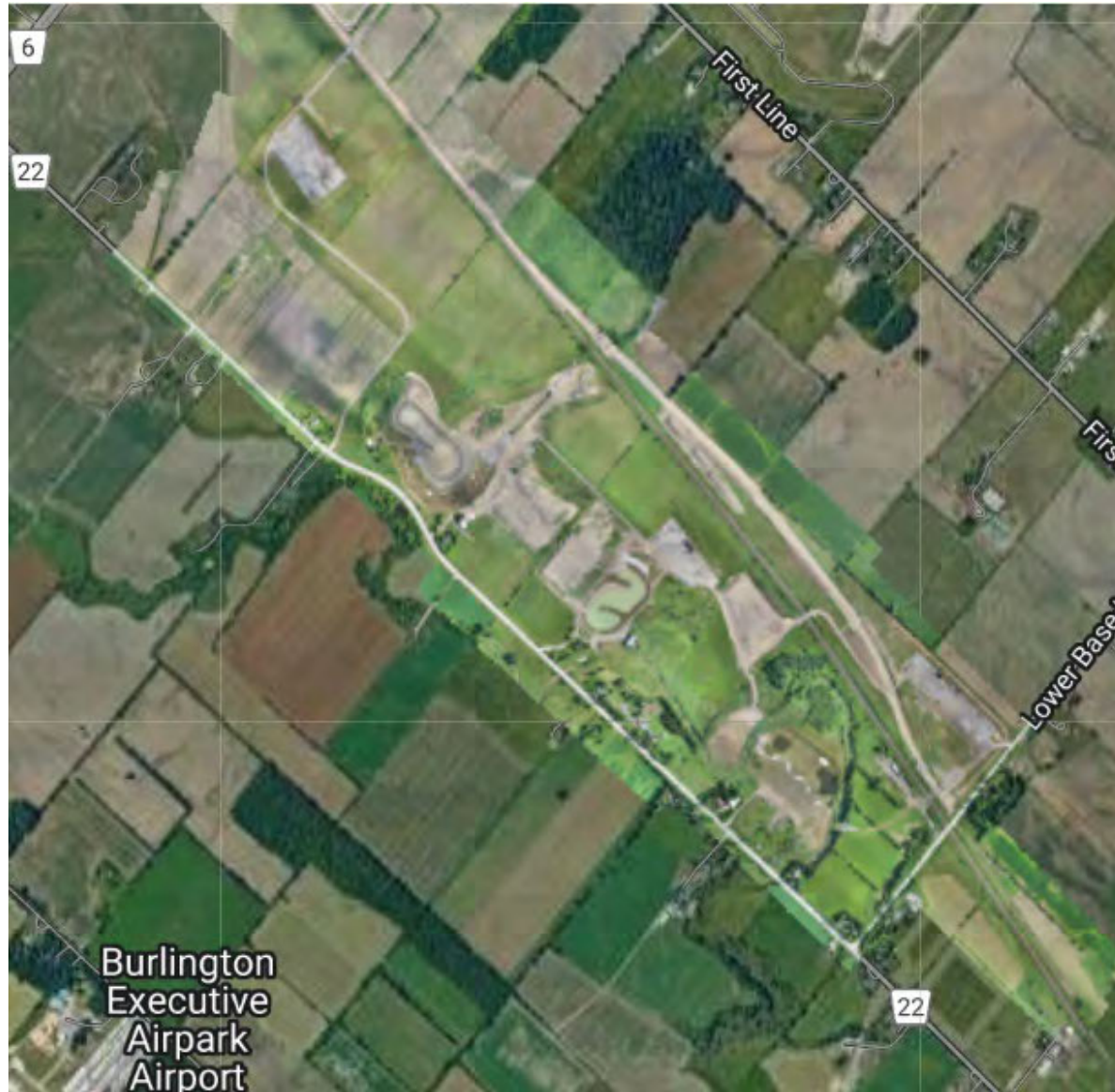


CN Milton Logistics Hub – Construction Progression April 19, 2023



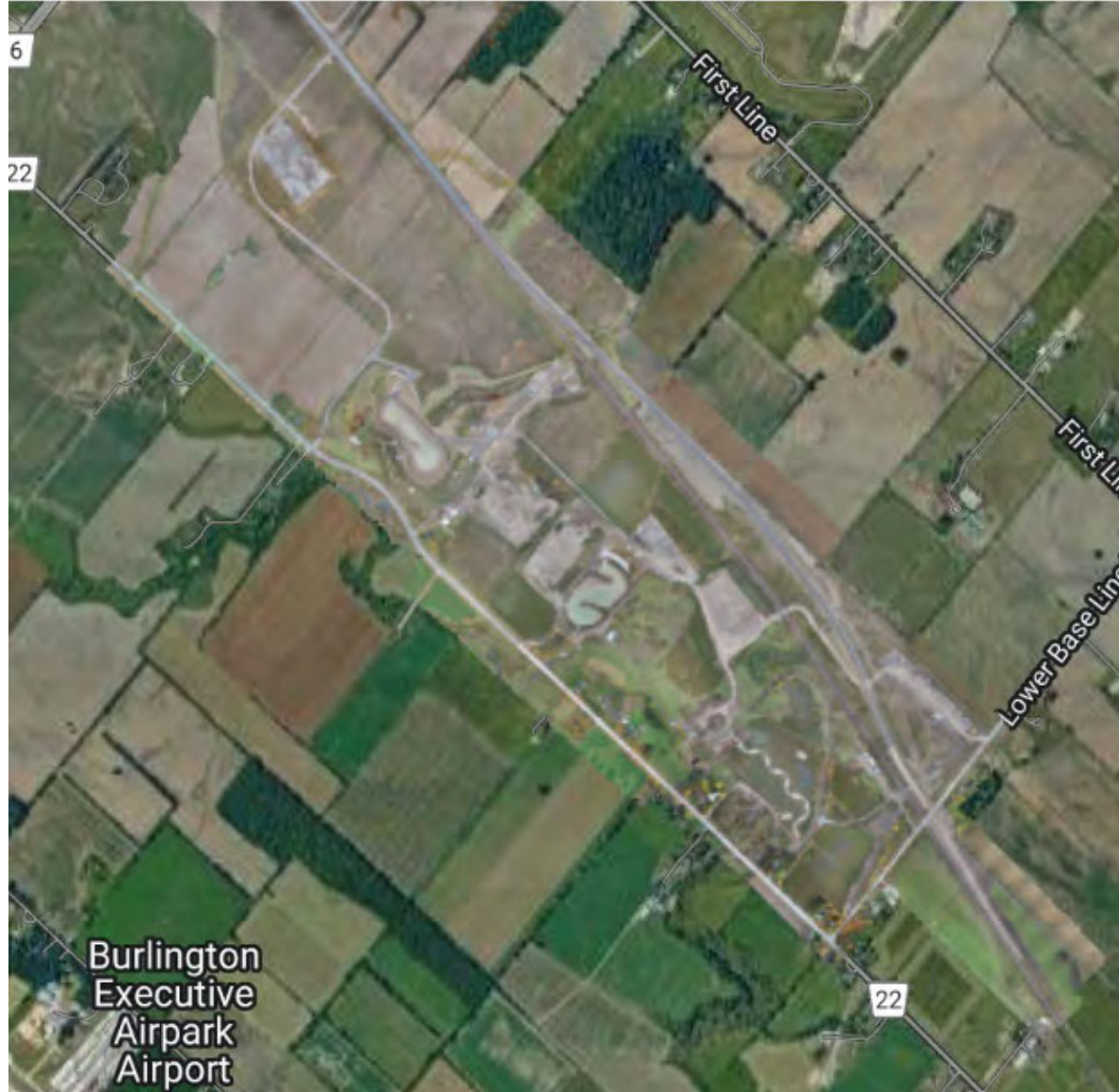
CN Milton Logistics Hub – Construction Progression

July 18, 2023



CN Milton Logistics Hub – Construction Progression

October 21, 2023



CN Milton Logistics Hub – Construction Progression January 29, 2024



Community Consultation Committee Presentations
Presented on June 13, 2024





CN Milton Community Consultation Committee

Construction Update

June 13, 2024



Judicial Review Decision Halted Construction - March 1, 2024
Stay Order Issued to CN Allowing Construction to Continue - May 1, 2024
Full Construction Recommenced - May 15, 2024

Lower Base Line Grade Separation



May 15, 2024 at 10:52:25 AM
Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line West grade separation and shore wall
Continued tie-back installation – May 15, 2024

May 24, 2024 at 9:13:21 AM
3256-3288 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line W Stress testing tie back strands – May 24, 2024

May 30, 2024 at 2:22:20 PM
3242 Lower Base Line W
Milton ON L9E 0K6
Canada



Lower Base Line W excavation and continued wood lagging install – May 30, 2024

Jun 11, 2024 at 3:29:50 PM
3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Lower Base Line W lower-level tie back installation - June 11, 2024

JUN 11, 2024 at 1:04:27 PM
3261-3291 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line W bulk excavation to sub grade elevation - June 11, 2024

Britannia Access Rd excavation and grading for interceptor ditch - May 24, 2024



Wilton, ON
Canada
Sherwood




Britannia Access Rd Interceptor Ditch - embankment matting installing May 30, 2024

May 30, 2024 at 1:13:08 PM
Milton ON
Canada
Harrison



Mainline track north of Britannia – topsoil stripping May 30, 2024

Jun 4, 2024 at 10:36:56 AM
119-209 Gleave Terr
Milton ON L9T 8N5
Canada

An aerial photograph showing a long, straight railway track stretching into the distance. The track is flanked by green fields and some trees. On the left side of the track, there is a large area of dark, disturbed earth, and an excavator is visible working on it. The right side of the track also shows some disturbed earth and a dirt road. In the background, there are hills and a tall communication tower.

Mainline track south of Louis St. Laurent
East side track topsoil stripping - June 4, 2024

Milton ON
Canada
Sherwood




Britannia Access Rd. bridge works – bulk excavation June 7, 2024

Milton ON
Canada
Sherwood



Britannia Access Rd – West ditch grading of topsoil – June 7, 2024

Jun 7, 2024 at 12:27:58 PM
3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Abandoned mainline track
Grading of cut/fill material
along west ditch line - June 7, 2024

Lower Base Line W – Install of 2400mm man-hole
connection to existing culvert - June 10, 2024

June 10, 2024 1:30:25 PM
Lower Base Line W
Milton ON L9E 0K4
Canada



Jun 11, 2024 at 1:18:27 PM

Lower Base Line & Laydown Area 1 - 600mm concrete pipe install - June 11, 2024

Canada
Sherwood



Jun 11, 2024 at 3:22:39 PM

1200mm CB/MH1 connection to new 60mm concrete pipe - June 11, 2024

Canada
Sherwood



Milton ON
Canada
Sherwood



Water trucks on site for ongoing dust control

Community Consultation Committee Presentations
Presented on August 1, 2024



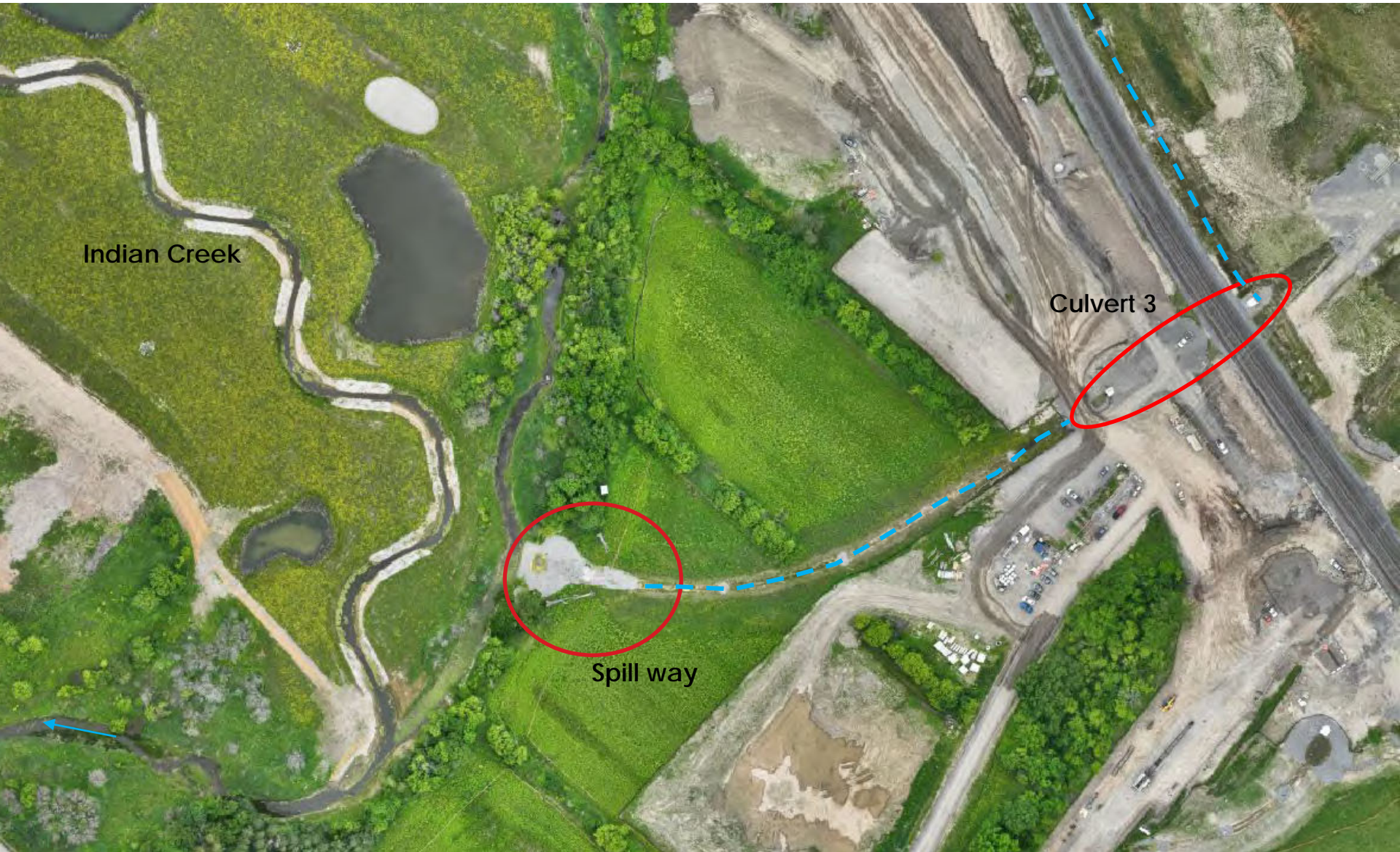


CN Milton Community Consultation Committee

Regional Diversion Ditch - Spillway Slope Damage / Repair

August 1, 2024

Aerial view of Culvert 3 and spillway location – Imagery taken early-July 2024



Regional Diversion Ditch spillway, downstream of Culvert 3, was impacted due to a heavy rainfall events on July 15 and 16, 2024



Due to the heavy rain fall, Indian Creek was turbid prior to reaching this location



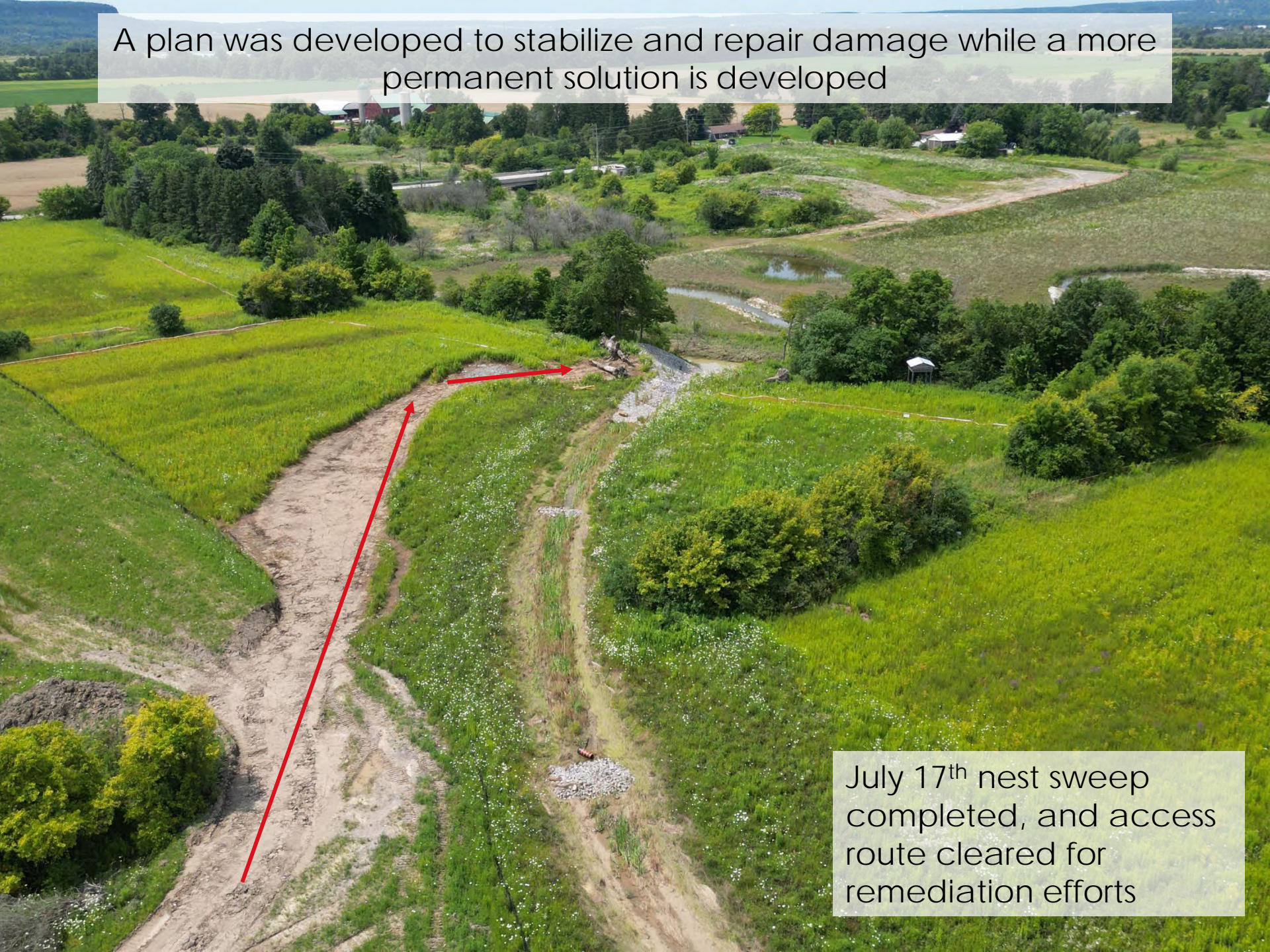
Extent of impacts included damage to the underlying filter cloth and displaced rip-rap material resulting in the release of sediment



Displaced rip-rap at outlet of spillway



A plan was developed to stabilize and repair damage while a more permanent solution is developed



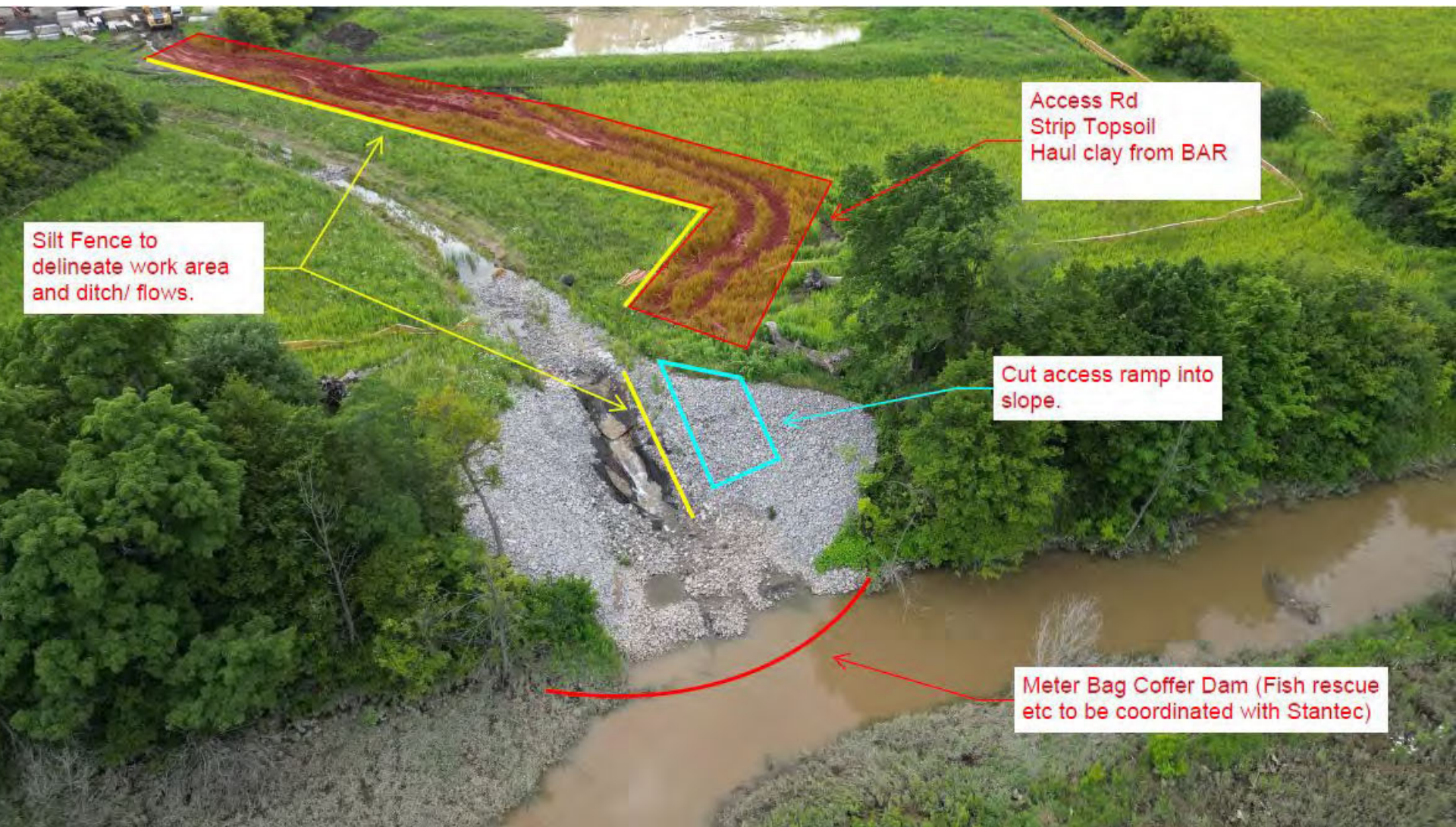
July 17th nest sweep completed, and access route cleared for remediation efforts

July 18, 2024 - Rip-rap added as temporary remediation to repair scouring



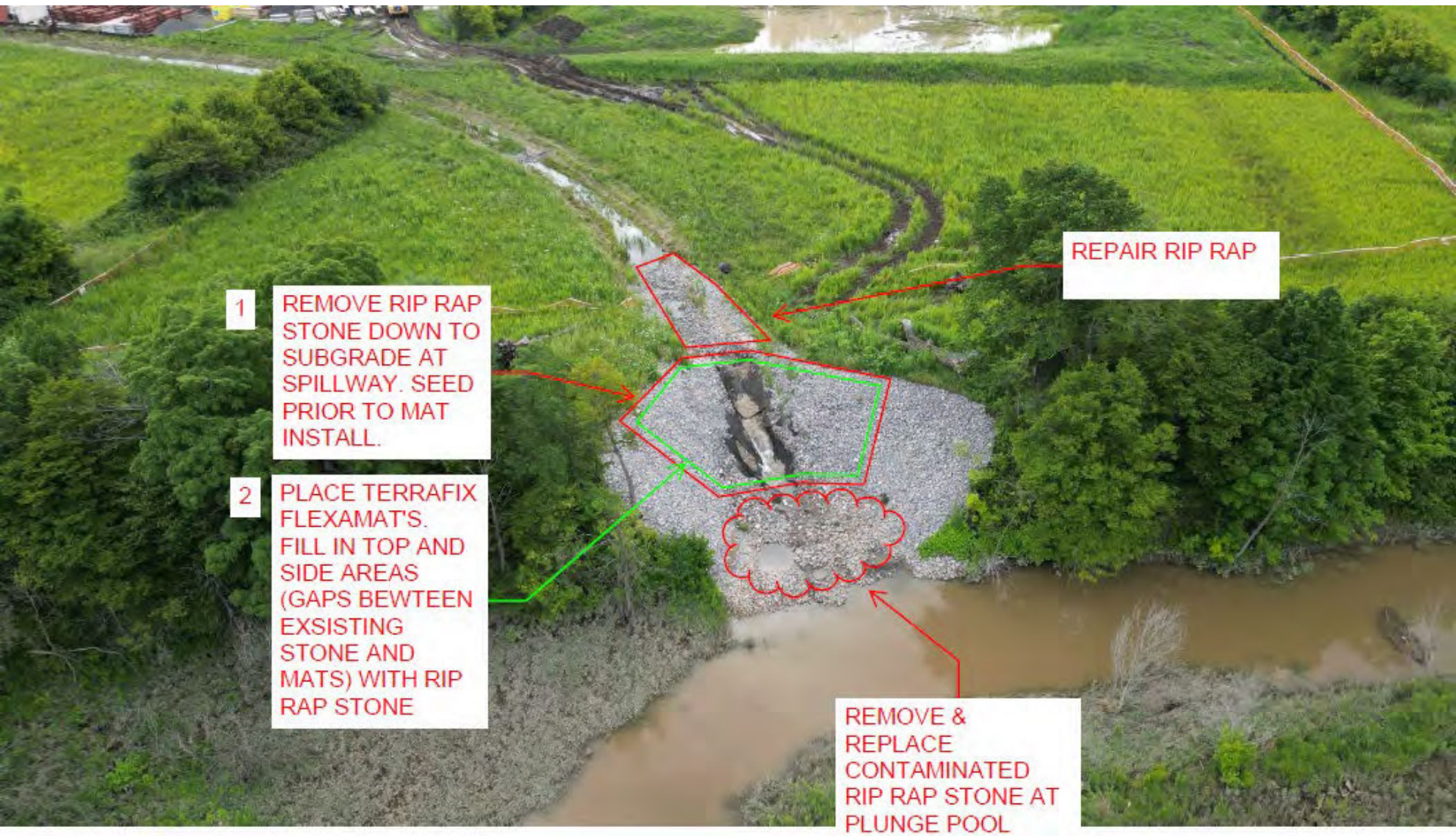
July 18, 2024 – Access route was established and rip-rap was brought in via mini excavators to fill eroded area of the spillway

Full remediation plan to be executed – draft spillway repairs



Any flows into Culvert 3 are being temporarily diverted to reduce flow through this area to accommodate remediation efforts and reduce siltation

Full remediation plan to be executed – draft spillway repairs





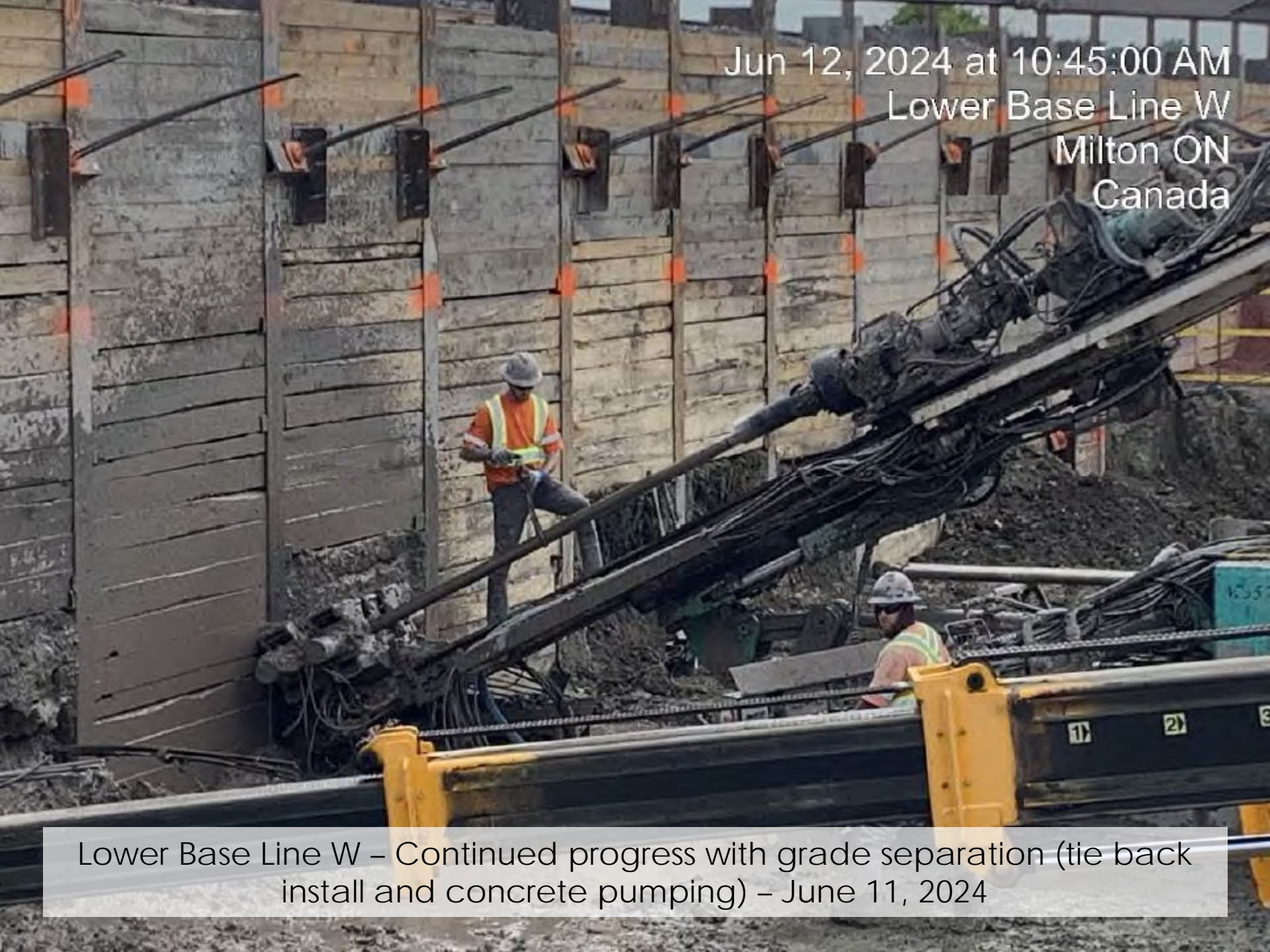
CN Milton Community Consultation Committee Construction Update

August 1, 2024

Lower Base Line Grade Separation



Jun 12, 2024 at 10:45:00 AM
Lower Base Line W
Milton ON
Canada



Lower Base Line W – Continued progress with grade separation (tie back install and concrete pumping) – June 11, 2024

Jun 20, 2024 at 7:37:44 AM
3249-3259 Lower Base Line W/
Milton ON L9E 0L7
Canada



LBL West – Grading prep for crane pad and caissons installation - June 18, 2024



LBL West – Drilling prep and caisson installation for crane pad June 24- July 2, 2024

Jul 3, 2024 at 11:03:14 AM
3249-3259 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL West – Concrete pouring & elevation chipping for caissons July 2-9, 2024

LBL W – Grade separation progress and caisson installment – July 15, 2024



Jun 26, 2024 at 2:54:25 PM
Milton ON
Canada
Sherwood



Britannia Access Road Bridge – Caisson and pile install – June 26, 2024

Jul 3, 2024 at 9:39:43 AM
Milton ON
Canada
Sherwood



Britannia Access Road Bridge – Begin tie back install – July 3, 2024

Britannia Access Rd – Excavate around abandoned pipeline near SunCanadian Access Rd and install two HDP 900mm culverts. - July 2-9, 2024



Jul 3, 2024 at 2:34:44 PM
Milton ON
Canada
Sherwood

Jun 12, 2024 at 3:26:59 PM
Britannia Rd
Milton ON
Canada



Britannia Access Road – Continued cut/fill grading north of main line – June 12, 2024

Britannia Access Road – Core matting and straw bales at west ditch – June 14, 2024





Britannia Access Rd – Ongoing excavation of west ditch and grade separation for crane pad (June/July 2024). Impacted by heavy rainfall week of July 8 & 15 and required water pumping/removal.

Jul 19, 2024 at 4:19:13 PM
Milton ON
Canada
Sherwood



Britannia Access Rd – Grading of fresh topsoil – July 19, 2024



Stormwater Management Pond 1
Tree planting begins along the southwest edge – July 2024

Jul 15, 2024 at 8:50:53 AM
Milton ON
Canada
Sherwood



Ongoing tree planting at Stormwater Management Pond 1 - July 2024

Community Consultation Committee Presentations
Presented on October 10, 2023





CN Milton Community Consultation Committee

Construction Update

October 10, 2024

Lower Base Line Grade Separation and Road Bridge Work Progress



Jul 26, 2024 at 9:07:48 AM
Lower Base Line W
Milton ON L9E 0L7
Canada

Caisson installation at Lower Base Line
grade separate and bridge work
location occurred on July 26, 2024



Lower Base Line Grade Separation / Bridge Work
Abutment footings installation in progress August 8, 2024

Aug 8, 2024 at 8:00:10 AM
5249-5259 Lower Base Line W
Milton ON L9E 0L7
Canada



LBL Grade Separation/Bridge Work- Abutment wall forms progress August 22, 2024
Canada



LBL Bridge Work – Bridge deck development and safety rail installation – Aug. 29, 2024

Aug 29, 2024 at 2:51 PM
3242 Lower Base Line W
Milton ON L9E 0K6
Canada



Sep 30, 2024 at 8:29:52 AM
Lower Base Line W
Milton ON L9E 0L7
Canada



LBL Bridge – Ongoing installation of rebar steel
for bridge abutment wing walls - September 2024

Jul 24, 2024 at 3:13:53 PM
3256–3288 Lower Base Line W
Milton ON L9E 0K4
Canada



Lower Base Line – Hoarding noise wall Installation commenced July 24, 2024

Jul 26, 2024 at 12:52:50 PM
3256–3288 Lower Base Line W
Milton ON L9E 0K4
Canada



LBL hoarding noise wall installation was completed on July 26, 2024.
A noise wall was also installed at the Hydro/LBL site access location

Sep 6, 2024 at 2:44:55 PM
Milton ON
Canada
Sherwood



Lowe Base Line – Continued installation of chain link fencing
south and west side of LBL grading limits– Sept. 6, 2024

Truck Access Road Shoring Wall/Bridge Progress



Jul 26, 2024 at 10:51:57 AM
Milton ON
Canada
Sherwood



Truck Access Road Shoring Wall & Bridge Work
Start of welding chairs at temporary shoring wall – July 26, 2024


Continued excavation and wood lagging installation work at Truck Access
Road temporary shoring wall – August 20, 2024

Milton, ON

Canada
Sherwood



Aug 21, 2024 at 9:16:55 AM
Milton ON
Canada
Sherwood

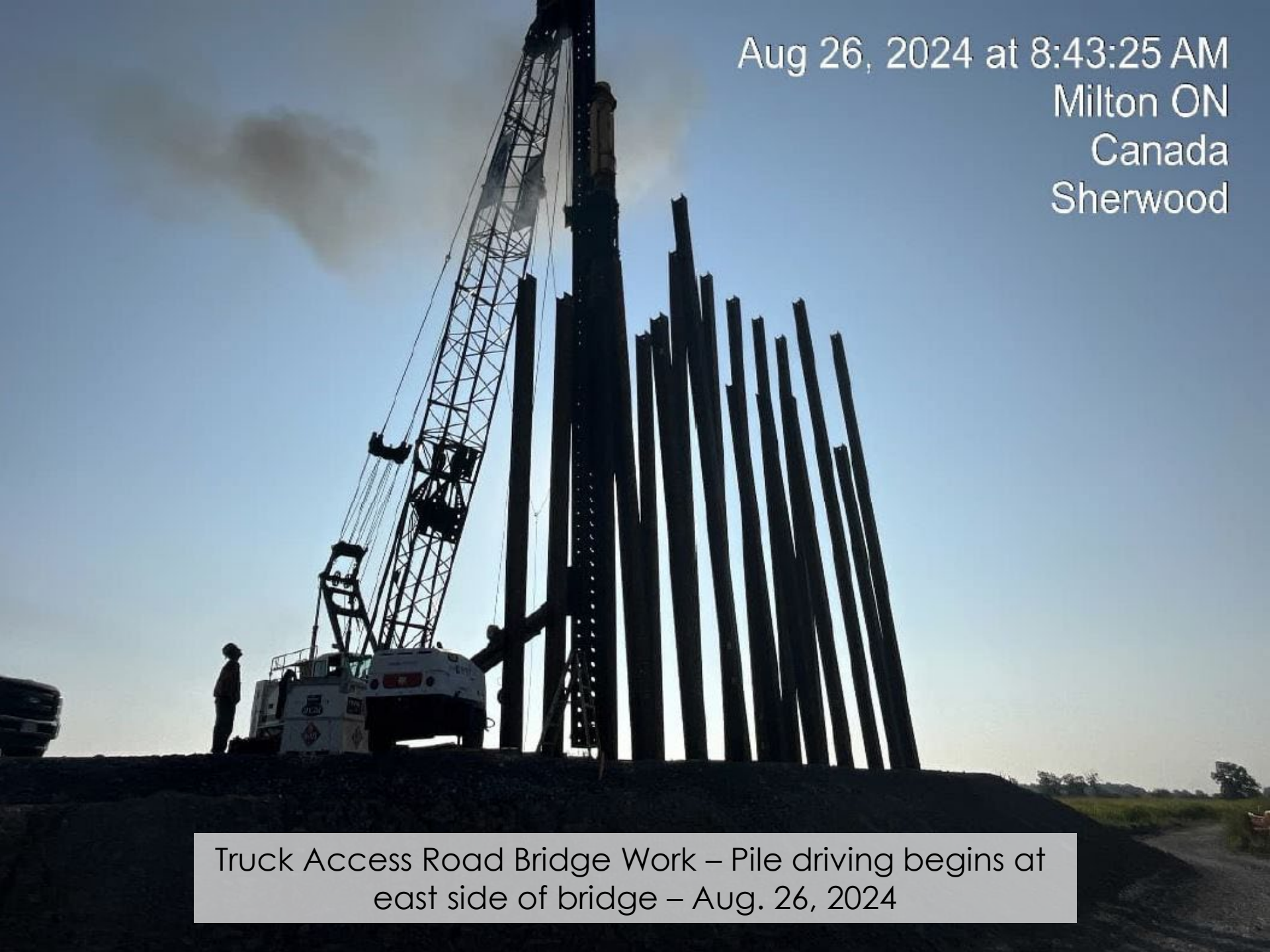


Ongoing welding of the splice of H piles on the
east side of truck access road overpass in late-August 2024

Ongoing Truck Access Road filling and grading
east of Britannia Road – August 26, 2024.



Aug 26, 2024 at 8:43:25 AM
Milton ON
Canada
Sherwood



Truck Access Road Bridge Work – Pile driving begins at
east side of bridge – Aug. 26, 2024

Sep 16, 2024 at 10:51:27 AM
Milton ON
Canada
Sherwood

Truck Access Road Bridge – Placement and grading of granular material
at south pad area - Sept 16, 2024

Sep 19, 2024 at 2:52:30 PM
Milton ON
Canada
Sherwood



Truck Access Road Bridge – Begin pile driving along west side of bridge - Sept 19, 2024

Truck Access Road – Reinforced Soil Slope Wall Installation Progress



Aug 26, 2024 at 10:17:37 AM
Milton ON
Canada
Sherwood



Truck Access Road – Start of concrete base pouring of mud slab
for the RSS wall work – Aug. 26, 2024



Truck Access Road – Ongoing installation of concrete panels
at the west RSS wall – Sept 19, 2024

Sep 27, 2024 at 2:55:48 PM
Britannia Rd
Milton ON
Canada



Truck Access Road – Backfilling of material along west RSS wall – Sept. 27, 2024

450mm diameter sewer storm pipe segments stationed
along mainline in preparation of future installation

August 12, 2024



September 24, 2024



Perimeter planting of stormwater management pond 1 & 2 completed mid-August 2024



3105-3231 Lower Base Line W
Milton ON L9E 0K6
Canada



Blower truck on site and Terraseeding underway
at Stormwater Management Pond #1 – Sept 6, 2024

Seeding completed at Stormwater Management Pond # 2 – Sept 24, 2024



July 15, 2024, Storm Event Spillway Damage



Permanent repair work commenced on August 13, 2024, with the installation of a meter-bag coffer dam. A fish rescue was also conducted within the coffer dam prior to dewatering along the Indian Creek outlet.



Following the coffer dam installation and fish rescue, the enclosed outlet was dewatered, and the displaced rip-rap was removed from the backwater channel of Indian Creek – August 13, 2024



Placement of rip-rap was installed at the outlet of the spillway and the coffer dam was removed. Original rip-rap material was shifted to accommodate for the installation of the Flexamat protection barrier – August 14, 2024



A temporary coffer dam & pump system was set up at Culvert 3, upstream of the diversion ditch, to redirect any flow so that repairs were completed in dry conditions.

Progress with installation of the Flexamat protective barrier - August 15, 2024



Repairs continued with installation of new filter cloth and rip-rap material along the banks of the spillway - August 16, 2024



Repairs were finished to the Regional Diversion Ditch on August 20, 2024. The temporary access road will be decommissioned and reseeded/restored back to natural conditions.



Community Consultation Committee Presentations
Presented on December 5, 2024

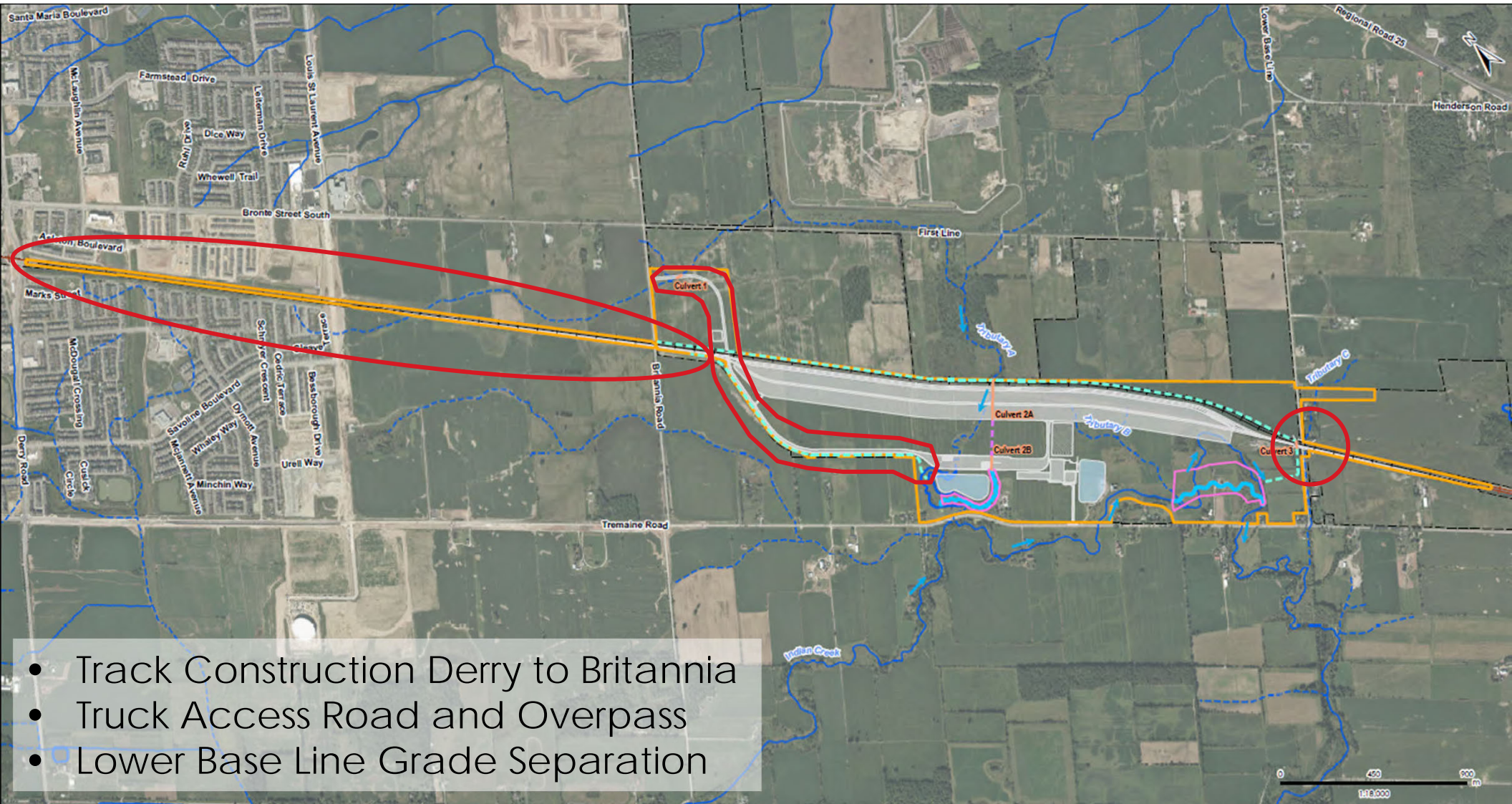




CN Milton Community Consultation Committee Construction Update

December 5, 2024

CN Milton Logistics Hub – Phase 2 Progress



Lower Base Line Bridge Work Progress



Image: Nov. 19, 2024

Lower Base Line Bridge Work Progress

at 2:54:09 PM

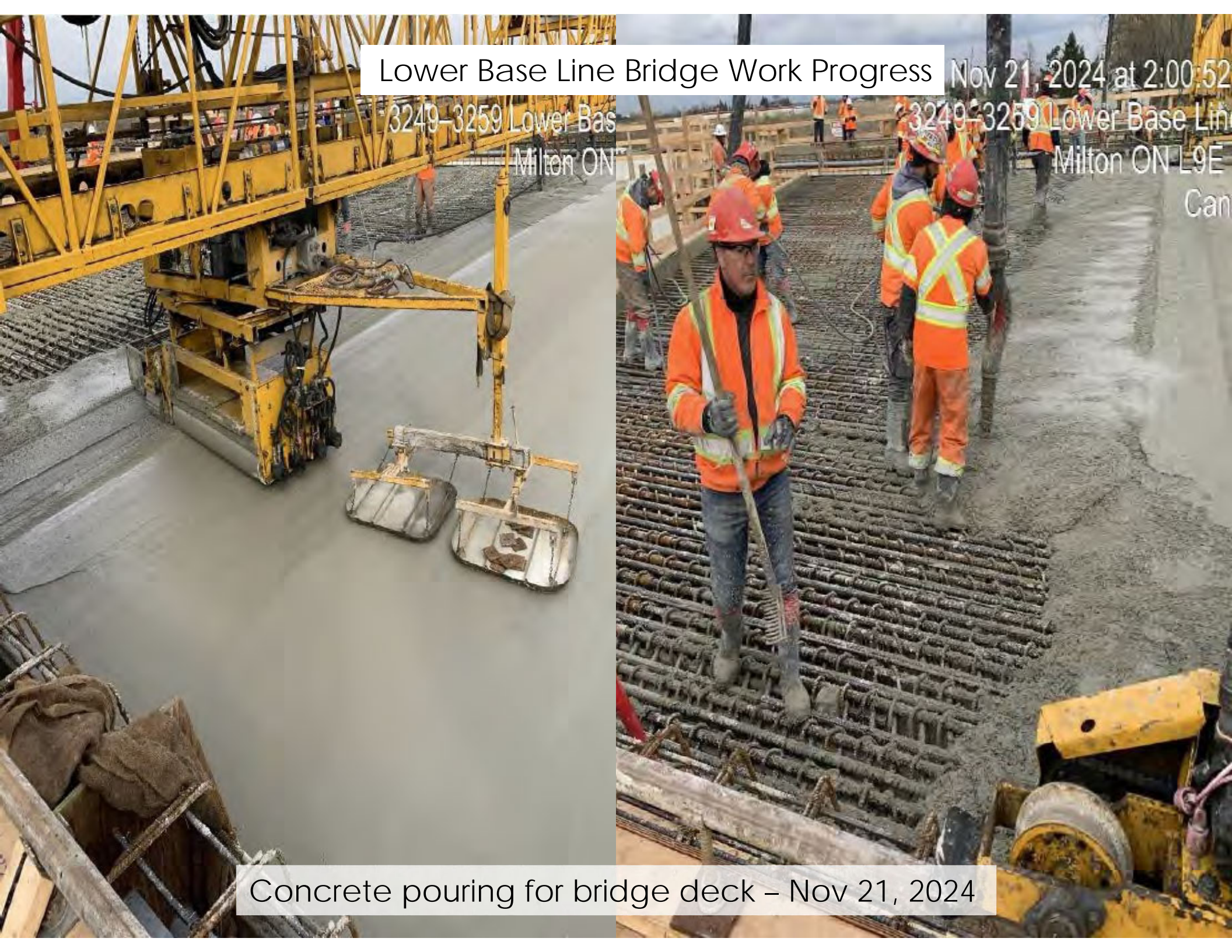
3249-3259 Lower Base Line W

Milton ON L9E 0L7

Canada



Installation of rebar chair supports on bridge deck – Oct. 28, 2024



Lower Base Line Bridge Work Progress

Nov 21, 2024 at 2:00:52

3249-3259 Lower Bas
Milton ON

3249-3259 Lower Base Lin
Milton ON L9E
Can

Concrete pouring for bridge deck – Nov 21, 2024



Nov 6, 2024 at 3:10:50 PM

Lower Base Line Bridge Work Progress

Canada



Nov 6, 2024 at 2:23:33 PM

3249-3259 Lower Base Line W
Milton ON L9E 0L7
Canada

Concrete pour for east and west curb and sidewalk – Nov. 6, 2024



Nov 6, 2024 at 2:08:49 PM

3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada



Nov 6, 2024 at 2:19:01 PM

3243-3247 Lower Base Line W
Milton ON L9E 0J9
Canada

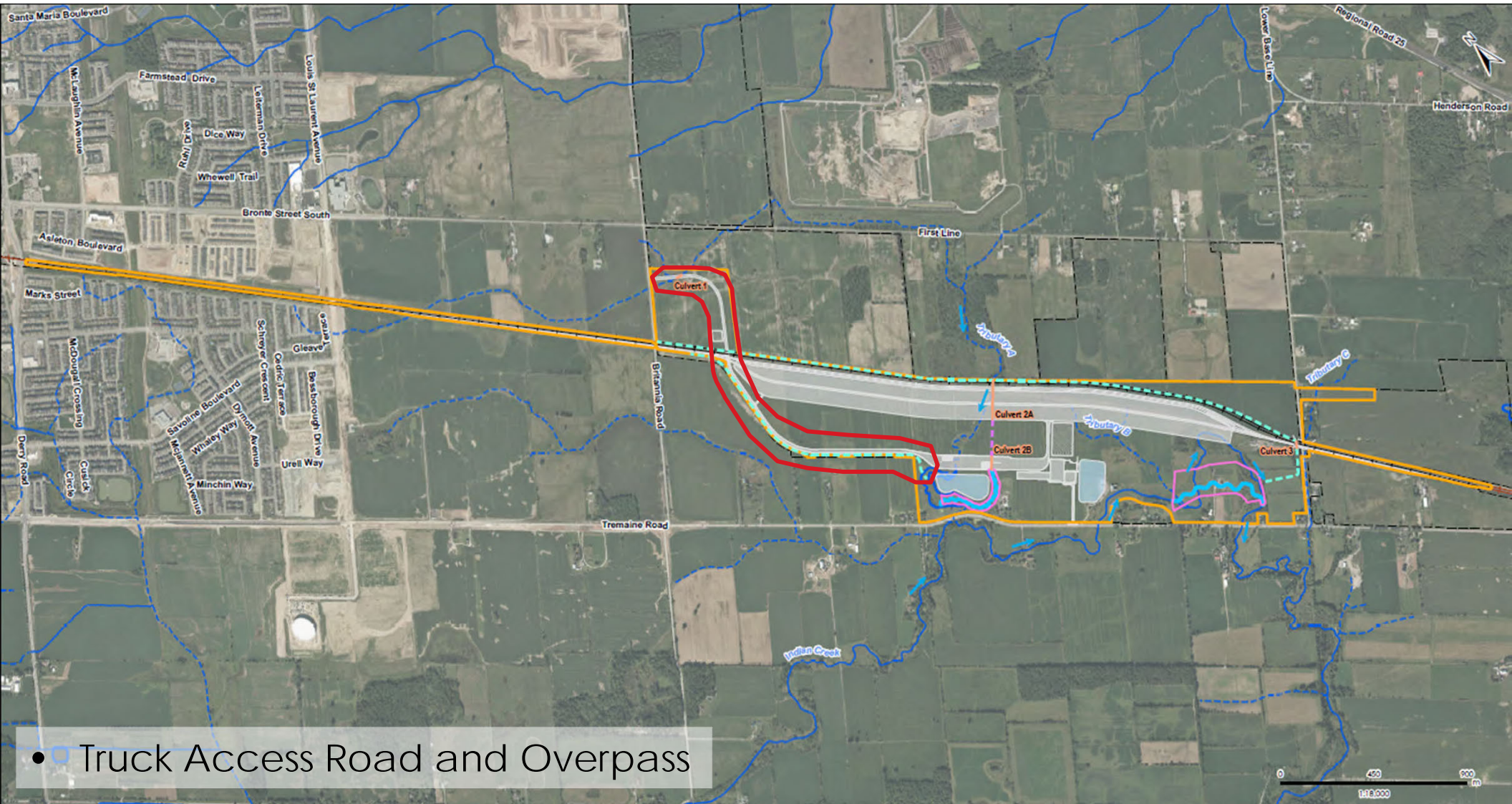


Utility Work – Mainline Conduit Installation 1:21:58 PM

4492 Tremaine Rd
Milton ON L9E 0L6
Canada

Trenching, installation, and backfill adjacent to realigned mainline west of
Lower Base Line – Oct. & Nov. 2024

CN Milton Logistics Hub – Phase 2 Progress



- Truck Access Road and Overpass

Britannia Access Road Shoring Wall/Bridge Progress



Image: Nov. 19, 2024

Britannia Access Road Shoring Wall/Bridge Progress 1:05:00 PM

Milton ON
Canada
Sherwood



Pile driving progress on south retaining wall (throughout October) – Oct. 17, 2024

Nov 11, 2024 at 3:34:18 PM

Britannia Access Road Shoring Wall/Bridge Progress

Milton ON

Canada

Sherwood



West side mud slab concrete pour for center pier footing support – Nov. 11, 2024

Britannia Access Road Shoring Wall/Bridge Progress



Continued construction & installation of forms for pier and brace support on west side of BAR Bridge – Nov. 19, 2024

Britannia Access Road Shoring Wall/Bridge Progress



H-pile driving at east abutment – Nov. 19, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress



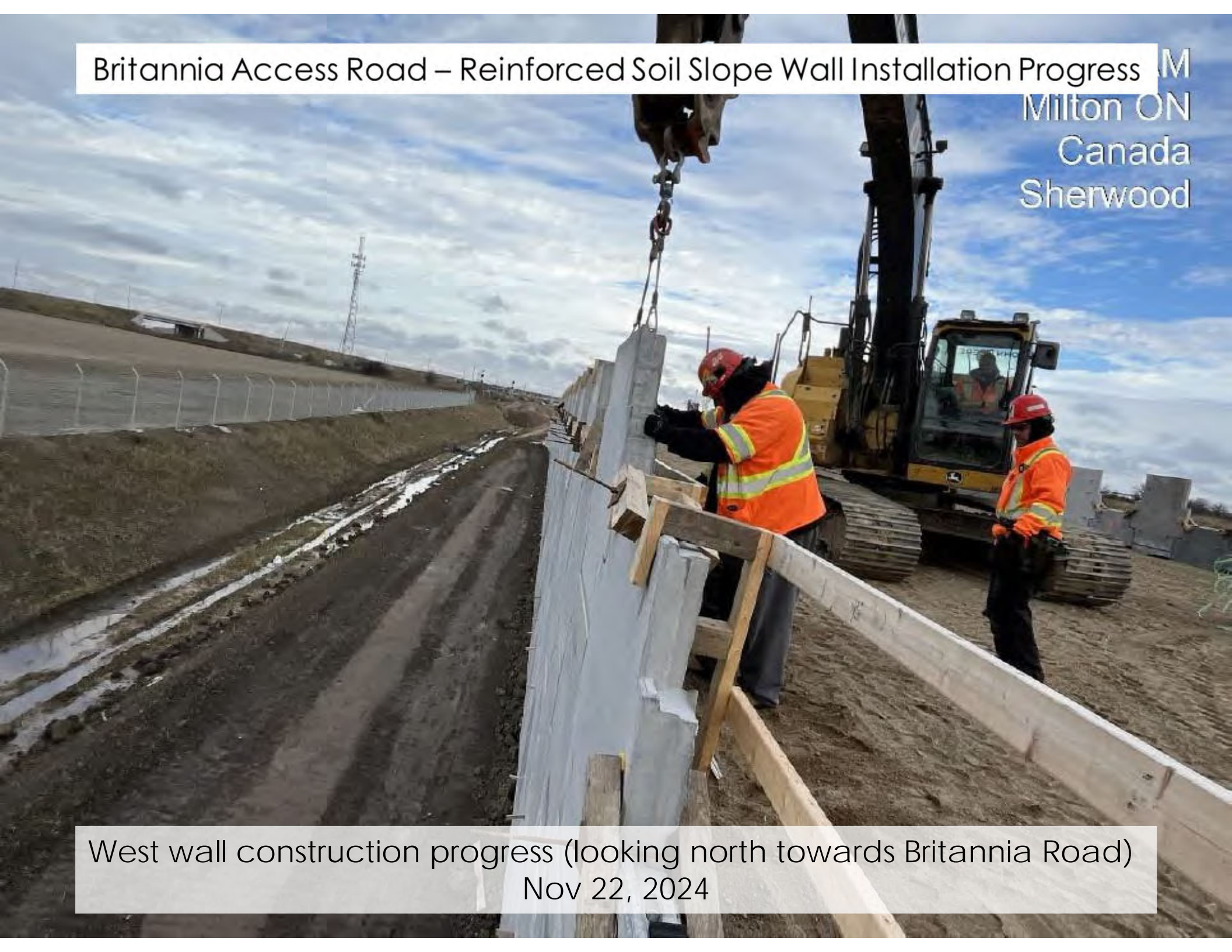
Preparation of approaches to truck overpass

Image: Nov. 19, 2024

Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood

West wall construction progress (looking north towards Britannia Road)
Nov 22, 2024



Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



East wall construction progress - Nov 11, 2024

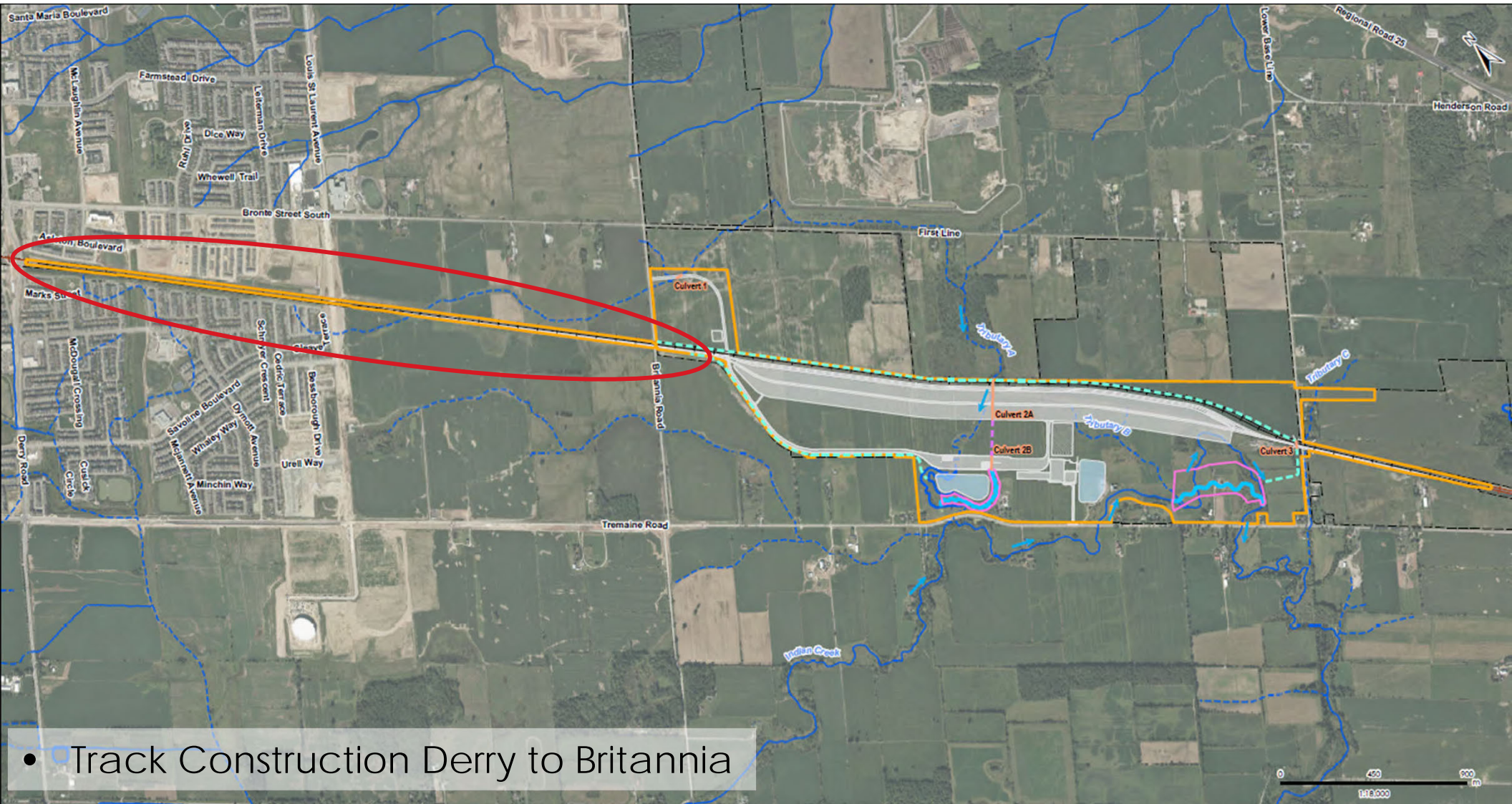
Britannia Access Road – Reinforced Soil Slope Wall Installation Progress

Milton ON
Canada
Sherwood



Installation of galvanized steel strips and backfill
(ongoing throughout October and November 2024)

CN Milton Logistics Hub – Phase 2 Progress



Preparation for Track Construction Derry Road to Britannia Road



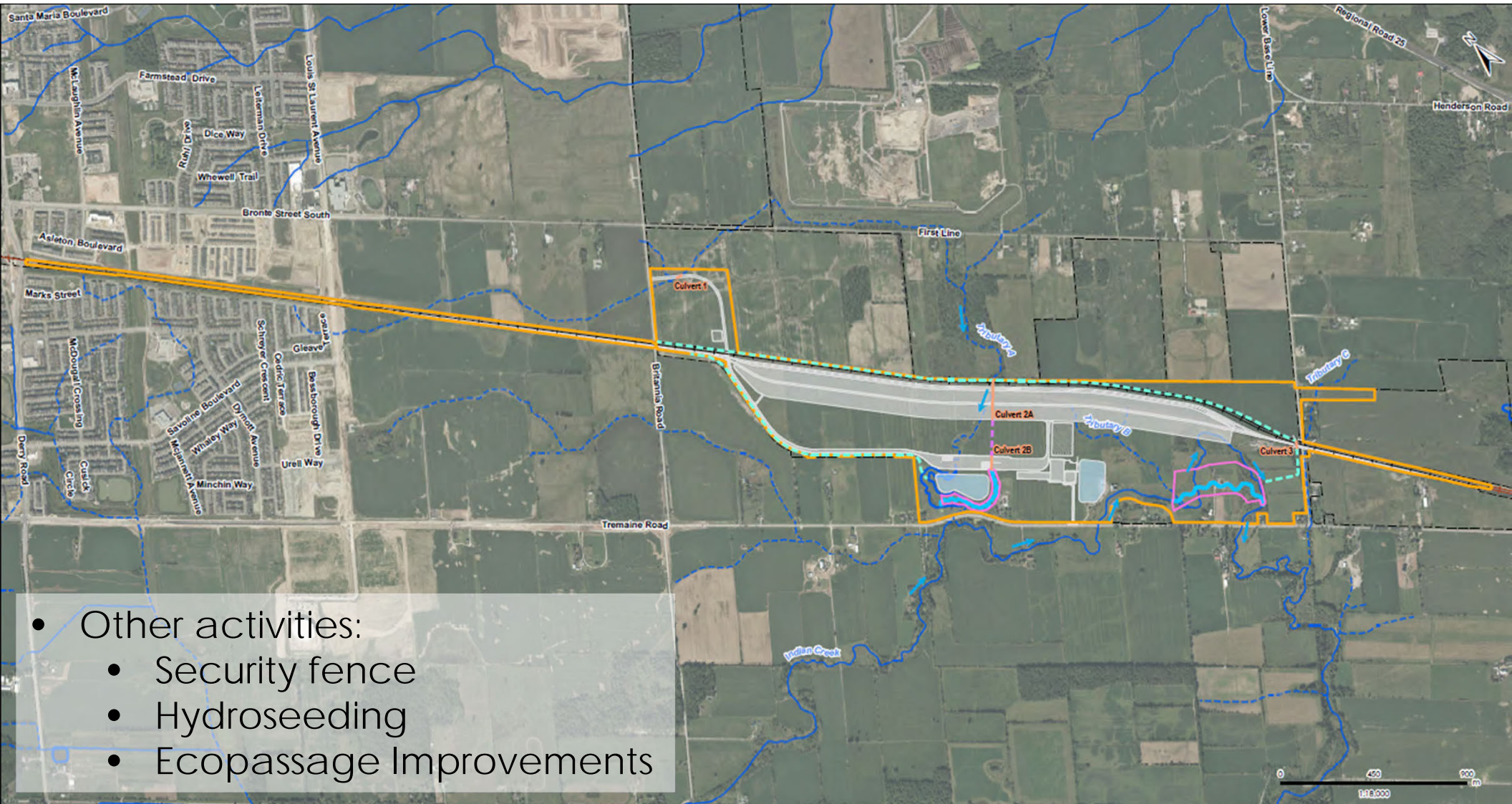
Progress on installation of the mainline storm sewer system
Exclusion fence installed and maintained – Oct. 30, 2024



Preparation for Track Construction Derry Road to Britannia Road

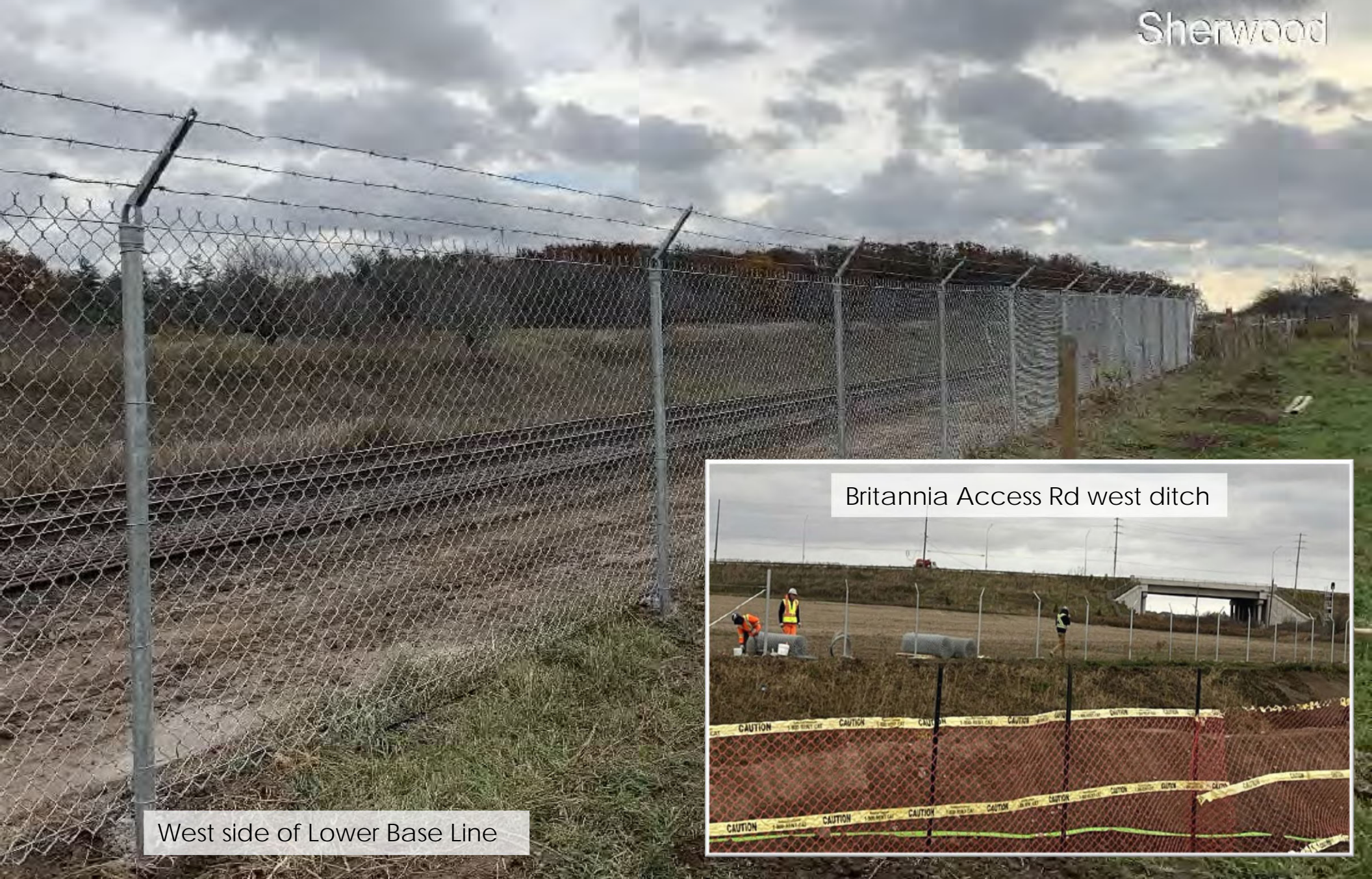
Burying of the storm sewer along the mainline and site grading progress
Nov. 19, 2024

CN Milton Logistics Hub – Phase 2 Progress

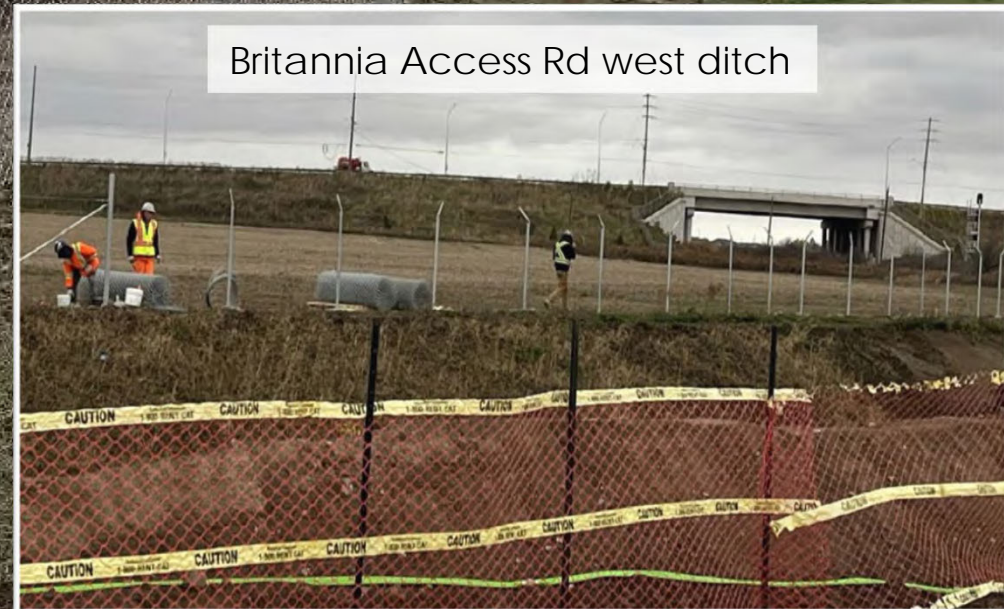


Security Fence Installation – Ongoing

Nov 6, 2024 at 10:31:00 AM
Milton ON
Canada
Sherwood



West side of Lower Base Line

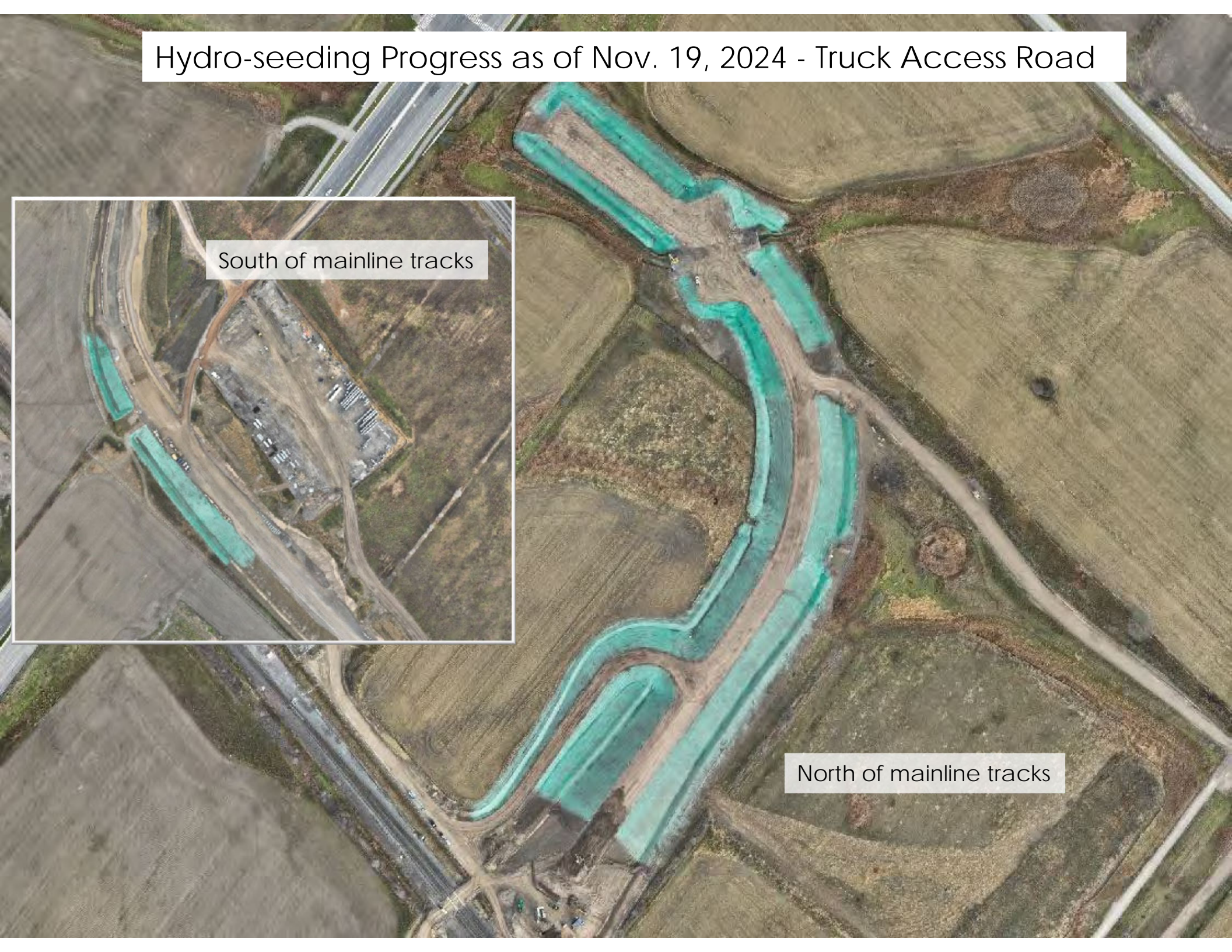


Britannia Access Rd west ditch

Hydro-seeding Progress as of Nov. 19, 2024 - Truck Access Road

South of mainline tracks

North of mainline tracks



Hydro-seeding Progress as of Nov. 19, 22024



West of Lower Base Line



East of Lower Base Line

Maintenance and Repairs to the Culvert 1 Ecopassage

Milton ON
Canada
Sherwood



Additional placement of material to fill gaps
and undulations along benches
(Nov. 18/19, 2024)