

March 28, 2024

Prepared for:

Canadian National Railway Company 935 de La Gauchetière Street W 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, 2023, 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 Annual Report. In the first quarter (Q1) of 2023, site activities included on-going maintenance of erosion and sediment control (ESC) measures, commencement of the excavation of storm water management (SWM) Pond 1, installation of the upper portions of Culvert 2A to facilitate mainline track realignment, preparatory work for the installation of Culvert 1 on Tributary A (underneath the future truck access road), including excavation of a diversion channel for such work to occur offline, removal of the temporary bridge across Indian Creek following completion of earth moving activities, installation of temporary culverts beneath the mainline for the regional diversion channel (Culvert 3), relocation of wildlife exclusion fencing following activation of the realigned Tributary A and associated riparian habitat, and preparatory work for the planned relocation of the mainline (i.e., vegetation removal, grading, erosion and sediment control measures).

In the second quarter of the year (Q2), site activities included continued excavation of SWM Pond 1, excavation of the footings for Culvert 1, additional matting and seeding channel banks to improve vegetation growth on slopes in the realigned Tributary A, commencement of grading, ditching, sewer installation, placement of ballast and track installation for the realigned mainline, installation of communications and signaling lines, and installation of chorus frog exclusion fencing.

In the third quarter (Q3), site activities included continued progress on the mainline track realignment, culvert replacement, construction of additional construction access roads (including around SWM Pond 1), construction of a new local drainage diversion channel around SWM Pond 1, footing installation for Culvert 1 (ecopassage), and preparatory work for the realignment and connection of Indian Creek, including habitat enhancements, wetland restoration, construction of riparian ponds, and turtle nesting mounds within the Indian Creek valley.

Finally, the fourth quarter (Q4), focused on completing the realignment of the CN mainline, including the temporary realignment at Lower Base Line to facilitate the future construction of the grade separation, as well as completion of the cutover / realignment of Indian Creek, installation of Culvert 1 (Tributary A ecopassage), installation of Culvert 7 and associated channel diversions, preparation activities in advance of the Lower Base Line grade separation (i.e., Milton Hydro pole relocation, utility relocates, and vegetation removal) and other site grading / drainage activities.

In support of the mainline realignment, night-time construction activities occurred in January, August and late November / early December to facilitate construction while avoiding impacts to the operation of the mainline. This work focused on the installation and/or replacement of culverts (i.e., Culvert 3 (regional diversion channel) and Culvert 7 (Tributary C)) beneath the mainline and track work to connect the existing and realigned mainline tracks. In all cases, the community was notified in advance and no noise complaints were received.

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, surveys, Community Consultation Committee, online and paper newspaper ads, emails, mail drops) 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 2023.

Follow-up programs (FUP) implemented in 2023 focused on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction, including:

- Ambient Lighting (per Condition 4.5)
- Air Quality (per Condition 4.21.1)
- 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)

The following FUPs that pertain to construction or operation activities that did not occur in 2023 will be addressed in future Annual Reports:

- Acoustic Environment (per Condition 4.10)
- Stormwater Management (per Condition 5.9)
- Western Chorus Frog (per Condition 8.10)
- Ecopassage (per Condition 8.32)
- 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 2023, including the following:

- Repairs and modifications to the location of the ESC measures identified in the ESC Plans to address
 observations made by CN's Environmental Monitor (EM), such as silt fence, straw bales, and coir
 matting
- Implementation of additional ESC measures and the installation of additional rock check dams within the channel between Culvert 2A and Culvert 2B to address erosion observed within the channel
- 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
- Replanting of trees, shrubs and live stakes and reseeding areas adjacent to Tributary A and Indian Creek to improve propagation of native species
- Woody vegetation control, mowing, and planting of additional milkweed (seeds, plugs) at the off-site grassland habitat
- Implementation of additional monitoring protocols developed in consultation with ECCC prior to vegetation removal in response to Stantec's observation of milkweed and Monarch to accommodate construction of a portion of Culvert 7 south of Lower Base Line in August 2023
- At the request of CN in response to a silt bag sediment release on September 14, 2023, the Contractor, Dufferin Construction (DCC) developed a Site-Specific Best Practices Document for Pumping Basins / Silt Bag Maintenance to document protocols and procedures for the use of filter bags and pumping of construction water on site
- To reduce potential dust generated by construction activities, targeted use of water trucks, revegetation of exposed areas, and adjustment of work activities/locations were implemented

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

No project changes were implemented in 2023.



Résumé

Le 21 janvier 2021 (modifié le 26 juillet 2022), le ministre de l'Environnement et du Changement climatique a annoncé sa décision concernant l'évaluation environnementale du projet de pôle logistique de Milton (le projet). Dans sa déclaration de décision, le ministre a imposé des conditions au CN. Le présent document a été préparé pour répondre aux exigences de la condition 2.11 énoncée dans la déclaration de décision, qui va comme suit :

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

Le présent rapport annuel couvre la période du 1er janvier au 31 décembre 2023 et contient, en plus des informations susmentionnées, les renseignements visés aux exigences supplémentaires en matière de rapport énoncées dans les conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11 et 12.1.2 de la déclaration de décision (pour plus de détails, voir la Section 7).

La construction du projet a débuté le 24 janvier 2022 selon les activités de la phase 1 décrites dans le rapport annuel de 2022. Au cours du premier trimestre (T1) de 2023, les activités sur le site comprenaient le maintien continu des mesures de contrôle de l'érosion et des sédiments, le début de l'excavation du

bassin de gestion des eaux pluviales 1, l'installation des parties supérieures du ponceau 2A pour faciliter le détournement de la voie principale, les travaux préparatoires pour l'installation du ponceau 1 sur l'affluent A (sous la future route d'accès des camions), ce qui inclut l'excavation d'un canal de dérivation pour que les travaux puissent être réalisés sur les parties non raccordées, l'enlèvement du pont temporaire sur le ruisseau Indian après l'achèvement des activités de terrassement, l'installation de ponceaux temporaires sous la voie principale pour le canal de dérivation régional (ponceau 3), le déplacement de la clôture d'exclusion de la faune après la mise en service de l'affluent A ayant été détourné et de l'habitat riverain associé, ainsi que les travaux préparatoires pour le déplacement prévu de la voie principale (c'est-à-dire, l'enlèvement de la végétation, le nivellement, les mesures de contrôle de l'érosion et des sédiments).

Au cours du deuxième trimestre (T2), les activités sur le site comprenaient la poursuite de l'excavation du bassin de gestion des eaux pluviales 1, l'excavation des semelles pour le ponceau 1, l'installation de matelas de stabilisation supplémentaires et l'ensemencement des berges du canal pour améliorer la croissance de la végétation sur les pentes de l'affluent A détourné, le début du nivellement, l'excavation de fossés, l'installation des égouts, la mise en place de ballast et l'installation des rails de la voie principale détournée, l'installation des lignes de communication et de signalisation, et l'installation d'une clôture d'exclusion pour la rainette faux-grillon.

Au cours du troisième trimestre (T3), les activités sur le site comprenaient la continuation des travaux de détournement de la voie principale, le remplacement des ponceaux, la construction de routes d'accès supplémentaires (y compris autour du bassin de gestion des eaux pluviales 1), la construction d'un nouveau canal de dérivation pour le drainage autour du bassin de gestion des eaux pluviales 1, l'installation de la semelle du ponceau 1 (écopassage), et les travaux préparatoires pour le détournement et l'éventuelle connexion du ruisseau Indian, notamment l'amélioration de l'habitat, la restauration des zones humides, la construction d'étangs riverains et de monticules favorisant la nidification des tortues dans la vallée du ruisseau Indian.

Enfin, le quatrième trimestre (T4) a été consacré à l'achèvement du détournement de la voie principale du CN, incluant le détournement temporaire de la voie de raccordement inférieure pour faciliter la construction future de l'étagement ferroviaire, ainsi qu'à l'achèvement du détournement et du contournement du ruisseau Indian, l'installation du ponceau 1 (écopassage de l'affluent A), l'installation du ponceau 7 et le détournement des canaux associés, les activités de préparation à la construction du saut-de-mouton de la voie de raccordement inférieure (c'est-à-dire le déplacement des poteaux de Milton Hydro, le déplacement des installations de services publics et l'enlèvement de la végétation) ainsi que d'autres activités de nivellement et de drainage du site.

Dans le cadre du détournement de la voie principale, des activités de construction de nuit ont eu lieu en janvier, en août et à la fin novembre/début décembre, afin de permettre la construction tout en évitant les incidences sur l'exploitation de la voie principale. Il s'agissait d'installer ou de remplacer des ponceaux — ponceau 3 (canal de dérivation régional) et ponceau 7 (affluent C) — sous la voie principale et de relier les voies existantes et la voie principale modifiée. Dans tous les cas, la communauté a été informée à l'avance et aucune plainte pour nuisances sonores n'a été reçue.

Les activités de consultation du CN au cours de l'année de déclaration ont essentiellement eu pour but de fournir des mises à jour à différentes parties prenantes et organisations concernant l'avancement des activités de construction sur le site et à poursuivre l'élaboration des plans de conception qui seront mis en œuvre plus tard lors de la construction. Les efforts ont porté sur la poursuite de la collaboration et de la mobilisation des parties prenantes au projet et de celles susceptibles de fournir des renseignements utiles à la finalisation des plans du projet, ainsi que sur le partage de renseignements pertinents aux diverses parties, conformément aux engagements pris dans le cadre du projet et aux conditions d'approbation. Trois groupes principaux ont été ciblés :

- Des organismes gouvernementaux, dont l'Agence d'évaluation d'impact du Canada (AEIC), Environnement et Changement climatique Canada (ECCC), Pêches et Océans Canada (MPO), Santé Canada (SC), Office des transports du Canada (OTC), Transports Canada (TC), la Municipalité régionale de Halton, la Ville de Milton et Conservation Halton (CH);
- Les communautés autochtones, notamment la Première Nation des Mississaugas de Credit (MCFN), les Six Nations de Grand River (Six Nations) et la Nation huronne-wendat (HWN);
- Les autres parties potentiellement concernées, dont le comité de consultation communautaire et le public.

La consultation des personnes susmentionnées s'est poursuivie tout au long de l'année 2023, et tous les commentaires reçus ont été soigneusement examinés par le CN en vue de leur intégration aux activités en cours et aux plans de conception décrits dans les sections 3.3, 3.4 et 3.5 ci-après. Le CN a également mobilisé le public par divers moyens (site web du projet, sondages, comité de consultation communautaire, annonces dans les journaux en ligne et sur papier, courriels, envois postaux) afin de partager de l'information 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 différentes parties prenantes en 2023.

Les programmes de suivi mis en œuvre en 2023 ont principalement porté sur la surveillance des effets environnementaux prévus du projet et sur l'efficacité des mesures d'atténuation mises en œuvre pendant la construction, notamment :

- l'éclairage ambiant (selon la condition 4.5);
- la qualité de l'air (selon la condition 4.21.1);
- la qualité et la quantité des eaux de surface (selon la condition 5.10);
- la qualité et la quantité des eaux souterraines (selon la condition 5.13);
- les milieux humides (selon la condition 6.3);
- la remise en état progressive (selon la condition 6.10);
- le poisson et son habitat (selon la condition 7.12);
- les oiseaux migrateurs (selon la condition 8.4);
- le remplacement des habitats de prairie (selon la condition 8.13);
- la tortue serpentine et la tortue peinte du Centre (selon la condition 8.21);
- le papillon monarque (selon la condition 8.25);

• la couleuvre tachetée (selon la condition 8.28);

Les programmes de suivi ci-après, qui n'ont pas été mis en œuvre en 2023, seront abordés dans les prochains rapports annuels :

- l'environnement acoustique (selon la condition 4.10);
- la gestion des eaux pluviales (selon la condition 4.10);
- la rainette faux-grillon de l'Ouest (selon la condition 8.10);
- les écopassages (selon la condition 8.32);
- les aliments prélevés dans la nature (selon la condition 9.1).
- la pollution sonore nocturne attribuable au projet (selon la condition 9.3).

Selon les résultats de la mise en œuvre des différents programmes de suivi, les effets du projet étaient généralement cohérents par rapport aux effets prévus lors de l'évaluation environnementale. Les mesures d'atténuation mises en œuvre avant et pendant la construction ont permis d'éviter ou de réduire les effets potentiels sur l'environnement.

Dans certains cas, des mesures de gestion adaptative ont été mises en œuvre en 2023, notamment les suivantes :

- Réparations et modifications apportées aux mesures de contrôle de l'érosion et des sédiments tel que prévues dans les plans, afin de tenir compte des observations faites par le contrôleur environnemental du CN, par exemple les clôtures anti-sédiment, les bottes de paille et les matelas de stabilisation de coco.
- Mise en œuvre de nouvelles mesures de contrôle de l'érosion et des sédiments, et installation de barrages de retenue supplémentaires dans le canal entre le ponceau 2A et le ponceau 2B pour remédier à l'érosion observée dans le canal.
- Épandage d'un mélange de semences supplémentaire sur les zones où l'ensemencement précédent n'avait pas réussi à stabiliser les sols existants (comme les conditions estivales ont été extrêmement sèches, les conditions de germination était difficiles même avec un arrosage supplémentaire des zones à végétaliser).
- Replantation d'arbres, d'arbustes et de tuteurs vivants et réensemencement des zones adjacentes de l'affluent A et du ruisseau Indian afin d'améliorer la propagation des espèces indigènes.
- Contrôle de la végétation ligneuse, fauchage et plantation d'asclépiades supplémentaires (graines, mottes) dans l'habitat de prairie hors site.
- À la suite d'observation d'asclépiade et de monarque par Stantec sur le site, mise en œuvre de nouveaux protocoles de surveillance élaborés en consultation avec ECCC avant l'enlèvement de la végétation, pour permettre la construction d'une partie du ponceau 7 au sud de la voie de raccordement inférieure en août 2023.

- À la demande du CN suite à un rejet de sédiments provenant d'un sac de limon le 14 septembre 2023, l'entrepreneur, Dufferin Construction (DCC), a rédigé un document afin de consigner et mettre en place les protocoles et les procédures pour l'utilisation et l'entretien des sacs filtrants et le pompage de l'eau de construction sur le site.
- Pour réduire la poussière potentielle générée par les activités de construction, des mesures ont été prises : utilisation ciblée de camions à eau, revégétalisation des zones exposées et adaptation des activités et des zones de travaux.

Ces mesures ont été exécutées pour remédier à des effets imprévus du projet ou répondre à des observations faites dans le cadre des différents programmes de suivi, afin d'atténuer ou de gérer les effets potentiels sur l'environnement.

Aucune modification du projet n'a été mise en œuvre en 2023.



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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
ССС	Community Consultation Committee
CCME	Canadian Council of Ministers of the Environment
СН	Conservation Halton
CLCP	Community Liaison Communication Process
CN	Canadian National Railway Company
СТА	Canadian Transportation Agency
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
EM	Environmental Monitor
ESC	Erosion and Sediment Control

FUP	Follow-up Program
HC	Health Canada
HWN	Huron-Wendat Nation
IAAC	Impact Assessment Agency of Canada
IEM	Independent Environmental Monitor
MCFN	Mississaugas of the Credit First Nation
МСМ	Ontario Ministry of Citizenship and Multiculturalism
MECP	Ontario Ministry of the Environment, Conservation and Parks
MNRF	Ontario Ministry of Natural Resources and Forestry
MOU	Memorandum of Understanding
NAPS	National Air Pollutants Surveillance
NRCan	Natural Resources Canada
OGS	Oil Grit Separator
РАН	polycyclic aromatic hydrocarbons
PDA	Project Development Area
RFP	Request for Proposal
SNGR	Six Nations of the Grand River



SWM	stormwater management
SWQQ	Surface Water Quality and Quantity
тс	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.

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, 2023.

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

Condition #	Annual Reporting Requirement	Corresponding Section in the 2023 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 2023 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

Table 1: Concordance Table



Condition #	Annual Reporting Requirement	Corresponding Section in the 2023 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, 2024
Other Annual	Reporting Requirements	
4.14	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall:	Section 7.1, and Appendix 1
	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.	

Condition #	Annual Reporting Requirement	Corresponding Section in the 2023 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 2023 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 Annual Report. During the first quarter (Q1) of 2023, site activities included: erosion and sediment control (ESC) measures and water management to reduce transportation of sediments as part of the tributary realignment project; excavation for storm water management (SWM) Pond 1; installation of the upper portions of Culvert 2A to facilitate mainline track realignment; preparatory work for the installation of Culvert 1 on Tributary A (underneath the future truck access road); removal of the temporary bridge across Indian Creek; installation of temporary culverts beneath the mainline for the regional diversion channel; relocation of wildlife exclusion fencing following activation of the Tributary A realignment channel and associated habitat; and preparatory work for the planned relocation of the mainline (vegetation removal, grading, ESC measures).

In the second quarter of the year (Q2), site activities included excavation of SWM Pond 1; excavation for footings of Culvert 1; additional matting and seeding channel banks to improve vegetation growth on slopes in the realigned Tributary A; installation of temporary track for existing mainline tracks; mainline diversion grading and ditch work; installation of sewers along the realigned mainline; installation of chorus frog exclusion fencing; and installation of communications and signaling lines.

In the third quarter (Q3), site activities included continued progress on the mainline track realignment, culvert replacement, construction of additional construction access roads (including around SWM Pond 1), construction of a new local drainage diversion channel around SWM Pond 1, footing installation for Culvert 1 (ecopassage), and preparatory work for the realignment and connection of Indian Creek, including habitat enhancements, wetland restoration, construction of riparian ponds, and turtle nesting mounds within the Indian Creek valley.

Finally, the fourth quarter (Q4) focused on completing the realignment of the CN mainline, including the temporary realignment at Lower Base Line to facilitate the future construction of the grade separation, as well as completion of the cutover / realignment of Indian Creek, installation of Culvert 1 (Tributary A ecopassage), installation of Culvert 7 and associated channel diversions, preparation activities in advance of the Lower Base Line grade separation (i.e., Milton Hydro pole relocation, utility relocates, and vegetation removal) and other site grading / drainage activities.

In support of the mainline realignment, night-time construction activities occurred in January, August and late November / early December to facilitate construction while avoiding impacts to the operation of the mainline. This work focused on the installation and/or replacement of culverts (i.e., Culvert 3 (regional diversion channel) and Culvert 7 (Tributary C)) beneath the mainline and track work to connect the existing and realigned mainline tracks. In all cases, the community was notified in advance and no noise complaints were received.

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 2023, as presented to the various regulators and the Community Consultation Committee (CCC) in 2023, 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. It will be revised in due course to reflect the implications, if any, of the March 1, 2024 decision of the Federal Court of Canada.

2.2 COMPLIANCE WITH CONDITION 2.1

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

CN's actions in meeting the conditions of approval set out in the Decision Statement were considered in the above-noted manner. The principles of sustainable development (i.e., development that protects the environment for future generations) are integrated into the design of the Project through the avoidance and protection of sensitive natural features, CN's commitment to the implementation of mitigation measures to reduce potential environmental effects of the Project and to restore and enhance areas affected by the Project (i.e., 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 2023 (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. Adjustments were made to the various plans and programs (see Section 4.3) based on consideration of information and views expressed by the various parties and 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 2023 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, 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, Halton Federation of Agriculture, and members
 of the public, including participants in the Community Consultation Committee 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, mail drops) 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 2023.

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)
- 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 (<u>https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/</u>) 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 2023 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**. Onsite meetings were held on three occasions, to provide IAAC and other agencies with a first-hand view of construction activities, as follows:

- March 21, 2023 met with IAAC, ECCC and HC to review site conditions and construction activities, including dewatering of Indian Creek ponds, installation of Culvert 2A, and repairs and expansions to the wildlife exclusion fence. During the meeting, CN also presented a summary of the results of the 2022 Annual Report.
- April 20, 2023 met with IAAC, ECCC, and DFO to review on-site conditions related to Indian Creek, Tributary A, SWM ponds and laydown areas. The site visit was followed by a separate meeting with ECCC to review the installed Western Chorus Frog fencing, to observe the residential development activity impacts to Western Chorus Frog habitat, to review the habitat compensation wetlands created by the adjacent developers, and to review the potential location of CN's compensation habitat south of Lower Base Line
- September 12, 2023 met with IAAC to review site conditions and compliance with conditions of approval. Following the site visit, a photo log of site conditions and construction activities were circulated to the agencies (DFO, ECCC and IAAC).



Additional site visits were also conducted with DFO in regard to the channel realignments and habitat offsetting measures, as follows:

- March 21, 2023 site visit with DFO to review and discuss plans for the implementation of enhanced ESC measures associated with Tributary A, specifically the channel between Culverts 2A and 2B.
 DFO staff attended the site to observe installation of the additional rock check dams.
- July 25, 2023 site visit with DFO to review site conditions and progress of the realignments at the mainline ditch, Indian Creek, and Tributary A.
- November 23, 2023 –site visit with DFO to inspect the realigned Indian Creek channel and Tributary A. DFO expressed their approval on the status of the realignment works.

Additional calls with ECCC were conducted on March 29, 2023, in preparation for the installation of Western Chorus Frog exclusion fencing that occurred in April 2023 (per Condition 8.6), and on April 20, 2023 (after the site visit), to discuss habitat compensation (per Condition 8.9) and impacts on the habitat compensation plan due to removal / planned removal of wetland pockets outside the Project Development Area (PDA) by residential developers. Communication with ECCC also included sharing the results of the additional call-count surveys for Western Chorus Frog conducted in spring 2023 (per Condition 8.5) and subsequent follow-up discussions regarding the removal of the remaining previously identified Western Chorus Frog breeding ponds by the adjacent land developer. Discussions between CN and ECCC regarding appropriate compensation for any Project-related impacts to Western Chorus Frog habitat are on-going.

Lastly, comments were received by ECCC and HC in response to the 2022 follow-up program reports for wildlife, air quality, and country food. CN reviewed and considered the comments provided and responded with clarifications and/or commitments to be addressed in future follow-up program.

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 2023, 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. A representative of the HWN is a member of the Community Consultation Committee. 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 2023. Monitoring activities in 2023, such as fish rescues and turtle sweeps, were coordinated with the Indigenous communities in advance to schedule / confirm attendance and participation.

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 spill event on September 14, 2023, where a sediment filter-bag failed resulting in sediment spillage into Indian Creek and the corresponding remediation steps taken and was kept apprised of the environmental conditions in Indian Creek. No further concerns were raised by MCFN. For additional details regarding the September 14 spill event, refer to Condition 14.5 of **Appendix 1**.

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 2023, which guided MCFN's field monitoring participation during construction. Communication between Stantec and MCFN occurred regularly throughout 2023 to advise of and coordinate the participation of MCFN field liaisons during fish / turtle rescue activities. CN will continue to engage with MCFN throughout construction and during operations 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 spill event on September 14, 2023, where a sediment filter-bag failed resulting in sediment spillage into Indian Creek and the corresponding remediation steps taken and was kept apprised of the environmental conditions in Indian Creek. No further concerns were raised by SNGR. For additional details regarding the September 14 spill event, refer to Condition 14.5 of **Appendix 1**.

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 2023, which guided SNGR's field monitoring participation during construction. Communication between Stantec and SNGR occurred regularly throughout 2023 to advise of and coordinate the participation of SNGR monitors during fish / turtle rescue activities.

CN will continue to engage with SNGR throughout construction and during operations 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 spill event on September 14, 2023, where a sediment filter-bag failed resulting in sediment spillage into Indian Creek and the corresponding remediation steps taken, and was kept apprised of the environmental conditions in Indian Creek. No further concerns were raised by HWN. For additional details regarding the September 14 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 2023 to advise of and coordinate the participation of HWN monitors during fish / turtle rescues and surface water 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 operations. Furthermore, a representative of the HWN is a member of the Community Consultation Committee.

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

3.5 COMMUNITY CONSULTATION COMMITTEE

The CCC generally meets bi-monthly and has visited the Project site twice during the reporting year.

In Q1, the Committee met once on February 2, 2023. Topics addressed during the Q1 meeting included the relocation feasibility study for the CN-owned house at 5381 Tremaine Road, legal action by Halton Region, the successful cutover of Tributary A in late 2022, reuse of tree trunks on site, impact of weather conditions on sequencing of construction activity, noise monitoring and abatement with respect to construction vehicles and back-up safety alarms, and ESC management.

In Q2, the Committee met twice with an on-site tour followed by an in-person meeting on April 6, 2023, and a virtual meeting on June 1, 2023. Topics discussed during Q2 meetings included: sustainability considerations for the Milton site (e.g., habitat enhancements and LEED certification) and CN's broader initiatives, the Project's greenhouse gas emissions and sharing of truck emission monitoring data (operational phase), and CN's safety protocols and emergency management, in particular, co-ordination with local responders regarding incident response.

In Q3, the Committee met once on-site on August 3, 2023, followed by an in-person meeting. Topics discussed include continued activities of the Cultural Heritage Sub-Committee to identify re-use options for 5381 Tremaine Road and salvage opportunities for other buildings, habitat enhancements progress (e.g., construction associated with Indian Creek cutover), discussions with the Toronto Zoo for collaborative work on bats and further research collaboration, temporary closure of Lower Base Line for mainline realignment and underpass, and general committee communication tools. Specific discussions were also held in regard to dangerous goods, CN's emergency planning and preparedness, Transport Canada's regulations and inspections, intermodal facility operations, community outreach/safety efforts, and CN's Incident Command System, including engagement with local authorities and regulatory bodies prior to and during incidents, as well as containment, remediation, and restoration after an incident.

In Q4, the Committee met virtually on October 3, followed by an in-person meeting, and on December 7, 2023. In October, topics discussed include CN's sustainability efforts, including their target to reduce greenhouse gas emissions by 43% by 2030 through fuel efficiency initiatives and use of biodiesel and renewable diesel, as well as new technologies that CN is exploring, such as hydrogen fuel cell and hydrogen combustion and retrofitting mainline and yard locomotives. An overview of CN's environmental, social, and governance (ESG) focus included CN's commitment to planting three million trees by 2030, with 2.3 million trees planted so far. Other topics discussed during the meeting included: the mainline track realignment and the Lower Base Line road closure; the Indian Creek cutover plan; the silt bag malfunction (as noted in the 2023 Q3 Quarterly Report, Section 2.3 Spill Incident); planting/landscape work on site; regulatory oversight and monitoring including IAAC site reports available online; an overview of the current legal proceedings related to the Project; and communication vehicles for Committee members to share Project information with stakeholder groups.

Topics discussed during the December 7, 2023 meeting included Milton Hydro pole relocation and concerns of local residents; status of community group interest in the reuse of the CN-owned house at 5381 Tremaine Road and zoning regulations that might apply to the re-use of the house; night construction that occurred November 30 to December 4, 2023 as part of the mainline realignment work; culvert work to address flow issues on Lower Base Line where (non-Project related) flooding has been problematic in the past; soil management including re-use and disposal, as well as testing; construction of the ecopassage near Britannia Road; restoration activities around the site and the growth of vegetation; the incorporation of recommendations from Conservation Halton's 2002 Watershed Study report into the Project site design; truck gate design and congestion and emergency exit options; construction timeline and schedule; update on current legal proceedings related to the Project; and overall Committee process and effectiveness based on feedback from Committee members during one-on-one check-in sessions held by the Committee Co-Facilitators.

Stemming from discussions with the CCC, CN additionally met with the Halton Region Federation of Agriculture on May 18, 2023, to present the Project. Topics discussed during the meeting included truck traffic and road maintenance, Project site and terminal design (i.e., stormwater management capacity during regional storms), potential ways for land enhancement to be used for agricultural purposes, and soil quality. On the last topic of soil analysis, Greenbelt Foundation and CN proceeded to engage on the Project after the meeting.

Committee member interest in the heritage buildings on the Project site identified in the Heritage Maintenance and Reuse Reports (prepared in accordance with Condition 11.5) led to the establishment of a Cultural Heritage Sub-Committee in 2022 to develop recommendations on potential future uses. The sub-committee met on a regular basis in 2023 to explore options for potential reuse of CN's heritage structures and to report on progress at scheduled CCC meetings. Stemming from these discussions, CN completed a structural assessment of the residence and barn at 5381 Tremaine Road to determine the technical feasibility of relocating these structures. Further discussions regarding the potential costs associated with the relocation of these structures. This information was shared with the sub-committee. Further, CN concurrently met with Community Living North Halton to discuss potential opportunities for the use of the structure. Discussions regarding the possible adaptive re-use of the heritage structures will continue in 2024.

Further details on CN's consideration of input from community and stakeholder engagement is provided in the Quarterly Reports, 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:

- Ambient Lighting (per Condition 4.5)
- Air Quality (per Condition 4.21.1)
- 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)

The following FUPs that pertain to construction or operation activities that did not occur in 2023 will be addressed in future Annual Reports:

- Acoustic Environment (per Condition 4.10)
- Stormwater Management (per Condition 5.9)
- Western Chorus Frog (per Condition 8.10)
- Ecopassage (per Condition 8.32)
- 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: <u>https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/</u>

A summary of the results of the various FUPs implemented in 2023 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, 2024 (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 2023.

4.2.1 Condition 4.5 – Ambient Lighting

The Ambient Lighting FUP has been designed to monitor adverse changes to ambient lighting resulting from the Project, during construction and operations. 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.



In 2023, night-time construction activities occurred in January, August and late November / early December to facilitate construction while avoiding impacts to the operation of the mainline. This work focused on the installation and/or replacement of culverts (i.e., Culvert 3 (regional diversion channel) and Culvert 7 (Tributary C)) beneath the mainline and track work to connect the existing and realigned mainline tracks. The night of November 30, 2023, was chosen to conduct the light monitoring to inform the 2023 Light FUP. While very infrequent and relatively short duration nighttime construction work with lighting was carried out in calendar year 2023, the work on the night of November 30, 2023 was determined in discussion with CN to be representative of a reasonable worst case example of nighttime work for this current stage in the overall construction schedule, and suitable for evaluation of any possible offsite obtrusive light effects.

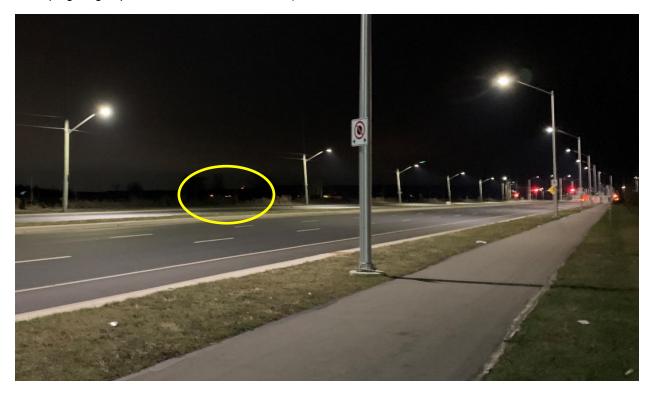
The 2023 Light FUP consisted of updating measurements of sky quality, measurement of incident light (i.e., light trespass), and evaluation of glare at 13 sites around the Project location as construction activities occurred on-site. Unlike previous field data collection campaigns, measurements were heavily affected by the non-ideal meteorological conditions during nighttime construction activities (cloud cover, significant moon illumination and inclination).

Of the 13 sites evaluated in 2023, light from CN's nighttime construction activities was only visible at 2 locations: Site 5 (Lower Base Line), where headlights of construction vehicles were briefly visible as they arrived and staged for the work) and Site 9b (Sorensen Court), where construction vehicle rooftop safety lighting was visible along the mainline. The construction activity lighting was vehicle based, generally low level to grade, and well separated from the external observation locations. Several observation locations had no line of sight as there was complete shading by objects, buildings, vegetation, grade, etc.

The average sky quality measurement (units of mag/arcsec2) on the night of November 30 was 16.78. This measurement was heavily affected by the non-ideal meteorological conditions during monitoring. Between 2018 and 2022, baseline sky quality averages were between 19.39 and 19.01 and showed that sky quality is decreasing (getting brighter) over time, likely due to observed residential development, associated road widening, and increased street lighting in 2023. This non-project related development is expected to continue during 2024 as Milton continues to urbanize. However, given the non-ideal meteorological conditions during measurement, the sky quality measurements taken in 2023 are not directly comparable to baseline or predicted conditions.

Incident light measurements for trespass at the eight original receptor locations ranged from 0.056 to 0.218 lux. While higher than previous measurements in 2022 (0.010 to 0.048 lux), these values are similarly affected by the non-ideal meteorological conditions. Even under these conditions, Project lights were only visible at two locations and did not exceed the light trespass threshold established in Condition 4.2. The range of incident light measured at all locations was below the E3 Zone criterion of 2 lux between the hours of 11:00 PM and 6:00 AM.

Glare location observations were also updated in 2023 to account for the addition of the temporary construction lighting on site. Although these sources were similarly affected by meteorological conditions, view of the temporary Project lighting from the observation locations had site lines with street lighting located in the foreground. Contributions from other sources of light in the area, such as existing street lights, had a greater impact on glare than the temporary Project construction lighting (see CN vehicle rooftop lighting in photo below, taken at Site 9b).



As the Project had no new permanent light installations or overnight work requiring permanent lighting in 2023, no adaptive management activities or plan was required.

4.2.2 Condition 4.10 – Acoustic Environment

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

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



Monitoring during Construction Phase 1 was completed in 2022, as described in the 2022 Annual Report. No acoustic monitoring occurred in 2023.

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 2023, 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 2023 concentrations were compared to the MECP Ontario Ambient Air Quality Criteria. Concentrations of those contaminants were also compared to Canadian Council of Ministers of the Environment (CCME) Canadian Ambient Air Quality Standards, but as the two years of FUP data does not allow generation of the correct statistical form for comparison, detailed evaluation and comparison is not yet possible.

The 2023 NO₂ monitored concentrations are all well below the predicted concentrations in the Air TDR, with values of approximately one half of the predictions. The 2023 B(a)P monitored concentrations were also significantly lower than predicted in the Air TDR at about 25% of the predictions.

The 2023 benzene concentrations throughout most of the year (i.e., Q1, Q2, and Q4) are comparable to the predictions in the Air TDR. However, elevated benzene concentrations were recorded during Q3 2023, although these are not attributed to project construction activities. Project construction activities during this period were similar to those that occurred outside of this period (culvert installations, earthworks preparation for new track laying). No local, non-Project related sources (e.g., new road paving, fuel fires, etc.) were identified. No emergency releases, spills, or burns that would explain the elevated benzene concentrations were reported. Further, as there was no correlated increase in NO₂ concentrations during Q3, no Project-related sources were identified as responsible for this deviation. Communications with NAPS in January 2024 indicated that, based on the currently unverified data and field technician notes, elevated VOC concentrations were detected at other air stations in southern Ontario without any local sources identified. This indicates that the observed elevated benzene concentrations are identified. This indicates that the observed elevated benzene concentrations are identified.

The 2023 particulate matter (i.e., dust), represented by PM_{10} and $PM_{2.5}$ concentrations, for Q1, Q3, and Q4 are comparable to the predictions in the Air TDR. Elevated particulate concentrations were recorded during Q2 2023, which correlated with wildfires that produced periods of deteriorated air quality throughout southern Ontario.

Analysis of the 90th percentile benzene, PM_{10} and $PM_{2.5}$ concentrations (the conservative background concentration) was comparable to the estimated background concentration used in the Air TDR, and the monitored concentrations during previous studies (2016, 2021, 2022). Overall, (with the exception of the non-Project related events), 2023 is generally in alignment with modelling predictions, and in some instances somewhat below the predicted air quality for Project construction.

Mitigation measures and adaptative management processes were carried out by the construction contractor on behalf of CN, which included the targeted use of water trucks to address dust, re-vegetation of exposed areas, and adjustment of work activities/locations.

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.

Since neither of the stormwater management ponds have been completed (i.e., no effluent to monitor), the stormwater management component of the Surface Water Quality and Quantity FUP will be implemented once the stormwater management ponds are operational.

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 2023, 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 incurred in Tributary C to monitor inflow and outflow during realignment of Tributary C.



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. Turbidity exceedances related to Project construction activities were observed for 31 of 131 monitoring events in Tributary A, 8 of 122 monitoring events Indian Creek and 1 of 11 monitoring events in Tributary C. 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 Project 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.

The monitoring program targeting agriculture related parameters that was discontinued for most parameters following the October 2022 monitoring event, as approved by ECCC, was continued for chlorpyrifos (agricultural pesticide) until January 2023, when results consistently near the reportable detection limit (RDL) and below the CCME CWQG-FAL values indicated no effect.

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 from January 2022 to December 2023.

There were no observed changes in the flow regime in Tributary A or Indian Creek due to activities in the PDA in 2023 as was predicted in the EIS. Estimated flows in Tributary A at the inflow and outflow sites were not outside the established threshold ranges from mid-April through to the end of December 2023, when the majority of construction activities occurred within the watercourse channels and floodplains (i.e., coffer dams to install portions of Culvert 2A). Further, estimated flows in Indian Creek at the inflow and outflow sites were not outside the established threshold ranges from mid-August until December 20, 2023, when construction activities occurred within the watercourse channels and floodplains (i.e., coffer dams and diversions associated with channel realignment).

When peak flows were observed, there were no Project construction activities within Tributary A and Indian Creek, and the flood events are not attributable to Project activities. Following the peak flow events in 2023, monitored flows matched expected localized changes in drainage patterns within the PDA, and no changes resulted to existing hydrologic flows, including flood and environmental flows within the PDA and downstream of the Project.

In addition to routine maintenance of ESC measures by the contractor, adaptative management measures for surface water quality were implemented in response to erosion observed within the Tributary A channel between Culverts 2A and 2B between March 20 and 23, 2023. Adaptive management measures were developed with input from DFO that included the installation of additional rock check dams, slope stability, and ESC measures to stabilize the channel banks and reduce channel erosion. Adaptive management measures were also implemented in response to the incident involving the failure of a sediment filter bag on September 14, 2023, following which a Site-Specific Best Practices Document for Pumping Basins/ Silt Bag Maintenance was developed to document protocols and procedures for the use of filter bags and pumping of construction water on site (refer to Condition 14.5 of Appendix 1).

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 2023, 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). Some wells within the PDA were decommissioned to facilitate construction activities, in accordance with the decommissioning plan included in the Groundwater FUP. Continuous groundwater levels were recorded using Leveloggers installed in each monitoring well, while groundwater quality was measured using samples collected in June 2023.

No groundwater dewatering activities occurred in 2023. As such, targeted groundwater monitoring for such activities did not occur in 2023.

Groundwater elevations recorded in each of the remaining PDA monitoring wells (i.e., wells that have not been decommissioned to accommodate construction) were slightly above and/or below their corresponding historical range of pre-construction fluctuations. However, the declines observed beyond the lowest elevations historically recorded in the monitoring wells were attributed to naturally occurring climatic conditions as no groundwater dewatering activities occurred as part of the construction activities performed in the PDA during 2023. The historical low groundwater elevations observed in many of the monitoring wells occurred in early January at the end of a prolonged drop in the groundwater table attributed to the notably dry year (i.e., drought conditions) that occurred in 2022 (Stantec, 2023).

Groundwater quality results have been relatively stable across the PDA since 2015. As no groundwater dewatering activities occurred in 2023 as part of the completed Project works, minor fluctuations in groundwater quality observed within and adjacent to the PDA are attributed to naturally occurring conditions present in the PDA groundwater system.

No private well interference complaints were received by CN in 2023. Subsequently, no adaptive management measures were initiated during 2023.

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.
- 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. As the construction of the wetlands has now been completed, the 2023 FUP report represents Year 0 site conditions.

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.

Riparian vegetation monitoring occurred to assess the success of native vegetation planting and the overall vegetative cover, including planted and naturally regenerating vegetation. Surveying techniques were used, as appropriate, to document and assess the vegetation characteristics of the enhancement areas a total of three times throughout 2023 (May, September, and November 2023).

A total of 65 vascular plants species were recorded in the fixed monitoring plots. Of those identified at the species level (mature), 62% were native to Ontario while the remainder were introduced non-native species. Many of the non-native species (i.e., White Clover, Red Clover, Wild Carrot, Common Plantain and Birds-foot Trefoil) observed are all very common species in agricultural and residential settings. Other non-native species (i.e., Common Ragweed, non-native thistles, Garlic Mustard) were observed. In some areas, such as along the more recently established Indian Creek enhancement areas and portions of Tributary A valley, seeding uptake and native species propagation has not been as successful as in other areas, with little evidence of native grass and forb species from the restoration seed mix.

Woody vegetation surveys were conducted in May and a total of 870 trees and shrubs were recorded in Indian Creek and Tributary A enhancement areas. Of those trees and shrubs, 713 were documented as alive and healthy (82%), 128 (15%) as alive and declining and 29 (3%) as dead.

Qualitative water level monitoring also took place three times during 2023 (spring, summer and fall) using photographs from standard locations to document water in the created wetlands. These qualitative observations were supported through the installation of strategically placed drive-point piezometers designed to allow for the installation of dataloggers to monitor wetland hydroperiods. From July to November 2023, all wetland ponds retained standing water, with surface water heights above the wetland pool substrates fluctuating from 0.02 m to 0.74 m. One wetland pocket adjacent to Indian Creek contained standing water at the beginning of August; however, the level steadily dropped and by September was dry and continued to remain in this condition for the remainder of the monitoring period. Some of the wetland ponds intercept groundwater, while the majority of ponds provide a source of recharge to the underlying groundwater system, whereby standing water observed in the ponds is likely sustained by surface water inputs via direct precipitation, overland runoff, and/or bank overflow from Tributary A or Indian Creek. These preliminary findings are consistent with the historical interrelationships observed between the shallow groundwater system and on-site surface water features across the PDA.

In regard to wildlife use of these wetland areas, wildlife monitoring was conducted in 2023 to observe breeding birds, amphibians, and reptiles. Breeding birds were assessed during three rounds of surveys during the core breeding period, following protocols established in the Marsh Monitoring Program Manual (Bird Studies Canada, 2008). Turtle monitoring surveys were completed during and post-construction, which included ongoing assessment of wildlife exclusion fencing throughout 2023, as well as turtle sweeps prior to in-water works. Where wetlands had been established in early 2023, post construction monitoring also included basking turtle surveys.

A total of 49 bird species were observed during breeding bird surveys and incidentally in 2023. Forty-four of the forty-nine species were observed during breeding bird surveys and an additional five species were observed incidentally during field visits in 2023. Of the 49 species, 31 are expected to be utilizing the PDA for breeding purposes. The remaining 18 species were observed as flyovers, during a time when seasonal migration movement was expected instead of breeding activities.

The wetland enhancement habitats are providing suitable foraging habitat for Great Blue Heron, suitable stopover habitat for Greater Yellowlegs and Least Sandpiper and suitable breeding habitat for Spotted Sandpiper, Red-winged Blackbird and Swamp Sparrow, all of which are wetland species. The wetland enhancement habitats also appear to provide suitable foraging and roosting habitat for two species of ducks (Mallard, Wood Duck), Canada Goose and Belted Kingfisher, suggesting that the enhancement habitats are suitable for other species that use wetlands for various life processes.

Five species of amphibians were observed during surveys in 2023, including American Toad, Gray Tree Frog, Green Frog, Northern Leopard Frog and Spring Peeper. All species are listed as common, widespread, and abundant in the province. One turtle nest and fifteen Snapping Turtle (Chelydra serpentina) sightings were reported during the 2023 construction year. No other turtle species were observed within the PDA during the 2023 construction year. Based on the wildlife monitoring programs, the Tributary A and Indian Creek enhancement areas are providing habitat for a variety of species, including migratory wetland birds, amphibians and turtles.

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. Based on the wildlife monitoring programs, the Tributary A and Indian Creek enhancement areas are providing habitat for a variety of species, including migratory wetland birds, amphibians and turtles. These habitats have been designed to prevent the establishment of Reed Canary Grass (invasive species) dominated wetlands that existed on site prior to construction. While other invasive species were noted during the 2023 surveys, remedial actions and adaptive management measures are anticipated to further improve wetland conditions over time.

Adaptive management measures were implemented to address issues related to the riparian vegetation in the enhancement areas including planting requirements, species allocation, and invasive species. Adaptive management approaches include replanting of trees and shrubs, additional seeding in Indian Creek and Tributary A, and planting of live stakes, all of which occurred in 2023. Further, supplemental seeding and planting activities are proposed during the appropriate growing season in 2024 to further establish native species, as well as the application of herbicide to targeted areas to address invasive and non-native species.

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 was implemented in 2023 as construction progressed across the site. Monitoring was undertaken to evaluate restoration success and the establishment of invasive species. 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.

Vegetation establishment during 2023 was generally moderate to poor at most areas where progressive restoration was implemented, as heavy precipitation in the spring/summer of 2023 appeared to have washed away much of the seed in reclaimed areas. These areas included ditches and other disturbed areas across the PDA. However, where vegetation had established, occurrences of invasive species (i.e., Japanese Knotweed and White Sweet Clover) were well below 30% of the extent of the reclamation area.

To address the limited vegetation cover in some areas (i.e., ditches, areas where seed was washed away due to heavy rainfall), supplemental seeding occurred in in the fall of 2023. Seeding was reapplied through a combination of hydro seeding and spreading seed by hand, and areas were watered to encourage vegetation growth. Further adaptive management measures are proposed in 2024 to include supplemental restoration and seeding amendments scheduled to commence in spring 2024 to stabilize disturbed areas where either surface disturbance had occurred late in 2023 / winter 2024 and seeding was therefore not implemented (i.e., after the growing season) or in areas where vegetation establishment was determined to be poor and supplemental seeding is required.

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 operations monitoring to confirm that created fish habitat in the realigned portions of Indian Creek and Tributary A is functioning as intended.

As one of the closing activities of the 2022 construction season, the newly constructed Tributary A channel was activated on December 22, 2022. Construction activities in 2023 focused on completion of the various culverts, including Culvert 1, Culvert 7, and the middle section of Culvert 2A, as well as the completion of the Indian Creek realignment. The newly constructed Indian Creek channel was activated on November 8, 2023. Prior to activation, the Indian Creek channel was reviewed and inspected in the field by the Environmental Monitor to assess existing conditions and to confirm the establishment of vegetation. It was determined that there was good vegetation growth along the portions of the channel completed in 2022, and the portions constructed in 2023 were stabilized with erosion control blankets per the design plans. Therefore, it was determined that activation of the channel would be in compliance with requirements of the Decision Statement conditions and with the *Fisheries Act* authorization for vegetative stability. A follow-up site walk with DFO staff was undertaken on November 23, 2023, during which DFO indicated their satisfaction with the channel works between Culverts 2A and 2B and the overall Tributary A condition. As construction is now complete for Indian Creek and Tributary A, the Year 0 Monitoring program was implemented in 2023, which included the following monitoring activities:

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



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 2023 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 2023 communicated to IAAC and DFO for which additional mitigation was implemented:

- erosion observed in the channel between Culverts 2A and 2B in March 2023 as a result of exceptional precipitation generating high flows leading to the development of an adaptive management plan in consultation with DFO to conduct emergency in-water works, which included the installation of additional rock check dams, slope stability, and ESC measures to stabilize the channel banks
- release of silt from a compromised sediment filter bag within a secondary containment area in September 2023, where water from the ruptured filter bag bypassed secondary containment and passed through a 30m vegetated buffer before being released to Indian Creek, for which mitigation measures were employed promptly and a new Site-Specific Best Practices Document for Pumping Basins/ Silt Bag Maintenance was developed

To stabilize disturbed areas in a timely manner, hydroseeding, hand-cast seeds and coir matting were installed around waterbodies and along slopes where erosion potential was greatest. Due to dry conditions over the summer, monitoring of these areas identified deficiencies in seed growth and the monitors made recommendations for adaptive management (e.g., additional watering of these areas and/or additional seeding), which were implemented.

Fish rescues were also conducted prior to any in-water work by qualified aquatic biologists licensed in Ontario to complete such surveys, with any fish caught being transferred downstream into the same waterbody. These rescues, completed to facilitate in-water work associated with the activation of the realigned portion of Indian Creek and installation of Culverts 1, 2A and 7, were conducted as follows:

- Indian Creek on September 8, 26 and 27, October 2 to 5, 19 and 23, November 3, 6, 8 to 10, 2023.
- Upstream Indian Creek realignment riparian pond on October 10 and 11, 2023.
- Tributary A on January 30, February 7, July 8, 9 and 25, August 16, 22 and 30, September 5, and October 3 and 19, 2023.
- Wetland area at laydown 1 on September 26, 2023.
- Ash Junction (flooded backwater drainage ditch) on August 22, 2023.
- Tributary C on November 24, 2023.

In 2023, a total of 12,278 individual fish comprised of 25 species were safely relocated. Of note, Sea Lamprey were caught during several fish rescues within Indian Creek. This species is considered invasive and inflicts damage on native fish species through their parasitic feeding behaviours. DFO's Sea Lamprey Control Centre (SLCC) was contacted to report and confirm the species was present in Indian Creek within the PDA, as was MNRF and Conservation Halton. SLCC was unaware of any previous records from this location and are now considering adding the location to their roster of lampricide treatment applications. The Project has now contributed to efforts for invasive species management in Ontario while working to improve habitat conditions for native species.

The post-construction geomorphic monitoring program is intended to assess short-term trends associated with channel adjustments after each reach realignment was completed. Year 0 monitoring was completed on May 19, 2023, at the Tributary A realignment following activation of the realignment channel on December 22, 2022. Year 0 monitoring was completed on November 23, 2023, at the Indian Creek realignment following channel activation on November 8, 2023.

Tributary A was observed to be stable. Pools seemed to be functioning well, as point bar deposition was observed in the inner bend and the outer bend remained deep. As channel flow is ephemeral, dense vegetation started to grow within the bankfull channel limits, which is expected to provide improved stability. The low flow channel in riffles appeared well-defined. Wood toe structures, installed on the outer bends of the pools appeared in good state and the upstream and downstream tie-ins were observed to be stable. The profile shows that the constructed channel profile closely resembles the design, and there has been limited departure from design conditions in Year 0 since activation. The results of particle size analysis (i.e., pebble count) indicates that the riffle stone size varies slightly larger than design values but is within an acceptable range. The constructed variations from design are considered within acceptable tolerances for a newly constructed stream restoration project and are not anticipated to impact habitat quality or channel stability.

The Indian Creek channel was observed to be constructed within design specifications. Pools seem to be functioning well and low flow channel in riffles appeared well-defined. Wood toe structures, installed on the outer bends appeared in good state and the tie-ins were observed to be constructed per design. The Year 0 profile shows that the constructed channel profile closely resembles the design, and there has been limited departure from design conditions in Year 0 since activation. All constructed riffle and pool cross-sections closely resemble the design condition in Year 0 with only minor differences in the cross-sectional shapes. Slight variations in cross-section geometry can be attributed to minor changes made during construction and layout and possibly localized erosion/deposition. In regard to pebble counts, particle size results indicate that the riffle stone is smaller than the design dimensions, although this is likely due to smaller substrate material being added as a top dressing in efforts to fill void spaces in the riffle structure. Substrate stability and sediment transport patterns will be monitored and reviewed in subsequent years.

Within the upper reaches of Indian Creek, instream structures, such as wood toe structures on the outer bends of pools and boulder clusters placed within riffles, were placed consistent with the design. Similarly, floodplain habitat features, such as the riparian wetland ponds, were also observed to meet design specifications. Further information about the wetland features is provided in Section 4.2.7.

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.

4.2.10 Condition 8.4 – Migratory Birds

The Wildlife Management Plan includes a Migratory Bird FUP that has been designed to monitor the effectiveness of mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk and, their eggs and nests, during construction and operations. 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 2023 (i.e., during the second construction year of the Project).

Three rounds of breeding bird surveys were completed in 2023 to assess presence, abundance and breeding evidence of migratory birds within the on-site wetland compensation habitat. The 2023 program was the first of five years of post-construction breeding bird monitoring. The same point count locations will be surveyed in each of the remaining four 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. Point count survey locations (5 stations) were determined during the first field visit based on site conditions. Surveys included point counts and meandering transects. Point counts were ten minutes in length and were conducted at each of the five 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.

A total of 49 bird species were observed during breeding bird surveys and incidentally in 2023. Forty-four of the forty-nine species were observed during breeding bird surveys and an additional five species were observed incidentally during field visits in 2023. Of the 49 species, 31 are expected to be utilizing the PDA for breeding purposes. The remaining 18 species were observed as flyovers, during a time when seasonal migration movement was expected instead of breeding activities. Compared to 2022 when 8 breeding pairs of migratory birds of 5 different species were documented using wetlands within the PDA, this suggests that the wetland enhancement areas are supporting a range of migratory bird species.

Two rounds of barn swallow surveys were also completed in June 2023 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 was recorded as well as an estimated number using the structure. Two barns were also surveyed for Barn Swallows on June 13, and 27 and the number of Barn Swallows entering the barn and foraging in proximity to the barns were recorded.

Barn Swallow surveys of the two constructed structures determined that the species did not use the structures for nesting in 2023. However, Barn Swallows were observed at both existing barns within the PDA.

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). Bank Swallows were not observed during the 2023 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.

Additional breeding evidence surveys (nest sweeps) were completed in small areas of planned vegetation clearing in 2023. Surveys were completed on seven occasions throughout the 2023 breeding bird season, prior to vegetation clearing. In areas where migratory bird breeding evidence was observed, vegetation clearing was deferred until after the breeding bird season. During the July 4 nest sweep, which included observations of the vegetated ditch along CN's mainline south of Lower Base Line, biologists observed Bobolink, Eastern Meadowlark, and Barn Swallow using the area (i.e. perched on fence, foraging, singing). While no probable evidence of breeding within the area to be cleared was observed, the area was potentially part of the breeding territory of the species at risk and vegetation clearing was postponed until after the breeding bird window.

Of note, the Indian Creek realignment wetlands were not functional in time for the 2023 breeding season. Therefore, the post-construction Project-related effects associated with the Migratory Birds FUP for these areas will be addressed in the next Annual Report.

Through the FUP monitoring conducted in 2023, there was no evidence of Project-attributable harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. Mitigation measures in place appear to be effective at avoiding harm to migratory birds. As such, no modified or additional mitigation measures are recommended.

Additional monitoring for wetland 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 operations. 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 the 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 is on-going. No construction activities occurred in this area in 2023. No compensation habitat for Western Chorus Frog was constructed in 2023.

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 6, 13 and 20, 2023. Surveys were completed by Bluestem Consulting and 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 75:25, which is consistent with appropriate habitat identified in COSEWIC's (2010) literature review. Results from the 2023 monitoring concluded that an estimated 24 breeding pairs of Bobolink were present within the compensation habitat, although no Eastern Meadowlark were observed. Despite the lack of observed Eastern Meadowlark, habitat conditions are suitable to support Eastern Meadowlark.

Bluestem Consulting and DUC noted that while the tame grasses that were planted (Orchard Grass and Timothy) are currently providing the majority of grass habitat for the target species, native grasses like Big Bluestem and Indiangrass are beginning to establish and spread, with the potential to become the dominant species in about a decade. While the early successional forbs like Black-eyed Susan were observed scattered throughout the site and planted forbs are appearing as expected, establishment of the planted forbs is slowed down due to the heavy soils.

Woody vegetation control, as recommended in the 2022 report, and mowing occurred in the fall of 2023 to assist with suppressing woody growth from species such as Red Osier dogwood which may impede grass and forb success.

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 2023. Weekly monitoring found the exclusion fencing remained intact through the turtle active season in 2023, with only minor repairs made as needed.

Signage to notify drivers of the risk of turtle collisions was installed on temporary access roads within the PDA prior to the active turtle season (i.e., prior to May 1, 2022). Regular monitoring of internal access roads within the PDA was completed by CN's EM and through incidental observations reported by the operators of construction equipment. No turtles were observed crossing any internal access roads. However, one mortality was observed on October 5, 2023, of a very small snapping turtle (hatchling) on the access ramp to the restoration site within the Indian Creek valley. Due to its size (i.e., golf ball), it was not clear if it died from construction traffic-related causes or another cause, such as predation.

During construction, five turtle sweeps were conducted in the fall prior to the commencement of in-water work for the realignment of Indian Creek. Qualified ecologists walked in the channel and along the banks of Indian Creek to search for turtles. Nets were used to capture turtles found within active construction areas to prevent harm to the turtles and to relocate them to an appropriate location. Two Snapping Turtles were captured during the sweeps as follows:

One Snapping Turtle was captured on October 19, 2023 – the turtle was found in an excavation
pit near Indian Creek during realignment construction, inside the active construction area. A
qualified ecologist captured the turtle and contacted accredited wildlife facilities. Two separate
facilities advised to relocate the turtle locally, due to warmer than normal air temperatures and as
there was no indication the individual had begun hibernation. Based on this advice, the turtle was
relocated back into Indian Creek, upstream of the construction area.

 One Snapping Turtle was captured on November 9, 2023 – the turtle was found in Indian Creek, inside the active construction area. A qualified ecologist captured the turtle and relocated it to the Ontario Turtle Conservation Centre (OTCC) in Peterborough based on recommendations received from accredited wildlife facilities. The turtle will be released back into the local area in the spring of 2024, following the overwintering period.

While the construction phase of the Project continues, post-construction monitoring of the turtle habitats was initiated in 2023 for the 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 portions of the wetland enhancement area that were online in 2023, including Tributary A and the upstream portion of 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., early May 2023) and continued until mid-May (i.e., before turtles were expected to move away from overwintering ponds). Five adult turtles were observed in the Tributary A wetland enhancement area.

One turtle nest was observed in 2023 (along the slope of Tributary A); however evidence of predation was observed. No nesting activity was observed within the nesting mounds adjacent to Tributary A.

Nine incidental observations of Snapping Turtles were made by (or reported to) CN's EM in 2023. Seven of the observations made were outside the active construction area where no action was necessary to relocate the turtles. The two turtles observed in areas where active or future construction activities were planned, were safely captured and released to areas outside of the construction area, as follows:

- A Snapping Turtle was observed on August 9, 2023, buried in a silt ditch upstream of Culvert 2A. the turtle was captured by a qualified biologist and relocated to Indian Creek, outside of the active construction area.
- A Snapping Turtle was observed on September 11, 2023, directly downstream of the tie-in of Indian Creek and realignment channel (outside of the active work area, where future channel work was anticipated). The EM captured the turtle and relocated it downstream, outside of the active construction area.

In total, fifteen Snapping Turtle sightings were reported within the PDA during the 2023 construction year. No other turtle species were observed. 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.

Adaptive management approaches in 2023 focused on responding to turtle mortality, which included the one Snapping Turtle hatchling. There is no evidence for the cause of the mortality of the turtle. However, a mitigation plan was implemented which included daily sweeps in the proximity of where the turtle was found. The mitigation plan was implemented until the opening in the fence was closed and the construction activity in this area was completed. No additional turtles were observed.

4.2.14 Condition 8.25 – Monarch Butterfly

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

- Monitoring of 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 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 2023, on-site field surveys took place on July 25, within the PDA of the Indian Creek enhancement area, and on August 29, within the Tributary A Monarch enhancement area, to look for Monarchs (and other insects). Field surveys were designed to target the ten Monarch Habitat Plots established in the enhancement areas. However, due to the low abundance of planted Milkweed plugs, the Monarch Habitat Plots proved difficult to identify in the field. As such, the monitoring of Monarchs was conducted by traversing the full extent of the Indian Creek and Tributary A Monarch enhancement areas on foot. A total of 33 species of insects were recorded in 2023. Four of those were Monarch Butterflies on July 25 and one Monarch Butterfly on August 29. No Monarch eggs, larvae or predation of milkweed leaves (except when assumed to be by Red Milkweed Beetles) was observed within the PDA in 2023.

On-site vegetation monitoring was also conducted on September 8, 2023. Fixed Plot monitoring was used for the purpose of the Monarch monitoring program to complete the on-site vegetation monitoring, which included eighteen vegetation plots measuring 1m x 1m within both enhancement areas. With respect to Milkweed and nectaring plants, the 2023 survey results found no Milkweed species in the vegetation plots but some were observed outside of the vegetation plots within the Indian Creek enhancement area. Total Milkweed observations were significantly below that stated in the planting plan (i.e., planted in clusters of 72 plants per 500 m² (14 plants/100 m²)) and several Milkweed plugs were found discarded and not planted, possibly contributing to the underrepresentation of Milkweed in the enhancement areas. Finally, the vegetation plots had a low representation of flowering plants that are suitable for nectaring by Monarchs which included, Black-eyed Susan, Blue Vervain, Goldenrod species and Aster species. It was found that the vegetation plots were dominated by grasses and non-native herbaceous species and that the high representation of these grass and exotic species may be suppressing the establishment of Milkweed and other native nectaring flowering plants.

In 2023, five Monarch surveys were conducted within the off-site replacement grassland habitat established within the Luther Marsh Wildlife Management Area. To cover the entire plot, transects were walked between grassland bird survey point count locations.. All adult Monarchs observed flying or foraging within approximately 50 feet on either side of the transect line were recorded. Two of these surveys, conducted on August 3 and September 7, 2023, included documenting Monarch larvae and egg presence and leaf predation on Milkweed plants along the transect line. Nodes (clumps) of 10 or more Milkweed stalks found along the transect were examined for caterpillars, eggs, and evidence of predation.

Adult Monarchs were observed throughout the off-site habitat during the peak warm season survey periods. However, Bluestem Consulting and DUC noted that while Monarch could be found across the site, they were not considered common. Milkweed nodes were not abundant and leaf predation of the milkweed observed during the surveys at the off-site Luther Marsh Plot was not high, with little evidence of predation or frass left by larval caterpillars. Monarchs are known to prefer Milkweed found in larger clumps or nodes, making singular plants or sparse Milkweed populations less preferred for egg laying by adult Monarchs.

During nest sweeps conducted prior to vegetation removal adjacent to the mainline in August 2023, ecologists observed several small patches of Milkweed and a few Monarch individuals flying nearby. The Milkweed was inspected for Monarch caterpillars or eggs, and none were observed. However, to protect against potential impacts to larval stage Monarch (i.e., larvae, eggs and chrysalis) as a result of vegetation clearing, an additional protocol was developed in consultation with ECCC as an adaptive management approach to allow for vegetation clearing, as follows:

- If vegetation clearing involving Milkweed species must occur during the restricted period, Milkweed plants should be inspected prior to clearing to locate Monarch larvae. If larvae are present, they may be moved to a location that is suitable and safe under the direction of a qualified biologist.
- Monarch caterpillars may be moved to other Milkweed plants; for other larval stages (i.e., eggs and chrysalis) the entire Milkweed plant should be relocated into an area of existing Milkweed.
- Efforts should be made to clear only a portion of Milkweed in a given area during the restrictive period, to retain available breeding habitat for Monarch and a suitable location to relocate larva.

Further, adaptive management measures were also undertaken in 2023 to address low numbers of Monarch at the Luther Marsh Plot based on lack of abundance of Milkweed and nectaring plants. Measures included additional Milkweed seed and hand planting of Milkweed plugs in the fall, and planting of 0.3lbs/acre of four *Asclepias* species to supplement Milkweed populations already present on site.

To further diversify Monarch habitat on-site, additional seeding of natural areas using the native seed mix specified for use along the Tributary A and Indian Creek enhancement areas was reapplied during the Fall of 2023. Further, to improve Milkweed propagation on-site, CN will be implementing revisions to the monitoring protocol and has committed to additional plantings of Milkweed in 2024. Specifically:

- to account for the lack of planting and propagation of Milkweed in 2023, CN has committed to planting additional Milkweed (i.e., more than the originally planned Milkweed plots) to further improve the suitability of this habitat for Monarch
- to minimize any delay between planting and issues being identified through monitoring activities, inspection by CN's EM and/or vegetation specialist will occur during or immediately following supplemental planting of Milkweed to be completed in 2024 to determine whether planting has occurred properly and/or to flag measures for improvement.

4.2.15 Condition 8.28 – Eastern Milksnake

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

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

No sightings of Eastern Milksnake within the PDA were reported in 2023. However, one sighting of Eastern Gartersnake was noted within the Indian Creek enhancement area on September 28, 2023. The snake was observed outside the exclusion fence that surrounded the construction area. As such, the snake was out of harms way and no steps were taken to relocate it.

No modified or additional mitigation measures were required in 2023 since there were no sightings of Eastern Milksnake.

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.

Portions of the ecopassages were built in 2022 (i.e., aquatic ecopassage associated with Culvert 2A/2B) and continued in 2023 (i.e., Culvert 1 ecopassage and completion of Culvert 2B), with completion of construction of these structures in December 2023. With the completion of the two ecopassages in 2023, monitoring to determine post-construction Project-related effects associated with the Ecopassage FUP will be addressed in the 2024 Annual Report.

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 operation. 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 2023.

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 2023.

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 2023, instances where adaptive management was implemented, including any modified or additional mitigation measures, as determined through implementation of the various FUPs, included the following:

- <u>Erosion and Sediment Controls</u>: ESC measures were proposed by CN as mitigation measures in the EIS and are required in accordance with Condition 5.4. These measures were identified in the ESC plans prepared and submitted to IAAC in 2021, which identified the potential need to maintain ESC measures, upgrade or amend ESC measures based on site and weather conditions, and to implement alternative ESC measures where and when needed. This approach incorporates adaptive management into the design of the ESC plans, and encourages proactive and reactive implementation as needed. Further information with respect to the implementation of ESC measures is provided in Section 7.6; however, adaptive management measures taken in 2023 are summarized below:
 - Implementation of Tributary A emergency erosion mitigation plan, including installation of rock check dams, to address the observed channel erosion due to unusually high flows
 - Installation of additional coir matting on disturbed areas and slopes to stabilize and promote improved vegetation growth
 - Implementation of additional ESC measures along drainage ditches and localized scour areas to reduce flow velocities and scouring, including the use of silt fence, strawbales and check dams
- <u>Additional Seeding</u>: Seed mix was used to stabilize and naturalize areas of the site following completion of construction activities. Despite periods of heavy rain (wet conditions) in 2023, monitoring of these areas identified deficiencies in seed growth. As such, additional seeding was undertaken and additional watering (during periods of dry conditions) was implemented.
- <u>Replanting of Restoration Areas</u>: Restoration areas adjacent to Tributary A and Indian Creek were seeded and planted as part of the naturalization efforts. Targeted replanting of trees, shrubs and live stakes, as well as additional seeding using the native seed mix to diversify species along Indian Creek and Tributary A, was completed in 2023 to improve the successful propagation of native species in these areas.
- <u>Off-site Grassland Habitat</u>: Woody vegetation control, as recommended in the 2022 report, and mowing occurred in the fall of 2023 to assist with suppressing woody growth from species such as Red Osier dogwood which may impede grass and forb success. As well, additional Milkweed seed and hand planting of Milkweed plugs occurred in the fall, and 0.3lbs/acre of four *Asclepias* species were planted to supplement Milkweed populations already present on site.
- <u>Additional Monarch Mitigation</u>: During nest sweeps conducted prior to vegetation removal adjacent to the mainline in August 2023, ecologists observed several small patches of Milkweed and a few Monarch individuals flying nearby. To protect against potential impacts to larval stage Monarch (i.e., larvae, eggs and chrysalis) as a result of vegetation clearing, a protocol was developed in consultation with ECCC, as follows:



- If vegetation clearing involving Milkweed species must occur during the restricted period, Milkweed plants should be inspected prior to clearing to locate Monarch larvae. If larvae are present, they may be moved to a location that is suitable and safe under the direction of a qualified biologist.
- Monarch caterpillars may be moved to other Milkweed plants; for other larval stages (i.e., eggs and chrysalis) the entire Milkweed plant should be relocated into an area of existing Milkweed.
- Efforts should be made to clear only a portion of Milkweed in a given area during the restrictive period, to retain available breeding habitat for Monarch and a suitable location to relocate larva.
- <u>New Sediment Filter Bag Best Practices</u>: In response to an incident involving the failure of a sediment filter bag on September 14, 2023, CN implemented additional mitigation measures (beyond those already identified in the A&M Response Plan) that included:
 - Enhanced secondary containment, including a larger filter bag, additional silt fencing at discharge location, additional strawbales between silt fences, and lining of strawbales with filter fabric
 - Development of a Site-Specific Best Practices Document for Pumping Basins/ Silt Bag Maintenance to document protocols and procedures for the use of filter bags and pumping of construction water on site (refer to Condition 14.5 of Appendix 1).
- <u>Air emissions</u>: 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: <u>https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources</u>).

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 2023.

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 that are currently in the manufacturing phase. CN expects to take possession of its first trucks in 2024. In parallel, since the announcement, CN has installed charging stations at our Montreal and Vancouver Intermodal Terminals.

The live pilot is expected to begin in 2024 in Montreal and Vancouver. Lessons learned throughout this pilot phase will ensure that the trucks and the charging stations are meeting operational requirements, and the results will be used to inform and further refine the rollout of Lion 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 will continue through 2024. If the results are satisfactory, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in rail yards. 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.

Finally, CN announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards. CN is currently expecting to receive that locomotive in 2026.

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 2023. 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.

A summary of the proposed Air Pollutant and Greenhouse Gas Emissions Reduction Plan was provided to ECCC and TC for review and discussion. A meeting was held April 25, 2023, between CN, Stantec, ECCC and TC to present and discuss the proposed Air Pollutant and Greenhouse Gas Emissions Reduction Plan. Comments discussed included progress on the development of the Plan, as well as topics such as zero emission vehicle (ZEV) and battery electric trucks, evolution of heavy duty truck technologies, planned changes to GHG standards for new trucks, CN's proof of concept test program in Montreal, and logistics on terminal operations. ECCC noted that the overall approach to the Air Pollutant and Greenhouse Gas Emissions Reduction Plan seems reasonable, and encouraged further opportunities to share information and continue working with CN to flesh out details of the plan. CN



committed to providing a draft version of the Air Pollutant and Greenhouse Gas Emissions Reduction Plan to ECCC and TC once available.

A proof of concept test program was conducted at the Taschereau Terminal in Montreal in 2023 for a specific monitoring technology. 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 continues to raise our level of ambition to deliver for a sustainable future, to make a meaningful difference for our people, our customers, and the many communities where we operate.

In 2017, CN became the first railroad in North America, and was among the first hundred companies globally, to 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, we 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.

In 2021, we announced our commitment to setting a target in line with a 1.5°C scenario and to achieving net-zero carbon emissions by 2050. 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.

In 2022, CN reduced its GHG emission intensity for Scope 1 and 2 GHG emissions by 2.0% relative to 2021 and are at 18.0% progress relative to our 2030 target. Additionally, CN reduced its GHG emission intensity for Scope 3 emissions by 4.3% from 2020 and has realized a 40.0% reduction relative to our 2030 target.

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 occurred to gauge interest in such artifacts; however, no progress on these discussions occurred. CN will continue to explore any interest or opportunities available to CN to address this condition with the Indigenous communities.

7.6 EROSION AND SEDIMENT CONTROL REPAIRS

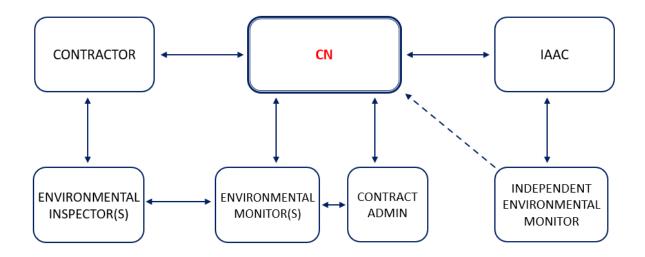
Condition 12.1.3 requires CN to report on any major repair done pursuant to the implementation of the infrastructure protection plan, including any major repair done pursuant to the regular inspection of all ESC devices installed within the PDA, including following rainfall events, and repair any defective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



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 meet 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 2023, precipitation events occurred throughout the reporting year; however, no storms occurred that resulted in damage to infrastructure at the Project site. High flows in Tributary A resulted in erosion within the channel between Culverts 2A and 2B, for which adaptive management measures were implemented; however, no impacts to infrastructure occurred.

Repairs to ESC measures installed within the PDA were 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
- Coffer dam install / repairs
- 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 2023 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 2023 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, 2024, and will be posted on the Project website.

9 REFERENCES

- Bluestem Consulting and Ducks Unlimited Canada (DUC). 2023. Grassland Bird and Monarch Butterfly Survey Report. Prepared for Canadian National Railway Company (CN). Luther Marsh Grassland Restoration Project. October 31, 2023.
- COSEWIC. 2010. COSEWIC assessment and status report on the Bobolink *Dolichonyx oryzivorus* in Canada. Committee on the Status of Endangered Wildlife in Canada, Ottawa, Ontario. vi + 42 pp.
- MNR (Ministry of Natural Resources and Forestry). 2013. Survey Protocol for Eastern Meadowlark (Sturnella magna) in Ontario. Ontario Ministry of Natural Resources, Species at Risk Branch, Peterborough. ii+ 20pp.



APPENDIX 1 Activities Undertaken to Comply with Each Condition



CN MILTON LOGISTICS HUB

Appendix 1 - Activities Undertaken to Comply with Each Condition in 2023

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



IAAC Reference Number: 80100

March 28, 2024



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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
СН	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
MNRF	Ontario Ministry of Natural Resources and Forestry
PDA	Project Development Area
PM	Particulate matter
PM _{2.5}	Fine particulate matter (suspended air borne particulate 2.5 microns and less in diameter)
RAA	Regional Assessment Area
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 2023 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	General Conditions (2.1 to 2.3)		
2.1	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.		
	Activities Undertaken to Comply with Condition:		
	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.		

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 2023, 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 or Milksnake identified within the construction area (as identified through wildlife monitoring), and installing and maintaining exclusion fencing adjacent to previously identified Western Chorus Frog habitat, which occurred in April 2023. CN also completed the creation of restoration habitat along Indian Creek (i.e., riparian wetlands, turtle nesting mounds) and diversified existing grasslands (i.e., Barn Swallow) through planting of native grassland species and milkweed (i.e., Monarch) that will support species at risk on-site. By protecting habitat (i.e., Barn

Condition Number	Condition
	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 t	o 2.5)
2.4	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
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 Undertaken to Comply with Condition:
	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.
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 Undertaken to Comply with Condition:
	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.

Condition Number	Condition
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 Undertaken to Comply with Condition:
	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.
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 Undertaken to Comply with Condition:
	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.

Condition Number	Condition
2.5	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.
	Activities Undertaken to Comply with Condition:
	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 of the Annual Report.
Follow-Up and Ada	ptive Management (2.6 to 2.10)

Condition Number	Condition
2.6 (and all sub- conditions 2.6.1 to 2.6.5)	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:
	 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2022 Annual Report for details. The FUPs are available on the project website.
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.
	Activities Undertaken to Comply with Condition:
	No updates to the FUPs were completed in 2023.
	Implementation of some of the FUPs occurred in 2023 (see Section 4) focusing on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction.

Condition Number	Condition
2.8	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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2022 Annual Report for details.
	No updates to any FUP were made in 2023.
2.9	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
2.9.1	implement the follow-up program according to the information determined pursuant to condition 2.6;
	Activities Undertaken to Comply with Condition:
	In 2023, follow-up programs were implemented, as described in Section 4 of the Annual Report.
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 2023, the accuracy of the environmental assessment was verified as described in Section 4 of the Annual Report.
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 of the Annual Report.

Condition Number	Condition	
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 of the Annual Report.	
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 2022 were provided to IAAC and to the parties that informed development of the FUPs on March 31, 2023.	
	The results of the various FUPs implemented in the 2023 calendar year will be reported to IAAC and to the parties that informed development of the FUPs no later than March 31, 2024. A summary of the results of each FUP implemented in 2023 can be found in Section 4 of the Annual Report.	
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.	
	Activities Undertaken to Comply with Condition:	
	Condition fulfilled. See 2022 Annual Report for details.	
	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.	

Condition Number	Condition
Annual Reporting (2.11 to 2.12)
2.11 (and all sub- conditions 2.11.1 to 2.11.8)	 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; and 2.11.8 - any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.
	Activities Undertaken to Comply with Condition: An annual report for 2022 that provides all the specified information was prepared and submitted to IAAC on March 31, 2023. This Annual Report is being provided in accordance with Condition 2.11 to describe the results of activities completed in 2023.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	The executive summary included in the annual report for 2022 was prepared in both official languages and was submitted to IAAC on March 31, 2023.
Information Sharin	g (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 River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.
	Activities Undertaken to Comply with Condition:
	The 2022 Annual Report, submitted to IAAC on March 31, 2023, including the executive summaries (in both languages), and other documents required by the conditions of approval (i.e., follow-up programs, plans, protocols) are posted publicly on the project website (<u>https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/</u>) 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 2023 are also available on the project website here: <u>https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates</u> .

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	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).
Change of Propone	ent (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.
	Activities Undertaken to Comply with 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.

Condition Number	Condition
Change to the Desi	gnated Project (2.16 to 2.17)
2.16	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:
	 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.
	Activities Undertaken to Comply with Condition: No project changes were implemented in 2023.
2.17	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.
	Activities Undertaken to Comply with Condition: No project changes were implemented in 2023.

Section 3: Community Liaison	Communication Process
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Condition Number	Condition
General (3.1 to 3.1	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.
	Activities Undertaken to Comply with Condition:
	Condition Fulfilled with respect to pre-construction requirements. See 2021 Annual Report for details.
	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.

Condition Number	Condition
3.2	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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to pre-construction requirements. See 2021 Annual Report for details.
	Details on implementation of the community liaison communication process (CLCP) are provided under Condition 3.2.3.
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.

Condition Number	Condition
3.2.1.3	How the Proponent shall report the information referred to in condition 3.2.1.2 to potentially affected parties (including the frequency at which the Proponent shall report that information, which shall be no less than quarterly, and the communication methods by which the Proponent shall report that information);
	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 2023 follow-up programs is provided in Section 4.0.
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 2023, any noise complaints were communicated to the CCC 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, post-construction inspections were completed in January 2024 and will be reported in the Annual Report for 2024.

Condition Number	Condition
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 operation, 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.
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 Undertaken to Comply with Condition:
	Condition Fulfilled. See 2021 Annual Report for details.
3.2.2	Provide the community liaison communication process to the Agency prior to construction;
	Activities Undertaken to Comply with Condition:
	Condition Fulfilled. The CLCP was provided to IAAC on December 1, 2021.

Condition Number	Condition
3.2.3	As part of the implementation of the community liaison communication process:
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;
	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 2023, regular CCC meetings were held on February 2, April 6, June 1, August 3, October 3 and December 7. Site tours took place on April 6 and August 3, 2023. Information shared with the CCC is described in the quarterly reports available on the Project website. Regarding the specific sub-sections listed:
	 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). Door to door notices were also delivered prior to the single evening night-time construction activities that occurred on January 24, August 10, and between November 28, and December 3, 2023.
	 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 2023 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.
	 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 in January 2024 and will be reported in the Annual Report for 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	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;
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	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.
	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.
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
	Activities Undertaken to Comply with Condition: CN directed the contractor and CN staff to avoid the use of Henderson Road while Lower Base Line is closed for construction activities. No other measures were implemented to address feedback received.
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.
	Activities Undertaken to Comply with Condition: 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).

Section 4: Atmospheric Environment

Condition Number	Condition
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).
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
4.2	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:
4.2.1 or	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.
	Activities Undertaken to Comply with condition:
	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 through the various light mitigation measures outlined in the EIS and commitments.
	Nighttime construction was conducted on the evenings of January 24, August 10, and November 30 to December 3, 2023. Consideration of adjacent receptors was taken when arranging targeted on-site lighting to illuminate construction activities. No concerns were raised by area residents during these nighttime work windows.

Condition Number	Condition
4.3	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:
	Activities Undertaken to Comply with condition:
	Condition fulfilled regarding development and submission of mitigation measures. See 2021 Annual Report for details.
	In 2023, nighttime construction occurred on the evenings of January 24, August 10, and November 30 to December 3, 2023. During this night time work, mitigation measures implemented include directing construction light fixtures at the construction area, avoiding lights in areas not subject to night time construction, providing advanced notice and complying with CN's Communication Protocol, and avoiding the restricted activity period to avoid impacts on migratory birds.
4.3.1	Direct light fixtures toward active construction areas during construction and toward the terminal during operation;
	Activities Undertaken to Comply with condition:
	During night time 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.
4.3.2	Use down-cast light fixtures during operation;
	Activities Undertaken to Comply with condition:
	No operation occurred in 2023. This condition will be met once the Project becomes operational.
4.3.3	Install glare reduction technologies on individual light fixtures; and
	Activities Undertaken to Comply with condition:
	This condition will be met once the Project becomes operational.
4.3.4	Require that all motor vehicles use low-beam headlights within the Designated Project Development Area.
	Activities Undertaken to Comply with condition:
	As per the contractor agreement, any motor vehicles used low-beam headlights within the PDA.

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 2023.

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:
	Light monitoring was conducted for the nighttime construction works that occurred during the evening of November 30, 2023.
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 2023.
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 Noise Effects Assessment Source 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 operation. 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 2023.
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 Base Line grade separation is planned for Phase 2 of construction and did not occur in 2023. Construction activities in proximity to Lower Base Line were in association with construction access and laydown, site grading, drainage, and works in preparation for the temporary realignment of the mainline, but were not related to construction of the grade separation.
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.



Condition Number	Condition
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, including when travelling between the Designated Project Development Area, including 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 2023, they were limited to the extent required only and not left idling. In all instances of use (i.e., to run pumps for dewatering during culvert installation), 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 2023, 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 January 24, August 10, and November 30 to December 3, 2023. Notification of the respective night-time construction activities were communicated in accordance with the Noise Communication Protocol, including through print and digital advertisements, construction updates on the project website, email notification to the local government and the Project email list, and door drops to residents located near the project.
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.
	Activities Undertaken to Comply with Condition:
	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.



Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	In 2023, 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).
	Construction activities were conducted during the evenings of January 24, August 10, and November 30 to December 3, 2023. Construction occurred overnight to provide sufficient time for the completion of cutover activities to occur while reducing disruption to mainline rail operations. Conducting such activities during the day time 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.
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:
	• 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to development of the Noise Communication Protocol. See 2021 annual report. No noise concerns were raised in 2023.



Condition Number	Condition
4.10	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.
	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:
	Activities Undertaken to Comply with Condition:
	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.
	The Acoustic Environment FUP was not implemented in 2023 as Phase 2 construction activities have been deferred to 2024. Monitoring of sound levels for Phase 2 will be conducted in 2024 accordingly and presented in the Annual Report for 2024.
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. No further noise monitoring occurred at these locations in 2023.
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.

Condition Number	Condition
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 2023.
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 2023, 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 2023, the only dust suppressant used on site was water, as applied by the on-site water truck along major haul roads.

Condition Number	Condition
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 2023, 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 2023, no granular materials were stored in open containers.
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 Undertaken to Comply with Condition:
	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 2023, 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 that remained on site 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.

Condition Number	Condition
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 Undertaken to Comply with 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 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.
4.12	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:
	 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.
	Activities Undertaken to Comply with Condition:
	At this time, there are no plans for the use of a temporary portable concrete plant.
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	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 Undertaken to Comply with Condition:
	A no-idling policy has been developed with the contractor and has been implemented for mobile equipment and road vehicles within the PDA. In 2023, the contractor complied with the no idling policy.

Condition Number	Condition
4.13.2	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:
	Activities Undertaken to Comply with Condition:
	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.
	In 2023, only Tier 3 and 4 equipment was operational on-site. No zero-emission equipment was available to conduct the construction activities.
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; or
	Activities Undertaken to Comply with Condition:
	In 2023, 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 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	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;
	Activities Undertaken to Comply with Condition:
	In 2023, 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.

Condition Number	Condition
4.13.3	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;
	Activities Undertaken to Comply with Condition:
	Operation has not commenced. This condition will be met during operations.
4.13.4	Reducing distance travelled on-site by outgoing vehicles and minimizing container handling turnaround time during operation; and
	Activities Undertaken to Comply with Condition:
	Operation has not commenced. This condition will be met during operations.
4.13.5	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.
	Activities Undertaken to Comply with Condition:
	In 2023, no emission control technologies were removed from equipment and vehicles.
4.14	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall:
	Activities Undertaken to Comply with Condition:
	An update is provided in Section 7.1 of the Annual Report.

Condition Number	Condition
4.14.1	Provide a rationale as to why the truck fleet has, or has not, been electrified; and
	Activities Undertaken to Comply with Condition:
	Throughout 2021 and 2022, CN worked collaboratively with the manufacturer to develop the trucks, which are currently in the manufacturing phase. In parallel, through 2021 and 2022, CN advanced the design of charging stations at our Montreal and Vancouver Intermodal Terminals and commenced their installation. The charging stations are expected to be commissioned in Montreal and Vancouver in time for rollout of the first trucks. CN expects to take possession of its first truck in 2024.
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.
	Activities Undertaken to Comply with Condition:
	The live pilot is expected to take place throughout 2024 in Montreal and Vancouver. Lessons learned throughout this pilot phase will ensure that the trucks and the charging stations are meeting operational requirements, and the results will be used to inform and further refine the rollout of Lion Electric trucks and the design for the Milton Logistics Hub.
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.
	Activities Undertaken to Comply with Condition:
	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 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.

Condition Number	Condition
	In parallel, CN is also testing a new system installed in a locomotive. The system is based on an auxiliary power unit (APU), a small battery-powered controller that operates an efficient diesel burner, providing a source of heat to the engine water and oil. This small heating source is sufficient to allow the engine to shut down without risk of damage. A pilot project was launched at the end of 2021 and will continue through 2024. If the results are satisfying, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in the rail yards.
	Finally, CN has announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards. CN is currently expecting to receive that locomotive in 2026.
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:
	Activities Undertaken to Comply with Condition:
	A summary of the proposed Air Pollutant and Greenhouse Gas Emissions Reduction Plan was provided to ECCC and Transport Canada for review and discussion. A meeting was held April 25, 2023, between CN, Stantec, ECCC and Transport Canada to present and discuss the proposed Air Pollutant and Greenhouse Gas Emissions Reduction Plan. Comments discussed included progress on the development of the Plan, as well as topics such as zero emission vehicle (ZEV) and battery electric trucks, evolution of heavy duty truck technologies, planned changes to GHG standards for new trucks, CN's proof of concept test program in Montreal, and logistics on terminal operations. ECCC noted that the overall approach to the Air Pollutant and Greenhouse Gas Emissions Reduction Plan seems reasonable, and encouraged further opportunities for information sharing and to continue working with CN to flush out details of the plan. CN committed to providing a draft version of the Air Pollutant and Greenhouse Gas Emissions Reduction Plan to ECCC and TC once available.
	A proof of concept test program was conducted at the Taschereau Terminal in Montreal in 2023 for a specific monitoring technology. 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.

Condition Number	Condition
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 Undertaken to Comply with Condition:
	Operation has not commenced. This condition will be met during operations.
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 Undertaken to Comply with Condition:
	Anti-idling signage and requirements for anti-idling have been developed with the contractor as part of the Emission Reduction Plan during construction. Once operations commence, anti-idling information and signage will be in place for trucks servicing the facility.
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 Undertaken to Comply with Condition:
	Operation has not commenced. Monitoring of air pollutants and greenhouse gases emitted by trucks entering the facility will be developed prior to the start of operations.
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 Undertaken to Comply with Condition:
	Operation has not commenced. This condition will be met during operations.

Condition Number	Condition
4.17	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Designated Project. As part of the development of the plan, the Proponent shall establish five-year targets for increasing over time the proportion of locomotives serving the Designated Project that meet, at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by these locomotives. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan throughout operation.
	Activities Undertaken to Comply with Condition:
	Operation has not commenced. This condition will be met prior to and during operations.
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, 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.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	Operation has not commenced. Drawing on experience from other terminals, and prior to operation, CN will develop and implement measures to optimize the efficiency of operations of the terminal and submit them to IAAC prior to implementing them.
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 Undertaken to Comply with Condition:
	Operation has not commenced. The number of container trucks entering and exiting the facility will be reported as part of the annual report, once Project operation has begun, including a breakdown of the monthly average daily and maximum daily number of trucks during the previous year, as well as the number of container trucks entering and exiting the terminal with and without a container (i.e., bobtail, empty chassis, with a container).

Condition Number	Condition
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:
	Activities Undertaken to Comply with Condition:
	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.
4.21.1	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;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
4.21.2	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):
	 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);
	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 2023 and are monitoring the listed parameters.
4.21.3	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):
	 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);
	Activities Undertaken to Comply with Condition:
	Operations have not commenced. This condition for monitoring will be met during operations.

Condition Number	Condition
4.21.4	Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to:
	 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;
	Activities Undertaken to Comply with Condition:
	The results of the 2023 Air Quality FUP are summarized in Section 4.2.3.
4.21.5	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 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.
	Activities Undertaken to Comply with Condition:
	The results of the 2023 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.

Section 5: Water

Condition Number	Condition
Surface Wate	er (5.1 to 5.10)
5.1	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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	The construction contractor is required through the contractor agreement to construct the Project according to the detailed design. In 2023, the newly constructed Indian Creek channel was brought on-line (i.e., commissioned) and Culverts 1, 3 and 7 were completed. Flows within Indian Creek, as well as Tributaries A and C, were maintained throughout construction of these drainage features. Further, two SWM ponds have also been constructed in 2023, although remain off-line, pending completion of upstream drainage infrastructure (sewers, swales) and vegetation planting plan.
5.2	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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	Construction of SWM Pond 1 and SWM Pond 2 continued in 2023 to complete pond infrastructure (i.e., inlets and outlets, berms). These SWM ponds remain off-line pending completion of upstream drainage infrastructure (i.e., sewers and swales) and vegetation planting plan.

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. Gate valves (shut off valves) were installed within the outlet structures of SWM Pond 1 and SWM Pond 2 in 2023.
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 SWM Pond 2 continued in 2023 to complete pond infrastructure (i.e., inlets and outlets, berms). These SWM ponds remain off-line pending completion of upstream drainage infrastructure (i.e., sewers and swales) and vegetation planting plan.
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 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:

Condition Number	Condition
	This condition will be met during construction and operations. No use of salt for de-icing or traction control occurred in 2023.
5.4	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.
	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 2023. Vegetation planting (seeding) occurred on any finished slopes and valleys within areas adjacent to Tributary A, Tributary C, and Indian Creek, as well as within any temporary drainage channels on site throughout the summer and fall months, as appropriate. Any dewatering that occurred on site (i.e., dewatering offline channels, 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	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.
	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	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.
	Activities Undertaken to Comply with Condition:
	Concrete pours in 2023 occurred in areas isolated from wetlands and waterbodies (i.e., Culvert 1, Culvert 7, and portions of Culvert 2A occurred in offline, isolated areas), 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 2023.
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.
	In 2023, no new applications of fertilizers, manure, or pesticides/herbicides have been applied to the fields within the PDA. Buffers and setbacks were maintained from waterbodies (i.e., Tributary A, Indian Creek) and ESC measures were implemented when construction activity in those areas commenced. Surface water sampling to target agricultural parameters (specifically chlorpyrifos) continued in January 2023 as part of the Surface Water FUP. Monitoring of agricultural contaminants, such as chlorpyrifos, was discontinued for the February monitoring event and subsequent monitoring events in consultation with ECCC, as results indicated an absence of agricultural parameters in the runoff.
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:
	Activities Undertaken to Comply with Condition:
	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. As the SWM Ponds remain offline in 2023, no monitoring of SWM discharge was conducted in 2023.



Condition Number	Condition
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 Undertaken to Comply with Condition:
	SWM system performance will be reviewed every five years following the end of construction.
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 Undertaken to Comply with Condition:
	This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.
5.10	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:
	Activities Undertaken to Comply with condition:
	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.
5.10.1	Monitor surface water quantity continuously during construction and for at least five years following the end of construction;
	Activities Undertaken to Comply with condition:
	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.



Condition Number	Condition
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;
	Activities Undertaken to Comply with condition: 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.
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;
	Activities Undertaken to Comply with condition:
	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).
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
	Activities Undertaken to Comply with condition:
	Refer to Section 4.2.5 for a description of any modified or additional mitigation measures developed and implemented in 2023.
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.

Condition Number	Condition
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. No groundwater dewatering was completed in 2023.
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:
	Activities Undertaken to Comply with Condition: 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.

Condition Number	Condition
5.13.1	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
	Activities Undertaken to Comply with Condition: 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. No groundwater dewatering was undertaken in 2023.
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 Undertaken to Comply with Condition: Refer to Section 4.2.6 for a description of any modified or additional mitigation measures developed and implemented in 2023.

Section 6: Terrestrial Environment

Condition Number	Condition
General (6.1	to 6.10)
6.1	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.
	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.
	Construction of the replacement wetlands along the realigned portion of Indian Creek continued in 2023 in conjunction with the realignment of Indian Creek. Additional riparian wetland pockets were excavated within the newly created creek valley, as well as within the existing valley to naturalize existing riparian habitats. Portions of the former Indian Creek channel were also excavated to create offline wetland pockets in accordance with the design plans. The ultimate connection of the new channel to Indian Creek was completed in November 2023.
	Only locally-occurring native emergent and riparian vegetation plantings were used in accordance with the design plans.
6.1.1	If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details.
	Flow in drainage features around the Designated Project components has been maintained during construction, including Tributaries A and C and Indian Creek. Construction of the realigned channels for Tributary A and Indian Creek occurred offline, allowing flows to continue unimpeded in these features.
	During in-water work activities (i.e., diverting flows for the installation of Culvert 7, and for the installation of the upstream and middle portions of Culvert 2A), a dam and pump system was implemented to maintain flow within Tributary A. A diversion channel was used to maintain the conveyance of flows within Tributary A around the proposed Culvert 1 ecopassage, which was constructed offline. The remaining portions of Culvert 2A and installation of Culvert 1 and 7 was completed in 2023.
	The downstream portion of Tributary B remains intact and conveys local drainage to Indian Creek. Previous diversion of Tributary B flow is described in 2022 Annual Report. Finally, in regard to Indian Creek, construction of the realigned channel occurred offline allowing flows to continue unimpeded in this feature. The temporary bridge that was installed across the bankfull width of Indian Creek in 2022 was successfully removed in February 2023, and the newly constructed Indian Creek channel was activated on November 8, 2023.

Condition Number	Condition
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 Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
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 Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. 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 Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. 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 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.

Condition Number	Condition
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:
	Activities Undertaken to Comply with Condition:
	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.
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 Undertaken to Comply with Condition:
	Monitoring of the wetlands adjacent to Tributary A and the upstream portion of Indian Creek commenced in 2023, the results of which are summarized in Section 4.2.7. With the construction of Indian Creek and associated wetlands being completed in November 2023, no monitoring of these constructed wetlands occurred in 2023.
	Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the Designated Project Development Area will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).
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;
	Activities Undertaken to Comply with Condition:
	Monitoring of the wetlands adjacent to Tributary A and the upstream portion of Indian Creek commenced in 2023, the results of which are summarized in Section 4.2.7. With the construction of realigned Indian Creek and associated wetlands being completed in November 2023, no monitoring of these constructed wetlands occurred in 2023.

Condition Number	Condition
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
	Activities Undertaken to Comply with Condition:
	With completion of the final wetland pockets near the end of 2023, and as the areas adjacent to Tributary A and Indian Creek continue to naturalize with vegetation, the wetland boundaries will be assessed during the appropriate time of year as part of the 2024 Wetlands FUP.
	In the event that the wetland do not achieve the predicted areal extent or water levels, 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 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. Encroachment into these areas during construction in 2023 was limited to providing access to conduct restoration and naturalization work along Indian Creek (i.e., slope stability, toe erosion protection, wetland construction) and to facilitate construction of Culvert 1 and the corresponding alignment of Tributary A.

Condition Number	Condition
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 2023, encroachment into the identified buffer areas was limited to providing access to conduct restoration and naturalization work along Indian Creek (i.e., slope stability, toe erosion protection, wetland construction) and to facilitate construction of Culvert 1 and the corresponding alignment of Tributary A.
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.
	In 2023, a minor excursion outside the project development area occurred in association with the realignment of the mainline at Lower Base Line. This was reviewed and discussed on site with IAAC on September 12, 2023. The site was remediated through planting of native grass species and re-establishment of agricultural field.

Condition Number	Condition
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 2023, vegetation removal occurred within the areas subject to grading and construction activities as identified on the design drawings. 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.
	In 2023, a minor excursion outside the project development area occurred in association with the realignment of the mainline at Lower Base Line. This was reviewed and discussed on site with IAAC on September 12, 2023. The site was remediated through planting of native grass species and re-establishment of agricultural field.
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 2023, 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. No contaminated soils have been encountered during construction.

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.
	Activities Undertaken to Comply with Condition:
	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 2023.
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.
	Activities Undertaken to Comply with Condition:
	In 2023, progressive reclamation in the form of seeding of areas with native species and nurse crops occurred along the slopes and valley feature associated with the realigned sections of Indian Creek, along some drainage features, and within disturbed areas no longer planned for construction activity (i.e., disturbed area behind the barn at 5381 Tremaine Road adjacent to Tributary A). Construction of Indian Creek occurred in stages, with the main realignment area being completed in advance of the interconnection locations. In conjunction with implementation of the planting plan, seeding / hydroseeding of the slopes and valley lands occurred as construction of each section was completed. Overseeding and reseeding of some areas also occurred in 2023 to further promote vegetation growth (native species) where vegetation was sparse.
	Watering of these areas using a water truck occurred in an attempt to promote vegetation growth during dry conditions, with additional hydroseeding and watering to supplement areas where initial seeding did not take. Remaining areas will similarly be seeded once construction activities are completed in those areas.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	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.
	Monitoring of progressive reclamation areas was conducted in 2023, the results of which are summarized in Section 4.2.8.
	Note that the Progressive Reclamation FUP does not include portions of the channel realignment areas or SWM ponds 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).

Section 7: Fish and Fish Habitat

Condition Number	Condition
General (7.1	to 7.12)
7.1	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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	Measures implemented in 2023 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:
	 Implementation and maintenance of ESC measures to reduce erosion and sedimentation in waterbodies during construction of the channel realignment work (Tributary A and Indian Creek), installation of Culvert 2A and 2B, and area grading activities
	 Use of temporary crossings at Indian Creek to avoid fording of this watercourse Completing stream diversions and culvert installations in isolation from stream flows, including the offline construction of portions of Indian Creek, upstream and downstream connections of the realigned Indian Creek (dam and pump), and completing the toe protection and slope stabilization along Indian Creek (coffer dam and flume) 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), except for the DFO-approved emergency in-water work on March 21 and 22, 2023 Designated refueling areas for yard equipment were established at a safe distance (30 m setback minimum distance from top of bank) from fish habitat. Ultra-low sulphur fuel was used when available.

Condition Number	Condition
7.2	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:
	Activities Undertaken to Comply with Condition:
	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):
	 Indian Creek on September 8, 26 and 27, October 2 to 5, 19 and 23, November 3, 6, 8 to 10, 2023. Tributary A on January 30, February 7, July 8, 9 and 25, August 16, 22 and 30, September 5, and October 3 and 19, 2023.
	 Ash Junction on August 22, 2023. Wetland area at laydown 1 on September 26, 2023.
	 Upstream Indian Creek realignment riparian pond on October 10 and 11, 2023. Tributary C on November 24, 2023.
7.2.1	Salvage and relocate fish to the satisfaction of Fisheries and Oceans Canada;
	Activities Undertaken to Comply with Condition:
	CN retained an aquatic biologist to conduct fish rescues in 2023, with any fish caught being transferred downstream into the same waterbody.
	The results of these fish rescues were documented in the Fish and Fish Habitat Annual Report provided to DFO on December 22, 2023 to address monitoring requirements under the DFO Authorization.
7.2.2	Give preference to relocating fish within the same waterbody, outside of the work area; and
	Activities Undertaken to Comply with Condition:
	Any fish caught during the fish rescues were transferred downstream into the same waterbody and outside of the work area.
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.
	Activities Undertaken to Comply with Condition:



Condition Number	Condition
	Not applicable (see Condition 7.2.2).
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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	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.
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.
	Activities Undertaken to Comply with Condition:
	In 2023, all in-water construction activity occurred outside of the restricted activity period (March 15 to June 30) with the exception of emergency in-water works carried out on March 21 and 22, 2023. This work was deemed necessary based on erosion observed within the channel between Culvert 2A and 2B as a result of high flows following an exceptional precipitation event. CN developed an adaptive management plan in consultation with DFO to conduct emergency in-water works, which included the installation of additional rock check dams, slope stability, and ESC measures to stabilize the channel banks.
	With the exception of the connections made to activate the realigned portion of Culvert 1 and Indian Creek, and the completion of the central section of Culvert 2A, (activities that occurred outside of the restricted activities period), all work to construct the realigned portions of Tributary A and Indian Creek were completed offline.

Condition Number	Condition
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 Undertaken to Comply with Condition:
	In response to the unusually high flows resulting in channel erosion within Tributary A, an adaptive management plan to mitigate the observed erosion in the Tributary A channel between Culvert 2A and 2B was developed in consultation with DFO. This work was considered emergency works to address the active erosion observed within the channel, and was proposed to stabilize the situation without impacting any sensitive life stages of the fish in the creek. Implementation of the plan included the installation of addition rock check dams within the channel on March 21 and 22, 2023, followed by additional erosion and sediment controls being installed on the banks and adjacent areas. DFO staff attended the site during the in-water work to observe and inform installation.
	Additional in-water work was anticipated during the restricted activities period (i.e., in-water work proposed June 23 – 30) to facilitate installation of the Culvert 2A wingwalls. Additional mitigation measures for this work were developed in consultation with DFO and Conservation Halton; however, such activities were ultimately postponed by the contractor until after the restricted activities period.
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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to development of the offsetting plan. See 2021 Annual Report for details.
	In 2023, work to implement the offsetting plan approved by DFO through issuance of the Authorization under the <i>Fisheries Act</i> included the offline construction of the realigned portions of Indian Creek, including associated riparian habitat and wetland pockets, toe protection, and instream habitat structures. In addition to the realigned portion of Tributary A which was brought on-line in December 2022, the newly constructed Indian Creek channel was activated on November 9, 2023 and is currently functioning as fish habitat.

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 2023.

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: Channel realignment construction planning has been completed to minimize the extent and duration of flow diversions in existing channels.
7.10.1	Constructing the realigned channels offline;
	Activities Undertaken to Comply with Condition: In 2023, construction of the realigned portions of Indian Creek and construction of the Culvert 1 and associated channel realignment were completed offline.
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:
	In 2023, the newly constructed Indian Creek channel was brought on-line (i.e., commissioned) on November 8, in the presence of CN, Aecom and Stantec staff. All realignment work within this channel segment was completed prior to commissioning. This includes the completion of any in-stream structures and riparian habitats supporting fish and fish habitat (as well as other wildlife) within this segment of the channel. After commissioning, DFO followed up with an additional on-site visit on November 23, 2023, to review conditions under active flow conditions and confirmed based on that site meeting that this condition had been satisfied. See Section 4.2.10 of 2023 Annual Report for details.

Condition Number	Condition
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:
	Offline construction of the Indian Creek channel realignment occurred in 2023. This offline construction was achieved by maintaining earthen plugs at both the upstream and downstream sections of each reach of the new channel. To facilitate commissioning of the new channel, the earthen plugs were removed and replaced with strategically located coffer dams (consisting of pea gravel meter bags wrapped with an impermeable liner) beginning on October 4 and 5, 2023, which were maneuvered in sequence to facilitate the connections while keeping the segment isolated until commissioning of the channel.
	To commission the Indian Creek channel, earthen plugs separating the new channel from the existing channel were maintained until such time that the channel segment had been completed (see Condition 7.10.3) and until vegetation had established within the new channel. The constructed segment of the Indian Creek channel realignment was commissioned on November 8, 2023.
	Confirmation that vegetation had been established was provided during a site visit by DFO on November 23, 2023, after commissioning of the new channel, in which DFO noted their satisfaction with the vegetative growth within the realigned Indian Creek channel and riparian area (i.e., confirmed compliance with this condition).
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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds 1 and 2 were completed in 2023 but they are not yet operational pending completion of upstream drainage infrastructure and vegetation planting plan.

Condition Number	Condition
7.11.1	Maintain vegetated edges and berms around the wet ponds and along the outlet channel;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds 1 and 2 were completed in 2023 but they are not yet operational pending completion of upstream drainage infrastructure and vegetation planting plan.
7.11.2	Maintain grassed swales; and
	Activities Undertaken to Comply with Condition:
	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.
7.11.3	Install below-grade pipes and bottom draw outlet pipes.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds 1 and 2 were completed in 2023 but they are not yet operational pending completion of upstream drainage infrastructure and vegetation planting plan. Construction of the below grade pipes proposed to collected stormwater runoff from the terminal has not yet commenced and they are not yet operational.
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:
	Activities Undertaken to Comply with Condition:
	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.

Condition Number	Condition
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 Undertaken to Comply with Condition:
	With a segment of Tributary A commissioned at the end of 2022 and the newly constructed Indian Creek channel commissioned on November 8, 2023, implementation of this component of the Fish and Fish Habitat FUP commenced in 2023 (i.e., Year 0).
	Based on monitoring, inspections and reporting on the mitigation measures implemented prior to and 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.
7.12.2	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:
7.12.2.1	Conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and
	Activities Undertaken to Comply with Condition:
	With a segment of Tributary A commissioned at the end of 2022 and the newly constructed Indian Creek channel commissioned on November 8, 2023, implementation of this component of the Fish and Fish Habitat FUP commenced in 2023 (i.e., Year 0).
	Visual assessment and photo documentation of the realigned Tributary A and Indian Creek were conducted in 2023 to capture Year 0 conditions and to establish baseline monumental photo locations. The same locations will be used for subsequent monitoring. See Section 4.2.9 for details.
7.12.2.2	Conduct fall monitoring of stream characteristics (including profile, pattern, dimensions, and pebble counts);
	Activities Undertaken to Comply with Condition:
	With a segment of Tributary A commissioned at the end of 2022 and the newly constructed Indian Creek channel commissioned on November 8, 2023, implementation of this component of the Fish and Fish Habitat FUP commenced in 2023 (i.e., Year 0).
	Fall monitoring of stream characteristics for Tributary A was conducted on May 19 and November 23, 2023, and Indian Creek on November 23, 2023. The monitoring results indicate that the channels were generally constructed according to design. Where constructed variations from design were observed (at Indian Creek), these are considered within acceptable



Condition Number	Condition
	tolerances for a newly constructed stream restoration project and are not anticipated to impact habitat quality or channel stability. See Section 4.2.9. for details.
7.12.3	Monitor water temperature of the overland runoff flows from the stormwater management system;
	Activities Undertaken to Comply with Condition:
	As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction. SWM ponds are not yet operational.
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:
	If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.
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 Bir	rds (8.1 to 8.4)
8.1	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.
	Activities Undertaken to Comply with Condition:
	In 2023, 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:
	 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
	The restricted activity period for vegetation removal (as established previously through consultation with ECCC and as documented in the EPP) was adhered to during construction of the Project to limit the disturbance to migratory birds that may be within the limits of construction. Initial work to facilitate major earthworks and grading activities on site, including those associated with the installation of Culvert 7 and the realignment of Indian Creek, occurred prior to April 1.
	The one exception where tree removal occurred during the restricted activities period pertained to the removal of grasses and shrubs to facilitate the construction of the realigned mainline. Vegetation removal was completed August 2, 2023, following the completion of breeding birds surveys in accordance with Condition 8.2.2 and the mitigation measures outlined in the EPP. No nests were observed.
	No contravention of the Migratory Birds Convention Act, 1994, the Migratory Birds Regulations, or the Species at Risk Act, was identified.

Condition Number	Condition
	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 Roughed-wing Swallows were observed flying on site, no Bank Swallows were observed and no nests were encountered.
	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. Further, work to the south of the barn associated with gaining access to stabilize the Indian Creek slope and to install the in-stream habitat structures occurred outside of this period. Barn Swallows were observed flying in and out of the existing barn.
8.2	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:
	Activities Undertaken to Comply with Condition:
	To facilitate construction activities on site in 2023, and to avoid disturbing migratory bird habitat during the breeding bird season, the contractor generally completed tree and vegetation removal prior to April 1 or scheduled construction activities after August 31 in those areas so that tree and vegetation removal could be completed after the restricted activities period established in consultation with ECCC. Clearing of grasses and shrubs occurred during the breeding season for migratory birds on August 2, 2023, following completion of a nest sweep to facilitate the construction of the realigned mainline. No nests were observed.
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 Undertaken to Comply with Condition:
	Condition fulfilled. See 2022 Annual Report for details.
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 Undertaken to Comply with Condition: Condition fulfilled in regard to measures being included in the WMCP and EPP. See 2021 Annual Report for details.

Condition Number	Condition
	Limited clearing of track side vegetation (i.e., grass and shrubs in an open field) was required in August 2023 to facilitate grading and construction of the temporary mainline diversion south of Lower Base Line.
	Nest sweeps of the area were conducted by a qualified biologist on May 17, July 4, July 17, July 26, July 27, and August 2, 2023, 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.
	During the July 4 nest sweep, which included observations of the vegetated ditch along CN's mainline south of Lower Base Line, biologists observed Bobolink, Eastern Meadowlark, and Barn Swallow using the area (i.e. perched on fence, foraging, singing). While no nests were observed for the species at risk, vegetation clearing was postponed until after the breeding bird window.
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 2023.
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.

Condition Number	Condition
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:
	Through the follow-up program monitoring conducted in 2023, there was no evidence of project-attributable harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. Mitigation measures in place appear to be effective at avoiding harm to migratory birds. As such, no modified or additional mitigation measures are recommended (see Section 4.2.10).
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 Undertaken to Comply with 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. Operation has not begun in 2023.
Listed Specie	s 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 (Pseudacris triseriata) 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 (Pseudacris triseriata) and breeding and hibernating sites (residences) for Western Chorus Frog (Pseudacris triseriata). In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
	To inform installation of the exclusion fence, Western Chorus Frog call count surveys were conducted in March and April, 2023, at the six survey stations established in 2020 and at off-site reference sites. No Western Chorus Frogs were detected adjacent

Condition Number	Condition
	to the CN mainline between and the second s
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 (Pseudacris triseriata);
	Activities Undertaken to Comply with 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 (Pseudacris triseriata), including breeding and hibernating sites (residences) identified through the surveys; and
	Activities Undertaken to Comply with Condition:
	Based on the surveys conducted in the spring of 2020, connectivity between all habitat necessary to support the annual life cycle of Western Chorus Frog, including breeding and potential hibernating sites (residences), were identified on Figure 1 of the WMCP submitted to ECCC on May 31, 2021, Ministry of the Environment Conservation and Parks (MECP) on June 8, 2021, Halton Region on June 4, 2021, and CH on June 28, 2021. Only ECCC and MECP provided comments in regard to the WMCP, the final version of which was submitted to IAAC on November 26, 2021, and is available on the project website.
	Surveys were conducted in spring of 2023 to provide supplementary information regarding the presence or absence of Western Chorus Frogs within the previously identified suitable habitats. Survey methods used in 2023 were the same as those in the 2020 auditory surveys with additional off-site reference sites established at habitat patches within 5 km of the PDA. No Western Chorus Frogs were detected adjacent to the PDA, between Section , in the 2023 spring surveys. Furthermore, by the spring of 2023, the previously identified Western Chorus Frog habitat had been altered by adjacent land developers. One of the two wetland pockets had been removed and compensation habitat for the removal of that pond had been constructed by the developer. This work was completed in accordance with the Section , which was approved by the Region, Town
	and Conservation Halton, as discussed on February 16, 2023, with representatives from adjacent land developers. Further, the remaining wetland pocket was removed during the summer of 2023 by the adjacent land developer. As such, given the absence of calls observed during the spring 2023 surveys and based on the removal of the two previously identified wetland

Condition Number	Condition
	breeding ponds, it is likely that the species no longer occurs in the area and any previously identified overwintering habitat identified within the PDA no longer functions as Western Chorus Frog habitat.
	With the absence of breeding habitat immediately adjacent to the CN mainline, the function of the vegetated areas within CN's mainline as potential hibernating sites is now questionable. Further discussion with ECCC is ongoing to better understand the possible implications for the implementation of specific mitigation measures and compensation habitat for this Project.
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 (Pseudacris triseriata) 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
	In 2023, no construction occurred north of Britannia Road within the area where such mitigation measures will be implemented. In anticipation of construction in 2023, the Western Chorus Frog exclusion fence was installed along the mainline between section section .
8.6	The Proponent shall install, prior to construction and during the breeding season for Western Chorus Frog (Pseudacris triseriata), exclusion fencing to prevent Western Chorus Frog (Pseudacris triseriata) 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:
	Activities Undertaken to Comply with Condition:
	Wildlife exclusion fencing was installed along both sides of the CN right-of-way (ROW) between and the second sec

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:
	No construction occurred in this area in 2023. Based on consultation with ECCC, the breeding season dates for Western Chorus Frogs for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area.
	To inform installation of the exclusion fence, Western Chorus Frog call count surveys were conducted in March and April 2023 at the six survey stations established in 2020 and at off-site reference sites. No Western Chorus Frogs were detected adjacent to the CN mainline between and the exclusion , although they were observed at the and the exclusion reference site. Based on the results of these surveys, CN proposed to commence installation of the exclusion fence on April 10, 2023. This information was shared with ECCC on April 5, 2023, and ECCC confirmed the proposed timing through correspondence on April 6, 2023. After consultation with ECCC, the exclusion fence was installed between April 10 and 18, 2023, and monitored on a regular (weekly) basis.
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 (Pseudacris triseriata) breeding sites (residences) prior to installing exclusion fencing.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. Based on the spring surveys conducted in 2023, prior to the installation of the exclusion fence, no Western Chorus Frog breeding sites have been observed within the PDA as confirmed by a qualified wildlife biologist that was on site during the spring surveys and to confirm the installation of the fencing.

Condition Number	Condition
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 (Pseudacris triseriata) 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:
	Wildlife exclusion fencing was installed along both sides of the CN ROW between 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 no construction occurred in this area in 2023, the fencing was monitored on a regular (weekly) basis and maintained throughout 2023. Construction activities are anticipated in 2024 as part of Phase 2 of construction.
8.8	The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for Western Chorus Frog (Pseudacris triseriata) identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for Western Chorus Frog (Pseudacris triseriata) determined pursuant to condition 8.6.1.
	Activities Undertaken to Comply with Condition:
	Construction along the mainline between and the second se
8.9	If any hibernating site (residence) for Western Chorus Frog (Pseudacris triseriata) 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 (Pseudacris triseriata) 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.
	Activities Undertaken to Comply with Condition:
	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 recent changes to the existing habitat by others, as described in

Condition Number	Condition
	regard to Condition 8.5.2, further discussion with ECCC (and other parties) are ongoing to determine whether any hibernating sites for Western Chorus Frog would be impacted by Project activities, and consequently whether any restored habitat will be necessary.
	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 (Station 5) was still present during the 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 are on-going. No construction occurred in this area in 2023. No compensation habitat for Western Chorus Frog was constructed in 2023.
8.10	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on Western Chorus Frog (Pseudacris triseriata) 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:
	Activities Undertaken to Comply with Condition:
	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.
8.10.1	Monitor the use by Western Chorus Frog (Pseudacris triseriata) individuals of the habitat restored pursuant to condition 8.9;
	Activities Undertaken to Comply with Condition:
	Use of any habitat restored by CN by Western Chorus Frog will be monitored once it has been completed.
8.10.2	Monitor the use by Western Chorus Frog (Pseudacris triseriata) individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;
	Activities Undertaken to Comply with Condition:



Condition Number	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 (Pseudacris triseriata) 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	The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) in areas identified by the Proponent as habitat for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) on figure 5 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:
	Agricultural fields previously identified as grassland habitat for Bobolink and Eastern Meadowlark were based on the presence of hay in those fields. In 2023, hay fields were not present within the PDA and crops grown in the year prior to the start of construction were a mixture of corn and soybeans. Neither crop is conducive to supporting grassland bird habitat. Further, vegetation removal occurred outside of the breeding season for Eastern Meadowlark and Bobolink. Vegetation removal described in response to Condition 8.1 and 8.2 that occurred during this period (i.e., May) pertained to the removal of individual trees and not grassland habitat where these species would be found.
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 (Sturnella magna), bobolink (Dolichonyx oryzivorus) and monarch butterfly (Danaus plexippus) 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
8.13	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:
	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.
	Eastern Meadowlark and Bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2023 (see Section 4.2.12).
8.13.1	Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;
	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 2023 (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 (Sturnella magna) and bobolink (Dolichonyx oryzivorus) attributed to the Designated Project; and
	Activities Undertaken to Comply with Condition: The monitoring carried out in 2023 did not demonstrate that any modified or additional mitigation measures are 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

Condition Number	Condition
	meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus). 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 requiremented.
	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 2023, woody vegetation control was and mowing occurred to assist with suppressing woody growth from species such as Red Osier dogwood which may impede grass and forb success.
8.14	The Proponent shall identity, 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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) 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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) 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. See 2021 Annual Report for details.
	Construction of some of the snapping turtle habitat features, including the nesting mounds and riparian wetland pools along the realigned Tributary A channel and within the existing Indian Creek riparian area, were completed in 2022. Construction of

Condition Number	Condition
	the remaining nesting mounds and riparian ponds adjacent to the Indian Creek channel realignment was completed in November 2023.
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.
8.16	The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (Chelydra serpentine) (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 (Chelydra serpentine) 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to the methods for relocating snapping turtles observed within in-water construction. See 2022 Annual Report for details.
	The majority of in-water work occurred outside of the overwintering period for snapping turtles. However, to complete the commissioning of the realignment of Indian Creek, some in-water works were conducted during the overwintering period for Snapping Turtles, specifically in October and November 2023. Prior to completing this work, surveys for the presence of any turtles were completed by biologists in conjunction with the fish rescue activities undertaken (See Condition 7.2).
	During the overwintering period, Snapping Turtles were encountered within the construction footprint on two occasions. During the first encounter on October 19, 2023, one Snapping Turtle was uncovered during excavation (following a turtle sweep of the area). Attempts were made by the biologist to relocate the Snapping Turtle to two separate accredited facilities (Dundas Turtle Watch and Ontario Turtle Conservation Centre), although both facilities advised CN to relocate the turtles back into the Indian Creek system due to the warm weather, as temperatures remained above those considered indicative of overwintering periods. The second encounter occurred on November 9, 2023, within the abandoned section of Indian Creek

Condition Number	Condition
	following commissioning of the new channel. This Snapping Turtle was relocated to the Ontario Turtle Conservation Centre in Peterborough for the duration of the overwintering period.
8.17	The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (Chelydra serpentine) 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled prior to construction. See 2021 Annual Report for details.
	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.
	At the end of 2023, following completion of the Indian Creek realignment and associated habitat enhancements, wildlife exclusion fencing was adjusted outside of the valley to reflect Phase 2 construction activities in accordance with WMCP, with minor adjustments to account for current conditions.
8.18	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.
	Activities Undertaken to Comply with Condition:
	Permanent exclusion fencing will be installed once construction of the realigned channels is completed, and vegetation has been installed. Maintenance and monitoring of the exclusion fencing will be completed by CN throughout operation of the Designated Project.
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	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
	Activities Undertaken to Comply with Condition:



Condition Number	Condition
	Condition fulfilled with respect to installation of exclusion fencing. See 2021 Annual Report for details.
	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.
8.19.2	Inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly.
	Activities Undertaken to Comply with Condition:
	In 2023, 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.
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.
	Activities Undertaken to Comply with Condition:
	The signs installed to notify drivers of the risk of turtle collisions (i.e., turtle crossing signs) along the temporary construction access roads within the PDA (i.e., at the entrances to each access road) on May 4 th , 2022, remained in place throughout 2023.
8.21	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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) 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:
	Activities Undertaken to Comply with Condition:



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	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.
	Monitoring of wildlife exclusion fencing and for the presence of any turtles within the construction area or in-water construction areas occurred in 2023 (see Section 4.2.13).
8.21.1	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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) from entering in-water construction work areas;
	Activities Undertaken to Comply with Condition:
	Regular inspections by CN's EM and maintenance of the wildlife exclusion fencing by the contractor occurred in 2023. Prior to any in-water work in 2023, areas were searched for snapping turtles and midland painted turtles in conjunction with the fish rescue activities. While some Snapping Turtles were observed within the areas planned for in-water construction, these turtles were relocated prior to commencement of in-water construction activities (see Section 4.2.13). No turtles were observed entering the in-water construction areas in 2023.
8.21.2	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
	Activities Undertaken to Comply with Condition:
	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. However, one mortality was observed on October 5, 2023, of a very small snapping turtle (hatchling) that was observed on the access ramp to the restoration site within the Indian Creek valley. Due to its small size (i.e., golf ball), it was not clear if it died from construction traffic related causes or another cause. A sweep of the area for any signs of other hatchlings turned up no results.
8.21.3	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.

Condition
Activities Undertaken to Comply with Condition:
Adaptive management approaches in 2023 focused on responding to turtle mortality which included the one Snapping Turtle hatchling. There is no evidence for the cause of the mortality of the turtle. However, a mitigation plan was implemented which included daily sweeps in the proximity of where the turtle was found. The mitigation plan was implemented until the opening in the fence was closed and the construction activity in this area was completed. No additional turtles were observed.
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.
Activities Undertaken to Comply with Condition:
In 2023, the following observations were recorded and reported to the Natural Heritage Information Centre:
 Five Snapping Turtles were observed on separate occasions during the turtle basking surveys that took place throughout the month of May. The sightings occurred on May 5, 9, 10, 17 & 18, 2023. Only observations were made, and no action was required. One Snapping Turtle was observed on May 10, 2023, in the construction plunge pool at the outlet to Indian Creek from the regional diversion channel. Relocation/removal was not required since turtle was outside of active construction area. One Snapping Turtle was found in Tributary A resting pool upstream of Culvert 2A near the upstream property limit. A qualified biologist was called to the site to monitor the turtle. The turtle travelled upstream outside of the property limit. A turtle nest was observed on June 20, 2023, at the top of the valley slopes within the Tributary A enhancement area. The nest was not viable (i.e., predated; only eggshell fragments remained). One Snapping Turtle was observed on August 8, 2023, observed Tributary A wetland enhancement area, directly downstream of culvert 2B. No action was required. One Snapping Turtle was found on August 9, 2023, found buried in silt ditch near upstream of Culvert 2A (inside active construction area). The turtle was observed on September 11, 2023, in the Indian Creek realignment isolated work area. The turtle was safely relocated downstream of Indian Creek (away from the work area). One Snapping Turtle was observed on September 14, 2023, in Indian Creek, directly outside of the active construction area.

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	 A small baby Snapping Turtle was found dead on the access ramp to the restoration site (within the exclusion fencing) on October 5, 2023. It was unclear if the death was due to traffic-related causes or another cause. However, as portions of the exclusion fence were removed to facilitate construction of the channel, additional turtle sweeps were conducted daily to exclude turtle from the area and monitor further turtle activity, if any. It is noted that observing hatchlings this late in the year is not typical.
	 One young Snapping Turtle was found on October 6, 2023, in Indian Creek realignment isolation, just inside of the active construction area. Turtle was encouraged by EM to relocate upstream independently.
	 One Snapping Turtle was found on October 19, 2023, in an excavation pit near Indian Creek during realignment construction (inside active construction area). Based on advice by two accredited wildlife facilities, the turtle was relocated back into Indian Creek upstream of the construction area.
	• One Snapping Turtle was found on November 9, 2023, in Indian Creek inside the active construction area. The turtle was relocated to the Ontario Turtle Conservation Centre in Peterborough for the duration of the overwintering period.
8.23	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 (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project. As part of these measures, the Proponent shall:
	Activities Undertaken to Comply with Condition:
	Appropriate measures to mitigate the adverse environmental effects on barn swallow (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project were established in the EPP and WMCP, both of which were developed in consultation with ECCC.
	Mitigation measures implemented in 2023 include maintenance of the concrete barrier around the existing barn to prevent construction activities within areas that may disturb Barn Wwallows, removal of vegetation outside of the migratory bird nesting timing window (April 1 to August 31), and implementing measures to discourage Bank Swallows from nesting in temporary banks or stockpiles on site.
8.23.1	Maintain and keep accessible nesting habitat for barn swallow (Hirundo rustica) 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);
	Activities Undertaken to Comply with Condition:

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	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 and out of the barn in 2023 and foraging over the adjacent grass areas. The concrete barrier installed in 2022 was maintained throughout 2023, around the existing barn to prevent encroachment by construction vehicles in proximity to the Barn Swallow habitat.
8.23.2	Install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (Hirundo rustica) 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;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2022 Annual Report for details.
8.23.3	Manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (Riparia riparia) from nesting in the stockpiles; and
	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 15 th . No Bank Swallow nesting activity was observed.
8.23.4	Establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (Hirundo rustica) or bank swallow (Riparia riparia) 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.
	Activities Undertaken to Comply with Condition:
	No Barn wallows or Bank Swallow nests were encountered in culverts in 2023. Only one existing culvert was removed in 2023, and that culvert was not conducive to supporting Barn Swallow nesting as it was the small, corrugated steel pipe (CSP) beneath the mainline on Tributary A. As such, no buffer zones or setbacks were required.
8.24	The Proponent shall compensate for the loss of monarch butterfly (Danaus plexippus) 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

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	operation. The Proponent shall incorporate vegetation species in the replacement habitat that provide breeding and nectaring functions for monarch butterfly (Danaus plexippus).
	Activities Undertaken to Comply with Condition:
	The On-site Monarch Habitat Enhancement areas were identified on Figure 13 of the WMCP, which was prepared in consultation with ECCC and was provided to IAAC on November 26, 2021. The Monarch habitat enhancement areas occur in association with the realigned Tributary A and Indian Creek channels and associated riparian habitat, as well as additional grassland habitat within the floodplain of Indian Creek. In addition to the realigned portion of Tributary A, which was brought on-line in December 2022, the newly constructed Indian Creek channel was activated on November 8, 2023, and is currently functioning as fish habitat. Additional seeding and planting were also carried out in 2023 to create the Monarch habitat, including common milkweed (larval host plant) and a variety of nectaring wildflowers.
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:
	No chemical herbicides or pesticides were used within the PDA in 2023.
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 (Danaus plexippus) 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.

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8.25.1	Monitor the use by monarch butterfly (Danaus plexippus) 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, August, and September 2023 and is summarized in Section 4.2.14.
8.25.2	Monitor the use by monarch butterfly (Danaus plexippus) 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 commenced in 2023 (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 (Danaus plexippus) 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 Ducks Unlimited of the enhanced habitat in Luther Marsh in 2023 demonstrated that milkweed was not abundant in the planted area. Therefore, a supplemental hand planting of milkweed seeds and plugs was conducted in fall 2023.
	During nest sweeps conducted prior to vegetation removal adjacent to the mainline in August 2023, ecologists observed several small patches of milkweed and a few Monarch individuals flying nearby. To protect against potential impacts to larval stage Monarch (i.e., larvae, eggs and chrysalis) as a result of vegetation clearing, a protocol was developed in consultation with ECCC and implemented, as follows:

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	 If vegetation clearing involving milkweed species were to occur during the restricted period, milkweed plants should be inspected prior to clearing to locate Monarch larvae. If larvae are present, they may be moved to a location that is suitable and safe under the direction of a qualified biologist. Monarch caterpillars may be moved to other milkweed plants. For other larval stages (i.e., eggs and chrysalis) the entire milkweed plant should be relocated into an area of existing milkweed. Effort should be made to clear only a portion of milkweed in a given area during the restrictive period, to retain available breeding habitat for Monarch and a suitable location to relocate larva.
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.
8.26	The Proponent shall conduct pre-construction surveys of eastern milksnake (Lampropeltis Triangulum) 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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
8.27	If the presence of eastern milksnakes (Lampropeltis Triangulum) 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:
	Activities Undertaken to Comply with Condition:
	Throughout the surveys in 2023, no Eastern Milksnakes were observed within the PDA. However, CN implemented mitigation measures for Eastern Milksnake nonetheless.

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8.27.1	Implement, prior to construction, a snake capture and relocation program to remove eastern milksnakes (Lampropeltis Triangulum) 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 (Lampropeltis Triangulum), 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);
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
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
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	Even though no Eastern Milksnakes were observed during the pre-construction surveys, measures to mitigate adverse environmental effects on Eastern Milksnake were implemented in 2023, 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.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to design. See 2021 Annual Report for details.
	There were no 2023 sightings of Eastern Milksnake and therefore, no modified or additional mitigation measures were recommended for 2023.
8.28	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 (Lampropeltis Triangulum) 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:
	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.

Condition Number	Condition
8.28.1	Monitor sightings of eastern milksnake (Lampropeltis Triangulum) 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). No Eastern Milksnake observations were made in 2023.
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 (Lampropeltis Triangulum) 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 (Myotis lucifugus) 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 (Myotis lucifugus) 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.
	Activities Undertaken to Comply with Condition:



Condition Number	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.
	Activities Undertaken to Comply with Condition:
	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.
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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled in regard to design. See 2021 Annual Report for details.
	Culvert 1 and central portion of Culvert 2A installation were completed, in December 2023, both of which are proposed to function as aquatic ecopassages across the site. These ecopassages are proposed to function to retain habitat connectivity for terrestrial and aquatic species expected to be present within the PDA, including listed species at risk, while meeting engineering requirements for safe railway and facility operation.

Condition Number	Condition
8.32	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, the Proponent shall account of all ecopassages. 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 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.
	Since the ecopassages were not completed until December 2023, no monitoring of the ecopassages occurred in 2023; implementation of the Ecopassage FUP is planned for 2024 and the results of that program will be included in the next annual report.
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 Undertaken to Comply with Condition:
	No monitoring of ecopassages occurred in 2023 since construction of these features were only completed at the end of 2023. Monitoring of ecopassages will commence in 2024 and be presented in the Annual Report for 2024. 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.
8.32.2	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

Condition Number	Condition
	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 installation of 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.
8.33	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:
	Activities Undertaken to Comply with Condition:
	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.
	The WMCP was implemented by CN and the contractor prior to and during construction activities in 2023. Such measures included the implementation of general wildlife mitigation measures that included:
	 adherence to restricted activity periods use of wildlife exclusion fencing isolating and dewatering areas prior to any in-water work completing fish resource 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

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
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.
	Terrestrial and aquatic species were protected during construction of the portions of the ecopassage (i.e., Culvert 1, middle segment of Culvert 2A) in 2023, including through compliance with restricted activities periods, the use of wildlife exclusion fencing, isolating and dewatering the work area, conducting surveys for the presence of fish and turtles prior to the start of any in-water work, and the completion of fish rescues where they were encountered. Any contractors working on site completed the wildlife sensitivity training.
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.



Condition Number	Condition
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 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.
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	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:
	Activities Undertaken to Comply with Condition:
	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.
	Condition fulfilled for Phase 1 of construction. See 2022 Annual Report for details. As Phase 2 of the construction has been deferred to 2024, no country food monitoring was required for 2023.
9.1.1	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
	Activities Undertaken to Comply with Condition:
	No country food monitoring occurred in 2023.
9.1.2	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.
	Activities Undertaken to Comply with Condition: No country food monitoring occurred in 2023.

Condition Number	Condition
9.2	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.
	Activities Undertaken to Comply with Condition:
	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.
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:
	Activities Undertaken to Comply with Condition:
	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.
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.

Condition Number	Condition
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.
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 Undertaken to Comply with 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
General (10.1	.)
10.1	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.
	Activities Undertaken to Comply with Condition: All agricultural lands outside of the PDA were extended agricultural land leases in 2022, and all lands outside of the PDA will be extended leases for 2023, 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.

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

Condition Number	Condition
Cultural Her	itage (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.
	Activities Undertaken to Comply with 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:
	Activities Undertaken to Comply with 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 Undertaken to Comply with Condition: Condition fulfilled regarding photographic record of the shed. See 2021 and 2022 Annual Report for details.
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2022 Annual Report for details.

Condition Number	Condition
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:
	Activities Undertaken to Comply with Condition:
	In 2023, construction within 50 m of cultural heritage resources was required to install and utilize the access roads into the PDA required for the construction of SWM Pond 2, completion of Indian Creek bank work, and for general access to the site. 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.
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.3.2	Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and
	Activities Undertaken to Comply with Condition:
	Continuous vibration monitoring was conducted in 2023 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.
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

Condition Number	Condition
	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 Undertaken to Comply with Condition:
	Continuous vibration monitoring was conducted where construction occurred within 50 m of a cultural heritage resource in 2023. No construction related exceedances were noted at any of these locations during the monitoring period.
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:
	Activities Undertaken to Comply with Condition:
	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 are not planned at this time adjacent to these structures. As such, CN retained a qualified individual to conduct an updated assessment of these cultural heritage resources in January 2024, the results of which will be presented in the Annual Report for 2024.
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;
	Activities Undertaken to Comply with Condition:
	To determine if any vibration-related damage has occurred as a result of construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN would retain a qualified individual to conduct an updated assessment of each cultural heritage resource structure and to compare the before and after construction condition of each structure based on photographic records made pursuant to condition 11.1. This work is planned for January 2024.
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 Undertaken to Comply with Condition:
	In the event that damages are encountered as a result of vibration-related damage, CN would retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.

Condition Number	Condition
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 Undertaken to Comply with Condition:
	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, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. This work is planned for January 2024. 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.

Condition Number	Condition
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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled regarding development of the plan. See 2021 Annual Report for details.
	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 2023, including:
	 CHR-3 (4393 Tremaine): address interior plumbing leaks to avoid interior water damage and securing basement metal support posts on poured concrete footings
	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 boarding windows and doors, maintain heat during the winter months, replace wooden support posts in the basement with temporary support posts, monitor for evidence of trespassing, and stabilize the south porch with temporary support where posts have been removed
	However, vandalism at CHR-4 and CHR-5 was prevalent in 2023. On multiple occasions, individuals gained access to each house by breaking down doors and/or removing plywood used to board up doors and windows, causing severe damage to the interior and in some cases exterior of these dwellings. Copper pipes and electrical wiring were removed, windows were broken, and railings and floors were damaged. Power outages to these dwellings resulted in basement flooding at 5381 Tremaine Road. CN retained a contractor to secure the dwellings upon becoming aware of break-ins; however, as a result of the repeated break-ins, severe damage to the dwellings occurred.
	Two dwellings outside of the PDA (CHR-1 and CHR-3) remain occupied by tenants.
	CN will continue working with a contractor in 2024 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.

Condition Number	Condition
11.5.1	How the Proponent shall preserve the heritage value of each cultural heritage resource;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
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 Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.5.3	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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.6	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.
	Activities Undertaken to Comply with 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 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.

Condition Number	Condition
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 Undertaken to Comply with 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. 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).
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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.8	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:
	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.

Condition Number	Condition
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;
	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 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 the SWM Ponds).
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, Six Nations and HWN occurred in 2023.
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 2023.

Condition Number	Condition
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 2023.
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 2023.
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;
	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 2023.

Condition Number	Condition
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
	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 2023.
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 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 2023.
11.9	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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
	No human remains were encountered in 2023.

Condition Number	Condition
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;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2023.
11.9.2	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 human remains were encountered in 2023.
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;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
	No human remains were encountered in 2023.

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 2023.
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 2023.
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 2023.

Condition Number	Condition
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:
	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.
	Activities Undertaken to Comply with Condition:
	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. Through on-going consultation 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. Discussions between Stantec and CN to initiate discussions with the Indigenous communities occurred in December 2023, with targeted community discussions anticipated in 2024.

Section 12: Effects of the Environment on the Designated Project

Condition Number	Condition
General (12.	1)
12.1	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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled in regard to development of the infrastructure protection plan for Phase 1 of construction. See 2021 Annual Report for details.
12.1.1	Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;
	Activities Undertaken to Comply with Condition:
	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 IEM also monitored a weather app to time site visits accordingly.
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 Undertaken to Comply with Condition:
	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.

Condition Number	Condition
12.1.3	Report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2; and
	Activities Undertaken to Comply with Condition:
	No major repairs were completed pursuant to the implementation of the plan, including any major repairs to the erosion and sediment control measures implemented in accordance with the infrastructure protection plan. There were no major failures of the erosion and sediment control devices in 2023 caused by flooding, freezing rain, ice storm or another extreme weather event.
	Only minor repairs were implemented to erosion and sediment control devices, such as replacing strawbale check dams, repairing silt fences impacted by wind or runoff events (i.e., torn or loose geotextile).
	Some repairs to target localized erosion areas within on-site drainage features (i.e., Tributary A) were implemented, and additional erosion and sediment controls implemented to stabilize these areas (i.e., seeding, matting, strawbales, rock check dams), although these areas were contained on-site and did not result in a release to the environment. Specifically, additional rock check dams were installed within the channel between Culverts 2A and 2B to address observed erosion along this reach in March 2023, in consultation with IAAC and DFO.
12.1.4	Backfill all open excavations in a timely manner during construction, unless not technically feasible.
	Activities Undertaken to Comply with Condition:
	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. There were limited open excavations that occurred in 2023.
	In 2023, open excavations were required to facilitate the installation of Culvert 7 and the cutovers to activate the realigned mainline. These activities were short duration (i.e., overnight) activities where excavations were backfilled in a timely manner.

Section 13: Independent Environmental Monitor

Condition Number	Condition
General (13.2	L to 13.4)
13.1	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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
13.2	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.
	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 that include such information and these reports were submitted to CN and IAAC each month.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition:
	Condition fulfilled with respect to frequency. See 2021 Annual Report for details.
	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.
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.
	Activities Undertaken to Comply with Condition:
	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.

Section 14: Accidents and Malfunctions

Condition Number	Condition
General (14.1	L to 14.6)
14.1	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:
	Activities Undertaken to Comply with Condition:
	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.
	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.
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;
	Activities Undertaken to Comply with Condition:
	In 2023, 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.

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:
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.



Condition Number	Condition
	The A&M Response Plan – Operation will include these components once it is developed prior to operation.
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;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled. See 2021 Annual Report for details.
14.3.2	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:
	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 by CN prior to operation.
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;
	Activities Undertaken to Comply with Condition:
	Condition fulfilled for construction. See 2021 Annual Report for details.
	The A&M Response Plan – Operation, once developed, will include measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies. Such measures including reduced speed of trains and trucks entering and exiting the terminal, proper loading and unloading of containers within the terminal, adherence to safe driving practices by transport vehicles within and outside of the Terminal, setbacks of container handling within the pad areas of the terminal and natural areas and general operations within the terminal.

Condition Number	Condition				
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;				
	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.				
14.3.2.3	Measures to identify any sensitive habitats where response efforts shall be prioritized; and				
	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.				
14.3.2.4	Measures to reduce fire hazard and enhance fire preparedness;				
	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.				
14.3.3	The locations of spill containment kits within the Designated Project Development Area; and				
	Activities Undertaken to Comply with Condition:				
	Condition fulfilled. See 2021 Annual Report for details.				

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.				
	Activities Undertaken to Comply with Condition:				
	Condition fulfilled. See 2021 Annual Report for details.				
	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.				
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.				
	Activities Undertaken to Comply with Condition:				
	The A&M Response Plan – Construction was submitted to IAAC on December 9, 2021. No updates to the A&M Response occurred in 2023.				
	CN shall submit an updated plan to IAAC, and relevant authorities involved with the implementation within 30 days of the plan being updated.				
	The A&M Response Plan – Operation will include these components once it is developed prior to operation.				
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:				
	Activities Undertaken to Comply with Condition:				
	On September 14, 2023, a sediment filter bag within a dedicated sediment basin used to filter construction water from an isolated section of Indian Creek (i.e., during dewatering) was compromised, releasing sediment-laden water into Indian Creek. The escaped flow compromised the surrounding sediment basin, bypassed secondary containment measures and traveled through a 30m vegetated buffer before being released into Indian Creek. Mitigation measures were immediately implemented in accordance with the A&M Response Plan. Notifications were also sent to agencies (i.e., IAAC), Indigenous communities, the Town of Milton, Region of Halton and neighbours pursuant to the A&M Communication Plan. No other				

Condition Number	Condition
	accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2023.
	In response to the incident involving the failure of a sediment filter bag on September 14, 2023, CN implemented additional mitigation measures (beyond those already identified in the A&M Response Plan) that included:
	 Enhanced secondary containment, including a larger filter bag, additional silt fencing at discharge location, additional strawbales between silt fences, and lining of strawbales with filter fabric Development of a Site-Specific Best Practices Document for Pumping Basins/ Silt Bag Maintenance to document protocols and procedures for the use of filter bags and pumping of construction water on site
14.5.1	Implement the communication plan referred to in condition 14.6 as it relates to accidents and malfunctions;
	Activities Undertaken to Comply with Condition:
	The communications plan referred to in condition 14.6 was implemented in response to the incident that occurred on September 14, 2023. 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 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.
14.5.2 (and all sub- conditions 14.5.2.1 to 14.5.2.3)	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:
	 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.
	Activities Undertaken to Comply with Condition:
	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 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 September 14, 2023, and to downstream



Condition Number	Condition				
	landowners from September 15 to 18, 2023. As part of the notifications to the Mississaugas of the Credit First Nation and Six Nations of the Grand River, 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.				
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;				
	Activities Undertaken to Comply with Condition:				
	Notification was provided to the Spills Action Centre (ECCC representative in Ontario), Town of Milton, Halton Region on September 14, 2023.				
14.5.4 (and all sub-	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:				
conditions 14.5.4.1 to 14.5.4.5)	 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. 				
	Activities Undertaken to Comply with Condition: On October 13, 2023, a 30-Day Report was submitted to IAAC addressing the incident that occurred on September 14, 2023. A copy of this report is available of the project website here: <u>https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates</u> .				

Condition Number	Condition				
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				
	Activities Undertaken to Comply with Condition:				
	On December 8, 2023, a 90-Day Report was submitted to IAAC pursuant to condition 14.5.4. to address the sediment incident that occurred on September 14, 2023. A copy of this report is available of the project website here: https://www.cn.ca/en/about-cn/milton-logistics-hub/construction-updates				
14.6	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:				
	Activities Undertaken to Comply with Condition:				
	Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.				
	A&M Communication Plan for operations will be developed prior to the start of operations.				
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.				

Condition Number	Condition			
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	L 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 of this 2023 Annual Report.			

Condition Number	Condition		
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 fulfilled in regard to Condition 15.1 and 15.2. See 2021 Annual Report for details.		
	Updated schedules prepared in accordance with Condition 15.3 were submitted to these the MCFN, the SNGR, the HWN, the Town of Milton, Halton Region, and Conservation Halton on March 31, 2023 via email correspondence directing them to the project website.		

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 2023. IAAC will be notified if there is a change to the contact information of the Proponent.				

CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT

APPENDIX 2A Record of Consultation Agencies



Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun		
		FEDERAL AGENCIES				
Impact Assessme	nt Agency of Canada (IAAC)					
03/21/2023	Email – Outgoing	Julie Buron Barb Veale (CH) Philip Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN notified IAAC about the planned in-water works to and sedimentation issues, as identified by CN to CH stabilize the existing channel and to implement erosion that, due to these activities occurring during the Rest IAAC pursuant to Condition 7.4.1 of the Decision Sta		
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea (HC) In CC: Julie Buron Kitty Ma (HC) Heather Jones-Otazo (HC) Ninon Lyrette (HC) Alexandra Iliescu (HC) Dae Young Lee (HC)	Luanne Patterson	 HC noted that they had reviewed the 2022 Air Quality including: To consider further reduction of non-threshold co To provide detail and rationale on conversion me HC also noted that the department has not received a review. 		
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea (HC) In CC: Julie Buron Kitty Ma (HC) Heather Jones-Otazo (HC) Ninon Lyrette (HC) Alexandra Iliescu (HC) Dae Young Lee (HC)	Luanne Patterson	HC noted that they had reviewed the 2022 Country F future FUP reports pertaining PAHs as HC does not o sources for recommended PEFs/RPFs for carcinoger		
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea (HC) In CC: Julie Buron Kitty Ma (HC) Heather Jones-Otazo (HC) Ninon Lyrette (HC) Alexandra Iliescu (HC) Dae Young Lee (HC)	Luanne Patterson	HC noted that they had reviewed the 2022 Construct provide.		
06/13/2023	Email – Outgoing	Philip Curtis (DFO) Tara Schweitzer (DFO) Barb Veale (CH) Julie Buron	Chris Powell Steve Thurtell Darren Reynolds France Moreau	Stantec (on behalf of CN) provided a copy of a memo implemented to stabilize the channel banks in March Attachments: • Mem 160960844 TribA 20230526		
06/22/2023	Email – Outgoing	Julie Buron	France Moreau Chris Powell	CN informed IAAC of the mitigation measures propos require in-water work. CN noted that the mitigation m requested additional mitigation measures from CH.		
06/23/2023	Email – Outgoing	Julie Buron	France Moreau Chris Powell	CN forwarded CH's requested additional mitigation m 22, 2023 email to IAAC. Attachments: • Re: External FW CN MLH – Trib A Isolation and		



unication Summary

s to occur in Tributary A in order to resolve observed erosion H in two emails on March 21, 2023. CN noted that the work to sion and sediment control measures has proceeded. CN noted estricted Activity Period (March 15 – June 30) they are notifying statement.

lity FUP Results and provided their comments for CN's review,

d contaminants and PM2.5 where feasible methods in Tables 3-1 and 4-2 ed a copy of the 2021 updated air quality baseline report for

Provide FOP Results and suggested to adjust the language in bit define PAHs as carcinogenic but relies on information genic PAHs.

ction Acoustics FUP Results with no further comments to

mo regarding flows in Tributary A and the measures ch 2023 to CH and DFO (with IAAC cc'd).

posed to support the installation of wing walls, which would measures were discussed and approved by DFO and CN

measures related to the in-water works identified in CN's June

nd Diversion (email)

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
08/02/2023	Email – Outgoing	Julie Buron Sheryl Lusk (ECCC) Daniel DeOcampo (ECCC) Paul Johanson (ECCC) Carolyn Hann (ECCC) Harry Venita (ECCC) Rachel deCatanzaro (ECCC)	France Moreau Darren Reynolds Kristina Boka Chris Powell Andrew Taylor Heather Amirault	CN informed IAAC and ECCC of the additional mitiga impacts to Monarch. Milkweed and Monarch were not cleared at Culvert 7 south of Lower Base Line. Follow signs of Monarch caterpillars or its larval stages were accommodate construction of Culvert 7 on August 02
08/03/2023	Email – Outgoing	Julie Buron Sheryl Lusk (ECCC) Daniel DeOcampo (ECCC) Paul Johanson (ECCC) Carolyn Hann (ECCC) Harry Venita (ECCC) Rachel deCatanzaro (ECCC)	France Moreau Darren Reynolds Kristina Boka Manny Loureiro Chris Powell Andrew Taylor Heather Amirault	Stantec (on behalf of CN) informed IAAC and ECCC August 02, 2023 by the contractor and that more deta
08/04/2023	Email – Outgoing	Julie Buron Sheryl Lusk (ECCC) Daniel DeOcampo (ECCC) Paul Johanson (ECCC) Carolyn Hann (ECCC) Harry Venita (ECCC) Rachel deCatanzaro (ECCC)	France Moreau Darren Reynolds Kristina Boka Manny Loureiro Chris Powell Andrew Taylor Heather Amirault	 Stantec (on behalf of CN) provided IAAC and ECCC winformed on August 03, 2023. No trees and shrub vegoutside of the recognized breeding window for Boboli the breeding activities of tree or shrub-nesting birds a taken included smoothening out of the disturbed area with the tenant farmer to arrange for crop re-planting area, and compensation of crop loss. Attachment: Memo CN MLH Notification 20230804
09/14/2023	Phone call - Outgoing	Julie Buron	Chris Powell	Stantec informed IAAC of a silt bag that failed at the N conjunction with dewatering. While the on-site water v a visible plume downstream of Tremaine Road. IAAC communities, Town, Region, and neighbors pursuant
09/14/2023	Email – Outgoing	Julie Buron Tara Schweitzer (DFO)	Chris Powell France Moreau Darren Reynolds	As a follow up to the phone call, Stantec informed DF Immediate steps were taken to prevent further release layers of secondary containment. Water conditions re also reported to Indigenous communities, MECP Spill in the 30-day and 90-day reports.
09/21/2023	Email – Incoming	Julie Buron	France Moreau Darren Reynolds	As follow-up to inspection conducted on September 1 chart, details on the cleared area, the plant species for operations.
10/12/2023	Email – Incoming	Julie Buron Sheryl Lusk (ECCC) Carolyn Hann (ECCC) Dan McDonell (ECCC) Donna Dafoe (ECCC)	France Moreau Chris Powell Andrew Taylor	As a follow-up to the outgoing email dated July 27, 20 comments to the documentation regarding the Weste while no WCF was confirmed during the 2023 surveys absence of breeding in the remaining wetland. As bre adjacent lands, ECCC is of the opinion that the Projec the report's recommendation of replacing 2020 WCF report's conclusion that no WCF and habitats that pre that they can be consulted on alternative habitat resto Attachments: • Review from ECCC on Western Chorus Frog Inq



unication Summary

gation measures implemented to reduce the potential risk of noted during a prior nest sweep of the area of vegetation to be owing the confirmation by Stantec's ecologists that no visible ere observed, vegetation in the area of interest was cleared to 02, 2023.

C that a larger than discussed area was accidentally cleared on etails of the issue will be provided once available.

C with a memo summarizing the vegetation clearing activities vegetation were removed, and the clearing activity occurred olink and Eastern Meadowlark. Therefore, it was unlikely that s and ground-nesting birds were affected. Rectification actions ea and erecting a barrier for the work area, and CN will engage ng or application of a stabilization seed mix on the disturbed

e MLH site earlier in the day (i.e., September 14, 2023) in er was contained, silt was released to Indian Creek resulting in AC advised for additional notifications to be sent to Indigenous ant to the A&M Communication Plan.

DFO and IAAC of the spill event that occurred earlier in the day. ase, where repair work included adding extra capacity and returned to baseline levels within hours. The spill event was pills Action Centre, and the municipalities, and will be included

r 12, 2023, IAAC requested for CN's updated organizational for revegetation and fish species from the de-fishing

2023, ECCC (with IAAC CC-ed in email) provided their stern Chorus Frog (WCF) provided by CN. ECCC advised that eys, it is too early to conclude absence of the species and preeding habitats that potentially support WCF still exist on eject may still impact WCF and hence, ECCC did not support CF pre-construction surveys with 2023 WCF surveys, nor the previously support WCF were observed. ECCC also highlighted storation options.

nquiry

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commur
10/13/2023	Letter – Outgoing (via email)	Julie Buron	Chris Powell Heather Amirault	Stantec submitted the 30-Day Report regarding the s provided a description of the incident, the resultant in off the pumps immediately to prevent further discharg and strawbales (lined with filter fabric) were also inst replaced with a longer filter bag with double the capa
				To supplement the measures installed, DCC also dependent of the protocols and procedures related to the use of filter be
				 Daily inspections of silt buildup within silt bags, Regular inspection of the functionality of the silt I To use silt bags with larger capacities (for greate Ensuring all sediment basins and silt bags are low
				The Report documented that while the sediment plun a few hours, with no observed fish mortality. Therefor are anticipated. Photos of the site conditions and inst were provided in the Report. A copy of the Report wa
10/24/2023	Email – Outgoing	Julie Buron	France Moreau	As follow-up to questions raised during the latest site
			Darren Reynolds	 Updated organizational chart (to include Manny Details of the area cleared, including restoration List of fish species from the de-fishing operations noting that DFO has been notified that an invasiv DFO Sea Lamprey Control Centre has advised t
Department of Fis	heries and Oceans Canada (DF	0)		
01/16/2023	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Surface Water Quality and Results. CN noted that the document acknowledges November 2022 for sampling events moving forward. Attachment:
				CN SW FUP November table 4-2 results 202207
01/27/2023	Letter – Incoming (via email)	Tara Schweitzer	France Moreau Chris Powell	 DFO provided a letter in response to CN's December Fish and Fish Habitat FUP monitoring report. Attachment: 15-HCAA-00402 Year 0 No Concerns
01/28/2023	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Surface Water Quality and Results. Attachment: Mem CN SW FUP December table 4-2 results 2
03/21/2023	Email – Outgoing	Philip Curtis	Chris Powell France Moreau Heather Amirault	Stantec (on behalf of CN) notified DFO that sediment sediment plume is due to overland flow from the adja in the creek. Stantec noted that they recommend ado they are seeking input from DFO on the approach an Restricted Activity Period (March 15 – June 30).
03/21/2023	Email – Outgoing	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Darren Reynolds Kristina Boka	In follow up to a call between CN and DFO regarding CN) described that in-water works would occur to she check dams, and to possibly shore up some isolated they are considering emergency works) would be occ 30) and that DFO is in agreement with the proposed occur without isolation of the work area and during R
03/21/2023	Email – Outgoing	Julie Buron (IAAC) Barb Veale (CH) Philip Curtis Tara Schweitzer	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN notified IAAC (with CH and DFO cc'd) about the presolve observed erosion and sedimentation issues, CN noted that the work to stabilize the existing chann has proceeded. CN noted that, due to these activities June 30) they are notifying IAAC pursuant to Condition



e spill event that occurred on September 14, 2023. The Report t impacts and mitigation measures taken which included shutting arge, and repair of the damaged filter bag. Additional silt fences installed to create a sediment basin, and the failed filter bag was apacity.

developed a Site-Specific Best Practices Document to document r bags, including:

silt bags,

ater buffer)

located >30m from a watercourse

elume extended downstream, baseline conditions resumed within efore, no long-term impacts on water quality, fish, or fish habitat installations, and a summary of notifications of the spill event was also posted on CN's website.

ite visit, CN provided the following:

ny Loureiro who has joined the CN engineering team), on method employed and seed mix used, and ions (conducted on September 11, and October 3 to 5, 2023), asive species, Sea Lamprey, was observed within Indian Creek. ad to apply lampricide to the watercourse.

and Quantity Follow-up Program – November 2022 Table 4-2 es the reduction in sampling parameters verified with ECCC in ard.

20103

ber 23, 2022 email acknowledging the receipt and review of the

and Quantity Follow-up Program – December 2022 Table 4-2

20230127

ent plume formation has been identified along Tributary A. The djacent construction area and erosion because of elevated flows additional work to stabilize the slope/toe of the slope, and that and confirmation of the activities which will occur during the

ing the previous March 21, 2023 email, Stantec (on behalf of shore up the existing rock check dams, to install additional rock ed toe erosion flows. CN acknowledged that the work (which occurring during a Restricted Activity Period (March 15 – June ed approach (i.e., due to urgency of the issue, in-water work is to g RAP).

ne planned in-water works to occur in Tributary A in order to es, as identified by CN to CH in two emails on March 21, 2023. annel and to implement erosion and sediment control measures ties occurring during the Restricted Activity Period (March 15 – dition 7.4.1 of the Decision Statement.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
03/21/2023	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Surface Water Quality and Results. Attachment: Mem CN SW FUP Jan table 4-2 results 2023032
03/21/2023	Email – Incoming	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Darren Reynolds Kristina Boka	In response to the email dated March 21, 2023 on the situation is being resolved.
05/17/2023	Email – Outgoing	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Darren Reynolds Kristina Boka	 Stantec provided DFO with a draft memo summarizin erosion issues along Tributary A, between Culverts 2 Attachments: Mem CN-MLH Tributary A Erosion 20230417 (dr CN-MLH Tributary A Photo Log Tributary A Stabilization Plan 20230320 Notification Emails
06/13/2023	Email – Outgoing	Philip Curtis Tara Schweitzer Barb Veale (CH) Julie Buron (IAAC)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	Stantec (on behalf of CN) provided a copy of a memory implemented to stabilize the channel banks in March Attachment: • Mem 160960844 TribA 20230526
06/19/2023	Email – Outgoing	Philip Curtis Tara Schweitzer	Heather Amirault Chris Powell France Moreau Sean Geddes	 Stantec (on behalf of CN) requested approval from D the mainline tracks and pump Tributary A flows arour week of June 26, 2023. Attachments: Image of dewatering activity at culvert wingwall e Aerial image of area where works will be carried
06/19/2023	Email – Incoming	Philip Curtis Tara Schweitzer	Heather Amirault Chris Powell France Moreau Sean Geddes	DFO confirmed the plan described by CN in their Jun be taken to ensure downstream flows are maintained Tributary A.
06/20/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau	 CN provided DFO with updates to the water manager construction at Indian Creek. The update includes the for the downstream tie-in location, and for the upstread CN informed that the proposed work would occur in the late July/ early August. Attachments: Phase 1 – IFT Drawings – Milton Logistics Hub 0 Indian Creek – Tie-In Plan – Rev 1-CAL7KBZYF
06/22/2023	Email – Outgoing	Barb Veale (CH) Phil Curtis Tara Schweitzer	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN informed both CH and DFO that they were workin which would require the isolation of a section of Tribu flows around the work area while the wing walls are b the works will occur during the DFO restricted activity mitigation measures for the protection of fish during the
06/26/2023	Email – Incoming	Tara Schweitzer	Chris Powell France Moreau	 In response to the email dated June 20, 2023 on the enquired on the following: If the need for the diversion channel was new If the fish rescue would be performed on the diversion during the transition Date of Federal Regulators site visit



and Quantity Follow-up Program – January 2023 Table 4-2

320

the proposed in-water works, DFO acknowledged that the

zing the observations and actions taken in March to address the s 2A and 2B.

(draft)

mo regarding flows in Tributary A and the measures ch 2023 to CH and DFO (with IAAC cc'd).

DFO of a plan to isolate the section of Tributary A upstream of bund the work area while the wing walls are being installed the

all excavation (IMG 2698) ed out (image001)

une 19, 2023 email. DFO further noted that measures should ed and that sediment laden water is not discharged into

gement/ in-water work isolation approach for the channel the proposed approach of a full channel isolation with a pump ream tie-in location, to fully isolate both tie-in locations at once. n the dry with a fish rescue, while in-water work is anticipated in

b 01-C-952 YF2

king to install wing walls on the upstream end of Culvert 2A, butary A upstream of the mainline tracks and pump Tributary A e being installed. CN noted that DFO has approved the plan as vity period. CN has requested that CH provide any additional g the work.

ne proposed water management plan for Indian Creek, DFO

iversion channel, with downstream flow in Indian Creek

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commur
06/27/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	In response to the email dated June 26, 2023 from D diversion proposed is in lieu of several smaller tempo stages in the cutover work, and that flows within India work.
07/11/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	Stantec (on behalf of CN) provided DFO with the pro configuration, and requested for comments, if any. Attachment: Drawing 160960844 20230707 DS IC mods
07/18/2023	Email – Incoming	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	DFO commented that the proposed design modificati modification during the upcoming site visit.
07/19/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	Stantec agreed for further discussion during the site fish passage in the section of Tributary A (to be discu
07/25/2023	Meeting	-	Michael Dhanraj Chris Powell France Moreau Heather Amirault Brett Pajor Drew Bridger Kristina Boka Darren Reynolds Paul Schipani Manny Loureiro Scott Duncan Elaine Little Matthew Pickett (GEMS)	 Summary of discussion during site visit, including DF CN MLH-Track Realignment Mainline Ditch CN MLH-Indian Creek Downstream Realignmen CN MLH – Tributary A Culvert 2A-2B Attachments: CN Milton DFO Findings 20230726 OPSD 219.180 Rev 3 Nov 2021
07/31/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	 Following discussions during the site visit, Stantec fo downstream tie-in as previously provided on July 11, Attachment: Drawing 160960844 20230707 DS IC mods
08/02/2023	Email – Incoming	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	In response to the email dated July 31, 2023, DFO c
08/09/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault Kristina Boka Manny Loureiro Elaine Little Michael Dhanraj	Following comments during the site visit on July 25, 2 Straw bale check dams were upgraded to have 2 row maintained and replaced as required. With regards to tributary A between culvert 2A and 2 preferred course of action, and CN/Stantec will notify Creek Downstream section is currently difficult to acc reinstate fencing will be addressed once possible.



n DFO, Stantec (on behalf of CN) explained that the temporary nporary diversions, that fish rescues will be proposed at multiple ndian Creek will be maintained during the channel connection

proposed design modification to the downstream tie-in

cation looks acceptable and requested to further examine the

te visit and additionally requested for DFO's input on improving scussed during site visit).

DFO's site observations and recommendations for the following:

ent

c followed up for comments on the proposed modifications to the 11, 2023, if any

confirmed their approval of the proposed modifications.

5, 2023, Stantec followed up to update on the actions taken: rows of bales, all silt fencing and straw bales have been

d 2B, discussions with Aecom are underway to determine tify DFO of the proposed action plan once available. As Indian access due to recent floodings, DFO's recommendations to

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
08/14/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault Kristina Boka Manny Loureiro Elaine Little Michael Dhanraj	 As a follow-up to the email dated August 09, 2023, St Downstream section was reinstated as required on A 2A and 2B, Stantec shared that Aecom's proposed do DFO's inputs. Attachment: Photos of reinstated fencing at Indian Creek Dow
08/24/2023	Email – Outgoing	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Kristina Boka Manny Loureiro	Stantec provided an update of the in-water work to be and Indian Creek (activation of diversion is scheduled expected over the following 3-4 weeks), and invited D work at Tributary A, Stantec enquired if the contracto pump around for Tributary A flows be required, or will
08/24/2023	Email – Incoming	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Kristina Boka Manny Loureiro	As a follow-up to the email dated August 24, 2023, D the site visit due to unavailability.
08/24/2023	Email – Outgoing	Philip Curtis Tara Schweitzer	Chris Powell France Moreau Heather Amirault Kristina Boka Manny Loureiro	Stantec agreed to keep DFO apprised of the in-water
09/14/2023	Phone call - Outgoing	Tara Schweitzer	Heather Amirault	Stantec informed DFO of a silt bag that failed at in conjunction with dewatering. While the on-site resulting in a visible plume downstream of Trema Stantec shared that CN was implementing the A&M (and MECP SAC. DFO suggested a follow-up site me
09/14/2023	Email – Outgoing	Tara Schweitzer Julie Buron (IAAC)	Chris Powell France Moreau Darren Reynolds	As a follow up to the phone call, Stantec informed DF Immediate steps were taken to prevent further releas layers of secondary containment. Water conditions re also reported to Indigenous communities, MECP Spil in the 30-day and 90-day reports.
10/20/2023	Email – Outgoing	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	 Stantec informed DFO of the proposed access plan for the proposed approach. Drawing details were provide crossing the tracks and approaching from the souther Attachment: Access Plan for Trib C (Rev. 1)
10/23/2023	Email – Incoming	Tara Schweitzer	Chris Powell France Moreau Heather Amirault	DFO agreed that the proposed plan shared via email conditions of the Authorization.
12/22/2023	Email – Outgoing	Tara Schweitzer Philip Curtis	France Moreau Darren Reynolds Chris Powell Sean Geddes Heather Amirault Kristen Wozniak	CN provided DFO with the Fish and Fish Habitat FUF Attachment: • Fish and Fish Habitat FUP – Construction Monitor



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Stantec updated that the fencing at the Indian Creek August 11, 2023. With regards to tributary A between culvert design is to create a "v" in the rock check dam and asked for

ownstream section

be carried out at tributary A (scheduled on August 31, 2023) led in the week of September 04, 2023, with naturalization work d DFO for a site visit to view the works, if interested. For the ctor chooses to adjust the check dam structures by hand, will a will hand work under DFO/Stantec supervision suffice.

DFO acknowledged the in-water work scheduled but declined

ter work.

at the MLH site earlier in the day (i.e., September 14, 2023) ite water was contained, silt was released to Indian Creek naine Road.

A Communication Plan, and notifications were also sent to IAAC neeting, depending on details to follow, if required.

DFO and IAAC of the spill event that occurred earlier in the day. ase, where repair work included adding extra capacity and returned to baseline levels within hours. The spill event was pills Action Centre, and the municipalities, and will be included

n for work at Tributary C and requested review and approval of ided which depicts site access from Lower Baseline instead of hernmost extent of the Project area.

ail on Oct 20, 2023, was acceptable, in keeping with the

UP for 2023.

nitoring Report 2023 20231221 final

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
Environment and	Climate Change Canada (ECCC)			
01/04/2023	Email – Outgoing	Sheryl Lusk	Chris Powell France Moreau Luanne Patterson	CN provided ECCC with the Surface Water Quality a Results. CN noted that the document acknowledges November 2022 for sampling events moving forward. Attachment: CN SW FUP November table 4-2 results 202201
01/25/2023	Email – Outgoing	Sheryl Lusk Anita Li	Chris Powell France Moreau Luanne Patterson Andrew Sinclair Sheldon Smith	 CN provided ECCC with revised meeting minutes for December 14, 2022 email. Attachment: Notes ECCC surface water Table 4.2 15 Nov 20
01/27/2023	Email – Outgoing	Sheryl Lusk	France Moreau Chris Powell Luanne Patterson	 CN provided ECCC with the Surface Water Quality a Results. CN noted that the document demonstrates of discontinue chlorpyrifos sampling after January 2023 Attachment: CN SW FUP December table 4-2 results 202301
03/17/2023	Email – Outgoing	Bethany Thurber Sheryl Lusk	France Moreau Chris Powell Luanne Patterson Andrew Taylor Heather Amirault Isabelle Picard	CN provided responses to questions from ECCC record proposed Western Chorus Frog (WCF) surveys and CN CN indicated that WCF surveys are anticipated to be availability for a meeting the week of March 20, 2023 installation of exclusion fencing. Furthermore, CN inco WCF habitat compensation plans and design drawing proposing to initiate Phragmites removal in 2023 and
03/20/2023	Email – Outgoing	Bethany Thurber Sheryl Lusk	France Moreau Chris Powell Luanne Patterson Andrew Taylor Heather Amirault Isabelle Picard	 CN provided a corrected version of the responses to meeting. Attachment: Let Response to ECCC WCF Habitat 16 mar 202
03/21/2023	Email – Outgoing	Sheryl Lusk	France Moreau Chris Powell Luanne Patterson Sheldon Smith Andrew Sinclair	 CN provided ECCC with the January results of the su CN and ECCC that occurred the same day. Attachment: Mem CN SW FUP Jan table 4-2 results 2023032
03/23/2023	Email – Incoming	Sheryl Lusk	France Moreau Chris Powell Luanne Patterson Sheldon Smith Andrew Sinclair	In response to CN's March 21, 2023 email, ECCC co February monitoring events and subsequent events a
04/05/2023	Email – Outgoing	Bethany Thurber Sheryl Lusk Carolyn Hann	Andrew Taylor France Moreau Chris Powell Heather Amirault	 Stantec (on behalf of CN) provided ECCC with an up there have been no WCF recorded within the Project that the closest record of WCF observation (through Stantec indicated that another survey would be compinstalled within the Project Area on the following Mon Attachment: CHFR locations 1



unication Summary

and Quantity Follow-up Program – November 2022 Table 4-2 as the reduction in sampling parameters verified with ECCC in rd.

0103

for the November 15, 2022 call with ECCC per the ECCC's

2022

and Quantity Follow-up Program – December 2022 Table 4-2 s compliance of chlorpyrifos and noted their intent to 23 (the 6th sampling period) if it remains in compliance.

0127

eceived during the November 9, 2023 meeting regarding d exclusion fence installation along CN's right-of-way between

begin March / April 2023. CN requested that ECCC provide 23 to discuss final logistics around the proposed surveys and ndicated an interest in meeting with ECCC in person to review ings. CN indicated that, due to timing constraints, they are nd defer compensation habitat construction to 2023.

to questions from ECCC received during the November 9, 2023

2023

surface water FUP, as a follow-up to a telephone call between

320

confirmed that Chlorpyrifos can be discontinued for the s and can be considered concluded.

update on the WCF surveys for the Project. Stantec noted that ect Area or within 5 km of the Project. Stantec further indicated h iNaturalist) was approximately 8 km from the Project. mpleted April 6, 2023, and recommended that fencing be onday (April 10, 2023).

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communic
04/06/2023	Email – Incoming	Carolyn Hann Bethany Thurber Sheryl Lusk	Andrew Taylor France Moreau Chris Powell Heather Amirault	ECCC noted no concerns with the approach detailed ir
04/06/2023	Email – Incoming	Sheryl Lusk	Chris Powell	ECCC requested that Stantec provide a copy of the Up was submitted to IAAC.
04/06/2023	Email – Outgoing	Sherly Lusk	Chris Powell France Moreau Luanne Patterson	Stantec provided ECCC with a copy of the Update of A submitted to IAAC on December 9, 2021. Attachment: CN MLH AAQ baseline update 2021 20211209
04/12/2023	Email – Outgoing	Sheryl Lusk Stephanie Lines (TC)	Chris Powell Darren Reynolds France Moreau Luanne Patterson	 Stantec (on behalf of CN) provided both ECCC and TC Gas Emissions Reduction Plan (per Condition 4.16 of t interest in discussing ECCC's and TC's initial views of their availability. Attachments: Air Pollutant and GHG Emissions Reduction Plan AMENDED CONDITIONS 2022 Jul 26
04/20/2023	Meeting	Sheryl Lusk Bethany Thurber Carolyn Hann	Chris Powell France Moreau Andrew Taylor Heather Amirault Darren Reynolds Kristina Boka	CN and ECCC held a meeting to discuss western chor requirements, and site visits to area where exclusion fe area to be undertaken by housing developer; and WCF Attachments:
05/12/2023	Email - Outgoing	Sheryl Lusk Hossein Naghdianei Jeffrey Goodman Matthew Parsons Geoffrey Burgess (TC) Stephen Healey (TC) Zoiey Cobb (TC)	Chris Powell France Moreau Darren Reynolds Luanne Patterson Allan Prits	Stantec provided the draft minutes to the discussion or Pollutant and Greenhouse Gas Emissions Reduction F Attachment: • Note ECCC TC AO GHG Plan 20230425
07/27/2023	Email - Outgoing	Sheryl Lusk Bethany Thurber Carolyn Hann	France Moreau Chris Powell Andrew Taylor	 CN provided documentation regarding the Western Ch attached documents provided a summary of the 2020 a mitigation and habitat compensation. Attachments: Memo CN Milton WCFR 06012023 Letter ECCC Chorus Frog Update 14jul2023
08/01/2023	Email – Outgoing	Daniel DeOcampo Sheryl Lusk Paul Johanson Carolyn Hann Harry Venita Rachel deCatanzaro	France Moreau Kristina Boka Chris Powell Andrew Taylor	Stantec (on behalf of CN) informed ECCC that milkwee ecologists during the bird nest sweep, conducted prior larvae were found during subsequent surveys of Mona measures including moving larvae to suitable locations actions to be taken.



led in CN's April 5, 2023 email.

he Update of Air Quality Baseline Information (Stantec 2021) that

e of Air Quality Baseline Information (Stantec 2021) that was

Id TC a summary of the proposed Air Pollutant and Greenhouse 6 of the Decision Statement). Stantec further indicated an vs of the draft Plan and requested that the regulators provide

Plan summary

chorus frog habitat, impacts by others, and CN's compensation ion fencing will be installed for WCF; WCF compensation habitat WCF habitat site proposed by CN.

on on April 25, 2023 regarding the CN Milton Logistics Hub Air ion Plan and requested for questions of clarifications, if any.

n Chorus Frog and requested for comments, if any. The 020 and 2023 WCF surveys, and corresponding plans for

kweed and adult Monarch were observed by Stantec's prior to vegetation removal at Culvert 7. However, no eggs or *I*onarch breeding activity. Stantec proposed several mitigation tions if present and requested for a meeting to discuss follow-up

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
08/02/2023	Email – Outgoing	Sheryl Lusk Daniel DeOcampo Paul Johanson Carolyn Hann Harry Venita Rachel deCatanzaro Julie Buron (IAAC)	France Moreau Darren Reynolds Kristina Boka Chris Powell Andrew Taylor Heather Amirault	CN informed IAAC and ECCC of the additional mitiga impacts to Monarch. While Milkweed and Monarch w to be cleared at Culvert 7 south of Lower Base Line, were observed. Thereafter, vegetation in the area of 7 on August 02, 2023.
08/03/2023	Email – Incoming	Daniel DeOcampo Sheryl Lusk Paul Johanson Carolyn Hann Harry Venita Rachel deCatanzaro	France Moreau Kristina Boka Chris Powell Andrew Taylor	ECCC confirmed that they were in agreement with th discussion on August 02, 2023 and email on August developments as well.
08/03/2023	Email – Outgoing	Sheryl Lusk Daniel DeOcampo Paul Johanson Carolyn Hann Harry Venita Rachel deCatanzaro Julie Buron (IAAC)	France Moreau Darren Reynolds Kristina Boka Manny Loureiro Chris Powell Andrew Taylor Heather Amirault	Stantec (on behalf of CN) informed IAAC and ECCC August 02, 2023 by the contractor and that more deta
08/04/2023	Email – Outgoing	Sheryl Lusk Daniel DeOcampo Paul Johanson Carolyn Hann Harry Venita Rachel deCatanzaro Julie Buron (IAAC)	France Moreau Darren Reynolds Kristina Boka Manny Loureiro Chris Powell Andrew Taylor Heather Amirault	 Stantec (on behalf of CN) provided IAAC and ECCC informed on August 03, 2023. No trees and shrub vegoutside of the recognized breeding window for Boboli the breeding activities of tree or shrub-nesting birds a taken included smoothening out of the disturbed area with the tenant farmer to arrange for crop re-planting area, and compensation of crop loss. Attachment: Memo CN MLH Notification 20230804
08/16/2023	Email – Outgoing	Sheryl Lusk	Chris Powell Elaine Little	Stantec (on behalf of CN) provided ECCC responses Specifically, questions were pertaining the Wildlife Ma Meadowlark Replacement Habitat, and the Snapping Attachment: Comment Response to ECCC comments on 202
09/25/2023	Email – Outgoing	Sheryl Lusk Carolyn Hann Bethany Thurber	France Moreau Chris Powell Andrew Taylor	As follow-up to the outgoing email dated July 27, 202 comments regarding the Western Chorus Frog plans
10/12/2023	Email – Incoming	Sheryl Lusk Carolyn Hann Dan McDonell Donna Dafoe Julie Buron (IAAC)	France Moreau Chris Powell Andrew Taylor	As a follow-up to the outgoing email dated July 27, 20 regarding the Western Chorus Frog (WCF) provided during the 2023 surveys, it is too early to conclude at remaining wetland. As breeding habitats that potentia opinion that the Project may still impact WCF and her replacing 2020 WCF pre-construction surveys with 20 and habitats that previously support WCF were obser alternative habitat restoration options. Attachment: • Review from ECCC on Western Chorus Frog In-



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igation measures implemented to reduce the potential risk of were noted during a prior nest sweep of the area of vegetation e, no visible signs of Monarch caterpillars or its larval stages of interest was cleared to accommodate construction of Culvert
the Monarch mitigation measures proposed by Stantec (via st 01, 2023) and advised to include IAAC informed of
C that a larger than discussed area was accidentally cleared on etails of the issue will be provided once available.
C with a memo summarizing the vegetation clearing activities vegetation were removed, and the clearing activity occurred polink and Eastern Meadowlark. Therefore, it was unlikely that s and ground-nesting birds were affected. Rectification actions rea and erecting a barrier for the work area, and CN will engage ng or application of a stabilization seed mix on the disturbed
es to the questions posed regarding the 2022 Annual Report. Management and Connectivity Plan, Bobolink and Eastern ng Turtle and Midland Painted Turtle. 2022 Annual Report FUPs 20230714
023, Stantec (on behalf of CN) queried if ECCC had any ns provided.
2023, ECCC provided their comments to the documentation ed by CN. ECCC advised that while no WCF was confirmed absence of the species and absence of breeding in the ntially support WCF still exist on adjacent lands, ECCC is of the nence, ECCC did not support the report's recommendation of

a 2023 WCF surveys, nor the report's conclusion that no WCF served. ECCC also highlighted that they can be consulted on

Inquiry

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
Health Canada (Ho	C)		· · ·	
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea In CC: Kitty Ma Heather Jones-Otazo Ninon Lyrette Alexandra Iliescu Dae Young Lee Julie Buron (IAAC)	Luanne Patterson	 HC noted that they had reviewed the 2022 Air Quality including: To consider further reduction of non-threshold co To provide detail and rationale on conversion me HC also noted that the department has not received a review.
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea In CC: Kitty Ma Heather Jones-Otazo Ninon Lyrette Alexandra Iliescu Dae Young Lee Julie Buron (IAAC)	Luanne Patterson	HC noted that they had reviewed the 2022 Country F future FUP reports pertaining PAHs as HC does not o sources for recommended PEFs/RPFs for carcinoger
05/04/2023	Letter – Incoming (via email)	Julie M. Boudrea In CC: Kitty Ma Heather Jones-Otazo Ninon Lyrette Alexandra Iliescu Dae Young Lee Julie Buron (IAAC)	Luanne Patterson	HC noted that they had reviewed the 2022 Constructi provide.
12/06/2023	Email - outgoing	Julie M. Boudrea Dae Young Lee CC: Julie Buron (IAAC) Kitty Ma Heather Jones-Otazo Ninon Lyrette Alexandra Iliescu	Chris Powell Luanne Patterson France Moreau Darren Reynolds Little, Elaine	 Stantec, on behalf of CN, provided HC with response Program Reports for Acoustics, Air Quality and Count Attachments: HC_Comments_Response_2022 Annual Report
12/7/2023	Email - Incoming	Dae Young Lee In CC: Umme Akhtar Julie M Boudreau Julie Buron (IAAC) Ninon Lyrette Alexandra Iliescu Kitty Ma, Heather Jones-Otazo	Chris Powell Luanne Patterson France Moreau Darren Reynolds Little, Elaine	HC noted receipt of the follow up comments provided for Acoustics, Air Quality, and Country Food. HC said any additional questions.



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lity FUP Results and provided their comments for CN's review,

contaminants and PM2.5 where feasible methods in Tables 3-1 and 4-2 d a copy of the 2021 updated air quality baseline report for

y Foods FUP Results and suggested to adjust the language in ot define PAHs as carcinogenic but relies on information genic PAHs.

action Acoustics FUP Results with no further comments to

ses to their comments regarding the 2022 Annual Follow Up untry Foods.

ort FUPs_20231205

ed by Stantec on behalf of CN regarding the 2022 FUP reports aid they would review the response and follow up if there are

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
Transport Canada	(TC)			
04/12/2023	Email – Outgoing	Stephanie Lines Sheryl Lusk (ECCC)	Chris Powell Darren Reynolds France Moreau Luanne Patterson	 Stantec (on behalf of CN) provided both ECCC and T Gas Emissions Reduction Plan (per Condition 4.16 of interest in discussing ECCC's and TC's initial views of their availability. Attachments: Air Pollutant and GHG Emissions Reduction Plan AMENDED CONDITIONS 2022 Jul 26
05/12/2023	Email - Outgoing	Geoffrey Burgess Stephen Healey Zoiey Cobb Sheryl Lusk (ECCC) Hossein Naghdianei (ECCC) Jeffrey Goodman (ECCC) Matthew Parsons (ECCC)	Chris Powell France Moreau Darren Reynolds Luanne Patterson Allan Prits	Stantec provided the draft minutes to the discussion of Pollutant and Greenhouse Gas Emissions Reduction Attachments: • Note ECCC TC AO GHG Plan 20230425
			PROVINCIAL AGENCIES	
Ministry of Natura	I Resources and Forestry/Minis	try of the Environment, Conservation and Parks (MNI	RF)	
10/30/2023	Email - Outgoing	Scientific Collection Permits for the MNRF Guelph Office	Marc Faiella	Stantec informed MNRF that an invasive species, Sea fish recue activities and asked for advice on steps to advised by DFO to euthanize the Sea Lamprey upon
10/31/2023	Email - Incoming	Scientific Collection Permits for the MNRF Guelph Office	Marc Faiella	MNRF confirmed that they are in agreement with DFC captured outside of their established range, as per So
Ministry of the En	vironment, Conservation and Pa	arks (MECP)		
09/14/2023	Phone call - Outgoing	MECP Spills Action Centre (SAC)	Aaron Stadnyk	CN informed the MECP Spills Action Centre of a silt the September 14, 2023) in conjunction with dewatering. on-site water was contained, silt was released to Indi Tremaine Road. CN enquired if a follow-up on site stat forward the notification to the Halton/Peel District Office
09/14/2023	Phone call - Incoming	Aseel Kaiser (MECP Halton/Peel District Office)	Aaron Stadnyk	MECP confirmed, based on field measurements, that background levels (6.5 NTU), and that no further upd referenced was updated to 1-3U6Z6G.
			MUNICIPALITIES	
Town of Milton (M	L)			
05/12/2023	Email – Outgoing	Andrew Siltala Jill Hogan	Darren Reynolds Kristina Boka	CN provided ML the Lower Base Line Construction C Lower Base Line Road in early June, and requested t closure.
05/19/2023	Email – Incoming	Patrick Charron Andrew Siltala Jill Hogan Diana Jiona Jody Johnson (HR)	Darren Reynolds Kristina Boka	In response to the email dated May 12, 2023 on the L notified that the proposed road closure is subject to T occupancy permit at minimum. ML provided their com That the Plan should include a full engineering de The Region of Halton should be directly contacte Arterial roads should be used for detours, hence ML is not supportive of identifying Burnhamthorp



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d TC a summary of the proposed Air Pollutant and Greenhouse of the Decision Statement). Stantec further indicated an s of the draft Plan and requested that the regulators provide

lan summary

n on April 25, 2023 regarding the CN Milton Logistics Hub Air on Plan and requested for questions of clarifications, if any.

Sea Lamprey, were encountered in Indian Creek during their to be taken. Stantec also shared that they were previously on confirmation of their identities.

FO's recommendation to euthanize invasive species that are Schedule A of the licence conditions.

ilt bag that failed at the MLH site earlier in the day (i.e., ng. (SAC Initial Notification Incident No. 1-3U6YRN) While the ndian Creek resulting in a visible plume downstream of status was required and MECP indicated that they would Office.

nat the turbidity levels in Indian Creek had returned to pdates to SAC were required. The SAC Incident No. to be

Closure Detour Plan, notified ML of the temporary closure of d for ML's review and technical input to facilitate the road

e Lower Base Line Construction Closure Detour Plan, ML o Town of Milton approval and that CN should obtain a road omments, including:

design package

cted regarding use of regional roads for detours

ce Henderson Road should not be used as a signed detour orpe Road as a signed detour route

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
05/25/2023	Email – Outgoing	Patrick Charron Andrew Siltala Jill Hogan Diana Jiona Jody Johnson (HR)	Darren Reynolds Kristina Boka	In response to the email from ML dated May 19, 202: CN highlighted the safety standards that will be adop accordance with the provincial Occupational Health a Roadside Safety Manual. CN also provided an indus Group Ltd., that details information typically requeste scenario. CN notified that they would reach out to Ha suggestion, and requested for detailed additional tech Attachment: CN Milton Logistics Hub – Lower Base Line Construct Consulting Group Ltd.
09/14/2023	Phone call - Outgoing	Town of Milton Operations Services	Chris Powell	Stantec left a voice message to inform the Town of M (i.e., September 14, 2023) in conjunction with dewate to Indian Creek resulting in a visible plume downstrea
09/14/2023	Email – Outgoing	Andrew Siltala Bob Gray (Halton Region) Hassaan Basit (CH) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow up to the call, CN informed the Town of M Portions of the sediment-laden water escaped the se Immediate steps were taken to prevent further releas layers of secondary containment. The spill event was MECP Spills Action Centre, and the municipalities
09/15/2023	Email – Outgoing	Andrew Siltala Bob Gray (Halton Region) Hassaan Basit (CH) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow-up to the spill event on September 14, 20 returned to baseline levels within hours, and as the s Region Spill Response Team confirmed that no furth
Halton Region (HR	2)			
05/19/2023	Email – Incoming	Patrick Charron (ML) Andrew Siltala Jill Hogan Diana Jiona Jody Johnson	Darren Reynolds Kristina Boka	In response to the email dated May 12, 2023 on the I notified that the proposed road closure is subject to T occupancy permit at minimum. ML provided their con • That the Plan should include a full engineering d • The Region of Halton should be directly contacte • Arterial roads should be used for detours, hence • ML is not supportive of identifying Burnhamthorp
05/25/2023	Email – Outgoing	Patrick Charron (ML) Andrew Siltala Jill Hogan Diana Jiona Jody Johnson	Darren Reynolds Kristina Boka	In response to the email from ML dated May 19, 2023 CN highlighted the safety standards that will be adop accordance with the provincial <i>Occupational Health a</i> Roadside Safety Manual. CN also provided an indust Group Ltd., that details information typically requeste scenario. CN notified that they would reach out to Ha suggestion, and requested for detailed additional tech Attachment: CN Milton Logistics Hub – Lower Base Line Construct Consulting Group Ltd.
05/12/2023	Email – Outgoing	Patrick Charron Andrew Siltala Jill Hogan Diana Jiona Jody Johnson (HR)	Darren Reynolds Kristina Boka	In response to the email from ML dated May 19, 2023 CN highlighted the safety standards that will be adop accordance with the provincial <i>Occupational Health a</i> Roadside Safety Manual. CN notified that they would ML's suggestion, and requested for detailed additional
09/14/2023	Phone call - Outgoing	F. Mohammed (Halton Region #311)	Chris Powell	Stantec informed the Halton Region of a silt bag that 2023) in conjunction with dewatering. While the on-si resulting in a visible plume downstream of Tremaine
09/14/2023	Phone call - Outgoing	Nicole Hill (Supervisor of Industrial Waste Group, Halton Region)	Chris Powell	Halton Region (Nicole) informed that the spills to regi jurisdiction, while spills to local roads/storm sewers w within Halton's jurisdiction and that they have notified



023 on the Lower Base Line Construction Closure Detour Plan, opted for the road closure and that work will be carried out in *h and Safety Act* and the provincial Ministry of Transportation ustry-standard closure detour plan prepared by BA Consulting sted by road authorities in a temporary road closure diversion Halton Region for review and comments, as per ML's echnical feedback, if any, to be considered for the Plan.

ruction Closure Detour Plan (May 24, 2023) prepared by BA

Milton of a silt bag that failed at the MLH site earlier in the day atering. While the on-site water was contained, silt was released ream of Tremaine Road.

Milton of the spill event that occurred earlier in the day. secondary containment system and entered Indian Creek. ase, where repair work included adding extra capacity and as also reported to DFO, IAAC, Indigenous communities,

2023, CN informed the Town of Milton that water conditions e spill did not enter the regional storm sewers, the Halton ther involvement from the Spill Response Team was required.

e Lower Base Line Construction Closure Detour Plan, ML o Town of Milton approval and that CN should obtain a road omments, including:

design package

cted regarding use of regional roads for detours

ce Henderson Road should not be used as a signed detour prpe Road as a signed detour route

023 on the Lower Base Line Construction Closure Detour Plan, opted for the road closure and that work will be carried out in *h and Safety Act* and the provincial Ministry of Transportation ustry-standard closure detour plan prepared by BA Consulting sted by road authorities in a temporary road closure diversion Halton Region for review and comments, as per ML's echnical feedback, if any, to be considered for the Plan.

ruction Closure Detour Plan (May 24, 2023) prepared by BA

023 on the Lower Base Line Construction Closure Detour Plan, opted for the road closure and that work will be carried out in *h and Safety Act* and the provincial Ministry of Transportation uld reach out to Halton Region for review and comments, as per onal technical feedback, if any, to be considered for the Plan.

at failed at the MLH site earlier in the day (i.e., September 14, -site water was contained, silt was released to Indian Creek ne Road.

egional roads/storm sewers were under the Region's were under the Town's jurisdiction. Hence, the spill was not ed the Town of Milton on CN's behalf.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commur
09/14/2023	Email – Outgoing	Bob Gray Andrew Siltala (Town of Milton) Hassaan Basit (CH) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow up to the phone call, CN informed the Ha Portions of the sediment-laden water escaped the se Immediate steps were taken to prevent further releas layers of secondary containment. The spill event was MECP Spills Action Centre, and the municipalities. C Day and 90-Day reports.
09/15/2023	Email – Outgoing	Bob Gray Andrew Siltala (Town of Milton) Hassaan Basit (CH) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow-up to the spill event on September 14, 20 returned to baseline levels within hours, and as the s Region Spill Response Team confirmed that no furth
			UTILITIES	
Milton Hydro 05/12/2023	Email – Outgoing	Linda Lundstrom-Collins Andrew Siltala (Milton) Jill Hogan (Milton)	Darren Reynolds Kristina Boka	CN requested support from Milton Hydro with the Milt between Tremaine Road and First Line. CN requeste provided to Milton Hydro in August 2022 by May 24, 3
			CONSERVATION AUTHORITY	
Conservation Halt	on (CH)			
03/21/2023	Email – Outgoing	Philip Curtis	Chris Powell France Moreau Heather Amirault	CN notified CH that they have identified an area alon plume is forming, partially due to overland flow from t flows. CN noted that additional silt fencing and strawl discuss works within the channel to stabilize the slop
03/21/2023	Email – Outgoing	Philip Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell France Moreau Heather Amirault Darren Reynolds Kristina Boka	In follow up to a call between CN and CH regarding t water works would occur to shore up the existing roc possibly shore up some isolated toe erosion flows. C emergency works) would be occurring during a Restr
03/21/2023	Email – Outgoing	Julie Buron (IAAC) Barb Veale Philip Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN notified IAAC (with CH and DFO cc'd) about the presolve observed erosion and sedimentation issues, CN noted that the work to stabilize the existing chann has proceeded. CN noted that, due to these activities June 30) they are notifying IAAC pursuant to Condition
06/13/2023	Email – Outgoing	Phil Curtis (DFO) Tara Schweitzer (DFO) Barb Veale Julie Buron (IAAC)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN provided a copy of a memo regarding flows in Tri channel banks in March 2023 to CH and DFO (with I
06/22/2023	Email – Outgoing	Barb Veale Phil Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	CN informed both CH and DFO that they were workin which would require the isolation of a section of Tribu flows around the work area while the wing walls are to the works will occur during the DFO restricted activity mitigation measures for the protection of fish during t
06/22/2023	Email – Incoming	Barb Veale Phil Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	In response to CN's June 22, 2023 email, CH indicat at least 30m from the watercourse before it is discha pumping though a bag is not possible, it would be pre somehow filtered and slowed down rather than just p



Halton Region of the spill event that occurred earlier in the day. secondary containment system and entered Indian Creek. ase, where repair work included adding extra capacity and as also reported to DFO, IAAC, Indigenous communities, CN also shared that the spill event will be captured in the 30-

2023, CN informed the Halton Region that water conditions e spill did not enter the regional storm sewers, the Halton ther involvement from the Spill Response Team was required.

*A*ilton Hydro pole relocation necessary along Lower Base Line sted that Milton Hydro review and provide feedback on the plans 4, 2023.

ong Tributary A between Culverts 2A and 2B where a sediment n the adjacent construction area and partially due to elevated wbales had been installed. CN requested that CH call them to ope and to reduce velocities.

g the previous March 21, 2023 email, CN described that inock check dams, to install additional rock check dams, and to CN acknowledged that the work (which they are considering stricted Activity Period (March 15 – June 30).

e planned in-water works to occur in Tributary A in order to es, as identified by CN to CH in two emails on March 21, 2023. annel and to implement erosion and sediment control measures ies occurring during the Restricted Activity Period (March 15 – lition 7.4.1 of the Decision Statement.

Tributary A and the measures implemented to stabilize the nIAAC cc'd).

king to install wing walls on the upstream end of Culvert 2A, ibutary A upstream of the mainline tracks and pump Tributary A e being installed. CN noted that DFO has approved the plan as *i*ty period. CN has requested that CH provide any additional g the work.

ated that water should be pumped out through a sediment bag narged into the watercourse. CH further indicated that If preferable if the water was released in a manner that it was t pumped directly into the watercourse.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
06/23/2023	Email – Outgoing	Barb Veale Phil Curtis (DFO) Tara Schweitzer (DFO)	Chris Powell Steve Thurtell Darren Reynolds France Moreau	Stantec (on behalf of CN) indicated that CH's measures with measures that are employed so far in dewatering
09/14/2023	Email – Outgoing	Hassaan Basit Bob Gray (Halton Region) Andrew Siltala (Town of Milton) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow up to the phone call, CN informed CH of t sediment-laden water escaped the secondary contair were taken to prevent further release, where repair w containment. The spill event was also reported to DF Centre, and the municipalities. CN also shared that th reports.
09/15/2023	Email – Outgoing	Hassaan Basit Bob Gray (Halton Region) Andrew Siltala (Town of Milton) Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein (Torys LLP)	As a follow-up to the spill event on September 14, 20 baseline levels within hours, and as the spill did not e Response Team confirmed that no further involvement
11/29/2023	Email – Outgoing	Barb Veale	Chris Powell France Moreau Darren Reynolds	Stantec informed CH that Sea Lamprey has been end activities and that these invasive species would be en and MNRF. CH thanked Stantec and acknowledged t
11/29/2023	Email – Incoming	Barb Veale	Chris Powell France Moreau Darren Reynolds	As a follow up to the email dated November 29, CH the second seco
			COMMUNITY CONSULTATION	l
Halton Federation	of Agriculture			
05/19/2023	Meeting	Elizabeth Young (Kirk and Co.)	Darren Reynolds	Meeting held between CN, Community Living and Ha status of the project, including discussion on potential info on traffic study, stormwater management, soil ge
06/14/2023	Email – Incoming	Ryan Carlow (Greenbelt Foundation)	Darren Reynolds	Greenbelt Foundation (GBF) reached out to CN to represented to CN at the Halton Federation of Agricultu
06/14/2023	Email – Outgoing	Ryan Carlow (Greenbelt Foundation)	Darren Reynolds France Moreau Ernie Longo Chris Powell	CN acknowledged GBF's request for collaboration an for further coordination.
06/27/2023	Email – Incoming	Ryan Carlow (Greenbelt Foundation)	Darren Reynolds France Moreau Ernie Longo Chris Powell	 GBF explained that, together with the Soil Health Inst farmlands in Hamilton, Halton, and Peel in 2023. As 0 in Halton, GBF requested for information on field loca farmland. Attachments: Participation Letter Soil Health Testing Program Flyer
Toronto Zoo	J		1	
08/01/2023	Email – Incoming	Donnell Gasbarrini Toby Thorne Mary-Kate Whibbs	France Moreau Chris Powell Andrew Taylor	Toronto Zoo enquired if CN had any baseline data for



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sures as presented in their June 22, 2023 email is consistent ing activities for the Project.

of the spill event that occurred earlier in the day. Portions of the ainment system and entered Indian Creek. Immediate steps work included adding extra capacity and layers of secondary DFO, IAAC, Indigenous communities, MECP Spills Action t the spill event will be captured in the 30-Day and 90-Day

2023, CN informed CH that water conditions returned to t enter the regional storm sewers, the Halton Region Spill nent from the Spill Response Team was required.

encountered within Indian Creek as part of the fish rescue euthanized upon confirmation of identity as directed by DFO d the information.

H thanked Stantec and acknowledged the information.

Halton Federation of Agriculture to provide an update on the tial uses for 5381 Tremaine Rd and requests for CN to share geo-technical reports etc.

request for collaboration on a soil health testing program (first ilture meeting).

and asked for additional details on the program and information

nstitute, they were gathering baseline soil health samples from s CN owns portions of farmland around the CN train operations ocations and access permission for sampling in suitable

for salamanders or frogs/toads.

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

Communication Date	Communication Method	Agency Representatives	Project Team Members	Commun
08/08/2023	Email – Outgoing	Donnell Gasbarrini Toby Thorne Mary-Kate Whibbs	France Moreau Chris Powell Andrew Taylor	 Stantec shared that amphibian surveys were completed that there was limited amphibian habitat within the Privation which held water and support amphibians. Spring performed using this feature. As part of the channel reference and replaced with a series of offline ponds in At another area located south of the Project (outside edge of the woodland was observed to support specified and painted turtle. A grassy clearing neat the edge hosted spring peepers and American toad. Spotted s this location. Stantec further shared that to the north of the Project records of Western Chorus Frog according to the deve Attachment: Pages from the Terrestrial TDR 20151207, depict
08/08/2023	Email – Incoming	Donnell Gasbarrini Toby Thorne Mary-Kate Whibbs	France Moreau Chris Powell Andrew Taylor	In response to the information provided by Stantec or expressed their anticipation for the upcoming site visit
Other Stakeholder	·s			
09/15/2023 to 09/18/2023	Site Visit	Multiple adjacent landowners	Kristina Boka Manny Loureiro	CN informed multiple adjacent landowners of a silt ba door-to-door site visits. Landowners who were preser For landowners who were not home, CN left their bus



unication Summary

bleted as part of the baseline studies for the Project and noted Project area with only one online pond in one of the tributaries beeper, American toad, gray treefrog and green frogs were redesign and habitat enhancements, the online pond was s in the floodplain, which have re-populated with breeding frogs. de Project area, but within CN-owned lands), dug ponds at the eccies such as spring peepers, green frogs, snapping turtle and edge of the woodland that retains water into the summer also d salamander (*A. maculatum*) was also observed breeding in

ect (on adjacent lands owned by developers), there are also levelopers' consultants.

picting the locations of the monitoring stations

on August 08, 2023, Toronto Zoo thanked the team and *i*sit.

bag that failed at the MLH site on September 14, 2023, via sent thanked CN for the notification and expressed no issues. business and inquiry card with contact details. **CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT**

APPENDIX 2B Record of Consultation Indigenous Groups



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

Communication Da	ate Communication Method	Community Representatives	Project Team Members	Comm
Huron-Wendat Nat	ion (HWN)			
05/19/2023	Email (Update on conversation with IC	Akian Sioui	Heather Amirault France Moreau Darren Reynolds Denis Kirchhoff Chris Powell	Stantec (Heather Amirault) informed CN of HWI medicinal plant species to the planting areas.
09/14/2023	Email – Outgoing	Maxime Picard	Darren Reynolds Daniel Gagne Theresa Nelson	Stantec informed HWN of a sediment filter-bag 14, 2023). Portions of the sediment-laden water Indian Creek. Immediate steps were taken to pr extra capacity and layers of secondary containn communities, DFO, IAAC, MECP Spills Action C
Mississaugas of th	ne Credit First Nation (MCFN)			
01/13/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord request for monitors if MCFN was interested in available representative monitor to participate in
01/27/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord a request for monitors if MCFN was interested in available representative monitor to participate in
03/07/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord a request for monitors if MCFN was interested i available representative monitor to participate ir
03/27/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord request for monitors if MCFN was interested in available representative monitor to participate in
05/04/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord created habitat along Tributary A and Indian Cre participating.
05/07/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord created habitat along Tributary A and Indian Cre participating.
05/30/2023	Email – Outgoing	Adam LaForme Adrian Blake Joelle Williams	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN)	Stantec (on behalf of CN) notified the field coord request for monitors if MCFN was interested in available representative monitor to participate in



munication Summary

WN's (Akian Sioui) expressed interest to add traditional/

ag that failed at the MLH site earlier in the day (i.e., September ter escaped the secondarya containment system and entered prevent further release, where repair work included adding inment. The spill event was also reported to other Indigenous n Centre, and the municipalities.

ordinator for MCFN of upcoming excavation works, with a in participating. MCFN responded that they did not have an e in this planned activity.

ordinator for MCFN of upcoming fish rescue at Tributary A, with d in participating. MCFN responded that they did not have an a in this planned activity.

ordinator for MCFN of upcoming fish rescue at Tributary A, with d in participating. MCFN responded that they did not have an e in this planned activity.

ordinator for MCFN of upcoming chorus frog survey, with a in participating. MCFN responded that they did not have an a in this planned activity.

ordinator for MCFN of upcoming turtle survey in the newly Creek, with a request for monitors if MCFN was interested in

ordinator for MCFN of upcoming turtle survey in the newly Creek, with a request for monitors if MCFN was interested in

ordinator for MCFN of upcoming breeding bird survey, with a in participating. MCFN responded that they did not have an a in this planned activity.

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

Communication Dat	e Communication Method	Community Representatives	Project Team Members	Comm
			France Moreau (CN)	
06/09/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coord
		Adrian Blake	Chris Powell (Stantec)	request for monitors if MCFN was interested in
		Joelle Williams	Luanne Patterson (CN)	available representative monitor to participate in
			Darren Reynolds (CN)	
			France Moreau (CN)	
06/13/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coord
			monitors if MCFN was interested in participating	
		Joelle Williams	Luanne Patterson (CN)	representative monitor to participate in this plan
			Darren Reynolds (CN)	
			France Moreau (CN)	
07/19/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coord
		Adrian Blake	Chris Powell (Stantec)	request for monitors if MCFN was interested in
		Joelle Williams	Luanne Patterson (CN)	monitor was available to participate in this plann
			Darren Reynolds (CN)	
			France Moreau (CN)	
07/24/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coord
0.72 %2020		Adrian Blake	Chris Powell (Stantec)	flooding at Culvert 1, with a request for monitors
		Joelle Williams	Luanne Patterson (CN)	that they did not have an available representative
			Darren Reynolds (CN)	
			France Moreau (CN)	
08/21/2023	Email – Outgoing	Adam LaForme	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the field coord
00/2 1/2020		Adrian Blake	Denis Kirchhoff (Stantec)	Tributary A, with a request for monitors if MCFN
		Joelle Williams	Luanne Patterson (CN)	did not have an available representative monito
			Darren Reynolds (CN)	
			France Moreau (CN)	
09/07/2023	Email – Outgoing	Adam LaForme	Clarice Choo (Stantec)	Stantec (on behalf of CN) notified the field coord
00/01/2020		Adrian Blake	Denis Kirchhoff (Stantec)	planned, with a request for monitors if MCFN wa
		Joelle Williams	Chris Powell (Stantec)	
			Andrew Taylor (Stantec)	
			Melad Razzouk (Stantec)	
			Erica Padvaiskas (Stantec)	
			Luanne Patterson (CN)	
			Darren Reynolds (CN)	
			France Moreau (CN)	
09/14/2023	Email – Outgoing	Casey Jonathan	Darren Reynolds	Stantec informed MCFN of a sediment filter-bag
09/14/2023	Email – Outgoing	Casey Jonathan	Theresa Nelson	14, 2023). Portions of the sediment-laden water
			Daniel Gagne	Indian Creek. Immediate steps were taken to pr
			Daniel Gagne	extra capacity and layers of secondary containr communities, DFO, IAAC, MECP Spills Action (
09/26/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coord
		Adrian Blake	Chris Powell (Stantec)	Creek, with a request for monitors if MCFN was
		Joelle Williams	Luanne Patterson (CN)	
			Darren Reynolds (CN)	



munication Summary

ordinator for MCFN of upcoming breeding bird survey, with a in participating. MCFN responded that they did not have an a in this planned activity.

ordinator for MCFN of upcoming frog survey, with a request for ing. MCFN responded that they did not have an available anned activity.

ordinator for MCFN of upcoming Monarch survey, with a in participating. MCFN responded indicating a representative anned activity and that they have added this into their schedule.

ordinator for MCFN of upcoming fish rescue to address the ors if MCFN was interested in participating. MCFN responded ative monitor to participate in this planned activity.

ordinator for MCFN of upcoming fish rescue planned along FN was interested in participating. MCFN responded that they itor to participate in this planned activity.

ordinator for MCFN of upcoming vegetation monitoring activities was interested in participating.

bag that failed at the MLH site earlier in the day (i.e., September ter escaped the secondary containment system and entered prevent further release, where repair work included adding inment. The spill event was also reported to other Indigenous in Centre, and the municipalities.

ordinator for MCFN of upcoming turtle sweep along Indian as interested in participating.

Communication Date	Communication Method	Community Representatives	Project Team Members	Comm
09/28/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
		Adrian Blake	Chris Powell (Stantec)	Indian Creek, with a request for monitors if MCI receipt of the email and added the activity into t
		Joelle Williams	Nathan Burnett (Stantec)	
			Luanne Patterson (CN)	
			Darren Reynolds (CN)	
			France Moreau (CN)	
09/29/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
		Adrian Blake	Chris Powell (Stantec)	rescue planned along Indian Creek (original em
		Joelle Williams	Nathan Burnett (Stantec)	was interested in participating. MCFN responde to participate in this planned activity.
			Luanne Patterson (CN)	
			Darren Reynolds (CN)	
			France Moreau (CN)	
10/20/2023	Email – Outgoing	Adam LaForme	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the field coor
		Adrian Blake	Denis Kirchhoff (Stantec)	request for monitors if MCFN was interested in
		Joelle Williams	Luanne Patterson (CN)	available representative monitor to participate in
			Darren Reynolds (CN)	
			France Moreau (CN)	
11/02/2023	Email – Outgoing	Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
l		Adrian Blake	Chris Powell (Stantec)	preparation for realignment work at Indian Cree
1		Joelle Williams	Nathan Burnett (Stantec)	participating. MCFN responded indicating a rep planned activity.
			Luanne Patterson (CN)	
			Darren Reynolds (CN)	
			France Moreau (CN)	
Six Nations of the Gr	and River (SNGR)			
01/13/2023	Email – Outgoing	Dawn LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
l		Tanya Hill-Montour	Chris Powell (Stantec)	with a request for monitors if SNGR was interest
			Luanne Patterson (CN)	acknowledged receipt of the email.
l			Darren Reynolds (CN)	
1			France Moreau (CN)	
01/27/2023	Email – Outgoing	Dawn LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
· · ···		Tanya Hill-Montour	Chris Powell (Stantec)	Tributary A, with a request for monitors if SNGF
			Luanne Patterson (CN)	a representative monitor was available to partic
1			Darren Reynolds (CN)	
			France Moreau (CN)	
02/03/2023	Email – Outgoing	Dawn LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coor
02/03/2023	Email – Outgoing	Tanya Hill-Montour	Chris Powell (Stantec)	Tributary A, with a request for monitors if SNGF
l			Luanne Patterson (CN)	a representative monitor was available to partic
			Darren Reynolds (CN)	
			France Moreau (CN)	
02/07/2022	Email Outgoing	Dawn LaForme		Stantec (on behalf of CN) notified the field coor
03/07/2023	Email – Outgoing		Denis Kirchhoff (Stantec)	Tributary A, with a request for monitors if SNGF
		Tanya Hill-Montour	Chris Powell (Stantec)	a representative monitor was available to partic
			Luanne Patterson (CN)	
			Darren Reynolds (CN)	
			France Moreau (CN)	



bordinator for MCFN of upcoming fish rescue planned along MCFN was interested in participating. MCFN acknowledged to their schedule.

pordinator for MCFN of a change in date for the upcoming fish email dated September 28), with a request for monitors if MCFN inded that they did not have an available representative monitor

ordinator for MCFN of upcoming fish rescue planned, with a in participating. MCFN responded that they did not have an e in this planned activity.

ordinator for MCFN of upcoming fish rescue planned in eek, with a request for monitors if MCFN was interested in epresentative monitor was available to participate in this

ordinator for SNGR of upcoming excavation works planned, rested in participating. SNGR thanked Stantec and

ordinator for SNGR of upcoming fish rescue planned at GR was interested in participating. SNGR responded indicating ticipate at this planned activity.

ordinator for SNGR of upcoming fish rescue planned at GR was interested in participating. SNGR responded indicating ticipate at this planned activity.

ordinator for SNGR of upcoming fish rescue planned at GR was interested in participating. SNGR responded indicating ticipate at this planned activity.

Communication Date	Communication Method	Community Representatives	Project Team Members	Comm
04/11/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor with a request for monitors if SNGR was interes representative monitor was available to particip
05/07/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor for monitors if SNGR was interested in participa their scheduling.
05/15/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor and amphibian) activities, with a request for mo responded indicating a representative monitor v requested for updates.
05/30/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor request for monitors if SNGR was interested in receipt of the email.
07/19/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor request for monitors if SNGR was interested in monitor was available to participate in this plan
07/24/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor flooding at Culvert 1, with a request for monitor indicating a representative monitor was availab
09/07/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Clarice Choo (Stantec) Denis Kirchhoff (Stantec) Chris Powell (Stantec) Andrew Taylor (Stantec) Melad Razzouk (Stantec) Erica Padvaiskas (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coor planned, with a request for monitors if SNGR w
09/14/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Chris Powell (Stantec) Darren Reynolds (CN) France Moreau (CN)	Stantec informed SNGR of a sediment filter-bag 14, 2023). Portions of the sediment-laden wate Indian Creek. Immediate steps were taken to pr extra capacity and layers of secondary contain communities, DFO, IAAC, MECP Spills Action (



pordinator for SNGR of upcoming ground disturbance activities, prested in participating. SNGR responded indicating a cipate at this planned activity.

pordinator for SNGR of upcoming turtle surveys, with a request sipating. SNGR thanked Stantec and included the surveys in

bordinator for SNGR of upcoming survey (i.e., botanical, turtle, monitors if SNGR was interested in participating. SNGR or was not available to participate at this planned activity but

bordinator for SNGR of upcoming breeding bird survey, with a in participating. SNGR thanked Stantec and acknowledged

bordinator for SNGR of upcoming Monarch survey, with a in participating. SNGR responded indicating a representative anned activity.

bordinator for SNGR of upcoming fish rescue to address the tors if SNGR was interested in participating. SNGR responded lable to participate at this activity.

pordinator for SNGR of upcoming vegetation monitoring activities R was interested in participating.

bag that failed at the MLH site earlier in the day (i.e., September ater escaped the secondary containment system and entered o prevent further release, where repair work included adding inment. The spill event was also reported to other Indigenous on Centre, and the municipalities.

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

Communication Date	Communication Method	Community Representatives	Project Team Members	Comm
09/26/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Nathan Burnett (Stantec) Luanne Patterson (CN) Darren Reynolds (CN)	Stantec (on behalf of CN) notified the field coord Indian Creek, with a request for monitors if SNC indicating a representative monitor was available
09/28/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	France Moreau (CN) Denis Kirchhoff (Stantec) Chris Powell (Stantec) Nathan Burnett (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord Indian Creek, with a request for monitors if SNC indicating a representative monitor was availabl
10/20/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Nathan Burnett (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord request for monitors if SNGR was interested in monitor was available to participate at this plann
11/02/2023	Email – Outgoing	Dawn LaForme Tanya Hill-Montour	Denis Kirchhoff (Stantec) Chris Powell (Stantec) Nathan Burnett (Stantec) Luanne Patterson (CN) Darren Reynolds (CN) France Moreau (CN)	Stantec (on behalf of CN) notified the field coord preparation for realignment work at Indian Cree participating. SNGR responded indicating a rep planned activity.



munication Summary

ordinator for SNGR of upcoming turtle sweep planned along NGR was interested in participating. SNGR responded able to participate at this planned activity.

bordinator for SNGR of upcoming fish rescue planned along NGR was interested in participating. SNGR responded able to participate at this planned activity.

ordinator for SNGR of upcoming fish rescue planned, with a in participating. SNGR responded indicating a representative anned activity.

pordinator for SNGR of upcoming fish rescue planned in reek, with a request for monitors if SNGR was interested in representative monitor was available to participate at this

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APPENDIX 3A Consideration of Views and Information Received



#	Date	Comment from Relevant Agencies	Description of How Views
Condition 4.5: Ambi	ent Light Follow Up Program		
HC AQ1	May 4, 2023	Consider further reductions of non-threshold contaminants1 (i.e., nitrogen dioxide (NO2) and fine particulate matter (PM2.5)) where feasible. Although the monitoring period for 24-hr PM2.5, annual PM2.5 and 1-hr NO2 was not sufficiently long to compare the pollutant concentrations with the statistical form of the Canadian Ambient Air Quality Standards (CAAQS) metric values (i.e., 3-year average), Health Canada supports the comparison of at least one year of data against the CAAQS to inform the potential need for source investigation and additional or modified mitigation measures. Given that the maximum monitored concentrations of NO2 and PM2.5 are at or near the CAAQS values, and NO2 and PM2.5 are non-threshold air contaminants, it is prudent to keep project contributions as low as reasonably achievable.	PM2.5 and NO2 measured at the CN air qu lower than) the Halton NAPS station and air Assessment and supplemental baseline da parameters measured at the CN air quality activities, but rather are considered ambien general community, including emissions fro area. For CN's contributions, CN has implemente Project, including the use of construction er While no zero-emission equipment was ava equipment were equipped with diesel partic approval and goes beyond the assumptions and 3 equipment was assumed). Further reductions in PM2.5 and NO2 woul is either zero-emission (electric) or uses alt CN will explore the use of such equipment reduce PM2.5 and NO2 from Project constru- equipment is available at this time. CN's site contractor continues application of includes onsite and frequent targeted moni-
HC AQ2	May 4, 2023	Provide detail and rationale on the methods used to convert the units of CAAQS values from parts per billion (ppb) to μ g/m3 in Tables 3-1 and 4-2. The National Air Pollution Surveillance Network Quality Assurance and Quality Control Guidelines2 recommend using 25 °C and 760 mm Hg for conversion between mass units and volume. When these parameters are applied to convert from ppb to μ g/m3, the 2020 CAAQS values for 1-hr and annual NO2 would be 113 μ g/m3 and 32 μ g/m3 respectively, while the 2025 CAAQS value for 1-hr NO2 would be 79 μ g/m3. However, the CAAQS values provided in Tables 4-2 and 3-1 are 119 μ g/m3, 34 μ g/m3 and 83 μ g/m3, respectively. This conversion difference may elicit a different finding in terms of exceedances. For example, when 1-hr NO2 maximum measured concentrations at Station 2 (i.e., concentration of 83 μ g/m3 as presented in Table 3-1) are compared to the 2025 CAAQS value, they exceed the 2025 value when converted to 79 μ g/m3 but meet the value when converted to 83 μ g/m3.	project emissions, and actions to reduce th are intended to keep project contributions t During the analysis for the updated 2021 b and compared for both the CAAQS and the Comparisons were made for non-threshold the OAAQC and the CAAQS. Since OAAQ temperature of 10 °C, and 3 years of data v CAAQS statistical form, it was decided to u contaminants (i.e., 10 °C and 1.98 µg/m3 p conversion resulting in maximum numeric v presenting multiple temperature conversior concentrations were converted based on th been no change in the relative comparison with the original prediction established for t similar conversion methods and we have a Table 1 below provides the concentration a ppb) concentrations are converted to a mas



ws and Information Have Been Considered

quality stations in 2022 are comparable (in some cases are comparable to the Updated Baseline Air Quality data from 2021 before construction began. Of note, the ity stations are not solely the result of CN construction ient air quality conditions reflective of emissions from the from on-road traffic and other construction projects in the

nted measures to reduce potential emissions from the equipment that meets Tier 3 and 4 emissions standards. available to conduct the construction activities, all Tier 3 rticulate filters. This is consistent with the conditions of ons made when predicting potential effects (i.e., where Tier 2

build require the use of different construction equipment that alternative fuels (i.e., natural gas, propane, or hydrogen). In with the contractor, as well as additional opportunities to astruction activities; however, it is unlikely that such

n of their Air Quality Best Management Practices Plan, which onitoring of emissions (i.e., PM10) activities and related these project related emissions. These activities and actions s to offsite areas as low as reasonably achievable.

baseline report, ambient air quality criteria were reported the Ontario ambient air quality criteria (OAAQC). old contaminants with a CAAQS (i.e., NO2, PM2.5) to both AQC are compared in the mass unit at a reference a were not available to compare directly to the prescribed o use the lower-temperature conversion factor for all 3 per ppb for NO2) in order to provide the concentration c values for all available ambient air criteria instead of ions. Since both the CAAQS and the monitored the lower-temperature conversion factor, there would have on percentage. Note also that this approach is consistent or this Project in the Air Quality TDR (2015), which used a attempted to be consistent with presentation of values.

n and comparison to relevant CAAQS. All volume basis (i.e., nass basis using the higher-temperature conversion factor O2; the temperature conversion is not relevant for PM2.5).

 \Box

#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered						
			Table 1: Non-threshold contaminant concentrations and relevant CAAQS for the 2022 FUP						
			Contaminant	Averaging Period	CAAQS (ppb)	CAAQS ¹ (µg/m³)	Location	Concentration ¹ (µg/m³)	Percentage of Criteria
				1-hr	60 (2020)	113 (2020)	Station 1	85 ²	75% (2020) 107% (2025)
			NO ₂	1-111	42 (2025)	79 (2025)	Station 2	79 ²	70% (2020) 100% (2025)
			1102	Annual	17 (2020)	32 (2020)	Station 1	8 ³	24% (2020) 34% (2025)
				, under	12 (2025)	23 (2025)	Station 2	8 ³	26% (2020) 37% (2025)
				24-hr	-	27	Station 1	27 ⁴	100%
			PM _{2.5}				Station 2	29 ⁴	107%
				Annual	-	8.8	Station 1	7.7 5	87%
			Notes:	, united	/ united		Station 2	8.2 ⁵	93%
Condition 4.10 Acous	tic Environment Follow- U	p Program	 3 – Annual average of all 1-hr concentrations. 4 – Maximum 24-hr concentration. 5 – Annual average of all 24-hr concentrations. Future annual reporting will include specific additional presentation of data with description rationale and methodology to clarify the approach taken. 					ription of	
HC A1	May 4, 2023	Health Canada has no comments to provide and remains available to review future acoustics follow-up program results.	Noted.						
Condition 7.4.1 In-Wa	ter Work Activities During	Restricted Activity Timing Window							
Conservation Halton	June 23, 2023	In regard to Trib A isolation and diversion, ideally, the water should be pumped out through a sediment bag at least 30m from the watercourse before it is discharged into the watercourse. However, this can only occur if the water is being pumped in amounts that won't overwhelm the bag. This method would also not be appropriate if it lowers the flow in the watercourse significantly. If pumping though a bag is not possible, it would be preferable if the water was released in a manner that it was somehow filtered (even if just through the grass and sediment fence) and slowed downrather than just pumped directly into the watercourse.	so far in regard surrounded with	to dewatering strawbales a	activities (and silt fence	i.e., filter bag ing if appropr	s setback fro riate). Flows	e approach having om watercourses, s within Tributary A v evels upstream of t	ometimes will be monitored
DFO	June 19, 2023	DFO confirms of the plan to isolate the upstream section of Trib A to complete these works. Measures should be taken during the diversion to ensure that downstream flows are maintained, and that sediment laden water is not discharged directly back to Trib A.		quire in-water				the installation of t nd the area to facili	
			Isolate a port	ion of Tributa	ry A upstre	am of Culvert	2A		
			Maintain flow	s within Tribu	itary A usin	g a dam and	pump		
				m the dewate	ering area v	/ill be pumped	d out through	rectly back to Tribuna sediment bag a	

#	Date	Comment from Relevant Agencies	Description of How View
Condition 8.33 W	/ildlife Management Connectiv	vity Plan	
ECCC1	February 14, 2022	 ECCC requests additional information about the Little Brown Myotis Follow-Up Program (outcome of condition 8.29 of the Decision Statement) summarized in the CN Milton Logistics Hub: Wildlife Management and Connectivity Plan (WMCP). On page 39, it was noted that to further opportunity for Little Brown Myotis use of wetland enhancement areas, bat boxes would be designed and installed according to Bat Conservation International Guidelines ((https://www.batcon.org/about-bats/bat-houses/) and that they would be monitored for a period three years to assess use by bats boxes been installed? If no, when are they being considered for installation and monitoring? 	The bat box installation is scheduled to oc are available to bats for the 2024 active se commence in June of 2024.
Condition 8.5 We	estern Chorus Frog Survey an	d Result Consultation	
-	April 20, 2023	Request from ECCC for an update on the status of Western Chorus Frog (WCF) in relation to the Project based on updated pre-construction surveys, site conditions, and CN's corresponding plans in regard to mitigation measures and compensation habitat, as discussed with ECCC during our site visit on April 20, 2023.	Following the site meeting with ECCC on habitat, impacts by others, and CN's complemental Western Chorus F memo (CN Milton Logistic Hub Western C Revised June 2023), drone footage taken March 29, 2023.
			The report included a summary of land us have occurred on lands adjacent to the Pr habitat previously identified as supporting illustrates these areas, including the forme
ECCC 1	October 12, 2023	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).	Written response pending. Meeting held F
		On page 2, it is noted that there were changes to suitable WCF breeding habitat adjacent to the PDA, but wetland habitat remains near Station 5 (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 in the rail ROW. 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 Station 5 and 6. 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.	
		As per the residence description for Western Chorus Frog (<u>https://species-registry.canada.ca/index-en.html - /documents/2963</u>), "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."	
		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.	
ECCC 2	October 12, 2023	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 adjacent to CN's right of way, including observations from Stantec of two individuals calling in 2021 (2020?), removal of these wetlands and absence of observed WCF in 2023 indicate that	Written response pending. Meeting held F

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occur in the fall / winter of 2023, so that they season. Monitoring of the bat boxes will

on April 20, 2023 to review remaining western chorus frog ompensation requirements, CN provided ECCC with a report is Frog Surveys and Habitat Information", which included a in Chorus Frog – Survey Results and Habitat Compensation ten by CN on May 3, 2023, and minutes of our meeting held

use planning decisions and construction activities by others Project that have altered the existence and fate of the offsite ng WCF adjacent to the CN right-of-way. The drone footage mer habitat and habitat to be removed by the developers.

February 15, 2024 to discuss.

February 15, 2024 to discuss.

#	Date	Comment from Relevant Agencies	Description of How Views a
ECCC 3	October 12, 2023	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.	Written response pending. Meeting held Feb
		The Stantec report notes, "Based on the results of these surveys, no WCF were observed within the vicinity of the CN mainline 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.	
ECCC 4	October 12, 2023	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 from the rail ROW.	Written response pending. Meeting held Feb
ECCC 5	October 12, 2023	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 a pocket of wetland habitat present in the area of Survey Station 5. If there remains suitable breeding sites on adjacent habitat, then hibernating sites confirmed in the rail ROW 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 the supersent from accessing these hibernation sites.	Written response pending. Meeting held Feb
ECCC 6	October 12, 2023	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 the CN ROW that can be impacted by project activities (construction or operation). As such it would not be appropriate to install the previously discussed compensation habitat south of Lower Baseline Road." 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 within the rail ROW (confirmed by ECCC at the April 20, 2023 site visit), and exclusion fencing was installed in the rail ROW based on 2023 survey results.	Written response pending. Meeting held Feb
		Based on the information provided, ECCC is of the opinion that there remains residences (i.e. hibernation sites) within the CN rail ROW that may be impacted by the project.	
ECCC 7	October 12, 2023	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 south of Lower Base Line Road.	Written response pending. Meeting held Feb
Condition 8.6 Exc	clusion Fence Design for Wes	tern Chorus Frog	
ECCC 1	November 9, 2022	In general, ECCC is supportive of the WCF survey and fencing plan detailed in the November 9 meeting for the rail Right of Way (ROW) between	Noted. We will coordinate timing of the surve meeting between ECCC, CN and Stantec wil surveys. A call between ECCC, CN and Stantec was h anticipated timing (temperature dependent), of (monitor, confirm presence, install fence per and Stantec on March 20, 2022 discuss final
			and Stantec on March 29, 2023 discuss final exclusion fence installation.
ECCC 2	November 9, 2022	ECCC requests a map that shows locations of WCF survey stations within the ROW.	A figure showing the WCF survey stations in following observations that habitat had been Figure 1 (see attached). These survey station the January 29, 2021 Memo titled CN Milton and Habitat Compensation.



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e surveys with ECCC based on weather and temperatures. A
ntec will be arranged in February to coordinate logistics of these
c was held on February 27, 2023 to discuss logistics to confirm
ident), communication protocol, and sequence of events
ce per revised plan). A follow-up call was held between ECCC ss final logistics of the planned chorus frog surveys and
ss final logistics of the planned chords hog surveys and
in relation to evicting bablics (as any bablic to coord
ions in relation to existing habitat (as amended in 2021 d been removed by the adjacent developer) is provided in
v stations are the same as those used in 2021, as identified in
Milton Logistic Hub Western Chorus Frog – Survey Results
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#	Date	Comment from Relevant Agencies	Description of How Views and Information Have Been Considered
ECCC 3	November 9, 2022	 ECCC requests a map that shows the planned location(s) of exclusion fencing that will be installed north and south of the ROW. ECCC also requests written responses to the following questions regarding the exclusion fencing, installation and maintenance plan: What type of fencing is being proposed? 	The location of the proposed WCF exclusion fencing is identified in Figure 2 (aerial view) and Figure 3 (plan view) (see attached) in relation to CN's right of way and existing fencing. The following describes the proposed approach to the installation and maintenance of the proposed exclusion fencing:
		• Will the fencing tie into other fencing or will turn-arounds be used at the ends of the fencing?	• Type of fencing: The fence will be 50cm above grade, with an additional 10cm below grade, and comprised of heavy-duty silt fence or hardware cloth with 1/8" mesh through existing ditches.
		What is the anticipated timing of fencing installation?How often will the fencing be checked to ensure its integrity?	• Tied into other fencing: CN's exclusion fencing will be installed on the property boundary, independent of the existing paige wire fencing.
			• Turnarounds: Given the space restrictions within the ROW, no turnarounds are proposed. Given the limited distance that these frogs are anticipated to travel in any given year, we do not anticipate that turnarounds will be required.
			• Timing: The fence will be installed in the early spring, after adult frogs move from their overwintering habitat into breeding pools, outside of the PDA. The onset of the breeding season is weather dependent and therefore variable from year to year, but is anticipated to occur in mid to late March.
			• Inspection: Fencing will be monitored 2 to 3 times per week and after major rainfall events for the initial 2 to 3 months after installation, following which inspection will occur on a weekly basis.
			A call between ECCC, CN and Stantec was held on February 27, 2023 to discuss logistics to confirm anticipated timing (temperature dependent), communication protocol, and sequence of events (monitor, confirm presence, install fence per revised plan). A follow-up call was held between ECCC and Stantec on March 29, 2023 discuss final logistics of the planned chorus frog surveys and exclusion fence installation.
			CN advised ECCC that no Western Chorus Frogs were observed during the surveys completed March 30, April 3, 4, 5 and April 6, and that exclusion fencing was planned for installation the following week. Based on the results, ECCC confirmed CN's timing for the exclusion fence installation.
ECCC 4	November 9, 2022	During the call, it was noted that reference sites would be surveyed for WCF to determine whether WCF are active in the area so that breeding ponds on site can be surveyed with confidence with respect to timing/conditions and to assist in appropriate timing of exclusion fencing installation. ECCC requests	Based on publicly available data (e.g., Environmental assessments for road improvements, EIS for residential developments), the following sites in and around the second second
		additional detail on location of reference sites that will be surveyed for WCF.	• Northeast Indian Creek Provincially Significant Wetland, located off Louis St. Laurent (southeast side of road), about 200m northeast of Britannia
			Woodland to the north of intersection of Britannia and Tremaine
			Woodlot on the southeast side of Britannia, in between First Line and Regional Road 25
			The Glenorchy Conservation Area, where Western Chorus Frogs have been previously recorded, wil also be used as a reference site. Furthermore, the herptile community in Ontario (including consultants, academics and enthusiasts), share observations each spring to assist each other in timing surveys for various species. These observations are shared through an online forum on iNaturalist (https://www.inaturalist.org/projects/ontario-amphibian-reptile-tracking). This forum will be monitored for observation of WCF in proximity to the Project.



#	Date	Comment from Relevant Agencies	Description of How Views	
Condition 8.13 Gr	rassland Habitat Replaceme	ent Follow Up Program		
ECCC2	March 24, 2023	 ECCC understands in accordance with condition 8.13 of the Decision Statement that offsite grassland monitoring would include photo monitoring, habitat assessments and Bobolink and Eastern Meadowlark Surveys. On page 31 of the WCMP, it is noted that the following field measurements would be collected and used to assess habitat suitability: Ground cover species composition of suitable grasses and forbs (i.e., presence of species listed in Table 5-1) Depth of ground cover (i.e., over 25 cm or species that will obtain that height once mature) Habitat patch size (i.e., meeting the required 40.7 ha) Density and height of ground cover (i.e., continuous density and height required for nesting) Proportion of bare soil (i.e., high litter-to-bare-soil ration) Density of shrub cover (i.e., less than 5% shrub density) Ratio of ground cover composition (i.e., 60% or greater grass cover) Litter layer characteristics (i.e., preference for 1-2 cm of depth) Record the cover of milkweed and nectaring flowers ECCC requests additional information on the field measurements collected to inform the habitat assessment described in Attachment A of the Follow-Up Program. 	Monitoring of the offsite grassland habitat (Duck Unlimited Canada and Bluestem C creation of Bobolink and Eastern Meadow monitoring and adaptive management. A qualitative assessment of the success of including such factors as ground cover co data collected provides a clear picture of habitat and has informed management re field measurement committed to WCMP w contractors have been reminded to collect of monitoring.	
Condition 8.21 Sr	napping Turtle and Painted	Turtle Follow Up Program		
ECCC3	March 24, 2023	 ECCC requests the following additional information on signage installed on temporary access roads to notify drivers of the risk of turtle collisions within the Project Development Area according to condition 8.20 of the Decision Statement: How many signs were installed and where are they located? What do the signs look like? 	Five signs were installed for the construction the entrance ways into the Project site. The signage includes a yellow diamond W inform of species at risk (including Snappin below. The temporary construction signage will be operational stage of the Project.	



ews and Information Have Been Considered

at was completed by third-party contractors Consulting) who are very experienced with owlark habitat, as well as the associated

s of habitat establishment was completed, composition and density of shrub cover. While of the current state of the off-site grassland recommendations, it is acknowledged not all P were completed. The third-party ect all field measurements during future years

ction phase of the Project; located at each of

Watch for Turtle sign, as well as a sign to pping Turtle) on site. A photo of the signage is

be replaced with permanent signage for the



#	Date	Comment from Relevant Agencies	Description of How View
ECCC4	March 24, 2023	ECCC requests additional information with respect to the installation of turtle nesting mounds according to condition 8.15 of the Decision Statement. On page 40 of the WMCP, it was noted that 8 nesting mounds would be placed adjacent to on-site aquatic features along Indian Creek and Tributary 8. Have all 8 nesting	Two turtle nesting mounds have been inst including the mounds, was brought online are available to nesting turtle in spring/sur
		mounds been constructed? How many were constructed in the Indian Creek corridor versus the Tributary A	Four turtle nesting mounds are in the proc
		corridor? Were nesting mounds constructed according to the description provided in the WMCP consisting of uncompacted granular material (e.g., sand and/or gravel substrates) placed to a depth of 600 mm over geotextile fabric on undisturbed topsoil to reduce week growth?	One of those mounds is online and availal remaining three turtle nesting mounds will turtles in 2024.
			Note that the final channel design included opportunities for turtles along these two st stated in page 40 of the WMCP should ha channel designs.
			All mounds were constructed of uncompar- placed to a depth of 600 mm over geotext nesting mounds will be provided in the 202
Condition 9.1 Cou	Intry Food Follow-Up Prog	ıram	
HC CF1	May 4, 2023	In future follow-up program reports, adjust the language that "PAHsare defined by Health Canada as carcinogenic" to indicate that Health Canada supports the use of Potency Equivalence Factors (PEFs) or Relative Potency Factors (RPFs) to assess the potential carcinogenicity of Polycyclic Aromatic Hydrocarbons (PAHs) mixtures as provided in its 2021 guidance3. Section 1.1 of the 2022 Country Foods FUP Results indicate that "PAHs were associated with diesel engines, and of these, eight (as identified in response to IR3.11) are defined by Health Canada as carcinogenic (Table 1)." Please note that Health Canada does not define specific PAHs as carcinogenic but rather relies on other information sources for the recommended PEFs/RPFs for carcinogenic PAHs (CCME 20104) or provisional PEFs/RPFs (EEI 20065).	Noted. The language describing PAHs wil Program, which will be completed during (



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nstalled in Tributary A. Turtle habitat along Tributary A, ne and exclusion fencing removed, in the late fall of 2022 and summer of 2023.

ocess of being installed along Indian Creek.

ilable for nesting turtles in the spring/summer of 2023. The vill be brought online later in 2023 and available to nesting

ded 6 turtle nesting mounds, which provide ample nesting stretches of watercourse. The number of nesting mounds have been updated to 6 nesting mounds to match the final

pacted granular material (e.g., sand and/or gravel substrates) extile fabric on undisturbed topsoil. Further details on the 2023 Annual Report Follow-up Program.

will be adjusted in the future Country Foods Follow-up g Construction Phase 2.

CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT

APPENDIX 3B General Enquiry Tracking – Community Consultation Committee



Date	Торіс	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
7/Dec/23	Future topic		Interest in soil management plan and results.	Soil management plan to be discussed at a future meeting	Co-Facilitators	Noted
7/Dec/23	Soil Management		Will CN test soil after construction is complete and share these results?	CN will share soil management results once completed.	CN	Noted
7/Dec/23	Wildlife		What habitat has been created for snakes.	A habitat was not created for snakes but the habitat accommodates milksnakes, the identified snake in the area. D. Reynolds to follow-up with wildlife specialist to get more details.	CN	Ongoing
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.	D. Reynolds to speak with BA Group about assessing the traffic data that the Region has, even without the official transportation management plan.	CN	Ongoing
20/Nov/23	Trespassing		Concerns about trespassing incident involving farm equipment operator at tenanted CN-owned property and neighbour that caused property damage.	CN foreman was approached by the site neighbour and was informed of the situation. The CN foreman spoke with both the site neighbour and the farm equipment operator. CN assessed the property damage, which was deemed minimal. Site neighbour called the police to report trespassing incident and property damage; it is unknown what/if discussions ensued with police on this matter. Tenant was not cooperative with neighbour's request to repair the damage done to the property; CN undertook the repairs; Site neighbour was pleased with the repairs CN undertook following the damage caused by the operator of the farm equipment.	CN	Resolved
20/Nov/23	Hydro Pole Relocation		Concerns raised about the hydro pole relocation work on Lower Base Line and location of guyed wire.	CN spoke with Town of Milton after receiving feedback from neighboring residents regarding where Milton Hydro placed the guyed wire locations relative to adjacent properties; Town of Milton who confirmed the locations are on Town property. Hydro pole relocation work is complete; Milton Hydro has demobilized from the site.	CN	Resolved
17/Oct/23	Heritage Properties		Interest from local not-for-profit for the potential re-use of the home at 5381 Tremaine Road for program participants.	CN met with representatives of Milton Transitional Housing to discuss the potential re-use of the building and collaboration with CN. Milton Transitional Housing toured the property and is assessing the viability of using the home for their community programming needs.	CN	Ongoing
5/Oct/23	Environment	Committee	More information about CN's sustainability initiatives and climate action plan.	Information about CN's sustainability efforts and climate action plan can be found at: <u>CN Delivering Responsibly</u> <u>CN Management Information and Climate Action Plan (see pages 42-44)</u> <u>2022 Sustainability Data Supplement</u>	CN	Resolved
5/Oct/23	Environment		What are CN's commitments to reduce emissions in Halton Region?	CN works to reduce emissions across the broader CN network. The Milton Logistics Hub is the most regulated among its terminals within its network, using cutting edge technological advancements and environmental enhancements.	CN	Resolved
5/Oct/23	Environment		Could CN offset emissions by planting more trees across Halton, such as in community areas and schools.	CN works with Tree Canada who identify areas for tree planting. Report shared with Committee.	CN	Resolved
5/Oct/23	Community Outreach		Local high school class interested in a site visit to study environmental enhancements and habitat.	Due to on-site safety concerns with having a number of youth visit the construction site, CN proposes having site project manager and environmental manager visit the class. CN has reached out to the instructer to see her interest. No response as of yet.	CN	Resolved
5/Oct/23	Regulatory Oversight		Regulatory oversight process and access to reports on inspections.	https://www.ceaa-acee.gc.ca/050/evaluations/document/151969	Co-Facilitators	Resolved
5/Oct/23	Legal	bers	Include a summary of the current legal cases in the meeting summary.	Added to meeting summary document.	EY	Resolved
5/Oct/23	Electric Vehicles		Can we get more information about EMF Radiation from charging stations?	To date, CN's research has not found areas of concern but welcomes insight for consideration.	CN	Resolved

Date	Торіс	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
12/Sep/23	Heritage Properties		Interest from local not-for-profit for the potential re-use of the home at 5381 Tremaine Road for program participants.	CN met with representatives of Community Living to discuss the potential re-use of the building and collaboration with CN. Community Living toured the property and is assessing the viability of using the home for their community programming needs.	CN	Ongoing
6/Sep/23	Lower Base Line closure	Neighbour	Barricades/signage at the intersection of Lower Base Line and First Line posed difficulties for a school bus to gain access to a home on Lower Base Line.	CN site manager inspected the area and advised the contractor to move the barricades/signage slightly northward to provide larger vehicles easier access to Lower Base Line. Further inspections of the area have occurred and there have not been any subsequent issues.	CN	Resolved
3/Aug/23	Site Design		Recommends all Committee members receive a copy of the map that was given to tour attendees.	Map emailed to members with meeting materials	CN	Resolved
3/Aug/23	Site Design		How much of CN's \$250mn investment into the Project has been applied to environmental enhancements?	See October 3 2023 meeting summary for discussion.	CN	Resolved
3/Aug/23	Site Design		How deep will the underpass grade be once complete?	The top of rail for the Diversion track will be 2.5m higher than the existing/current Lower Base Line road. Final LBL underpass road elevation will be 4.5m lower compared to the existing Lower Base Line road	CN	Resolved
3/Aug/23	Environmental Enhancements		Provide further insight about the native plants that have medicinal purposes for animals.	CN has consulted with Indigenous groups. CN currently reviewing feedback.	CN	Ongoing
3/Aug/23	Safety		What is CN's safety record in Milton? Does a body monitor/record such data?	 As discussed during the August 3, 2023 meeting, links to reports shared and discussed during the 2019 Review Panel hearing: Undertaking 9: During the June 29, 2019 hearing session CN responded. CEAR #879 https://ceaa-acee.gc.ca/050/documents/p80100/130632E.pdf *see 1500 line 20 (PDF page 387) Undertaking 10: From Transport Canada - History of Incidents Involving Dangerous Goods. July 3, 2019 CEAR #917 https://www.ceaa-acee.gc.ca/050/documents/p80100/130758E.pdf Undertaking 26: From CN - Information on 20 Dangerous Goods. July 9, 2019 CEAR #919 https://www.ceaa-acee.gc.ca/050/documents/p80100/130808E.pdf 	CN	Resolved
3/Aug/23	Feedback	Co-Facilitators	Janet Drysdale, 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.	To be arranged.	CN / Co-Facilitators	Ongoing
3/Aug/23	Community Outreach		Invitation to be extended to CN to attend a meeting with Sustainable Milton to share the sustainability presentation.	Discussed during October 5 2023 meeting. Sustainable Milton to proceed with an invitation when timing suits. Interest in GHG/climate change/biodiversity topics specific to MLH.	W. Roberts / CN	Ongoing
3/Aug/23	Feedback	Co-Facilitators	Communication tools: Co-Facilitators to seek feedback from Committee members about developing communication tools that can be used by the Committee.	and to explore the topic further with Committee members. Some members expressed a desire to expand communication channels to help inform stakeholder groups and the general public. Discussions are ongoing.	CN / Co-Facilitators	Ongoing
3/Aug/23	Site tour logistics	Committee	Driver hired to shuttle tour attendees was not a competent driver.	On August 4, contacted King Charters, the bus charter company that has been used for all Committee tours and explained the concerns about the driver hired that day for the tour. It was made clear that there have been no concerns with the previous drivers, all of whom have been responsible and courteous drivers. King Charters was informed that this driver is not to be assigned to the CN Milton account again. King Charters apologized and stated that the driver's dash cam footage would be reviewed. There has been no further correspondence.	E. Young	Resolved



Date	Торіс	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
14/Jul/23	Lower Base Line closure		Concerns about the closure of Lower Base Line without Town of Milton's authorization.	The CN Milton Logistics Hub project was fully approved after an extensive federal process that lasted several years and included a full public hearing by an independent panel of experts. The Town of Milton and Halton Region as well as members of the public fully participated in the multi-year process. The authorized work included closure of the Town road. CN did not need Town permission to close the road but approached the Town in May 2023 to confirm the timing of the closure and specifically ask for their technical input on the draft written closure plan.	CN	Resolved
17/Jun/23	Traffic		Concerns about the closure of Lower Base Line and vehicles using Henderson Road as a detour route.	CN's published detour plan intentionally avoids Henderson Road and widespread community notification identifies detour routes. CN offered to work with Town of Milton on developing, installing, and maintaining additional signs along Henderson Road to deter motorists from using the road as a thoroughfare while Lower Base Line is closed. CN advised the Project team and the principal contractor that none of the vehicles, regardless of weight or class, servicing the site may use Henderson Road. CN continues to monitor the	CN	Resolved
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	In progress
18/May/23	Community Outreach		CCC member A. Ehrlick invited CN to provide a Project overview to board members of the Halton Federation of Agriculture.	D. Reynolds presented a Project overview and participated in Q&A with attendees.	CN	Resolved
6/Apr/23	Traffic		Concerns about GHG emissions from trucks in the town, particularly the impact when concentrated in one area; would like to see results of truck emissions in the vicinity, not just the broader report.	CN agreed in meeting to discuss data once available.	CN	Response noted
6/Apr/23	Wildlife		Expressed interest in collaborative work on bats; suggested partnership with Toronto Zoo.	Positive discussions with Toronto Zoo have taken place regarding the installation of bat houses; collaborative work will go beyond bats; looking at further opportunities for collaborative research work with the Toronto Zoo and possibly a university to examine different types of bat houses.	L. Patterson	Ongoing
6/Apr/23	Emergency Management		Expressed interest in CN's pro-active engagement with the community in the event of a catastrophic disaster e.g., distribution of "in case of emergency" type of document.	Extensive discussion of CN's emergency management protocols; Halton Region's emergency operations would take over; CN Police / Dangerous Goods have close working relationship with local authorities and conduct regular training in municipalities across Canada; in the event of an emergency local authorities determine next steps/actions not CN and CN supports accordingly. It was agreed that a representative of CN would present at a future meeting to share insight into the local emergency response command structure.	CN	Resolved
2/Feb/23	Heritage Properties	N/A	Moving feasibility study for home at 5381 Tremaine Road.	Moving feasibility study for home at 5381 Tremaine Road prepared by Stantec reviewed by Cultural Heritage Sub-Committee and continue to explore next steps.	CN	Resolved
2/Feb/23	Construction Schedule	N/A	Updated 15.2 schedule	CN to share updated construction schedule with meeting materials ahead of next meeting.	CN	Resolved
2/Feb/23	Transportation Planning		Did CN provide input on Halton Region's environmental assessment on the Steeles/401 connection.	CN to look into whether input was sought/provided	CN	In progress
2/Feb/23	Feedback	Committee	How is Committee information being integrated into planning at CN? Interest in learning more about the internal processes.	At the April 6 meeting, CN discussed ways in which input through the CCC has been used for projects across the CN network.	Co-Facilitators	Resolved
Ongoing	Indigenous Relations	CN / Co-Facilitators	Standing invitation to Indigenous groups to attend and/or present at Committee meetings.	Efforts will be made to connect with Indigenous groups on specific matters of interest or general engagement.	CN / Co-Facilitators	Noted



CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT

APPENDIX 4 Condition 15.1 Schedule Compliance Report 2023



CN MILTON LOGISTICS HUB

Condition 15.1

Schedule Compliance Report 2023

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



IAAC Reference Number: 80100

March 28, 2024

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
ССС	Community Consultation Committee
CIAR	Canadian Impact Assessment Registry
СН	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
NDMNRF	Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry
PDA	Project Development Area
PM	Particulate matter
PM _{2.5}	Fine particulate matter (suspended air borne particulate 2.5 microns and less in diameter)
RAA	Regional Assessment Area
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 Conditions 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	General Conditions (2.1 to 2.3)					
2.1	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.	January 2021	Throughout construction and operation as required by each condition			
	Activities Planned to Fulfill Condition: CN has retained a team of qualified individuals, including from Stantec, Ae mitigation measures and management plans, to design and implement the and to undertake the detailed design. Field programs, studies, and engine standards and practices using recognized methods and models, which will intermodal terminal that meets all engineering requirements for safe raily potential environmental effects. For construction, requirements outlined if into contract specifications and drawings for implementation by the contr representatives and monitored throughout construction for compliance. C authorities, Indigenous communities, and the public to solicit their input a knowledge obtained through consultation into the various measures, plan CN's adaptive management approach will contribute to continuous improv- throughout this report specific to each condition. CN's actions in fulfilling precautionary approach that supports sustainable development.	e various follow-up and ering designs follow ac lead to the construction vay and facility operation in the conditions have actor, who will be man CN continues to consult and will incorporate infor s, and programs requirivement. Further details	I monitoring programs cepted and applicable on and operation of an on while mitigating been incorporated aged by CN and/or CN with relevant ormation and red by the conditions. s are included			



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	o 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 p and provide comments on all available information that is relevant to the consultation. A summary of consultation with the various parties, includin response documenting how this information was considered, and the ratio and consolidated for inclusion in the annual report.	scope and subject mat g the views / informat	ter of the ion received, CN's

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	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.	November 2020	Throughout construction and operation
	Activities Planned to Fulfill Condition: 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.		
Follow-Up and Ada	ptive Management (2.6 to 2.10)		
2.6 (and all sub- conditions 2.6.1 to 2.6.5)	 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: 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
	 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.		



Condition Number	Condition	Commencement	Estimated Completion	
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:			
2.8	CN will update the FUPs consistent with the frequency determined in cond 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.	Final FUPs circulated for review Fall 2021	FUPs finalized.	
	Activities Planned to Fulfill Condition:			
	CN has provided all FUPs pursuant to conditions listed in 2.8 to IAAC and to the party/parties that were consulted during the development of each FUP prior to the start of construction. All FUPs were developed pursuant to condition 2.6. During the implementation of the FUPs, any update made pursuant to condition 2.7 will be provided to IAAC and to the party/parties that were consulted on the development of each FUP within 30 days of such updates.			
2.9	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:	Pre-construction, construction and operation as required by each FUP	As required by each FUP	



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

Condition Number	Condition	Commencement	Estimated Completion
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 additional mitigation measures will be developed and implemented accord mitigation measures will be communicated to IAAC within 24 hours of bein contemplated in the various FUPs, CN will provide a detailed description of their implementation.	dingly, and these modi ng implemented. If suc	fied or additional h measures were not
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 March 31 of the following year. A summary of the results of each FUP will informed the FUPs in accordance with Condition 2.11.5.	•	



Condition Number	Condition	Commencement	Estimated Completion
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	2.11 to 2.12)		
2.11 (and all sub- conditions 2.11.1 to 2.11.8)	 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 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 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.		



Condition Number	Condition	Commencement	Estimated Completion
Information Sharin	g (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 River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.	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
	Activities Planned to Fulfill Condition: Final versions of the annual reports, executive summaries (in both languag submitted to IAAC. Copies will be posted publicly to the project website (h the website for at least 15 years following publication.		
	CN will notify IAAC, the party or parties referenced in each respective con MCFN, the SNGR and the HWN of the availability of these documents with		•

Condition Number	Condition	Commencement	Estimated Completion	
2.14	When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.	Prior to construction	Prior to operation	
	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.			
Change of Propone	ent (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 compon- in the event that CN decides to transfer ownership, care, control or mana- another party, CN will provide notification to IAAC, the MCFN, the SNGR, Halton (CH), the Town of Halton and other relevant authorities in writing that would occur.	gement of the Project (the HWN, Halton Regio	(in whole or in part) to on, Conservation	



Condition Number	Condition	Commencement	Estimated Completion
Change to the Desi	gnated 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, H required.	HWN, CH and other rele	evant authorities as
2.17	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.	To be determined, if appropriate	To be determined, if appropriate
	Activities Planned to Fulfill Condition:		
	In the event that a change to the Designated Project would result in a chan included in the Decision Statement (Condition 1.8) or that may result in ac IAAC and work with their team of qualified individuals to provide a descrip environmental effects, proposed mitigation measures and follow up requi consultation undertaken with MCFN, SNGR, HWN, CH and other relevant a	dverse environmental e otion of any changes, p rements, as well as the	ffects, CN will notify redicted adverse



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. Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.	January 2021	Completed (initial list); future updates if and as requested.



Condition Number	Condition	Commencement	Estimated Completion
3.2	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:	May 2021	Ongoing
	Activities Planned to Fulfill Condition: CN developed a community liaison communication process (CLCP) in 2021 and has committed to implement the CLCP throughout all phases of the P Community Consultation Committee (CCC) led by two independent, third- Reference and CLCP documents were provided to IAAC on December 1, 20	roject. This includes the party co-facilitators. The	e establishment of the

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)	 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; 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.		
	Activities Planned to Fulfill Condition: The CLCP identifies the list of information and reports about the Designate with potentially affected parties as described in sub-conditions 3.2.1.4.1 to	0 3.2.1.4.5.	ess for CN to share
	Conditions 3.2.1.4.1 to 3.2.1.4.3 have been fulfilled. See 2021 Annual Report Condition 3.2.1.4.4. will be completed in 2024 for inspections conducted for construction activities at the end of 2023. See Condition 11.4 for details.	ollowing the completio	n of Phase 1
	Condition 3.2.1.4.5 will be completed during operations. See 2022 Annual	Report for details.	

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: 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 measure and/or measure and/or measure and	May 2021	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	 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. 		
	Activities Planned to Fulfill Condition:		
	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 determinatio 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.		y liaison at no mitigation r that determination. ck received will be
	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.		UP requirement that



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:	Start of construction	Ongoing
	 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. 		

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: As noted in the 2022 Annual Report, the baseline light trespass and glare of E2 rural guidelines. Therefore, the threshold established in condition 4.2.2 plans, including the selection of luminaires, have been based on the imple trespass and glare and to target light to those areas during construction and contractor is required to manage light trespass and glare to meet or surpar Further, CN will manage light trespass and glare to meet or surpass the E3 various light mitigation measures outlined in the EIS and commitments.	applies to the Project. mentation of measures nd operation where it i lss the E3 guidelines du	Lighting design s to reduce light s required. CN's ring construction.
4.3 (including all sub- conditions 4.3.1 to 4.3.4)	 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: 4.3.1 - direct light fixtures toward active construction areas 	January 2021	Ongoing
	 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. Activities Planned to Fulfill Condition:		
	Condition fulfilled. See 2021 Annual Report for details		

Condition Number	Condition	Commencement	Estimated Completion
4.4 (and sub- conditions 4.4.1 and 4.4.2)	 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 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
	Activities Planned to Fulfill Condition:	1	1
	Condition fulfilled. See 2021 Annual Report for details		

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 F Implementation of the FUP will occur throughout construction and report requirement (Condition 2.11).		al reporting
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: As described in the Ambient Lighting FUP, monitoring of light trespass and 2023; however, this monitoring was targeted at temporary night-time con will occur once project night-time light sources are installed and will conti the Project operates at its full operational capacity.	struction lighting. Furt	her light monitoring

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 the monitoring results referred to in condition 4.5.1 demonstrate that m planned, modified or additional mitigation measures will be developed and 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
	Activities Planned to Fulfill Condition:	1	1
	Noise mitigation measures have been identified by CN and incorporated in planning. The contractor agreement includes construction specific mitigatic contractor during construction. Contractor is keeping a daily equipment us	ion measures being im	plemented by the



Condition Number	Condition	Commencement	Estimated Completion	
	time, and locations, where operating on site. Berms and barriers are being of the Project to mitigate noise during operations.	constructed during th	e construction phase	
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;	-	Ongoing	
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.			
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 concrete plant is proposed to be used by the contractor, the contractor we (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;	2024	End of Construction	
	Activities Planned to Fulfill Condition:			
	Contractor will install temporary sound barriers (hoarding) around Lower I mitigate noise during construction. This requirement has been incorporate preliminary locations of temporary hoarding identified on design plans. Th as required to accommodate and address specific construction activities a	ed into the contract do ne location of this hoard	cuments and ding will be adjusted	



Condition Number	Condition	Commencement	Estimated Completion
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 vehicle Equipment is regularly inspected to ensure proper working order of noise reporting on regular maintenance of equipment, including noise dampeni monthly reporting on compliance.	dampening technology	. Contractor is
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 cont construction staff within the PDA and while travelling between the PDA and Noise Reduction Plan was provided to IAAC on December 9, 2021. A Noise operation to address mitigation measures required by CN for the manager within the PDA and while travelling between the PDA and 400-series high	nd the 400-series highv Reduction Plan will be ment of noise generate	vay network. The e developed prior to

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:	I	1
	As part of the contractor agreement, the contractor is required to enclose only use generators with a sound power level of 107 dBA or less.	generators used durin	g construction and to
4.7 (including all sub- conditions 4.7.1 to 4.7.3)	 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: 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 No implemented throughout construction.	ise Communication. Th	ne protocol will be



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 1 Noise Communication Protocol provided to IAAC on December 9, 2021, in local community will be notified if construction activities must occur at nig	cludes information abo	
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, being implemented as part of construction practices and will continue to b Project. The Noise Communication Protocol is posted to the CN public well	pe implemented during	

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 attribut Project will be acknowledged as soon as possible and no later than 48 hour actions will be implemented in a timely manner if required to reduce noise	irs after the complaint	is received. Corrective
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 referrent noise monitoring conducted pursuant to condition 4.10 will be taken into 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 pa complaints received during the reporting quarter and any corrective action		/ilton of all noise

Condition Number	Condition	Commencement	Estimated Completion
4.10	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. As part of the implementation of the follow-up program, the Proponent shall compare changes to the acoustic environment attributed to the	February 2020	Four weeks after the Designated Project operates at its full operational capacity
	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:		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the F		
	Implementation of the FUP will occur as determined in the design of the preporting requirement (Condition 2.11).	program and reported a	is part of the annual
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 Planned to Fulfill Condition:		•
	Condition fulfilled for acoustic monitoring for Phase 1; see 2022 Annual Re of construction, additional continuous monitoring of day-night average so weeks of each phase of construction, in accordance with the Acoustic Env	und levels will occur du	-



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 during four additional weeks during full operational capacity, in accordance		
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:		
	Activities Planned to Fulfill Condition: During operations, monitoring of low-frequency noise will occur in a mann Quantities and Procedures for Description and Measurement of Environm Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4), i FUP.	ental Sound Part 4: No	ise Assessment and
4.10.4	During operations, monitoring of low-frequency noise will occur in a mann Quantities and Procedures for Description and Measurement of Environm Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4), i	ental Sound Part 4: No	ise Assessment and

Condition Number	Condition	Commencement	Estimated Completion	
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:	Start of construction	Ongoing	
	Activities Planned to Fulfill Condition:			
	Measures to mitigate fugitive dust emissions attributed to the Project are by the contractor and will be implemented during operations. These meas 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 Planned to Fulfill Condition:			
	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.			
	During operations, reliance on dust suppressants is not anticipated since all driving surfaces will be paved.			
4.11.2	Not handling non-enclosed granular materials during sustained high wind conditions;	-	-	
	Activities Planned to Fulfill Condition:			
	As part of the contractor agreement, the handling of granular materials durestricted. Dust monitoring and dust suppressant mitigation is outlined in Management Plan to ensure handling of granular material is managed appressed and the suppressed of the supervised o	the contractor's Air Qu		
	Movement and handling of granular material is not anticipated during ope during operation, similar restrictions on the handling of such materials du implemented.			



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 open containers within the PDA. Storage of non-enclosed granular matering however, if required at some point during operation, similar restrictions of materials stored in open containers within the PDA would be implemented	al is not anticipated dur on the covering or enclo	ring operation;	
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 vehicle movements within the PDA during construction, to which all perso will be established for all permanent roads within the PDA. Appropriate siduring construction and operations.	ons are required to abid	e. Similar speed limits	

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:	N/A	N/A
	 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. 		
	Activities Planned to Fulfill Condition: At this time, there are no plans to use a concrete plant during construction plant is proposed, the contractor would be required to install a bag house plant and operate the temporary portable concrete plant in a manner that described in the sub-conditions.	in conjunction with the	e portable concrete
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 impredictes within the PDA. The contractor is monitoring and reporting to CN		• •



Condition Number	Condition	Commencement	Estimated Completion
4.13.2 (including all sub-conditions 4.13.2.1 to 4.13.2.5)	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:	-	-
	 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
	 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. 		
	Activities Planned to Fulfill Condition:		
	The contractor agreement includes the preferential use of zero-emission r any physical activity undertaken as part of their Emissions Reduction Plan. or not technically feasible, the contractor must provide justification for the in the sub-conditions. Equipment used on site is tracked for reporting in the	If zero-emission equip e use of alternative equ	ment is not available
4.14 (and sub- conditions 4.14.1 and 4.14.2)	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:	March 2022	Ongoing, until implementation
	 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. 		
	Activities Planned to Fulfill Condition:		
	CN will provide an update on the technical and economic feasibility of full- report to IAAC. As part of the annual report, any update provided to IAAC fleet has, or has not, been electrified and an update on the electric truck p	will include a rationale	



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 full implemented in the CN locomotive fleet
	Activities Planned to Fulfill Condition:		
	CN will provide an update on the technical and economic feasibility of imp CN-owned locomotives as part of the annual report to IAAC. As part of the will include a rationale as to why the idling reduction technologies have, o	e annual report, any up	date provided to IAAC
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, the Proponent shall:	April 2023	Ongoing
	Activities Planned to Fulfill Condition:		
	Work to progress the development of an air pollutant and greenhouse gas consultation with ECCC and TC to encourage continual improvements in th emissions from trucks serving the Designated Project. This plan will establ trucks access the terminal. The air pollutant and greenhouse gas emission prior to operation, for implementation during the operation phase.	ne reduction of air polluish emissions threshold	utant and GHG Is for high-emitting



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, encourage truck operators to lower truck emissions and implement clean	•	ve measures to	
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 t Reduction Plan during construction. Once operations commence, anti-idlin 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:	•		
	As part of the development of the air pollutant and greenhouse gas emissi alternative measures (other than visual inspection) to collect information emitted by trucks entering the terminal. CN is also exploring the developm any truck that meets or exceeds the emissions thresholds for high-emitting	about air pollutants an nent of a system to not	d greenhouse gases ify truck operators of	



Condition Number	Condition	Commencement	Estimated Completion
	greenhouse gas emissions reduction plan. A description of a proposed me and greenhouse gas emissions reduction plan for implementation comme		•
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 greenho 4.16.3 during the reporting year, including the number and proportion of far high amitting trucks established during the development of the plan a	trucks meeting or exce	eding the thresholds
	for high-emitting trucks established during the development of the plan, a incidence of high-emitting trucks through notification to truck operators a IAAC.		-
4.17	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Designated Project. As part of the development of the plan, the Proponent shall establish five-year targets for increasing over time the proportion of locomotives serving the Designated Project that meet, at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by	April 2022	Ongoing



Condition Number	Condition	Commencement	Estimated Completion
	these locomotives. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan throughout operation.		
	Activities Planned to Fulfill Condition:		
	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 Tie 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 Plan will be submitted to IAAC prior to operation. Implementation will occur throughout the operation phase.		
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 plate 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



Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition:		
	The air pollutant and greenhouse gas emissions reduction plans referred t reviewed in consultation with Environment and Climate Change Canada (E authorities, after the fifth year of operation and thereafter at a time to be updates to the plans will be submitted to IAAC, ECCC, Transport Canada an of the plan being updated.	CCC), Transport Canac determined during ea	la and other relevant ch review. Any
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 800 trucks and the maximum 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 wo optimize the efficiency of operations of the terminal and submit them to I		



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 F Implementation of the FUP will occur as determined in the design of the p		s part of the annual	
	reporting requirement (Condition 2.11).			



Condition Number	Condition	Commencement	Estimated Completion	
4.21.1	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;	-	-	
	Activities Planned to Fulfill Condition:			
	Condition fulfilled. See 2021 Annual Report for details.	-	-	
4.21.2 (and all sub- conditions including 4.21.2.1 to 4.21.2.3)	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):	-	-	
	 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). 			
	Activities Planned to Fulfill Condition:			
	Two air quality monitoring stations, one based on prevailing winds upwind installed and became fully functional in 2021. During construction, CN has monitor the air quality contaminants of concern required by the condition AQMAMP.	been monitoring and v	vill continue to	



Condition Number	Condition	Commencement	Estimated Completion
4.21.3 (and all sub- conditions including 4.21.3.1 to 4.21.3.3)	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):	-	-
	 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). 		
	Activities Planned to Fulfill Condition:		
	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.		
4.21.4 (including sub-conditions 4.21.4.1 and 4.21.4.2)	Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to:	-	-
	 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 referred to in conditions 4.21.4.1 and 4.21.4.2 as part of the FUP.	and will be compared	to the standards
4.21.5	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.	-	-
	Activities Planned to Fulfill Condition: In the event of any exceedances, the source(s) of any exceedances during conditions 4.21.4.1 and 4.21.4.2 will be determined, in consultation with t the FUP. If it is determined that the Designated Project is contributing to a mitigation measures will be developed and implemented and reported as	he parties involved in t iny such exceedance, m	he development of

Section 5: Water

Condition Number	Condition	Commencement	Estimated Completion
Surface Water (5.1	to 5.10)		
5.1	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.	February 2020	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
5.2 (including all sub- conditions 5.2.1 to 5.2.4)	 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: 5.2.1 - design the stormwater management system so that it can 		Completed
	 b.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 		



Condition Number	Condition	Commencement	Estimated Completion	
	 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 Planned to Fulfill Condition:			
	Condition fulfilled. See 2021 Annual Report for details on creation of the F	UP.		
	Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).	n of the FUP will occur as determined in the design of the program and reported as part of the an irement (Condition 2.11).		
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 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.	Start of construction	Ongoing	
	Activities Planned to Fulfill Condition:			
	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.			
	CN will consider alternatives to the use of salt for traction control during of measures to mitigate salt loading into the SWM system will be identified a Conservation Halton. Such measures will be submitted to IAAC along with technically or economically feasible prior to implementation.	ind developed in consu	ltation with	



Condition Number	Condition	Commencement	Estimated Completion
5.4	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.	June 2020	Ongoing
	Activities Planned to Fulfill Condition: Erosion and sediment control (ESC) plans have been developed and included as part of the design packages for construction of the Project. Measures are specific to construction components and locations of work that could caus 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.		
5.5	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.	Start of construction	Ongoing
	Activities Planned to Fulfill Condition:	•	
	Areas within the limits of construction to conduct equipment refueling, m identified within the PDA. During operations, equipment maintenance, ma completed in the Maintenance Building, next to the Administration Buildin that includes oil and grit separator and direct runoff to the stormwater sys completed by the EM during construction of the Project.	aterial storage and refunction refunction and refun	ueling will be ge will be installed



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	
	Activities Planned to Fulfill Condition: Measures to mitigate the mobilization and transport of potential residual towards waterbodies were developed and outlined in the SWM Plan and B agencies. The contractor is implementing a program for ESC, which include	EPP, and consulted on	with the required	



Condition Number	Condition	Commencement	Estimated Completion
	mobilization throughout the PDA during construction. Monitoring of imple completed by the EM during construction of the Project.	ementation of the ESC	program is being
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 F	UP.	
	Implementation of the FUP will occur as determined in the design of the preporting requirement (Condition 2.11).	program and reported	as part of the annual
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.		
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 revie	w(s) required by Cond	ition 5.9.1.



Condition Number	Condition	Commencement	Estimated Completion
5.10 (including all sub-conditions 5.10.1 to 5.10.5)	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:	February 2020	Five years following the end of construction
	 5.10.1 - monitor surface water quantity continuously during construction and for at least five years following the end of construction; 5.10.2 - monitor surface water quality, during construction and for at least five years following the end of construction, at least monthly and during high flows and upset conditions; 5.10.3 - conduct the monitoring referred to in conditions 5.10.1 and 5.10.2 both at locations where water flows towards the Designated Project Development Area and at locations where water flows away from the Designated Project Development Area, including the effluent of the stormwater management ponds; 		

Condition Number	Condition	Commencement	Estimated Completion
	 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. 		
	Activities Planned to Fulfill Condition:		
	Condition fulfilled. See 2021 Annual Report for details on creation of the F	UP.	
	Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).	rogram and reported a	as part of the annual
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	June 2020	End of construction



Condition Number	Condition	Commencement	Estimated Completion
	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 Planned to Fulfill Condition: A dewatering assessment was completed in 2020. The contractor is impleat reduce sediment content in discharging water from dewatering, as required preliminary Dewatering Plan were provided to IAAC on December 1, 2021	ed. The Dewatering As	
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
	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).		
5.13.1	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	-	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition:		
	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 wel within the projected dewatering cone of depression to determine the potential for drawdown interference.		
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 6.1	0)		
6.1	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.	August 2020	Ongoing
	Activities Planned to Fulfill Condition: 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. Maintenance of the 7.1 hectares of replacement wetlands will occur throughout operations.		
6.1.1	If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.	-	-
	Activities Planned to Fulfill Condition: While wetlands will be removed prior to all replacement wetlands being converlapping areas of existing wetlands and replacement wetlands. All wet	•	



Condition Number	Condition	Commencement	Estimated Completion
	end of construction. A memo summarizing the rationale explaining why it replacement wetlands before removing the existing wetlands was submitted		
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.		
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.		



Condition Number	Condition	Commencement	Estimated Completion	
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.	
	Activities Planned to Fulfill Condition:			
	CN prepared a FUP for wetlands and wetland functions. The Wetlands FUF MECP for review, and all views or information received from these parties this FUP. The implementation of the Wetlands Follow up Program will be for Wetlands FUP was provided to IAAC on November 26, 2021.	have been considered	l by CN in finalizing	

Condition Number	Condition	Commencement	Estimated Completion	
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 suretained and constructed wetlands located within the PDA will occur for a construction of each area of wetland creation (i.e., Indian Creek realignment)	t least five years follow	ving the end of	
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 2024	5 years post construction	
	Activities Planned to Fulfill Condition:			
	Wetland boundaries will be flagged and marked with a submeter Global Pe accurate measurement of wetland size. In the event that the wetlands do wetlands not achieving predicted areal extent, water levels or maintaining recommended and completed as part of the Wetland FUP.	not perform as intend	ed, resulting in	



Condition Number	Condition	Commencement	Estimated Completion
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 constr 6.3.2, and in consultation with ECCC and CH, CN will determine if addition		
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:	1	
	Vegetation buffers have been identified and are included in the construction during construction and throughout operation of the Facility.	ion contract drawings	to be maintained
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	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 Planned to Fulfill Condition: 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).			
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.	May 2021	End of construction	
	Activities Planned to Fulfill Condition: 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.			
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.	May 2021	End of construction	



Condition Number	Condition	Commencement	Estimated Completion	
	Activities Planned to Fulfill Condition: The contractor agreement includes requirements for the contactor to retactive trees, to the extent possible. In establishing the restricted and limited according protected areas, buffers and setbacks have been implemented for constructive required to maintain the delineation and demarcation (i.e., staking, fencing construction phase and this will be verified through monitoring by the EM	ess areas for this Proje action. The contractor ag) of the limits of cons	ct, a combination of is contractually	
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	
	Activities Planned to Fulfill Condition: The contractor is contractually required to implement measures during co spread of invasive vegetation within the PDA, including from equipment b imported fill, and is required to take into account Ontario Invasive Plant C	rought onsite from oth	ner worksites and from	



Condition Number	Condition	Commencement	Estimated Completion
	Industry. Monitoring of the contractor's implementation of these measure incorporated into the annual report.	es will be completed by	the EM and
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
	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).		

Section 7: Fish and Fish Habitat

Condition Number	Condition	Commencement	Estimated Completion
General (7.1 to 7.1	2)		
7.1	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.	December 2016 and updated in July 2020 and May 2021	End of construction
	Activities Planned to Fulfill Condition: Measures to protect fish and fish habitat for all phases of the project were	e included in the Final L	OI and detailed
	drawings, which form part of the DFO Authorization, received on July 23, 2021.		
	Additional measures for the protection of fish and fish habitat not include Report, the ESC plans, and design drawings for implementation during cor		cluded in the SWM

Condition Number	Condition	Commencement	Estimated Completion
7.2 (including all sub- conditions 7.2.1 to 7.2.3)	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: • 7.2.1 - salvage and relocate fish to the satisfaction of Fisheries	Start of construction	End of construction
	 7.2.1 Salvage and relocate hish to the satisfaction of Hisheries 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. 		
	Activities Planned to Fulfill Condition: CN has retained qualified professional services to conduct fish rescues thr work. An aquatic biologist will complete the relocation of fish during the f where the removal of fish habitat or dewatering of fish-bearing water is p completed directly prior to installation of project components such as cul- work, as necessary. Activities for salvage and relocation will follow the mit practices and any approval conditions in the FAA including the preference	ish salvage prior to con lanned to occur. These verts, realignment activ igation measures, best	ducting any work activities will be rities and instream

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			
7.4	contractor appropriately. 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 fish species located within the watershed, which restricts in-water work b variance has been received from DFO. Activities for creation of new channel to realignment and bringing the new channels online.	etween March 15 and	June 30 unless a	



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-v restricted activity timing windows. In the event that any work is required of consult with DFO and CH prior to such work occurring. IAAC will be inform	during the restricted ac ed of any mitigation m	cess period, CN will
7.5	within the restricted access period for in-water works, prior to it occurring 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 pro Implementation of the offsetting plan will occur through construction, as a		ember 1, 2021.
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.	End of construction	



Condition Number	Condition	Commencement	Estimated Completion	
	Activities Planned to Fulfill Condition: Condition fulfilled. Channel realignment construction planning has been c minimize the extent and duration of flow diversions in existing channels.	ompleted in Tributary	A and Indian Creek to	
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 inclure realignment drawings. Realigned portions of Tributary A and Indian Creek were constructed stabilize prior to receiving flows, with in-water work limited to the locations where the new existing channels. Completion of Tributary A occurred in December 2022, while completion November 2023. The requirement to construct the realigned channels offline has been incorport.November 2023. The requirement to DFO.		were constructed offli ns where the new chai while completion of In	ine and allowed to nnels connected to the idian Creek occurred in	
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:	I	-	
	Condition fulfilled. The realigned portion of Tributary A was commissioned portion of Indian Creek was commissioned in November 2023. Commission segments did not occur until the newly created channel or channel segme been completed and allowed to stabilize, as per the channel realignment of Tributary A prior to commissioning and confirmed acceptance to proceed. Creek prior to commissioning and confirmed acceptance to proceed, which confirmed with DFO shortly after commissioning.	oning of these new chant nt had been construct drawings. DFO reviewe CN's EM reviewed the	nnels or channel ed and planting had ed the condition of e condition of Indian	



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. Condi 2023. See Appendix 1.	ition fulfilled in regard	to Indian Creek in
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. Once construction of the SWM system is complete and operating at the site, monitoring to confirm mitigation measures for water temperature discharged from the system will be at a temperature no higher than baseline conditions, as part of the SWQQ FUP.		



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.			
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.			
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	
	Activities Planned to Fulfill Condition:			
	Condition fulfilled. See 2021 Annual Report for details on creation of the F	UP		



Condition Number	Condition	Commencement	Estimated Completion
	Implementation of the FUP will occur as determined in the design of the preporting requirement (Condition 2.11).	program and reported a	as part of the annual
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 me	easures will be monitor	ed.
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:	-	-
	 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:		1
	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 (a temperature of the overland runoff flows from the SWM pond outlets will		
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	-	-



Condition Number	Condition	Commencement	Estimated Completion
	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 or measures are required, modified or additional mitigation measures will be		
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 ar monitoring results, if additional monitoring is required. If required, the FUP will be updated as per con			



Section 8: Wildlife

Condition Number	Condition	Commencement	Estimated Completion
Migratory Birds (8.	1 to 8.4)		
8.1	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.	Ongoing	End of construction
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to durin the disturbance to migratory birds that may be within the limits of constru- Migratory Birds were provided to the contractor in the EPP and the contra ECCC regarding the WMCP (as described in conditions 8.4, 8.10, 8.13, 8.21 removal will be monitored by the EM and the IEM for compliance with the	uction. Restricted timir actor agreement, after ., 8.25, 8.28, 8.32, and	ng windows related to consultation with 8.33). Vegetation
8.2	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:	Start of construction	End of construction
	Activities Planned to Fulfill Condition:	·	
	Restricted activity periods for vegetation removal will be adhered to durin the disturbance to migratory birds that may be within the limits of constru- Migratory Birds were provided to the contractor in the EPP and the contra ECCC regarding the WMCP. Vegetation removal will be monitored by the B restricted timing windows.	uction. Restricted timir actor agreement, after	g windows related to consultation with



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 a including measures for vegetation clearing outside of the breeding seasor 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 Proj Bird Friendly Development Guidelines, such that they minimize the risk of for surrounding the buildings will also be developed to minimize avian col	avian collisions. Veget	-	



Condition Number	Condition	Commencement	Estimated Completion
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:	June 2020	End of Follow up Program
	Activities Planned to Fulfill Condition:		
	Condition fulfilled. See 2021 Annual Report for details on creation of the F	UP.	
	Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).	rogram and reported a	as part of the annual
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 Planned to Fulfill Condition:	1	1
	If the monitoring results demonstrate that mitigation measures are not as mitigation measures will be developed and implemented.	effective as planned, r	nodified or additional



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 cons results, if additional monitoring is required. If required, the FUP will be up		•
Listed Species at Ri	sk (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 (Pseudacris triseriata) 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 (Pseudacris triseriata) and breeding and hibernating sites (residences) for western chorus frog (Pseudacris triseriata). 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.			
	implemented. In anticipation of construction in 2023, the Western Chorus mainline between	on of construction in 2023, the Western Chorus Frog exclusion fence was installed along the Based on observed changes to the offsite habitat as a ities by others, consultation with ECCC has continued to determine implications on habitat		
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 existing rail right-of-way between 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 construction between the end of February and beginning of April based on exclusion fencing is installed, it will remain until construction is completed.	n ambient temperature		

Condition Number	Condition	Commencement	Estimated Completion
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 breeding sites (residences) prior to installing exclusion fencing.	-	-
	Activities Planned to Fulfill Condition: 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.		
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 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.	May 2020	End of construction
	Activities Planned to Fulfill Condition: Wildlife exclusion fencing was installed along both sides of the CN ROW between 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. Construction activities are anticipated in 2024 as part of Phase 2 of construction. While existing fencing will be monitored and maintained, no additional exclusion fence is to be installed.		



Condition Number	Condition	Commencement	Estimated Completion
8.8	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.	May 2020	Prior to construction in area of WCF
	Activities Planned to Fulfill Condition:	•	
	Any replacement of culverts adjacent to identified breeding and hibernation outside of the breeding season for WCF.	ing sites (residences) w	ill be scheduled
8.9	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.	May 2020	Prior to construction in area of WCF
	Activities Planned to Fulfill Condition: Discussion with ECCC regarding habitat compensation for the replacemen hibernating sites (residences) continues.	t of any previously ide	ntified affected WCF



Condition Number	Condition	Commencement	Estimated Completion
8.10	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog 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:	May 2020	Implement until at least the end of the fifth year of operation
	Activities Planned to Fulfill Condition: CN prepared a FUP for WCF, including mitigation measures, pursuant to con IAAC on November 26, 2021, includes all of the various FUPs relating to we This FUP was updated in March 2022. Work in areas adjacent to the prevent until the second phase of construction, which is anticipated to commence other relevant parties is planned for 2024 to confirm any compensation re- will inform the need for any refinements to the monitoring and follow-up	ildlife, including for WC iously identified WCF h in 2024. Further consu equirements and plans,	F (see Section 5.2). abitat is not proposed ltation with ECCC and the results of which
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.		



Condition Number	Condition	Commencement	Estimated Completion	
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.			
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 mitigati developed and implemented as outlined in the adaptive management see	•	red they will be	

Condition Number	Condition	Commencement	Estimated Completion
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 cons monitoring results, if additional monitoring is required. If required, the FU		
8.11	The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) in areas identified by the Proponent as habitat for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) 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
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to durin disturbance to habitat areas for Eastern Meadowlark and Bobolink that m Restricted timing windows related to all Migratory Birds have been provid contractor agreement, after consultation with ECCC regarding the WMCP. the EM and the IEM for compliance with the restricted timing windows.	ay be within the limits ed to the contractor in	of construction. the EPP and the
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 (Sturnella magna), bobolink (Dolichonyx oryzivorus) and monarch butterfly (Danaus plexippus) within the Designated Project Development Area. The Proponent shall cause the	Grassland habitat creation of the off- site lands began in 2019.	Habitat creation completed. Maintenance ongoing.



Condition Number	Condition	Commencement	Estimated Completion	
	suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.			
	Activities Planned to Fulfill Condition:			
	Marsh Wildlife Management Area. The off-site grassland habitat will be m	an agreement with Ducks Unlimited Canada (DUC) to create off-site habitat within the Luther gement Area. The off-site grassland habitat will be managed by DUC for a period of 20 years, ding that occurred in spring 2019. This will include a minimum of five maintenance cycles over th		
8.13	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:	August 2020	Implementation of the FUP for 20 years following establishment of the replacement grassland habitat	
	Activities Planned to Fulfill Condition:			
	Condition fulfilled. See 2021 and 2022 Annual Report for details on creation of the FUP.			
Implementation of the FUP will occur as determined in the design of the progra reporting requirement (Condition 2.11).		program and reported a	s part of the annual	

Condition Number	Condition	Commencement	Estimated Completion
8.13.1	Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;	-	-
	Activities Planned to Fulfill Condition:		
	Eastern Meadowlark and Bobolink use of the replacement grassland habit and Ducks Unlimited Canada in 2021, 2022 & 2023 and will continue to be establishment of the replacement grassland.		
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 (Sturnella magna) and bobolink (Dolichonyx oryzivorus) attributed to the Designated Project; and	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation developed and implemented as outlined in the adaptive management sec		



Condition Number	Condition	Commencement	Estimated Completion
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 (Sturnella magna) and bobolink (Dolichonyx oryzivorus). 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 Planned to Fulfill Condition: Monitoring results for 20 years following the establishment of the replacement grassland habitat will k if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replace Eastern Meadowlark and Bobolink, modified or additional mitigation measures and/or additional follow requirements will be developed and implemented in consultation with ECCC and other relevant author adaptive management section of the FUP (i.e. similar to recommendations made in 2023. See Condition Appendix 1). Prior to implementation, any additional or modified mitigation measures and/or additional requirements will be submitted to IAAC.		placement habitat for follow-up uthorities as per the ndition 8.13.3 in	

Condition Number	Condition	Commencement	Estimated Completion
8.14	The Proponent shall identity, 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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) 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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall:	September 2020	November 2023 Construction of features complete, maintenance ongoing.
	 8.15.1 - locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and 8.15.2 - maintain the habitat enhancement features functional during operation. 		
	Activities Planned to Fulfill Condition:		
	Habitat enhancement features for turtles are identified in the WMCP and the Channel Realignment including the location of nesting mounds and pla documents have been provided to DFO, ECCC, CH, MCFN and SNGR for co parties has been considered for inclusion in the WMCP. Construction of th completed by the contractor as part of Phase one of construction. These operation.	anned maintenance re mment. Any feedback lese enhancement fea	quirements. These received from these tures has been



Condition Number	Condition	Commencement	Estimated Completion
8.16	The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (Chelydra serpentine) (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 (Chelydra serpentine) 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 WMCP, which was provided to IAAC on November 26, 2021.	construction areas are	provided in the
8.17	The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (Chelydra serpentine) 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
	Activities Planned to Fulfill Condition:		-
	Exclusion fencing has been installed to isolate the active construction zor maintain separation and avoid interaction between wildlife and construct has been completed under the direction and observation of the EM. Cons installed based on where turtle habitat (nesting, foraging and overwinter construction activities are planned. Section 3.4 of the WMCP, which was provides information on wildlife exclusion fencing, while Figures 5, 6 and temporary and permanent fencing. Maintenance of the exclusion fencing reviewed on a regular basis by the EM and IEM for the Project.	tion zones. Installation struction exclusionary f ing) has been identified provided to IAAC on No 7 of the WMCP indicat	of exclusion fencing encing has been and where ovember 26, 2021, e the locations of

Condition Number	Condition	Commencement	Estimated Completion
8.18	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.	Prior to Operation	Construction to be completed prior to operation, maintenance ongoing throughout operation
	Activities Planned to Fulfill Condition: Permanent exclusion fencing will be installed once construction of the rea vegetation has been installed. Maintenance and monitoring of the exclusion throughout operation of the Designated Project.	-	
8.19 (including sub- conditions 8.19.1 and 8.19.2)	 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 - install and maintain all exclusion fencing taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario; and 8.19.2 - inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly. 	Start of Construction	Ongoing
	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.		



Condition Number	Condition	Commencement	Estimated Completion
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 duri be maintained to highlight the risk of turtle collisions.	ng operations have be	en installed and will
8.21	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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) 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:	August 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 p reporting requirement (Condition 2.11).	program and reported	as part of the annual

Condition Number	Condition	Commencement	Estimated Completion
8.21.1	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 (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) from entering in-water construction work areas;	-	-
	Activities Planned to Fulfill Condition:		
	The effectiveness of exclusion fencing in preventing snapping turtle and m construction work will be monitored throughout construction and results as part of the annual report.	-	-
8.21.2	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	-	-
	Activities Planned to Fulfill Condition:		
	A wildlife training program has been prepared for the contractor to be del to highlight protocol on identifying turtles, proper handling of turtles (sho turtle sightings during construction.		
	Exclusionary fencing has been installed and will be monitored during cons installation to evaluate the effectiveness of the fencing and if adjustments with operation of the Terminal, as outlined in the WMCP.	•	-

Condition Number	Condition	Commencement	Estimated Completion
8.21.3	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.	-	-
	Activities Planned to Fulfill Condition: 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.		
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
	Activities Planned to Fulfill Condition: A wildlife training program has been provided to the contractor and equipment operators to highlight protocol on identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction. During operations, turtle sightings will be recorded. Annual reporting of turtle sightings within the Terminal will be made to the Natural Heritage Information Centre of Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF).		

Condition Number	Condition	Commencement	Estimated Completion
8.23 (including all sub-conditions 8.23.1 to 8.23.4)	 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 (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project. As part of these measures, the Proponent shall: 8.23.1 - maintain and keep accessible nesting habitat for barn swallow (Hirundo rustica) 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 (Hirundo rustica) 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); 8.23.2 - install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (Hirundo rustica) 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
8.23 (including all sub-conditions 8.23.1 to 8.23.4) (cont'd)	 8.23.3 - manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (Riparia riparia) from nesting in the stockpiles; and 8.23.4 - establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (Hirundo rustica) or bank swallow (Riparia riparia) 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. 		



Condition Number	Condition	Commencement	Estimated Completion	
	Activities Planned to Fulfill Condition:			
	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. 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. The EM will establish and maintain buffer zones and setback distances if, during construction, barn or bank swallow			
8.24	nests are identified during the removal of culverts. The Proponent shall compensate for the loss of monarch butterfly (Danaus plexippus) 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 (Danaus plexippus).	Prior to construction	Ongoing	



Condition Number	Condition	Commencement	Estimated Completion	
	Activities Planned to Fulfill Condition:			
	On-site habitat replacement requirement for monarch butterfly habitat creation (including breeding and necta functions) has been identified in the planting plan, included in the contract documents for construction by the contractor.			
	for the Luther Marsh habitat replacement for grassland habitat, was also c	habitat enhancement is described in relation to condition 8.12 above. The native seed mix that is being used Luther Marsh habitat replacement for grassland habitat, was also designed for Monarch, including common ed (larval host plant) and a variety of nectaring wildflowers for adult butterflies. The Monarch Habitat Insation plan was provided to IAAC on November 26, 2021.		
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 Planned to Fulfill Condition:		•	
	The use of chemical herbicides and pesticides in the replacement habitat s necessary and outlined in the maintenance plan for the created habitat th operation of the Designated Project.			

Condition Number	Condition	Commencement	Estimated Completion
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 (Danaus plexippus) 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:	August 2020	On-site monitoring until 5 th year after operations Off-site habitat monitoring for 20 years after establishment
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 and 2022 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).		
8.25.1	Monitor the use by monarch butterfly (Danaus plexippus) of the replacement grassland habitat (including any breeding habitat) established pursuant to condition 8.12;	-	-
	Activities Planned to Fulfill Condition: Monitoring of Monarch use at the Luther Marsh was completed in June 20 for 2023. Monarch use of the replacement habitat (per condition 8.24) will FUP.		•

Condition Number	Condition	Commencement	Estimated Completion
8.25.2	Monitor the use by monarch butterfly (Danaus plexippus) of the replacement habitat established pursuant to condition 8.24;	-	-
	Activities Planned to Fulfill Condition: Monarch use of the replacement habitat (per condition 8.24) will be moni	tored as outlined in the	e 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 (Danaus plexippus) 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 demons are required, they will be developed and implemented as outlined in the a		-
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 cons authorities and based on monitoring results, if additional monitoring is rec as per condition 2.7.		

Condition Number	Condition	Commencement	Estimated Completion
8.26	The Proponent shall conduct pre-construction surveys of eastern milksnake (Lampropeltis Triangulum) 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.	May 2020	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
8.27	If the presence of eastern milksnakes (Lampropeltis Triangulum) 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:	May 2020	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
8.27.1	Implement, prior to construction, a snake capture and relocation program to remove eastern milksnakes (Lampropeltis Triangulum) 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 (Lampropeltis Triangulum), 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);	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 cons fencing was completed to prevent relocated snakes from returning to the		llation of exclusion	
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 personal 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	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 (Lampropeltis Triangulum) 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:	August 2020	Development of the FUP is complete. Implementation of the FUP until at least the end of the fifth year of operation
	Activities Planned to Fulfill Condition:		
	Condition fulfilled. See 2021 Annual Report for details on creation of the F	UP.	
	Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).	rogram and reported a	s part of the annual
8.28.1	Monitor sightings of eastern milksnake (Lampropeltis Triangulum) within the Designated Project Development Area during any phase of the Designated Project;	-	-
	Activities Planned to Fulfill Condition: Sightings of Eastern Milksnake within the PDA will be monitored by the EN wildlife training plan) during construction and until at least the end of the		

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 (Lampropeltis Triangulum) attributed to the Designated Project; and	-	-
	Activities Planned to Fulfill Condition:		
	If the monitoring results referred to in conditions 8.28.1 monitoring result mitigation are required, they will be developed and implemented as outlin 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 cons authorities and based on monitoring results, if additional monitoring is red 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 (Myotis lucifugus) 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 (Myotis lucifugus) 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 creation of the F Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).		is part of the annual
8.32	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:	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	on of the FUP.	
	Implementation of the FUP will occur as determined in the design of the p reporting requirement (Condition 2.11).	rogram and reported a	is part of the annual

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 implemented as outlined in the adaptive management section of the FUP.		ill be developed and
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 ecopassage ECCC, Halton Region, CH and MNRF (now MECP) and based on monitoring 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)	 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: 8.33.1 - mapping of wildlife habitat, travel patterns and existing and planned wildlife corridors within the Regional Assessment 	January 2021	January 2021	January 2021	the FU end of follow installa	Implementation of the FUP until the end of the fifth year following the installation of all ecopassages
	 Area, defined windlife confidors 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; 					

Condition Number	Condition	Commencement	Estimated Completion
	 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 effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife is not possible, to compensating for adverse environment to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains 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 Planned to Fulfill Condition:		
	Condition fulfilled. See 2021 and 2022 Annual Report for details on creatio		
	Implementation of the FUP will occur as determined in the design of the preparing requirement (Condition 2.11).	rogram and reported as	part of the annual

Section 9: Human Health

Condition Number	Condition	Commencement	Estimated Completion		
General (9.1 to 9.3)					
9.1	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:	August 2020	Implementation of the FUP will occur until the end of the fifth year 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).				
9.1.1	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	-	-		
	Activities Planned to Fulfill Condition: Concentrations of B(a)P will be monitored in soils within the LAA and resulestimated during the EA, as outlined in the FUP.	lts will be compared to	modeling predictions		



Condition Number	Condition	Commencement	Estimated Completion
9.1.2	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.	-	-
	Activities Planned to Fulfill Condition:		
	If the monitoring results demonstrate that modified or additional mitigation implemented as outlined in the adaptive management section of the FUP.	•	vill be developed and
9.2	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.	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 or nighttime noise events for Phase one of construction. The report does not mitigation measures. A copy of the Sleep Disturbance Analysis (Aecom, 20 2021. Any revisions to the sleep disturbance analysis required to reflect fur in subsequent annual reports.	identify any need for r 21) was provided to IA	nodified or additional AC on December 1,
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 s sleep disturbance analysis (per condition 9.2) for at least two years follow		



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 no Designated Project exceed 60 dBA Lmax outdoors more than 15 times per additional mitigation measures will be developed and implemented as out of the FUP.	night at any point of re	eception, modified or
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 mo Canada before the end of the second year to determine if any additional n updated accordingly and implemented.	-	



Section 10: Socioeconomic Effects

Condition Number	Condition	Commencement	Estimated Completion	
General (10.1)				
10.1	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.	January 2021	Until such time as an alternate use for these lands are identified	
	Activities Planned to Fulfill Condition: All agricultural lands outside of the PDA will be extended leases for 2024, and into the future. Moving forward, CN will			
continue to provide additional agricultural lease opportunities until such time as CN h for these lands. These lands are already in production as agricultural lands and little o or improve these lands (i.e., creation of more agricultural land, improved drainage). E CN owned properties adjacent to the PDA would require the conversion of natural are would be contrary to the protection of these natural areas.		and little opportunity drainage). Expansion of	exists to rehabilitate f agricultural uses on	



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 (2	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 vi to protect the resource. The results of this study have been provided to IA acceptable levels have also been communicated to the contractor and ref activities where construction occurs within 50 m of a cultural heritage reso	AC under separate coverenced during the vib	ver. The maximum	



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.		
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 identified pursuant to condition 11.3.1 to determine compliance. If the res condition 11.3.2 exceed the maximum acceptable vibration levels determi or additional mitigation measures will be developed and implemented to a acceptable levels. IAAC will be notified within 24 hours of any modified or implemented and a detailed description of these measures will be submitte implementation.	sults of the monitoring ined pursuant to condi ensure that vibration le r additional mitigation	referred to in tion 11.3.1, modified evels remain below measure being

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
	Activities Planned to Fulfill Condition:		
	 CN will retain a qualified individual to conduct an updated assessment of a condition 11.1 and for which the Proponent has carried out any construct condition 11.3. Each structure will be inspected as soon as practical, if requeach resource has ended. CN retained a qualified individual to assess two of the cultural heritage rescompletion of construction activities within proximity of these resources a in the 2024 Annual Report. 	ion activity within 50 m uired, after constructio sources in January 2024	n pursuant to on in the vicinity of 4 based on the
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;	-	-
	Activities Planned to Fulfill Condition: To determine if any vibration-related damage has occurred as a result of o cultural heritage resource referred to in condition 11.1, CN will retain a qu assessment of each cultural heritage resource structure and to compare the each structure based on photographic records made pursuant to condition	alified individual to co he before and after cor	nduct an updated

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 contractor to implement the necessary repairs to maintain the heritage in 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 h Proponent has made or plans to make, will be submitted to IAAC and pote Proponent completing all inspections. It is anticipated that potentially affer the property in which damage has occurred, which are likely those already	entially affected parties ected parties would be	within 30 days of the
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
	Activities Planned to Fulfill Condition:	1	1



Condition Number	Condition	Commencement	Estimated Completion
	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 secured, inspected and maintained in working order during construction a adaptive re-use is identified for any given resource.	-	



Condition Number	Condition	Commencement	Estimated Completion
11.5.3	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.	-	-
	Activities Planned to Fulfill Condition: The cultural heritage property maintenance and re-use plan sets out the criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.		
11.6	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.	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 three years after the beginning of operation, CN will retain a qualified indi Assessment (HIA) to determine whether the resource(s) should be preserv appropriate mitigation. This study would be completed in consultation wit of Milton, with the results to be submitted to these parties within 30 days	vidual to complete a H ved, relocated or demo th the MHSTCI, Halton	eritage Impact lished with Region and the Town	
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.	1		



Condition Number	Condition	Commencement	Estimated Completion
11.8 (including all sub-conditions 11.8.1 to 11.8.3.5)	 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: 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
	 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: 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; 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
	 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)	 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: 11.9.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the 	October 2020	Ongoing
	 Integrity of the discovery; 11.9.2 - delineate an area of at least 20 m around the discovery as a no-work zone; 		

Condition Number	Condition	Commencement	Estimated Completion
	 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	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.	Prior to start of construction	End of construction
	Activities Planned to Fulfill Condition: An awareness training program was developed by Stantec in conjunction of recognition of artifacts related to Indigenous and Euro-Canadian material This video training program has been provided to the contractor for viewi construction. Training will be ongoing throughout the various phases of co	cultures that may be for ng by all personnel who	ound within the PDA.



Condition Number	Condition	Commencement	Estimated Completion
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.	Prior to construction	Annually
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
General (12.1)			
12.1	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:	Prior to construction	Ongoing
	Activities Planned to Fulfill Condition: 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. An updated Infrastructure Protection Plan will be prepared for future construction phases, as well as for operations.		
12.1.1	Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;	-	-
	Activities Planned to Fulfill Condition:		
	Meteorological conditions will be monitored by the contractor as specified not limited to, use of local and regional alert systems to receive advanced events.	-	

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 rainfall events, and any defective or damaged device will be repaired in a t		, including following
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 excavations in a timely manner, unless not technically feasible.	or will be required to b	ackfill open

Section 13: Independent Environmental Mor	itor
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Condition Number	Condition	Commencement	Estimated Completion	
General (13.1 to 13	.4)			
13.1	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.	Prior to construction.	Ongoing	
	Activities Planned to Fulfill Condition: 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.	is set out in this Decision	on statement during	
13.2	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.	Prior to construction.	Ongoing	
	Activities Planned to Fulfill Condition:			
	The IEM will report to CN, in writing, about the implementation of any cor during construction and will also recommend which action(s) in their view contractor with respect to the implementation of conditions set out in the	should be taken by CN	or any retained	

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.	Ongoing
	Activities Planned to Fulfill Condition:		
	The IEM will provide to IAAC, the information reported to the Proponent p that the Proponent receives that information. The frequency discussed has 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 inf condition 13.2 for five years following submission to IAAC pursuant to con	•	CN pursuant to



Section 14: Accidents and	Malfunctions
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Condition Number	Condition	Commencement	Estimated Completion
General (14.1 to 14	1.6)		
14.1 (including sub- conditions 14.1.1 to 14.1.4)	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:	Prior to Construction	Throughout construction and operation
	 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. 		
	 Activities Planned to Fulfill Condition: 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. 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. 		

Condition Number	Condition	Commencement	Estimated Completion
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.	Prior to Construction	Throughout construction and operation
	Activities Planned to Fulfill Condition: 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.		
14.3 (including all sub-conditions from 14.3.1 to 14.3.4)	The A&M Response Plan – Construction was provided to IAAC on Novemb 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: • 14.3.1 - a description of the types of accidents and malfunctions	Prior to construction and operation	Prior to Operation (for operation A&M Response Plan)
	 TASSET a description of the types of decidents and manufections 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; 		

Condition Number	Condition	Commencement	Estimated Completion
	 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: 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. 		
	Activities Planned to Fulfill Condition:		
	An A&M Response Plan - Construction was developed by CN and the retain Response Plan for Operation will be developed for the operational phase of consultation with the MCFN, SNGR, Town of Milton, Halton Region and IAA A&M Response Plans will meet all conditions/sub-conditions listed above. was provided to IAAC on November 26, 2021.	of the terminal and will AC closer to the time of	be completed in operation. Both



Condition Number	Condition	Commencement	Estimated Completion
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.	March 2021	Ongoing
	Activities Planned to Fulfill Condition:		
	The A&M Response Plans will be updated during construction and operation if procedures are identified that require amendments or changes based of personnel changes that necessitate updates. CN shall submit an updated p involved with the implementation within 30 days of the plan being update	n regulation changes, p plan to IAAC and releva	procedure changes or
14.5 (including all sub-conditions 14.5.1 through 14.5.5)	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:	March 2021	Ongoing
	 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: 14.5.2.1 - the date when and location where the accident or malfunction occurred; 		

Condition Number	Condition	Commencement	Estimated Completion
	 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: 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; 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; 14.5.4.4 - a description of any residual adverse environmental effects; 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; 14.5.4.4 - a description of any 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
	 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. 		
	Activities Planned to Fulfill Condition:		<u> </u>
	The A&M Response Plan – Construction provides guidance to CN personne take action in an emergency. The A&M Response Plan – Operation will inc prior to operation.		•
	An A&M Communication Plan outlines the external communication process result in an adverse environmental effect in relation to the construction pl plan has been developed pursuant to conditions 14.5 and 14.6 and provide	nase of the Milton Logi	stics Hub Project. This
	Notifications will be carried out in accordance with the A&M Communicat specified in the Plan, including the information required by the sub-condit		e the information
	Should an accident or malfunction occur that requires reporting as outline submit the required written reports to IAAC by the timelines specified in t		nication Plan, CN will
	An incident associated with sediment release into Indian Creek occurred in 90-Day report were prepared and submitted to the various parties (see Ap	•	0-Day report and a



Condition Number	Condition	Commencement	Estimated Completion
14.6 (including all sub-conditions 14.6.1 to 14.6.3)	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:	June 2021	Ongoing
	 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. 		
	Activities Planned to Fulfill Condition: The A&M Communications Plan has been developed and made available t Any feedback received from the parties has been considered and incorpor and as appropriate. The A&M Communications Plan will be implemented a A&M Communications Plan was provided to IAAC on November 26, 2021. The notifications and reporting process will be determined by the cause an A&M Communications Plan. Contact information is included in the A&M C when or if notification by the parties included in the contact list have char	ated into the A&M Co and updated througho nd severity of the incid communication Plan ar	mmunications Plan if ut the Project. The ent, as outlined in the



Section 15: Schedules

Condition Number	Condition	Commencement	Estimated Completion
General (15.1 to 15	5.4)		
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 March 31.	submitted to IAAC eve	ery year no later tha



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
	Activities Planned to Fulfill Condition: The schedules referred to in conditions 15.1 and 15.2 and any update to t condition 15.3 were first provided to the MCFN, the SNGR, the HWN, pote Halton Region, CH and IAAC on July 30, 2021 (all at the same time).		•



Section 16: Record Keeping

Condition Number	Condition	Commencement	Estimated Completion											
General (16.1 to 16	5.3)													
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. U 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 time.	Proponent. No change	s are proposed at this											



APPENDIX 5 Updated Schedule - Condition 15.2

Note that this schedule provides an updated schedule of the activities required to carry out all phases of the Designated Project. It will be revised in due course to reflect the implications, if any, of the March 1, 2024 decision of the Federal Court of Canada.



CN Milton Logistics Hub - IAAC Construction Schedule

	CN Milton Logistics Hub - IAAC Construction Schedule																																																			
							2022									20	23									20	024										2025										202	6				
ID	Task / Activity Name	Dec	Jan Feb	MaR	Apr	May		Aug	Sept	Nov	Dec	Jan	Feb	Mar	May	Jun	lul	Aug	Sept	Oct	Dec	Jan	Feb	Mar	Apr	Jun	Int	Aug	Sept	Oct Nai:	Dec	Jan	Feb	Mar	Apr	May		Aug	Sept	Oct	Nov	Jan	Feb	Mar	Apr	May	lun	Pr .	Aug	oct Oct	Nov	Dec
P1	Phase 1	· · ·																																																	-	
P1-A	Site preparation - mobilization/internal delination of work areas, access routes																																																T			
P1-B	Select Phase 1 vegetation removal																																																			
P1-C	CN owned building removal and mitigation																																																			
P1-D	Installation of select mitigative earthern berms																																																			
P1-E	Excavation for storm water management (Pond 1)																																																			
P1-F	Excavation for storm water management (Pond 2)																																																	_	_	
P1-G	Habitat enhancements and new dry channel for Indian Creek														_																																			<u> </u>	_	
P1-H	Habitat enhancements and new dry channel for Tributary A										_																																							<u> </u>	_	
P1-I	Diversion of Indian Creek into new channel																																																_	_	_	
P1-J	Diversion of Tributary A into new channel										_				_																																		_	_	_	
P1-K	Installation of temporary track for existing mainline tracks																																																_	_	_	
P1-M	Sun Canadian pipeline relocation																																																			
P2	Phase 2																																																			
P2-A	Select Phase 2 vegetation removal																																																			
P2-B	Grading, drainage, ditches for SWM systems and mainline culverts replacements																																																			
P2-C	Utility installation and connection																																																			
P2-D	Pole relocation																																																			
P2-E	Lower Base Line grade separation																																																			
P2-F	Onsite truck access road and overpass																																																	\rightarrow		
P2-G	Installation of mainline tracks between Britannia Road and Derry Road										_				_																																		\perp	_	_	
P2-H	Realignment of the mainline tracks between Lower Base Line and Britannia Road														_																															_			_	_		
P2-I	Construction of administration and maintenance garage (including charging stations)																					<u> </u>																												_		
P2-J	Installation of service tracks and pad tracks										_				_							_				_					_											_						_	_	—	—	
P2-K	Installation of mainline turnouts and connecting to new mainline tracks																																																			
P3	Phase 3																																																			
P3-A	Connection of service tracks and pad tracks to mainline tracks																																																			
P3-B	Paving of terminal, employee parking, storage pad, and all connecting driveways																																																			
P3-C	Installation of gates, bollards, pavement markings, signage, and related works																																																			
P3-D	Activation of stormwater management ponds																																																		4	
P3-E	Demobilization																																																			
R	Restriction Windows																																																			
R-A	In-water works in Indian Creek, Tributary A and Tributary C																																																			
R-B	Vegetation clearing (Nesting birds / migratory bird habitat)																																																			
R-C	Flood light limitations (limitations on night-time use during migratory bird window)																																																			

CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT

APPENDIX 6A Construction Photos Presented to Agencies



APPENDIX 6A Construction Photos Presented to Agencies



Construction Photos Presented to Agencies Presented on January 10, 2023



Tributary A Cutover – December 22, 2022











Indian Creek Slope Stabilization – December 22, 2022

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Construction Photos Presented to Agencies Presented on February 14, 2023



Track Realignment – Winter Conditions – January 27, 2023

Balancing frozen, snow-covered conditions ...

Track Realignment – Winter Conditions – January 18, 2023

AVA AND INCOME

...with winter melt conditions (ESC measures in place)

Tributary A – Natural Channel and Offline Wetlands – January 23, 2023

(former on-line agricultural pond)

Tributary A – Installation of Upstream Section of Culvert 2A – February 8, 2023

Dam and pump in place

February 2, 2023

E AN PLAN

Culverts installed in isolated work area

Dewatering Silt Control Using Filter Bag – January 20, 2023

(unseasonably warm weather)

Access and Laydown for Installation of Culvert 1 – January 27, 2023

January 30, 2023

Temporary Crossing of Tributary A for Culvert 1 Isolation – February 7, 2023

1 And and

Culvert 1 Temporary Dam / Bi-Pass

February 8, 2023

Removal of Temporary Bridge Over Indian Creek – February 8, 2023

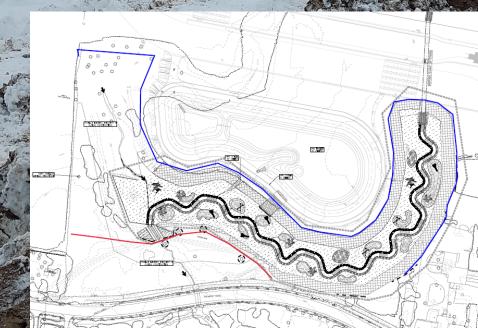
Temporary Culverts Installed Beneath the Mainline - February 8, 2023

Temporary culverts (regional bi-pass)

(January 25, 2023)

Installation of Supplemental Wildlife Exclusion Fence – January 30, 2023

Installed around newly created habitat



Construction Photos Presented to Agencies Presented on March 21, 2023



CN Milton - Regulators Update Call Construction Update

3191

March 21, 2023

Track Realignment - Winter Conditions - February 22, 2023

14. 花 小小店

Rock check dams added to the channel as temporary measure until slopes stabilize in spring

Regional Ditch – Winter Conditions – February 27, 2023

Existing ESC measures in the regional ditch, including added rock check dams in good standing



Temporary diversion channel constructed to accommodate construction of SWM Pond 1 to alleviate local flooding due to runoff from adjacent fields

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SWM 1 Pond Bypass Channel Construction ongoing – February 21, 2023

(February 22, 2023)

Installation of Temporary Culverts Beneath the Access Road - March 03, 2023

Installation of Temporary Culvert for Regional Bi-pass – February 15, 2023



Dual culverts installed (February 16, 2023)



Stabilization of Culvert 1 Diversion Channel – February 21, 2023

Exposed soil covered with coir matting to stabilize exposed ground adjacent to bi-pass



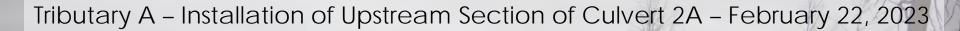
Dewatering of Indian Creek Realignment Riparian Ponds – February 24, 2023

Feb 24, 2023 11:26:28 a.m. 43°27'4.494"N -79°49'46.968"W 5193 Halton Regional Road 22 Milton Regional Municipality of Halton Ontario

Dewatering of Indian Creek Realignment Riparian Ponds – February 28, 2023

Dewatering of the large riparian ponds downstream of the Indian Creel realignment to create capacity for onsite snow melt / runoff





2023.02.22

Pre-cast culvert sections installed; forming of cast in place section in progress

3 44

Tributary A - Installation of Upstream Section of Culvert 2A - March 1, 2023

Isolation of the work area using dam and pump to install pre-cast and castin-place concrete sections

Introducing Tributary A Flows into Culvert 2A – March 13, 2023



Mar. 15, 2023 10, 42, 21 43, 461731 69N 79, 836450 3355 M Regional Municipality of Ha

Indian Creek Wildlife Fence at Future Outlet of Realignment-February 24, 2023

Feb 24, 2023 11:29:42 a.m. 43°27'0.534"N -79°49'46.998"W 5051 Tremaine Road Milton

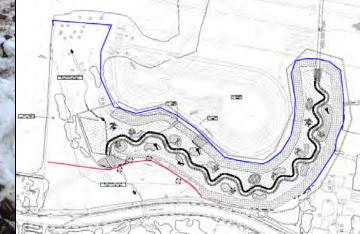
n

Inspection and maintenance of wildlife fencing to exclude wildlife from construction area following damage during flooding event – repaired fencing in photo

Tributary A Habitat – Installation of Additional Wildlife Fence – March 01, 2023

Addition wildlife fencing installed following activation of realigned Tributary A

LIMIT C



Tributary A Habitat – Additional Wildlife Fence – March 07, 2023

Mar 7, 2023 11:25:51 a.m. 43°27'29.82"N -79°50'25.056"W Milton

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0

Relocated wildlife exclusion fence, now installed between activated Tributary A realignment and SWM Pond 1, adjacent construction areas

Construction Photos Presented to Agencies Presented on April 11, 2023



CN Milton Regulators Update Call Construction Update

3191

April 11, 2023

Indian Creek Realignment – Thawing Conditions (March 20, 2023)

1 1

Flooding at the downstream IC realignment channel; existing ESC measures in good standing, additional straw bales needed at the discharge point.

Regional Bi-pass Channel Downstream - Winter Conditions (March 15, 2023)

Additional ESC measures were installed and check dams were adjusted.

Dewatering of Indian Creek Realignment Riparian Ponds (March 22, 2023)

A REAL AND A

Ongoing dewatering of the large riparian ponds downstream of the Indian Creel realignment to create capacity for onsite snow melt/runoff



SWM 1 Pond Bypass Channel Construction (March 23, 2023)



Additional Vegetation Clearing outside Breeding Bird Window (March 16, 2023)

Clearing of vegetation to facilitate relocation of the mainline in 2023

Tributary A Realignment and Floodplain Conditions (March 16, 2023)

Expecting Spring vegetation growth along Tributary A as conditions start to warm

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Tributary A Realignment and Floodplain Conditions (March 23, 2023)

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Channel realignment and floodplain conveying flow and functioning as designed; riparian wetland pockets inundated

VNATI

Scour and Erosion around Rock Check Dams in Tributary A (March 21, 2023)

Erosion Control Measures Improved along Tributary A (March 21, 2023)



Monitoring of In-Stream Check Dam Repairs (March 21, 2023)



Reduced Flows in Tributary A Following Repairs (March 23, 2023)

Rock check dam repairs and additional ESC measures following emergency repairs

Reduced Flows in Tributary A Following Repairs (March 28, 2023)

Example of new rock check dam in the foreground

Construction Photos Presented to Agencies Presented on May 9, 2023



CN Milton Regulators Update Call Construction Update

3191

May 9, 2023

Tributary A Matting Installed Along Slopes (May 3, 2023)

May 3, 2023 11:42:58 a.m. 43.45955602N 79.83930003W Unnamed Road

High flow events observed since rock check dams were repaired; focus on establishing vegetation along slopes in coming months

Mainline Diversion Grading and Ditch Establishment (April 25, 2023)

Looking south from Britannia Road Overpass

Western Chorus Frog Exclusion Fencing (April 27, 2023)

Exclusion fencing installed within right of way around culverts; additional erosion control fencing by others

Western Chorus Frog Exclusion Fencing (May 3, 2023)

Exclusion fencing installed along both sides of the right of way, separating habitat from future construction activities

Communications and Signaling Lines Being Installed (April 23, 2023)

COMERVIL

Progress on SWM Pond 1 – Inlet Installation (April 23, 2023)



Progress on SWM Pond 1 – Inlet Installation (May 1, 2023)

Tributary A - Vegetation Establishing in Restoration Area (May 4, 2023)



Tributary A – Former Agricultural Pond Area (April 27, 2023)

Looking west towards SunCanadian access road

Tributary A - Snapping Turtle Observed Within Wetlands (May 5, 2023)

Indian Creek Realignment - Valley Plantings & Matting (May 4, 2023)



Construction Photos Presented to Agencies Presented on June 13, 2023



CN Milton Regulators Update Call Construction Update

3191

June 12, 2023

Mainline Diversion Grading and Ditch Establishment (May 23, 2023)

ANDENE

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Stripping and ESC controls in place north of Tributary A

Mainline Diversion Grading and Ditch Establishment (May 31, 2023)

Ditch Construction Along Mainline Diversion at SunCanadian Pipeline

man a the second

Mainline Diversion at Tributary A Culvert 2A Crossing (May 29, 2023)

Wildlife Tree Retained Along Property Boundary at Tributary

Initiated Construction of Culvert 1 Ecopassage (June 1, 2023)

Looking South, Away from the Tributary A Diversion

Progress on SWM Pond 1 – Excavation (May 29, 2023)



Water Truck for Dust Suppression along Mainline Diversion (May 29, 2023)



Tributary A Channel Between Culvert 2A and 2B (May 24, 2023)

Additional matting and seeding along channel banks improving vegetation growth on slopes

Tributary A - Vegetation Establishing in Restoration Area (May 26, 2023)



Tributary A – Former Agricultural Pond Area (May 19, 2023)

Looking west towards Tremaine Road

Tadpoles Populating Tributary A Wetlands (May 29, 2023)

-

Indian Creek Realignment - Valley Plantings & Matting (May 24, 2023)



Indian Creek Realignment - Valley Plantings & Matting (May 24, 2023)

Riparian vegetation and live stakes show improved growth around wetland pockets and floodplain.

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Indian Creek Slope Stabilization Area - Naturalization

Bank stabilization vegetation growth progressing along slope (June 6, 2023)

Riparian toe protection along slope (May 19, 2023)

Indian Creek Floodplain Enhancements Area (May 29, 2023)

Turtle nesting mound, riparian wetlands, and channel enhancements are active

-

Vegetation Re-growth at Former Indian Creek Beaver Pond (May 29, 2023)



Construction Photos Presented to Agencies Presented on July 11, 2023



CN Milton Regulators Update Call Construction Update

3191

July 11, 2023

Mainline Diversion Grading and Ditch Establishment (June 15, 2023)

DEERE

Ditch Construction Along Mainline Diversion between Trib. A and Ash Junction

Preparation work for the installation of sewers along track realignment (June 14, 2023)

Jul de de la

Sewer installation near Ash Junction (July 6, 2023)

Mainline Diversion Sewer Installation (June 20, 2023)

Pipe installation works continue at the track realignment ditch

Isolation and Ongoing Water Management at Culvert 2A (July 6, 2023)

ESC measures and water setup in good standing; wing walls awaiting installation

The second second

Water Truck for Dust Suppression along Mainline Diversion (June 2023)





Ecopassage excavation area flooded following rainfall event

Application of Topsoil on slopes of SWM Pond 1 (June 20 - 22, 2023)



Laydown Area 3 - Grading of stockpile slopes (June 20, 2023)

Stockpiles were sloped following observations of roughed wing and bank swallows to deter from establishing burrows - sweep completed

Exclusion Fence along CN Mainline (June 22, 2023)

Exclusion fencing along mainline tracks remains in good condition





Indian Creek Realignment - Valley Plantings & Matting (June 15, 2023)



Riparian vegetation and live stakes showing active growth within the floodplain

Indian Creek Realignment - Valley Plantings & Matting (June 15, 2023)



Downstream end of Indian Creek realignment

Construction Photos Presented to Agencies Presented on September 12, 2023



CN Milton Regulators Update Call Construction Update

3191

September 12, 2023

Realigned Mainline Track Installation Underway (August 19, 2023)

Track installed south from SunCanadian Access Road

Preparation for Track Installation (July 27, 2023)

245G LC

Jul 27, 2023 11:59:39 a.m. 43.46839732N 79.84448457W Milton

ON

- Untario

Abandoned portion of SunCanadian Pipeline exposed in ditch awaiting removal

I detant

Ditching and ballast for realigned mainline at Ash Junction (August 19, 2023)

Upper portion of mainline storm sewer visible

Isolation and Ongoing Water Management at Culvert 2A (July 28, 2023)



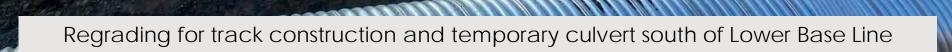
Additional isolation and dewatering of construction areas to install wing walls; Tributary A bi-pass pumping continues around coffer dams

Lower Base Line Closed to Traffic to Facilitate Construction (July 14, 2023)

Jul 14, 2023 10:15:35 a.m. 43.45102262N 79.82521058W 3242 Lower Base Line Milton

Road closure effective July 4, 2023 from Tremaine Road to First Line of Halton Ontario

Installation of Temporary Culvert for Diversion Track (August 3, 2023)



Preparation for the installation of Culvert 7 (August 10, 2023)



Trench box, culverts, backfill, dewatering hose, lights and generator to install a portion of Culvert 7 overnight during a 'track block' closure of the mainline

Wet Weather Flows Throughout the Summer Months (July / August 2023)



Water managed using erosion and sediment controls, and pumping

Culvert 1 Ecopassage Footing Installation (August 14, 2023)



Isolation and containment of the construction area, with trenching, sumps, pumps and mobile treatment containment to manage dewatering



Vegetation growing within the previously topsoiled and seeded areas of SWM Pond

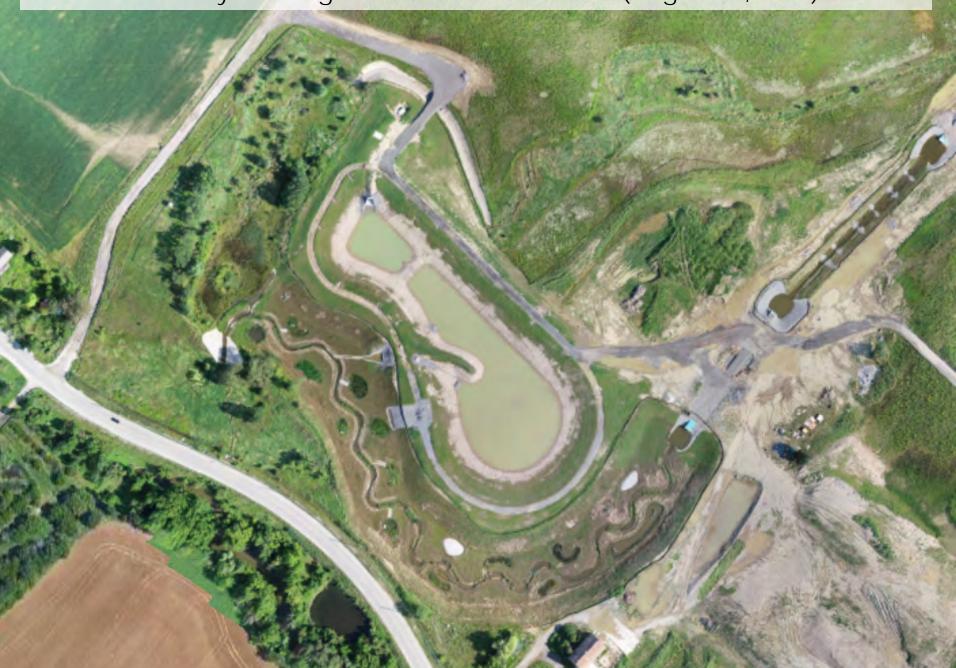
Exclusion Fence along CN Mainline (July 27, 2023)

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Exclusion fencing along mainline tracks remains in good condition

WFRX 809444

Tributary A Realignment and SWM Pond 1 (August 19, 2023)



Wildlife Returning to the Tributary A Naturalization Area (August 22, 2023)



prior to photo

CRIER STORAGE FOR

Tributary A Naturalization of the former Agricultural Pond (August 9, 2023)



Baby Snapping Turtle Observed Crossing Tremaine Road at Tributary A

A BALLAN AN

Indian Creek Naturalization and Bank Stabilization (August 9, 2023)

Planted milkweed growing in naturalized areas to diversify grasslands for Monarch habitat

Offline Indian Creek Realignment Area (August 19, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



Preparation for Indian Creek Cutover (September 11, 2023)

Sept 11, 2023 10:34:10 a.m. 43.44985936N 79.82988919W 5051 Tremaine Road Milton

Check dams and flume installed for temporary isolation / diversion at the downstream cutover location; dewatering using fish basket and fish rescue underway

Construction Photos Presented to Agencies Presented on October 11, 2023



CN Milton Regulators Update Call Construction Update

3191

October 11, 2023

Realigned Mainline Track Installation Underway (September 20, 2023)

Track diversion installed at SunCanadian Access Road

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Preparation for Track Installation (July 27, 2023)

245G LC

Jul 27, 2023 11:59:39 a.m. 43.46839732N 79.84448457W Milton

ON

- Untario

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Upper portion of mainline storm sewer visible

Isolation and Ongoing Water Management at Culvert 2A (July 28, 2023)



Additional isolation and dewatering of construction areas to install wing walls; Tributary A bi-pass pumping continues around coffer dams

Completed Resting Pool Upstream of Culvert 2A (September 20, 2023)

and the second

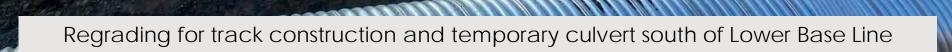
Plunge pool with in-water structures in active, flowing Tributary A

Lower Base Line Closed to Traffic to Facilitate Construction (July 14, 2023)

Jul 14, 2023 10:15:35 a.m. 43.45102262N 79.82521058W 3242 Lower Base Line Milton

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Vegetation growing within the previously topsoiled and seeded areas of SWM Pond

Exclusion Fence along CN Mainline (July 27, 2023)

and the state of t

Exclusion fencing along mainline tracks remains in good condition

WFRX 809444

Tributary A Realignment and SWM Pond 1 (September 20, 2023)



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prior to photo

CRIER STORAGE FOR

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Baby Snapping Turtle Observed Crossing Tremaine Road at Tributary A

A BALLAN AN

Indian Creek Naturalization and Bank Stabilization (August 9, 2023)

Planted milkweed growing in naturalized areas to diversify grasslands for Monarch habitat

Adjusting Rock Check Dams in Tributary A (September 20, 2023)

Improving fish passage by creating low flow channels in rock check dam structures by hand

Offline Indian Creek Realignment Area (September 20, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



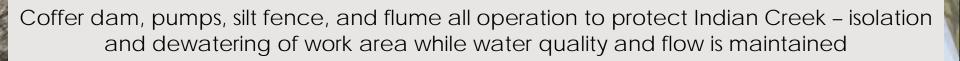
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Preparation for Indian Creek Cutover (September 20, 2023)

FA



Indian Creek Downstream Isolation Area (September 22, 2023)

Matting and woody debris being installed along new outer bank where realigned Indian Creek connects to existing Indian Creek (downstream connection)

Indian Creek Downstream Isolation Area (October 4, 2023)



Matting and woody debris completed along new outer bank. Flows flipped to facilitate work on interior bank and riffle section prior to downstream connection

Construction Photos Presented to Agencies Presented on November 14, 2023



CN Milton Regulators Update Call Construction Update

3191

November 14, 2023

Realigned Mainline Track Installation Continues (October 4, 2023)

Tracks being installed on new ballast parallel to mainline

Realigned Mainline Track Installation Continues (October 31, 2023)



Temporary Hydro Access Road (October 24, 2023)

Oct 24, 2023 11:25:03 a.m. 43°26'53.844"N -79°49'41.478"W 5005 Tremaine Road Milton Regional Municipality of Halton Ontario

Pole relocation by Milton Hydro to facilitate track diversion and grade separation.

Development Lands to the North Adjacent to CN Right-of-Way



CN Drone Footage, Taken November 8, 2023

Progressive Reclamation Adjacent to Tributary A (October 18, 2023)

Oct 18, 2023 11:44:21 a.m. 43°27'29.064'N -79°50'25.452''W 5183-5231 Tremaine Road North Milton

Area impacted by construction activities has been graded and seeded

CRAME H

Regional Municipality of Halton Ontario

Culvert 1 Ecopassage Footing Installation (September 21, 2023)



Culvert 1 Ecopassage Footing Installation (October 31, 2023)



Arch culvert sections installed using large crane. Mixed gravel and stone material to be dispersed within the culvert to create natural substrate along Tributary A.

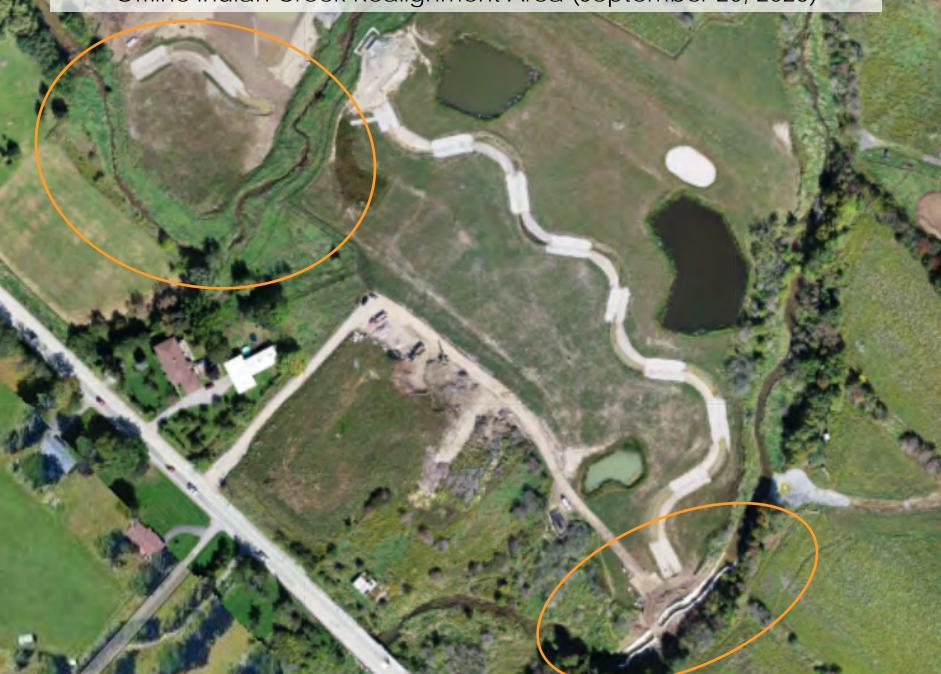
Tributary A Channel Realignment (November 10, 2023)

Future Truck Access Road

Wetland Area to remain

Tributary A diversion into the new ecopassage (culvert 1) has been installed. Diversion remains in place (dewatering of flooded Culvert 1 work area under way)

Offline Indian Creek Realignment Area (September 20, 2023)



Offline Indian Creek Realignment Area (October 21, 2023)



Indian Creek Diversion Channel (October 3, 2023)

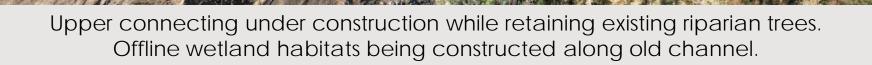
Coffer dams set to divert flows into temporary channel

Indian Creek Diversion Channel (October 18, 2023)

Oct 18, 2023 12:03:15 p.m. 43°27'9 654"N -79°49'59 544"W 5269 Tremaine Road

Coffer dams in place and diverting flows into the temporary channel

Indian Creek Diversion Channel (October 23, 2023)

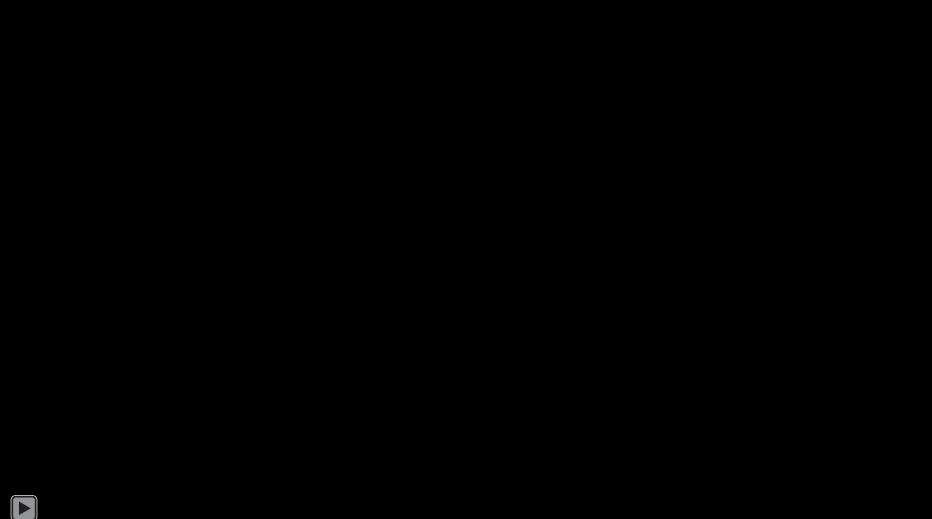


Indian Creek Diversion Channel (October 23, 2023)

Central connection under construction. Offline wetland habitats being constructed along old channel.

Coffer dam removal in progress.

CN ribbon cutting before flows spilled into first riffle section of the realigned channel.



Water enters second riffle section after filling first pool. CN, Stantec, and Cambridge Landscaping staff observing channel activation.



Natural channel design riffle-pool-riffle section now activated with flowing water. Deep water pools provide refuge and habitat diversity

Water entering the final riffle section of the realigned channel.

Downstream connection at the final riffle section.

Downstream Section of Indian Creek (November 10, 2023)

The sure of the

Indian Creek backwater area and regional bi-pass channel **CN MILTON LOGISTICS HUB – 2023 ANNUAL REPORT**

APPENDIX 6B

Community Consultation Committee Presentations



APPENDIX 6B Community Consultation Committee Presentations



Community Consultation Committee Presentations Presented on February 2, 2023



CN Milton Community Consultation Committee Construction Update

February 2, 2023

3191

Tributary A Cutover - Coffer Dam Isolation – December 22, 2022





Tributary A Cutover – Coordination Meeting – December 22, 2022



Tributary A Cutover - Coffer Dam Removal – December 22, 2022





Tributary A Cutover – Flows Diverted Into New Channel – December 22, 2022

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Indian Creek Slope Stabilization and Toe Protection – December 22, 2022



Indian Creek Slope Stabilization and Toe Protection – December 22, 2022

(former manicured lawn)

Indian Creek Slope Stabilization and Offline Wetland – December 22, 2022

Track Realignment – Winter Conditions – January 18, 2023

and it was a second to the

(erosion control – check-dams- in place along channels)

Dewatering Silt Control Using Filter Bag – January 20, 2023

(unseasonably warm weather)

Track Realignment – Winter Conditions – January 27, 2023

Temporary Culverts Installed Beneath the Mainline – January 23, 2023

Winter Conditions Along Indian Creek and SWM Pond 2 – January 27, 2023



Winter Conditions – Wildlife Fence and Offline Channel – January 27, 2023



Tributary A – Natural Channel and Offline Wetlands – January 23, 2023

(former on-line agricultural pond)

Community Consultation Committee Presentations Presented on April 6, 2023



CN Milton Community Consultation Committee Construction Update

3191

April 6, 2023

Track Realignment - Winter Conditions (February 22, 2023)

Rock check dams added to the regional bypass channel as temporary measures until slopes stabilize in spring

Regional Ditch – Winter Conditions (February 27, 2023)

Existing ESC measures in the regional ditch, including added rock check dams in good standing

Installation of Temporary Culverts Beneath the Access Road (March 03, 2023)

Installation of Temporary Culvert for Regional Bi-pass (February 15, 2023)



Dual culverts installed (February 16, 2023)

Regional Bi-pass Channel Downstream - Winter Conditions (March 15, 2023)

Additional ESC measures were installed and check dams were adjusted.



Temporary diversion channel constructed to accommodate construction of SWM Pond 1 to alleviate local flooding due to runoff from adjacent fields

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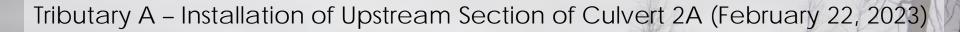
SWM 1 Pond Bypass Channel Construction (March 23, 2023)





Stabilization of Culvert 1 Diversion Channel (February 21, 2023)

Exposed soil covered with coir matting to stabilize exposed ground adjacent to bi-pass



2023.02.22

Pre-cast culvert sections installed; forming of cast in place section in progress

3 442

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Tributary A - Installation of Upstream Section of Culvert 2A (March 1, 2023)

Isolation of the work area using dam and pump to install pre-cast and castin-place concrete sections

Tributary A Flows through Portion of Culvert 2A (March 13, 2023)

43.461

2023.03.13

Tributary A flowing into Culvert 2A (March 13, 2023)



Dewatering of Indian Creek Realignment Riparian Ponds (February 24, 2023)

Feb 24, 2023 11:26:28 a.m. 43°27'4.494"N -79°49'46.968"W 5193 Halton Regional Road 22 Milton Regional Municipality of Halton Ontario

Indian Creek Realignment – Thawing Conditions (March 20, 2023)

1 1

Flooding at the downstream IC realignment channel; existing ESC measures in good standing, additional straw bales needed at the discharge point. Dewatering of Indian Creek Realignment Riparian Ponds (March 22, 2023)

Ongoing dewatering of the large riparian ponds downstream of the Indian Creel realignment to create capacity for onsite snow melt/runoff



Additional Vegetation Clearing outside Breeding Bird Window (March 16, 2023)

Clearing of vegetation to facilitate relocation of the mainline in 2023

Indian Creek Wildlife Fence at Future Outlet of Realignment (February 24, 2023)

Feb 24, 2023 11:29:42 a.m. 43°27'0.534"N -79°49'46.998"W 5051 Tremaine Road Milton

101

Inspection and maintenance of wildlife fencing to exclude wildlife from construction area following damage during flooding event – repaired fencing in photo

Tributary A Habitat - Installation of Additional Wildlife Fence - (March 01, 2023)

Addition wildlife fencing installed following activation of realigned Tributary A

LIMIT C



Tributary A Habitat – Installation of Additional Wildlife Fence (March 07, 2023)

Mar 7, 2023 11:25:51 a.m. 3°27'29.82"N -79°50'25.056"W Milton

n

Relocated wildlife exclusion fence, now installed between activated Tributary A realignment and SWM Pond 1, adjacent construction areas

Tributary A Realignment and Floodplain Conditions (March 16, 2023)

Expecting Spring vegetation growth along Tributary A as conditions start to warm

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Tributary A Realignment and Floodplain Conditions (March 23, 2023)

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Channel realignment and floodplain conveying flow and functioning as designed; riparian wetland pockets inundated

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Community Consultation Committee Presentations Presented on June 1, 2023



CN Milton Community Consultation Committee Construction Update

3191

June 1, 2023

Mainline Diversion Grading and Ditch Establishment (April 25, 2023)

Looking south from Britannia Road Overpass

Mainline Diversion Grading and Ditch Establishment (May 23, 2023)

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Stripping and ESC controls in place north of Tributary A

Communications and Signaling Lines Being Installed (April 23, 2023)

COMERVIL

Progress on SWM Pond 1 – Inlet Installation (April 23, 2023)



Progress on SWM Pond 1 – Excavation (May 15, 2023)



Tributary A Channel Between Culvert 2Aand 2B (May 24, 2023)

Additional matting and seeding along channel banks improving vegetation growth on slopes

Tributary A - Vegetation Establishing in Restoration Area (May 4, 2023)



Tributary A - Vegetation Establishing in Restoration Area (May 26, 2023)



Tributary A – Former Agricultural Pond Area (May 19, 2023)

Looking west towards SunCanadian access road

Tributary A – Snapping Turtle Observed Within Wetlands (May 5, 2023)

Snapping Turtles and tadpoles observed in wetland pockets during Wildlife Monitoring for Follow-up Programs

Indian Creek Realignment - Valley Plantings & Matting (May 24, 2023)



Indian Creek Realignment - Valley Plantings & Matting (May 24, 2023)

Riparian vegetation and live stakes show improved growth around wetland pockets and floodplain.



Indian Creek Slope Stabilization Area – Naturalization

Bank stabilization vegetation growth observed along slope (May 18, 2023)

Riparian toe protection along slope (May 19, 2023)

Indian Creek Floodplain Enhancements Area (May 19, 2023)

Turtle nesting mound, riparian wetland, and channel enhancements are active

Vegetation Re-growth at Former Indian Creek Beaver Pond (May 18, 2023)



Community Consultation Committee Presentations Presented on August 3, 2023



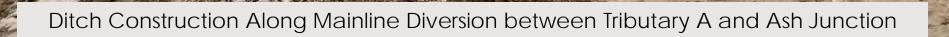
CN Milton Community Consultation Committee Construction Update

3191

August 3, 2023

Mainline Diversion Grading and Ditch Establishment (June 15, 2023)

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Preparation Work for Sewer Installation along Mainline (June 14, 2023)

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Mainline Diversion Sewer Installation (June 20, 2023)

Pipe installation works continue at the track realignment ditch

Isolation and Ongoing Water Management at Culvert 2A (July 6, 2023)



Flow isolation and fish basket in preparation for wing walls installation (July 24)

Sub-Ballast Installation along Mainline Diversion (July 20, 2023)

Dry Conditions On Site - Water Truck for Dust Suppression (June 2023)

Water for dust suppression along mainline



Ontario

Downstream end of Indian Creek realignment

Several Major Rain Events Causing Flooding - Access Roads (July 27, 2023)

Flooded construction access roads with ESC measures in place



Ecopassage excavation area (culvert 1) flooded following rainfall event

Culvert 1 Under Construction - Footings Flooded (July 17, 2023)

Interceptor ditch and sump installed to facilitate dewatering of the Culvert 1 work zone following flood conditions

Tributary A Diversion around Culvert 1 Construction Area (July 27, 2023)

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Diverted Tributary A isolated from construction Area; fish rescue conducted to dewater flooded work area

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Topsoil and Seeding of the Mainline Ditches (July 10, 2023)

Topsoil and seed will promote vegetation growth to stabilize ditches

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Application of Topsoil on Slopes of SWM Pond 1 (June 20 - 22, 2023)

Topsoil and seed will promote vegetation growth within SWM ponds

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Laydown Area 3 - Grading of Stockpile Slopes (June 20, 2023)

Nest sweep completed prior to stockpiles being regraded after observations of Roughed Wing and Bank Swallows, to deter from establishing burrows



Enhancement Area: Tributary A - Former Agricultural Pond Area

Vegetation is establishing with pooling areas holding significant amounts of water as designed (June 2023)

Enhancement Areas: Tributary A – Turtle Nesting on the Valley Slopes (June 20, 2023)





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Indian Creek Realignment - Valley Plantings & Matting (June 15, 2023)



Riparian vegetation and live stakes showing active growth within the floodplain

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Indian Creek Realignment - Valley Plantings & Matting (June 15, 2023)



Downstream end of Indian Creek realignment

Community Consultation Committee Presentations Presented on October 3, 2023



CN Milton Community Consultation Committee Construction Update

October 3, 2023

Realigned Mainline Track Installation Underway (September 20, 2023)

Track diversion installed at SunCanadian Access Road

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Preparation for Track Installation (July 27, 2023)

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Jul 27, 2023 11:59:39 a.m. 43.46839732N 79.84448457W Milton

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Abandoned portion of SunCanadian Pipeline exposed in ditch awaiting removal

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Ditching and ballast for realigned mainline at Ash Junction (August 19, 2023)

Upper portion of mainline storm sewer visible

Isolation and Ongoing Water Management at Culvert 2A (July 28, 2023)



Additional isolation and dewatering of construction areas to install wing walls; Tributary A bi-pass pumping continues around coffer dams

Completed Resting Pool Upstream of Culvert 2A (September 20, 2023)

and the second

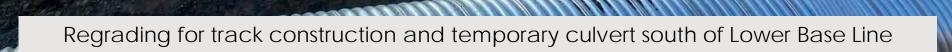
Plunge pool with in-water structures in active, flowing Tributary A

Lower Base Line Closed to Traffic to Facilitate Construction (July 14, 2023)

Jul 14, 2023 10:15:35 a.m. 43.45102262N 79.82521058W 3242 Lower Base Line Milton

Road closure effective July 4, 2023 from Tremaine Road to First Line of Halton Ontario

Installation of Temporary Culvert for Diversion Track (August 3, 2023)



Preparation for the installation of Culvert 7 (August 10, 2023)



Trench box, culverts, backfill, dewatering hose, lights and generator to install a portion of Culvert 7 overnight during a 'track block' closure of the mainline

Wet Weather Flows Throughout the Summer Months (July / August 2023)



Water managed using erosion and sediment controls, and pumping

Culvert 1 Ecopassage Footing Installation (August 14, 2023)



Isolation and containment of the construction area, with trenching, sumps, pumps and mobile treatment containment to manage dewatering



Vegetation growing within the previously topsoiled and seeded areas of SWM Pond

Exclusion Fence along CN Mainline (July 27, 2023)

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Exclusion fencing along mainline tracks remains in good condition

WFRX 809444

Tributary A Realignment and SWM Pond 1 (September 20, 2023)



Wildlife Returning to the Tributary A Naturalization Area (August 22, 2023)



prior to photo

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Tributary A Naturalization of the former Agricultural Pond (August 9, 2023)



Baby Snapping Turtle Observed Crossing Tremaine Road at Tributary A

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Indian Creek Naturalization and Bank Stabilization (August 9, 2023)

Planted milkweed growing in naturalized areas to diversify grasslands for Monarch habitat

Adjusting Rock Check Dams in Tributary A (September 20, 2023)

Improving fish passage by creating low flow channels in rock check dam structures by hand

Offline Indian Creek Realignment Area (September 20, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



Indian Creek Realignment - Riparian Ponds (August 22, 2023)



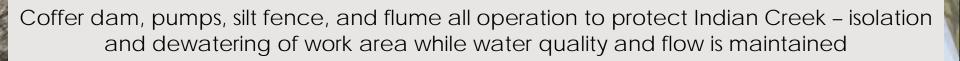
Preparation for Indian Creek Cutover (September 11, 2023)

Sept 11, 2023 10:34:10 a.m. 43.44985936N 79.82988919W 5051 Tremaine Road Milton

Check dams and flume installed for temporary isolation / diversion at the downstream cutover location; dewatering using fish basket and fish rescue underway

Preparation for Indian Creek Cutover (September 20, 2023)

RA



Indian Creek Downstream Isolation Area (September 22, 2023)

Matting and woody debris being installed along new outer bank where realigned Indian Creek connects to existing Indian Creek (downstream connection)

Community Consultation Committee Presentations Presented on December 7, 2023



CN Milton Community Consultation Committee Construction Update

December 7, 2023

Realigned Mainline Track Installation Continues (October 4, 2023)

Tracks being installed on new ballast parallel to mainline

Constant and a state of the sta

Realigned Mainline Track Installation Continues (October 31, 2023)

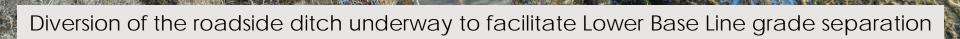


Realigned Mainline Track Now Active (December 7, 2023)

- And the state of the second



Commenced Work for the tributary C Diversion (November 30, 2023)



Temporary Hydro Access Road (October 24, 2023)

Oct 24, 2023 11:25:03 a.m. 43°26'53.844"N -79°49'41.478"W 5005 Tremaine Road Milton Regional Municipality of Halton Ontario

Pole relocation by Milton Hydro to facilitate track diversion and grade separation.

Progressive Reclamation Adjacent to Tributary A (October 18, 2023)

Oct 18, 2023 11:44:21 a.m. 43°27'29 064'N -79°50'25.452''W 5183-5231 Tremaine Road North Milton Regional Municipality of Halton

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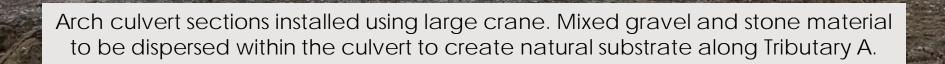
Area impacted by construction activities has been graded and seeded

Same ye

Culvert 1 Ecopassage Footing Installation (September 21, 2023)



Culvert 1 Ecopassage Footing Installation (October 31, 2023)



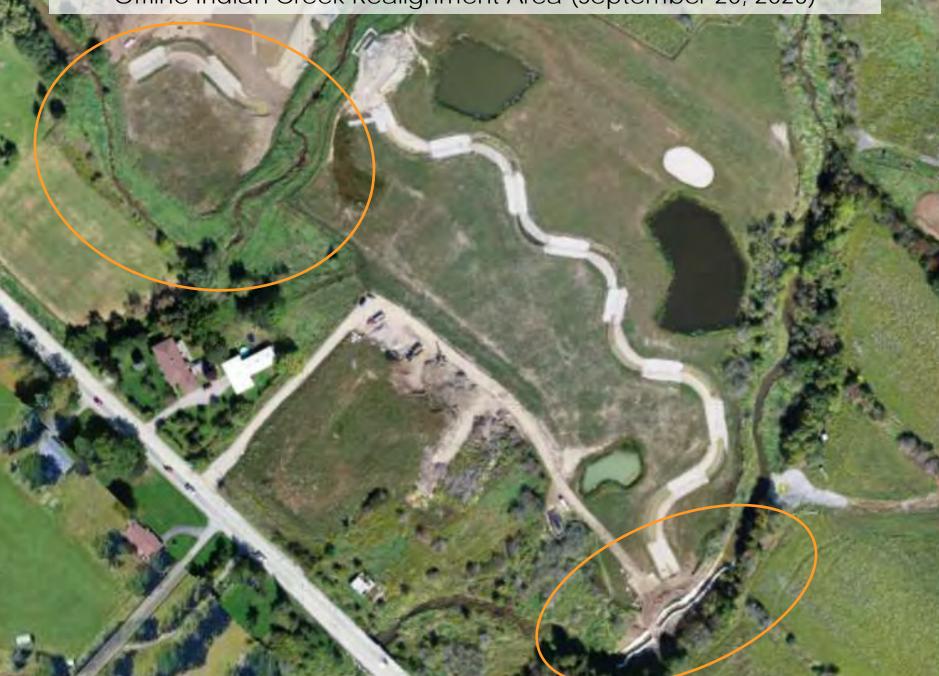
Tributary A Channel Realignment (November 10, 2023)

Future Truck Access Road

Wetland Area to remain

Tributary A diversion into the new ecopassage (culvert 1) has been installed. Diversion remains in place (dewatering of flooded Culvert 1 work area under way)

Offline Indian Creek Realignment Area (September 20, 2023)



Offline Indian Creek Realignment Area (October 21, 2023)



Indian Creek Diversion Channel (October 3, 2023)

Coffer dams set to divert flows into temporary channel

Indian Creek Diversion Channel (October 18, 2023)

Oct 18, 2023 12:03:15 p.m 43°27/9 654'N -79:49:59 544''W 5269 Tremaine Road

Coffer dams in place and diverting flows into the temporary channel

Indian Creek Diversion Channel (October 23, 2023)

CONTRACTOR AND CONTRACTOR

Upper connecting under construction while retaining existing riparian trees. Offline wetland habitats being constructed along old channel.

Indian Creek Diversion Channel (October 23, 2023)

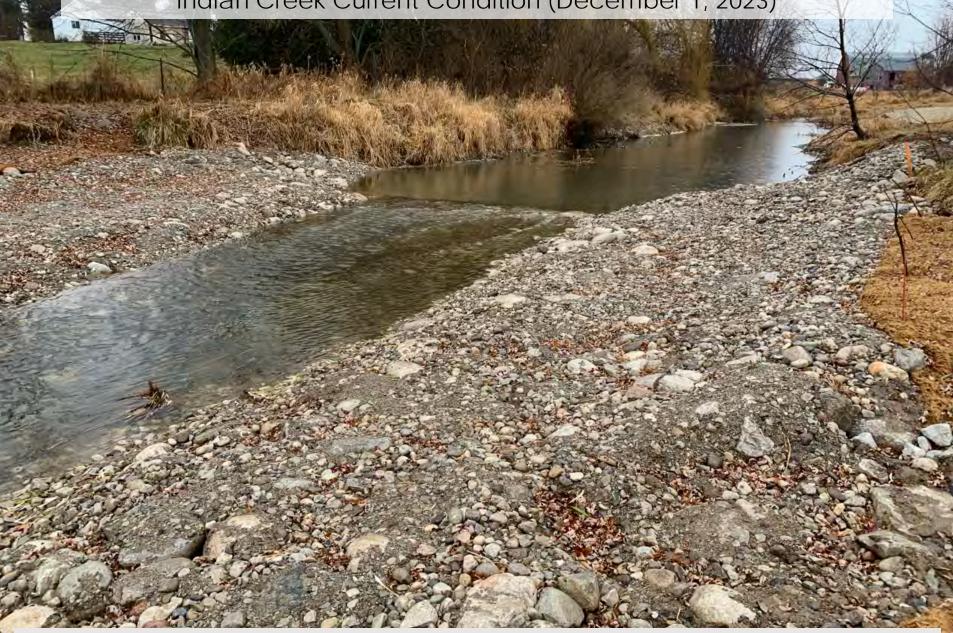
Central connection under construction. Offline wetland habitats being constructed along old channel.

Coffer dam removal in progress.

CN ribbon cutting before flows spilled into first riffle section of the realigned channel.



Indian Creek Current Condition (December 1, 2023)



Clear water flowing through first created riffle section downstream of a pool

Water enters second riffle section after filling first pool. CN, Stantec, and Cambridge Landscaping staff observing channel activation.



Natural channel design riffle-pool-riffle section now activated with flowing water. Deep water pools provide refuge and habitat diversity

Water entering the final riffle section of the realigned channel.

Downstream connection at the final riffle section.

Downstream Section of Indian Creek (November 10, 2023)

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Indian Creek backwater area and regional bi-pass channel