

CN MILTON LOGISTICS HUB

Condition 15.1

Schedule Compliance Report 2022

Canadian National Railway Company
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IAAC Reference Number: 80100

March 31, 2023

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 Adaptive Mitigation Plan Follow-up Program
B(a)P	Benzo(a)pyrene
CAAQS	Canadian Ambient Air Quality Standards
CCC	Community Consultation Committee
CIAR	Canadian Impact Assessment Registry
CH	Conservation Halton
CHR	Cultural Heritage Resource
CLCP	Community Liaison Communication Process
CN	Canadian National Railway Company
dBA	Decibels adjusted - weighted absolute noise power
DFO	Fisheries and Oceans Canada
DUC	Ducks Unlimited Canada
ECCC	Environment and Climate Change Canada
EIS	Environmental Impact Statement
EM	Environmental Monitor
EPP	Environmental Protection Plan
ESC	Erosion and Sediment Control
FUP	Follow-up Program
GPS	Global Positioning System
ha	Hectare
HIA	Heritage Impact Assessment
HWN	Huron-Wendat Nation
IAAC	Impact Assessment Agency of Canada
LAA	Local Assessment Area
MCFN	Mississaugas of the Credit First Nation
MECP	Ontario Ministry of the Environment, Conservation and Parks

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

Condition Number	Condition	Commencement	Estimated Completion
2.2	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
<p>Activities Planned to Fulfill Condition:</p> <p>Design and construction requirements consistent with condition 1.8 have been incorporated into contract specifications and drawings for implementation by the contractor. Any changes in the Project would be identified and managed in accordance with Conditions 2.11.8 or 2.16/2.17, as appropriate.</p>			
2.2.1	The Proponent shall carry out the Designated Project such that no more than 450,000 containers are handled by the Designated Project per calendar year.	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>The Project has been designed to handle no more than 450,000 containers per calendar year. CN will monitor the number of containers handled in the terminal and will report on this number annually in the annual report, once operation of the terminal begins.</p>			
2.3	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.	January 2021	Ongoing
<p>Activities Planned to Fulfill Condition:</p> <p>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.</p>			

Condition Number	Condition	Commencement	Estimated Completion
Consultation (2.4 to 2.5)			
2.4	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:	June 2020 (Ongoing)	As required throughout construction & operation
2.4.1	<p>Provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;</p> <p>Activities 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.</p>	-	-
2.4.2	<p>Provide all information available and relevant to the scope and the subject matter of the consultation and a period of time not less than 15 days, or as otherwise agreed upon with the party or parties being consulted, to prepare their views and information;</p> <p>Activities Planned to Fulfill Condition: In accordance with Condition 2.4.2, CN has provided and will continue to provide at least 15 days for parties to review and provide comments on all available information that is relevant to the scope and subject matter of the consultation. A summary of consultation with the various parties, including the views / information received, CN's response documenting how this information was considered, and the rationale for this response, are being tracked and consolidated for inclusion in the annual report.</p>	-	-

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

Condition Number	Condition	Commencement	Estimated Completion
2.5	<p>The Proponent shall, where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent.</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN will continue to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (SNGR) and the Huron-Wendat Nation (HWN). Targeted discussions with each community have been held to confirm the methods of notification / communication, the type of information, and the period of time to be provided when seeking input and will continue in the same manner identified on an ongoing basis when consultation is a requirement of a condition set out in the Decision Statement. CN will continue to engage with these communities during construction activities, and during operations to continue soliciting their views and information pertinent to the Project.</p>	November 2020	Throughout construction and operation
Follow-Up and Adaptive Management (2.6 to 2.10)			
2.6 (and all sub-conditions 2.6.1 to 2.6.5)	<p>The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information:</p> <ul style="list-style-type: none"> • 2.6.1 - the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program; 	June 2020	March 1, 2022

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 2.6.2 - the scope, content and frequency of reporting of the results of the follow-up program, including whether the reporting of any result may, if disclosed, cause specific harm to the environment; • 2.6.3 - the frequency at which the follow-up program must be updated, unless otherwise required through the condition; • 2.6.4 - the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and • 2.6.5 - the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded. 		
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.</p>			

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

Condition Number	Condition	Commencement	Estimated Completion
2.9.1	Implement the follow-up program according to the information determined pursuant to condition 2.6;	-	-
	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	<p>If modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If monitoring results from a FUP demonstrate that mitigation measures are not as effective as planned, modified, or additional mitigation measures will be developed and implemented accordingly. These modified or additional mitigation measures will be communicated to IAAC within 24 hours of being implemented. If such measures were not contemplated in the various FUPs, CN will provide a detailed description of the measure(s) to IAAC within 7 days of their implementation.</p>	-	-
2.9.5	<p>Report all results of the follow-up program to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted during the development of the follow-up program.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The results of the various FUPs implemented in the previous calendar year will be reported to IAAC no later than March 31 of the following year. A summary of the results of each FUP will be provided to IAAC and parties that informed the FUPs in accordance with Condition 2.11.5.</p>	-	-

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

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

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition: 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.</p>		
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
	<p>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.</p>		

Condition Number	Condition	Commencement	Estimated Completion
Information Sharing (2.13 to 2.14)			
2.13	<p>The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the air pollutant emissions reduction plans referred to in conditions 4.16 and 4.17, the final offsetting plan(s) referred to in condition 7.6, the wildlife management and connectivity plan referred to in condition 8.33, the cultural heritage property maintenance and re-use plan referred to in condition 11.5, the archaeological resources protection plan referred to in condition 11.8, the reports related to accidents and malfunctions referred to in conditions 14.5.4 and 14.5.5, the accident and malfunction communication plan referred to in condition 14.6, the schedules referred to in conditions 15.1 and 15.2, and any update or revision to the above documents, upon submission of these documents to the party or parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party or parties referenced in each respective condition, potentially affected parties, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.</p>	60 days prior to the start of construction (first posting of Schedules for 15.1 and 15.2 posted July 31, 2021)	15 years following original posting of relevant information
<p>Activities Planned to Fulfill Condition:</p> <p>Final versions of the annual reports, executive summaries (in both languages) and other documents as specified will be submitted to IAAC. Copies will be posted publicly to the project website (https://cnmilton.com) and be maintained on the website for at least 15 years following publication.</p> <p>CN will notify IAAC, the party or parties referenced in each respective condition, potentially affected parties, the MCFN, the SNGR and the HWN of the availability of these documents within 48 hours of their publication.</p>			

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

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

Section 3: Community Liaison Communication Process

Condition Number	Condition	Commencement	Estimated Completion
General (3.1 to 3.2)			
3.1	<p>The Proponent shall identify, prior to construction, parties that may be potentially affected by the Designated Project or by any environmental effect of the Designated Project, which shall include representatives of local and municipal governments, nearby residents, community organizations and business organizations identified by the Proponent in appendix D of the environmental impact statement, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation. The Proponent shall provide the list of potentially affected parties, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.</p>	January 2021	Completed (initial list); future updates if and as requested.
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.</p>			

Condition Number	Condition	Commencement	Estimated Completion
3.2	<p>The Proponent shall develop, prior to construction and in consultation with potentially affected parties, a community liaison communication process. The Proponent shall implement the community liaison communication process throughout all phases of the Designated Project. The Proponent shall include, as part of the community liaison communication process, a method for potentially affected parties to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and a method for the Proponent to share information about the Designated Project with potentially affected parties, to document and respond to feedback received and to demonstrate how feedback has been addressed, including through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow-up program requirement(s). This includes liaison with potentially affected parties throughout all phases of the Designated Project to identify and address potential impacts of truck traffic on the community and road safety. In doing so, the Proponent shall:</p>	May 2021	Ongoing
<p>Activities Planned to Fulfill Condition:</p> <p>CN developed a community liaison communication process (CLCP) in 2021 in consultation with community members and has committed to implement the CLCP throughout all phases of the Project. This includes the establishment of the Community Consultation Committee (CCC) led by two independent, third-party co-facilitators. The CCC Terms of Reference and CLCP documents were provided to IAAC on December 1, 2021.</p>			

Condition Number	Condition	Commencement	Estimated Completion
3.2.1	Determine, as part of the development of the community liaison communication process:	-	Complete
3.2.1.1	<p>The communication methods (including electronic and in-person communication methods) by which potentially affected parties may provide feedback to the Proponent and communication methods (including electronic and in-person communication methods) by which the Proponent shall share information about the Designated Project and address feedback received. The Proponent shall retain a third-party facilitator to support the exchange of information between the Proponent and potentially affected parties during in-person communication opportunities;</p> <p>Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.</p>	-	-
3.2.1.2	<p>How the Proponent shall document feedback received and how that feedback has been addressed, including through the implementation of any modified or additional mitigation measure and/or any modified or additional follow-up program requirement;</p> <p>Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.</p>	-	-
3.2.1.3	<p>How the Proponent shall report the information referred to in condition 3.2.1.2 to potentially affected parties (including the frequency at which the Proponent shall report that information, which shall be no less than quarterly, and the communication methods by which the Proponent shall report that information);</p> <p>Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.4 (including all sub-conditions 3.2.1.4.1 to 3.2.1.4.5)	<p>The information about the Designated Project that the Proponent shall share with potentially affected parties, which shall include the following information:</p> <ul style="list-style-type: none"> • 3.2.1.4.1 - a summary of the results of all follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent; • 3.2.1.4.2 - the quarterly reports related to noise complaints referred to in condition 4.9.3; • 3.2.1.4.3 - the land use history, construction details and photographic record referred to in condition 11.2.2; • 3.2.1.4.4 - the results of the post-construction inspections referred to in condition 11.4; and • 3.2.1.4.5 - the results of the heritage impact assessment referred to in condition 11.6. 	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>The CLCP identifies the list of information and reports about the Designated Project and the process for CN to share with potentially affected parties as described in sub-conditions 3.2.1.4.1 to 3.2.1.4.5.</p> <p>Conditions 3.2.1.4.1 to 3.2.1.4.4 have been fulfilled. See 2021 Annual Report for details.</p> <p>Condition 3.2.1.4.5 will be completed during operations. See 2022 Annual Report for details.</p>			

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

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

Section 4: Atmospheric Environment

Condition Number	Condition	Commencement	Estimated Completion
Light (4.1 to 4.5)			
4.1	The Proponent shall measure, prior to construction, baseline light trespass and glare at the eight sites identified by the Proponent in table 4.5 of the document entitled Technical Data Report Light (Appendix E.8) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).	June 2021	Completed
	<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>		
4.2 (including sub-conditions 4.2.1 and 4.2.2)	<p>The Proponent shall manage, during all phases of the Designated Project, lighting within the Designated Project Development Area such that light trespass and glare from the Designated Project meet or surpass:</p> <ul style="list-style-type: none"> 4.2.1 - E2 rural guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition); 4.2.2 - E3 suburban guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition) if baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines for light trespass and glare as set out in the Guide. 	Start of construction	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>As noted in the 2022 Annual Report, the baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines. Lighting design plans, including the selection of luminaires, have been based on the implementation of measures to reduce light trespass and glare and to target light to those areas during construction and operation where it is required. CN’s contractor is required to manage light trespass and glare to meet or surpass the E3 guidelines during construction. Further, CN will manage light trespass and glare to meet or surpass the E3 guidelines during operations through the various light mitigation measures outlined in the EIS and commitments.</p>		
4.3 (including all sub-conditions 4.3.1 to 4.3.4)	<p>The Proponent shall develop, prior to construction, mitigation measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall:</p> <ul style="list-style-type: none"> • 4.3.1 - direct light fixtures toward active construction areas during construction and toward the terminal during operation; • 4.3.2 - use down-cast light fixtures during operation; • 4.3.3 - install glare reduction technologies on individual light fixtures; and • 4.3.4 - require that all motor vehicles use low-beam headlights within the Designated Project Development Area. 	January 2021	Ongoing
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details</p>		

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

Condition Number	Condition	Commencement	Estimated Completion
4.5	<p>The Proponent shall develop, prior to construction and in consultation with the Town of Milton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to ambient lighting attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur throughout construction and reported as part of the annual reporting requirement (Condition 2.11).</p>	Start of Construction	Ongoing
4.5.1	<p>Monitor, during construction and until the end of the first year at which the Designated Project operates at its full operational capacity, light trespass and glare attributed to the Designated Project and compare monitoring results against the applicable guidelines referred to in condition 4.2.1 or 4.2.2; and</p> <p>Activities Planned to Fulfill Condition: As described in the Ambient Lighting FUP, monitoring of light trespass and glare attributed to the Project will occur during construction (once project night-time light sources are installed) and will continue until the end of the first year at which the Project operates at its full operational capacity.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
4.5.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 4.5.1 demonstrate that modified or additional mitigation measures are required to ensure that light trespass and glare attributed to the Designated Project meet or surpass the applicable guidelines referred to in condition 4.2.1 or 4.2.2.</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in condition 4.5.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented. The additional mitigation measures will be reported to IAAC as per condition 2.11.7.</p>	-	-
Noise (4.6 to 4.10)			
4.6	<p>The Proponent shall manage noise throughout all phases of the Designated Project so that the Designated Project causes the acoustic environment at any receptor location identified by the Proponent on figure 3 of the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) to change by less than one to five decibels, as set out in the U.S. Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual, and the level of highly annoyed to change by no more than 6.5%, as set out in Health Canada's Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE, from baseline conditions documented by the Proponent in the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In doing so, the Proponent shall:</p>	Start of Construction	Ongoing
<p>Activities Planned to Fulfill Condition:</p> <p>Noise mitigation measures have been identified by CN and incorporated into detailed design and construction planning. The contractor agreement includes construction specific mitigation measures being implemented by the contractor during construction. Contractor is keeping a daily equipment use log documenting equipment #'s, activities,</p>			

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

Condition Number	Condition	Commencement	Estimated Completion
4.6.4	<p>Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Contractor is using noise dampening technologies on construction vehicles to mitigate noise during construction. Equipment is regularly inspected to ensure proper working order of noise dampening technology. Contractor is reporting on regular maintenance of equipment, including noise dampening technology, to CN as part of regular monthly reporting on compliance.</p>	-	End of Construction
4.6.5	<p>Require employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring within the Designated Project Development Area, including during loading and unloading activities, and encourage employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring outside the Designated Project Development Area, including when travelling between the Designated Project Development Area and the 400-series highway network. The Proponent shall provide these best practices to the Agency prior to implementing them; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>A Noise Reduction Plan for construction is being implemented by the contractor to manage noise generated by construction staff within the PDA and while travelling between the PDA and the 400-series highway network. The Noise Reduction Plan was provided to IAAC on December 9, 2021. A Noise Reduction Plan will be developed prior to operation to address mitigation measures required by CN for the management of noise generated by operations staff within the PDA and while travelling between the PDA and 400-series highway network.</p>	-	-

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
4.10	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Health Canada, the Canadian Transportation Agency and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to the acoustic environment attributed to the Designated Project.</p> <p>As part of the implementation of the follow-up program, the Proponent shall compare changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to in condition 4.6. In doing so, the Proponent shall:</p>	February 2020	Four weeks after the Designated Project operates at its full operational capacity
<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>			
4.10.1	<p>Monitor day-night average sound levels continuously during the first four weeks of each phase of construction identified in the construction schedule referred to in condition 15.2, at locations to be determined during the development of the follow-up program;</p>	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>Continuous monitoring of day-night average sound levels occurred during the first four weeks of construction, in accordance with the Acoustic Environment FUP. Additional monitoring will occur during the first four weeks of the next phase of construction.</p>			
4.10.2	<p>Monitor day-night average sound levels continuously during the first four weeks of operation and during four additional weeks when the Designated Project operates at its full operational capacity, at locations to be determined during the development of the follow-up program;</p>	-	-

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

Condition Number	Condition	Commencement	Estimated Completion
Air Quality (4.11 to 4.25)			
4.11	<p>The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:</p> <p>Activities Planned to Fulfill Condition: Measures to mitigate fugitive dust emissions attributed to the Project are being implemented throughout construction by the contractor and will be during operations. These measures have been identified in the contractor’s Air Quality Best Management Practice Plan.</p>	Start of construction	Ongoing
4.11.1	<p>Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;</p> <p>Activities Planned to Fulfill Condition: 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.</p>	-	-
4.11.2	<p>Not handling non-enclosed granular materials during sustained high wind conditions;</p> <p>Activities Planned to Fulfill 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. Movement and handling of granular material is not anticipated during operation; however, if required at some point during operation, similar restrictions on the handling of such materials during high wind conditions would be implemented.</p>	-	-

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

Condition Number	Condition	Commencement	Estimated Completion
4.12 (including all sub-conditions 4.12.1 to 4.12.3)	<p>If the Proponent chooses to install a temporary portable concrete plant for the Designated Project, the Proponent shall include a bag house, and shall install and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions attributed to the operation of the concrete plant. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 4.12.1 - store dry material only within designated material storage areas and control dust emissions when transferring and handling dry material; • 4.12.2 - enclose material transfer points, conveyors and mixing equipment within leak-proof structures; and • 4.12.3 - minimize drop height during truck loading and unloading activities to the lowest height that is technically feasible. 	N/A	N/A
<p>Activities Planned to Fulfill Condition:</p> <p>At this time, there are no plans to use a concrete plant during construction of the terminal. In the event a concrete plant is proposed, the contractor would be required to install a bag house in conjunction with the portable concrete plant and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions, as described in the sub-conditions.</p>			
4.13	The Proponent shall implement measures to mitigate air emissions attributed to the Designated Project during all phase of the Designated Project, including by:	Start of construction	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;	-	-
<p>Activities Planned to Fulfill Condition:</p> <p>A no-idling policy has been developed with the contractor and is being implemented for mobile equipment and road vehicles within the PDA. The contractor is monitoring and reporting to CN on compliance with the no idling policy.</p>			

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

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

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

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

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

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

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

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

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

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

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

Section 5: Water

Condition Number	Condition	Commencement	Estimated Completion
Surface Water (5.1 to 5.10)			
5.1	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement the Designated Project such that maximum and minimum flows of waterbodies affected by the Designated Project located outside of the Designated Project Development Area are maintained during all phases of the Designated Project, and that sufficient capacity exists to safely accommodate and convey the range of climate conditions that could be reasonably expected during the Designated Project's lifetime, including at least one regulatory storm event.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	February 2020	Complete
5.2 (including all sub-conditions 5.2.1 to 5.2.4)	<p>The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada and other relevant authorities, and implement a stormwater management system to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 5.2.1 - design the stormwater management system so that it can convey multiple storm events, including a regulatory storm event; • 5.2.2 - install oil grit separators for the administration and maintenance buildings, gate area and work pad areas to capture sediments, oil and grease before discharge to the wet ponds; • 5.2.3 - install shut off valves on the stormwater management pond outlets; and 	January 2021	Complete

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 5.2.4 - implement end-of-pipe storage volumes that take into account Enhanced Protection requirements for long-term average suspended solids under Ontario's Stormwater Management Planning and Design Manual. <p>Activities Planned to Fulfill Condition: 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).</p>		
5.3	<p>The Proponent shall not use salt for de-icing or traction control purposes within the Designated Project Development Area during any phase of the Designated Project, unless other technically and economically feasible methods for de-icing or traction control purposes may result in unsafe construction conditions or unsafe railway or facility operation. If the Proponent must use salt, the Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate salt loading into the stormwater management system. The Proponent shall submit these measures to the Agency prior to implementing them and shall provide a rationale as to why other methods are not technically or economically feasible.</p> <p>Activities 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 operation. Where salt use is required, measures to mitigate salt loading into the SWM system will be identified and developed in consultation with Conservation Halton. Such measures will be submitted to IAAC along with rationale as to why other methods are not technically or economically feasible prior to implementation.</p>	Start of construction	Ongoing
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	June 2020	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	any activity, including dewatering, during construction and operation. These measures shall include the installation of erosion and sedimentation control devices and vegetation planting. The Proponent shall submit these measures to IAAC prior to implementing them.		
	<p>Activities Planned to Fulfill Condition:</p> <p>Erosion and sediment control (ESC) plans have been developed and included as part of the design packages for construction of the Project. Measures are specific to construction components and locations of work that could cause sedimentation near or in waterbodies or erosion of soils. The contractor provided implementation plans for the ESC drawings and measures prior to the commencement of construction, by construction phase, and are currently being implemented. Dewatering plans have been confirmed prior to construction by the contractor, specific to work that may require activities associated with dewatering. Vegetation planting is being implemented based on the detailed design drawings of the channel realignment and restoration areas, the SWM Plan and the Progressive Reclamation Plan, as soon as construction within areas is complete, to control erosion and sedimentation. The ESC plans were provided to IAAC on December 1, 2021.</p>		
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
	<p>Activities Planned to Fulfill Condition:</p> <p>Areas within the limits of construction to conduct equipment refueling, maintenance, and material storage areas are identified within the PDA. During operations, equipment maintenance, material storage and refueling will be completed in the Maintenance Building, next to the Administration Buildings. Subsurface drainage will be installed that includes oil and grit separator and direct runoff to the stormwater system. Monitoring of this condition will be completed by the EM during construction of the Project.</p>		
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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> 5.10.4 - develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate adverse changes to surface water quality and quantity attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards; and 5.10.5 - determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring is required after the first five years following the end of construction. 		
<p>Activities Planned to Fulfill Condition: 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).</p>			
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	Complete
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>			
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
	<p>requires dewatering in excess of 50,000 litres/day, the Proponent shall implement a dewatering system to dissipate the energy and reduce the sediment content of discharging water during construction.</p> <p>Activities Planned to Fulfill Condition: A dewatering assessment was completed in 2020. The contractor is implementing measures to dissipate energy and reduce sediment content in discharging water from dewatering, as required. The Dewatering Assessment Report and preliminary Dewatering Plan were provided to IAAC on December 1, 2021.</p>		
5.13	<p>The Proponent shall develop, prior to construction and in consultation with Natural Resources Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to groundwater quality and quantity attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: 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).</p>	February 2020	One year following the end of construction
5.13.1	<p>Monitor, during construction and for a minimum of one year following the end of construction, groundwater levels and quality within the Designated Project Development Area and at private wells to which the Proponent is granted access located within the Local Assessment Area defined by the Proponent on figure 6 of the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In the event that the Proponent determines that construction dewatering is required pursuant to condition 5.12, the Proponent shall also monitor wells located within the projected dewatering cone of depression and to which the Proponent is granted access to determine the potential for drawdown interference; and</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Groundwater quality and quantity are being monitored within the PDA and Local Assessment Area (LAA) during construction and for a minimum of 1 year following the end of construction. CN is monitoring wells established for the project since no access to private wells was granted during the private well survey conducted in 2021 within proximity to planned dewatering activities. If it is determined that construction dewatering is required, CN will monitor their well within the projected dewatering cone of depression to determine the potential for drawdown interference.</p>		
5.13.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.13.1 demonstrate that modified or additional measures are required to maintain groundwater quantity and quality as predicted by the Proponent as part of the environmental assessment in the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 5.13.1 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.</p>		

Section 6: Terrestrial Environment

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

Condition Number	Condition	Commencement	Estimated Completion
6.2	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
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>			
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;	-	-
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>			
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;	-	-
<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>			

Condition Number	Condition	Commencement	Estimated Completion
6.2.3	<p>Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design of the stormwater management system; and</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	-	-
6.2.4	<p>Submit to the Agency, prior to construction, the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 and how the Proponent took into account these results pursuant to conditions 6.2.2 and 6.2.3.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	-	-
6.3	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: CN prepared a FUP for wetlands and wetland functions. The Wetlands FUP has been provided to ECCC, CH and the MECP for review, and all views or information received from these parties have been considered by CN in finalizing this FUP. The implementation of the Wetlands Follow up Program will be following construction of the wetlands. The Wetlands FUP was provided to IAAC on November 26, 2021.</p>	August 2020	Completion of the follow up program will be 5 years post construction of the wetlands.
6.3.1	<p>Monitor, for at least five years following the end of construction, the areal extent, encroachment by invasive vegetation species and success of native vegetation planting for all retained and constructed wetlands located within the Designated Project Development Area;</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the PDA will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).</p>		
6.3.2	<p>Monitor, for at least five years following the end of construction, water level fluctuations in all retained and constructed wetlands located within the Designated Project Development Area and compare monitoring results against baseline fluctuations;</p> <p>Activities Planned to Fulfill Condition:</p> <p>Water level fluctuations within both retained and created wetlands will be monitored. Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of five years post construction.</p>	-	-
6.3.3	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.3.1 or 6.3.2 demonstrate that modified or additional mitigation measures are required such that the total areal extent of wetlands within the Designated Project Development Area is maintained or increased over time and retained and constructed wetlands maintain their functions over time; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Wetland boundaries will be flagged and marked with a submeter Global Positioning System (GPS), to provide an accurate measurement of wetland size. In the event that the channel design does not perform as intended, resulting in wetland not achieving predicted areal extent or water levels, remedial actions will be recommended and completed as part of the Surface Water Quality and Quantity (SWQQ) FUP.</p>	-	-
6.3.4	<p>Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 6.3.1 and 6.3.2, if additional monitoring is required after the first five years following the</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	end of construction, including the duration of that additional monitoring.		
	<p>Activities Planned to Fulfill Condition:</p> <p>Based on the results of the monitoring from the first five years post construction, as referred to in conditions 6.3.1 and 6.3.2, and in consultation with ECCC and CH, CN will determine if additional monitoring is required and for how long.</p>		
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
	<p>Activities Planned to Fulfill Condition:</p> <p>Vegetation buffers have been identified and are included in the construction contract drawings to be maintained during construction and throughout operation of the Facility.</p>		
6.4.1	Determine the width of the buffer(s) prior to construction, in consultation with relevant authorities, and shall provide that information to the Agency prior to construction; and	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p>		
6.4.2	Conduct work or activity within the buffer only to the extent necessary to meet engineering requirements for safe railway and facility operation, to install and maintain erosion or sediment control measures and to conduct channel realignment, restoration and naturalization work.	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>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</p>		

Condition Number	Condition	Commencement	Estimated Completion
	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	<p>The Proponent shall delineate, prior to construction, areas on the ground within which construction will take place. The Proponent shall not undertake any construction activity outside of these areas, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Limits of construction have been established to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. These limits are based on areas where no encroachment will be permitted, and areas where only temporary access to complete specific tasks will be permitted subject to confirmation from the EM. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been identified for construction. The contractor is contractually required to maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase and this will be verified through monitoring by the EM.</p>	May 2021	End of construction
6.6	<p>The Proponent shall minimize soil disturbance and shall retain vegetation, including wildlife trees, within and around the Designated Project Development Area, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.</p> <p>Activities Planned to Fulfill Condition:</p> <p>The contractor agreement includes requirements for the contractor to retain and protect vegetation, including wildlife trees, to the extent possible. In establishing the restricted and limited access areas for this Project, a combination of protected areas, buffers and setbacks have been implemented for construction. The contractor is contractually required to maintain the delineation and demarcation (i.e., staking, fencing) of the limits of construction during the construction phase and this will be verified through monitoring by the EM.</p>	May 2021	End of construction
6.7	The Proponent shall handle and store soils during construction in a manner that protects soil quality for re-use. In the event that the Proponent encounters contaminated soils during construction, the Proponent shall determine the suitability of re-using that soil before re-	May 2021	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	<p>using it. The Proponent shall dispose of any soil not suitable for re-use according to proper screening and disposal requirements, taking into account Ontario's Management of Excess Soil - A Guide for Best Management Practices.</p> <p>Activities Planned to Fulfill Condition: 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.</p>		
6.8	<p>The Proponent shall implement measures, during construction, to avoid the introduction or spread of invasive vegetation within the Designated Project Development Area, including from equipment brought on-site from other worksites and from imported fill. In doing so, the Proponent shall take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry.</p> <p>Activities Planned to Fulfill Condition: The contractor is contractually required to implement measures during construction to avoid the introduction or spread of invasive vegetation within the PDA, including from equipment brought onsite from other worksites and from imported fill, and is required to take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry. Monitoring of the contractor's implementation of these measures will be completed by the EM and incorporated into the annual report.</p>	September 2020	End of construction

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

Section 7: Fish and Fish Habitat

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

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

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

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

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	<p>The Proponent shall, for any fish habitat offsetting measure proposed in the approved offsetting plan referred to in condition 7.5 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	N/A	N/A
7.8	<p>The Proponent shall fell trees away from waterbodies and shall immediately remove trees, debris or soils inadvertently deposited in any location within the Designated Project Development Area that may cause a loss of flood storage.</p> <p>Activities Planned to Fulfill Condition: As included in the EPP and the contract package, trees will be felled away from waterbodies and immediately removed. As well, any trees, debris or soils inadvertently deposited in the floodplain of Indian Creek that may cause a loss of flood storage will be immediately removed.</p>	Start of construction	End of construction
7.9	<p>The Proponent shall apply, in consultation with Conservation Halton, natural channel design principles when realigning Indian Creek and Tributary A. In doing so, the Proponent shall incorporate natural bed morphology and planform geometry to the realigned channels in a manner that promotes natural sediment transport processes and such that the realigned channels:</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	July 2020	End of construction

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
	Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
7.12.1	<p>Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;</p> <p>Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, the effectiveness of offsetting measures will be monitored.</p>	-	-
7.12.2 (including sub-conditions 7.12.2.1 and 7.12.2.2)	<p>Monitor channel stability throughout the Designated Project Development Area, including channel cross-sections, bed substrate, bed morphology and detailed longitudinal profiles, to track channel migration. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 7.12.2.1 - conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and • 7.12.2.2 - conduct fall monitoring of stream characteristics (including profile, pattern, dimensions and pebble counts); <p>Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, in-stream structures will be monitored during the spring post construction through visual assessment and photo documentation. In addition, stream characteristics will be monitored in the fall post construction.</p>	-	-
7.12.3	<p>Monitor water temperature of the overland runoff flows from the stormwater management system;</p> <p>Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction.</p>	-	-
7.12.4	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
	<p>habitat downstream of the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Fish and Fish Habitat (Appendix E.4) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57); and</p>		
<p>Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that additional mitigation measures are required, modified or additional mitigation measures will be developed and implemented.</p>			
7.12.5	<p>Before the end of the fifth year of operation, determine, in consultation with Fisheries and Oceans Canada and Conservation Halton and based on the results of the monitoring referred to in conditions 7.12.1, 7.12.2 and 7.12.3, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p>	-	-
<p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with DFO and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>			

Section 8: Wildlife

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
8.4.2	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.	-	-
8.4.2 (cont'd)	<p>Activities Planned to Fulfill Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>		
Listed Species at Risk (8.5 to 8.33)			
8.5	The Proponent shall conduct, prior to carrying out any physical activity associated with the Designated Project in areas of suitable habitat for western chorus frog (<i>Pseudacris triseriata</i>) identified during the environmental assessment within the Designated Project Development Area and the Local Assessment Area (as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57)), springtime surveys of these areas to identify the presence or absence of western chorus frog (<i>Pseudacris triseriata</i>) and breeding and hibernating sites (residences) for western chorus frog (<i>Pseudacris triseriata</i>). In doing so, the Proponent shall:	May 2020	Complete
<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p>			

Condition Number	Condition	Commencement	Estimated Completion
8.5.1	<p>Submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada and determine, in consultation with Environment and Climate Change Canada, if additional surveys are required for the purpose of implementing conditions set out in this Decision Statement in relation to western chorus frog;</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	-	Completed
8.5.2	<p>Identify, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, connectivity between all habitat necessary to support the annual life cycle of western chorus frog, including breeding and hibernating sites (residences) identified through the surveys; and</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	-	-
8.5.3	<p>Develop, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, and implement modified or additional mitigation measures, including measures to maintain or enhance habitat connectivity, to mitigate adverse environmental effects attributed to the Designated Project on western chorus frog and/or its breeding or hibernating sites (residences) (including connectivity between these sites) during any phase of the Designated Project. The Proponent shall take into account Conservation Halton's Road Ecology Quick Reference Guide when developing and implementing these measures.</p> <p>Activities Planned to Fulfill Condition: CN has identified the location and preliminary design of the replacement habitat for western chorus frogs. Taking into consideration the lack of available land in proximity to the known locations of western chorus frog (WCF), and the</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	existing and ongoing impacts to WCF habitats as a result of urban development by others, CN has identified an appropriate area for the creation of breeding and upland habitats to support WCF through consultation with ECCC. No other parties responded to requests to consult on this matter. CN developed a conceptual design of the habitat and shared that with ECCC. The detailed design is ongoing and through discussions with ECCC.		
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
	<p>Activities Planned to Fulfill Condition:</p> <p>Prior to construction starting in the area along the ROW between Britannia Rd and Louis St. Laurent Ave, wildlife exclusion fencing will be installed to prevent WCF from entering construction areas, as directed by a qualified wildlife biologist, as directed in the EPP and the construction contractor agreement.</p>		
8.6.1	Determine the dates of the breeding season, based on ambient temperatures and in consultation with Environment and Climate Change Canada, for any year that construction shall occur; and	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Based on consultation with ECCC, the breeding season dates for WCF for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area. Once exclusion fencing is installed, it will remain until construction is completed between Britannia Rd and Louis St. Laurent Ave.</p>		
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.	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Exclusion fencing will be installed prior to the beginning of breeding season to exclude WCF from construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the vicinity of where WCF were identified.</p>		
8.7	<p>The Proponent shall install, prior to construction and before the breeding season determined for that year pursuant to condition 8.6.1, exclusion fencing between the railway tracks located within the Designated Project Development Area and breeding and hibernating sites (residences) for western chorus frog identified through the surveys conducted pursuant to condition 8.5. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction.</p>	May 2020	End of construction
	<p>Activities Planned to Fulfill Condition:</p> <p>Exclusion fencing will be installed prior to the beginning of breeding season to exclude WCF from pertinent construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA. Exclusion fencing will be inspected and maintained throughout construction by the EM.</p>		
8.8	<p>The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog determined pursuant to condition 8.6.1.</p>	May 2020	Prior to construction in area of WCF
	<p>Activities Planned to Fulfill Condition:</p> <p>Construction of the mainline between Britannia Rd and Louis St. Laurent, including the replacement of culverts, will be scheduled outside of the breeding season for WCF.</p>		
8.9	<p>If any hibernating site (residence) for western chorus frog identified through the surveys conducted pursuant to condition 8.5 will be temporarily or permanently affected by any activity associated with the Designated Project, the Proponent shall replace the affected site</p>	May 2020	Prior to construction in area of WCF

Condition Number	Condition	Commencement	Estimated Completion
	<p>(residence) with at least a one-to-one ratio of restored habitat suitable for western chorus frog in location(s) determined in consultation with Environment and Climate Change Canada, Conservation Halton and the Town of Milton. The Proponent shall restore the habitat as soon as technically feasible after any hibernating site (residence) has been affected by the Designated Project and shall maintain the restored habitat throughout all phases of the Designated Project.</p> <p>Activities Planned to Fulfill Condition: Habitat compensation for the replacement of any identified affected WCF hibernating sites (residences) is currently being determined.</p>		
8.10	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p>	May 2020	<p>FUP to be finalized prior to the implementation of mitigation measures for Western Chorus Frog</p> <p>implement until at least the end of the fifth year of operation</p>
	<p>Activities Planned to Fulfill Condition: Work in areas adjacent to the WCF habitat is not proposed until the second phase of construction, which is anticipated to commence in 2024. CN prepared a FUP for WCF, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. The WMCP provided to IAAC on November 26, 2021, includes all of the various FUPs relating to wildlife, including for Western Chorus Frog (see Section 5.2).</p>		
8.10.1	Monitor the use by western chorus frog individuals of the habitat restored pursuant to condition 8.9;	-	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Use of restored habitat by WCF will be monitored once it has been completed.		
8.10.2	Monitor the use by western chorus frog individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;	-	-
	Activities Planned to Fulfill Condition: Use of any implemented measures to maintain or enhance habitat connectivity will be monitored as implemented through the WMCP.		
8.10.3	Report the results of all monitoring conducted as part of the implementation of the follow-up program to Environment and Climate Change Canada and Conservation Halton pursuant to condition 2.6.2 to inform future regional habitat creation and restoration efforts; and	March 2023	End of fifth year of operation (December 2028)
	Activities Planned to Fulfill Condition: All WCF monitoring results will be reported to ECCC and CH.		
8.10.4	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.10.1 or 8.10.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on western chorus frog individuals attributed to the Designated Project; and	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation measures are required they will be developed and implemented as outlined in the adaptive management section of the FUP.		
8.10.5	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and Conservation Halton and based on the results of the monitoring referred to in condition	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>8.10.1 or 8.10.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>		
8.11	<p>The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) in areas identified by the Proponent as habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) on figure 5 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p>	June 2020	End of construction
	<p>Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to during construction, which will limit the disturbance to habitat areas for eastern meadowlark and bobolink that may be within the limits of construction. Restricted timing windows related to all Migratory Birds have been provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the WMCP. Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.</p>		
8.12	<p>The Proponent shall cause to be established and maintained, during construction and operation, 40.7 hectares of suitable replacement grassland habitat (containing hay and meadow fields) in the Luther Marsh Wildlife Management Area to compensate for the loss of suitable habitat for eastern meadowlark (<i>Sturnella magna</i>), bobolink (<i>Dolichonyx oryzivorus</i>) and monarch butterfly (<i>Danaus plexippus</i>) within the Designated Project Development Area. The Proponent shall cause the suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.</p>	Grassland habitat creation of the off-site lands began in 2019.	Habitat creation completed. Maintenance ongoing.

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>CN has entered into an agreement with Ducks Unlimited Canada (DUC) to create off-site habitat within the Luther Marsh Wildlife Management Area. The off-site grassland habitat will be managed by DUC for a period of 20 years, starting with the seeding that occurred in spring 2019. This will include a minimum of five maintenance cycles over the 20-year period.</p>		
8.13	<p>The Proponent shall cause to be developed, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and cause to be implemented a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the replacement grassland habitat established pursuant to condition 8.12. As part of the development of the follow-up program, the Proponent shall cause to be identified indicators that shall be considered to determine the suitability of the replacement grassland habitat. As part of the implementation of the follow-up program, the Proponent shall cause to:</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>Implementation of the FUP for 20 years following establishment of the replacement grassland habitat</p>
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>		
8.13.1	<p>Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>Eastern meadowlark and bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2021 and will continue to be monitored for 20 years following the establishment of the replacement grassland.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.13.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP. The monitoring carried out in 2022 did not demonstrate that any modified or additional mitigation measures were required.</p>	-	-
8.13.3	<p>Develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures and/or additional follow-up requirements if after 20 years following the establishment of the replacement grassland habitat, the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that the replacement grassland habitat is not functioning as predicted during the environmental assessment as a replacement habitat for eastern meadowlark (<i>Sturnella magna</i>) and bobolink (<i>Dolichonyx oryzivorus</i>). The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be implemented until such time that monitoring results indicate that the replacement grassland habitat is functioning as predicted during the environmental assessment. The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be submitted to the Agency prior to them being implemented.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Monitoring results for 20 years following the establishment of the replacement grassland habitat will be evaluated and if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replacement habitat for eastern meadowlark and bobolink, modified or additional mitigation measures and/or additional follow-up requirements will be developed and implemented in consultation with ECCC and other relevant authorities as per the adaptive management section of the FUP. Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.</p>		
8.14	<p>The Proponent shall identify, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, foraging, nesting and overwintering habitat for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) within the Designated Project Development Area and within the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).</p>	September 2020	Prior to Construction
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details.</p>		
8.15 (including sub-conditions 8.15.1 and 8.15.2)	<p>The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, Conservation Halton and the Six Nations of the Grand River, habitat enhancement features (including nesting mounds) for snapping turtle (<i>Chelydra serpentina</i>) and midland painted turtle (<i>Chrysemys picta marginata</i>) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> • 8.15.1 - locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and • 8.15.2 - maintain the habitat enhancement features functional during operation. 	September 2020	Construction of features complete, maintenance ongoing.

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>Habitat enhancement features for turtles are identified in the WMCP and included in the detailed design drawings for the Channel Realignment including the location of nesting mounds and planned maintenance requirements. These documents have been provided to DFO, ECCC, CH, MCFN and SNGR for comment. Any feedback received from these parties has been considered for inclusion in the WMCP. Construction of these enhancement features has been completed by the contractor as part of phase one of construction.</p>		
8.16	<p>The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (<i>Chelydra serpentina</i>) (October 1 to April 30), unless not technically feasible. If the Proponent must conduct in-water construction activities within the overwintering period, the Proponent shall have a qualified individual, who is a biologist, relocate snapping turtles (<i>Chelydra serpentina</i>) observed within in-water construction areas to an accredited facility for the duration of the overwintering period, prior to conducting any in-water construction activity.</p>	September 2020	End of construction
	<p>Activities Planned to Fulfill Condition:</p> <p>The methods for relocation of snapping turtles observed within in-water construction areas are provided in the WMCP, which was provided to IAAC on November 26, 2021.</p>		

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
8.21.2	<p>Monitor, during all phases of the Designated Project, roads located within the Designated Project Development Area for turtle crossings and/or turtle collisions with vehicles; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>A wildlife training program has been prepared for the contractor to be delivered to all equipment operators and staff to highlight protocol on identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction.</p> <p>Exclusionary fencing has been installed and will be monitored during construction and post permanent fencing installation to evaluate the effectiveness of the fencing and if adjustments are required to minimize turtle interactions with operation of the Terminal, as outlined in the WMCP.</p>	-	-
8.21.3	<p>Develop and implement modified or additional mitigation measures, taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles.</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results demonstrate that mitigation measures are required to mitigate the risk to turtles, modified or additional mitigation measures will be developed and implemented.</p>	-	-
8.22	The Proponent shall submit all sightings of turtles within the Designated Project Development Area during any phase of the Designated Project in a timely manner to the Natural Heritage Information Centre of Ontario Ministry of Natural Resources and Forestry.	Construction and Operation	Ongoing

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
8.25	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.12 and 8.24. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>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).</p>	August 2020	<p>FUP to be finalized prior to construction</p> <p>On-site monitoring until 5th year after operations</p> <p>Off-site habitat monitoring for 20 years after establishment</p>
8.25.1	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement grassland habitat (including any breeding habitat) established pursuant to condition 8.12;</p> <p>Activities Planned to Fulfill Condition: Monitoring of Monarch use at the Luther Marsh was completed in July 2021 and is summarized in the annual report for 2022. Monarch use of the replacement habitat (per condition 8.24) will be monitored as outlined in the WMCP FUP.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.25.2	<p>Monitor the use by monarch butterfly (<i>Danaus plexippus</i>) of the replacement habitat established pursuant to condition 8.24;</p> <p>Activities Planned to Fulfill Condition: Monarch use of the replacement habitat (per condition 8.24) will be monitored as outlined in the WMCP FUP.</p>	-	-
8.25.3	<p>Develop and implement modified or additional mitigation if the results of the monitoring referred to in condition 8.25.1 or 8.25.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on monarch butterfly (<i>Danaus plexippus</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 8.25.1 or 8.25.2 demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.25.4	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.25.1 or 8.25.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.26	<p>The Proponent shall conduct pre-construction surveys of eastern milksnake (<i>Lampropeltis Triangulum</i>) in Tributary A and in wooded areas near where Indian Creek intersects the railway tracks. The Proponent shall develop the methodology for the surveys in consultation with Environment and Climate Change Canada and other relevant authorities and shall take into account Ontario's Survey Protocol for Ontario's Species at Risk Snakes when developing the methodology.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	May 2020	Complete
8.27	<p>If the presence of eastern milksnakes (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area is confirmed through the surveys conducted pursuant to condition 8.26, the Proponent shall, in consultation with Environment and Climate Change Canada and other relevant authorities:</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	May 2020	Complete
8.27.1	<p>Implement, prior to construction, a snake capture and relocation program to remove eastern milksnakes (<i>Lampropeltis Triangulum</i>) from the Designated Project Development Area and relocate them in accordance with wildlife care protocols to suitable habitat, identified by the Proponent based on known habitat requirements of eastern milksnakes (<i>Lampropeltis Triangulum</i>), within the Local Assessment Area, as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). As part of the program, the Proponent shall implement measures to prevent relocated snakes from returning to the removal site(s);</p>	May 2020	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition: A capture and relocation program was conducted prior to the start of construction and the installation of exclusion fencing was completed to prevent relocated snakes from returning to the removal sites.</p>		
8.27.2	<p>Develop, prior to construction, measures to mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, in addition to the snake capture and relocation program referred to in condition 8.27.1. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them; and</p>	May 2020	Ongoing
	<p>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.</p>		
8.27.3	<p>Determine, prior to construction, if any of the exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18 can mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project. If the Proponent determines that the exclusion fencing implemented for other listed species at risk cannot effectively mitigate adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>), the Proponent shall develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures for eastern milksnake (<i>Lampropeltis Triangulum</i>), which may include appropriately adapting any existing exclusion fencing.</p>	May 2020	Ongoing
	<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.28	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: 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).</p>	August 2020	Development of the FUP is complete. Implementation of the FUP until at least the end of the fifth year of operation
8.28.1	<p>Monitor sightings of eastern milksnake (<i>Lampropeltis Triangulum</i>) within the Designated Project Development Area during any phase of the Designated Project;</p> <p>Activities Planned to Fulfill Condition: Sightings of eastern milksnake within the PDA will be monitored by the EM and all employees on site (as per the wildlife training plan) during construction and until at least the end of the fifth year of operation.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
8.28.2	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.28.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on eastern milksnake (<i>Lampropeltis Triangulum</i>) attributed to the Designated Project; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in conditions 8.28.1 monitoring results demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.28.3	<p>Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.28.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-
8.29	<p>The Proponent shall conduct, prior to construction in the area of Indian Creek, surveys for little brown myotis (<i>Myotis lucifugus</i>) habitat in thicket communities along Indian Creek and in the coniferous plantation and deciduous woodland fragment west of the railway tracks. The Proponent shall submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada. If the results of the surveys indicate the presence of little brown myotis (<i>Myotis lucifugus</i>) habitat, the Proponent shall develop, in consultation</p>	June 2020	N/A

Condition Number	Condition	Commencement	Estimated Completion
	<p>with Environment and Climate Change Canada and other relevant authorities, mitigation measures to protect or replace the surveyed habitat. The Proponent shall submit the results of the surveys and the identified mitigation measures, if any, to the Agency prior to construction.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>		
8.30	<p>The Proponent shall provide regular awareness training about actions to take to protect wildlife to all employees and contractors associated with the Designated Project who may encounter wildlife within the Designated Project Development Area.</p> <p>Activities 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.</p>	Prior to construction	Ongoing
8.31	<p>The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, and maintain throughout operation, a system of ecopassages within the Designated Project Development Area, including through the mainline embankment and associated roadways, to retain habitat connectivity for terrestrial and aquatic species expected to be present within the Designated Project Development Area, including listed species at risk, while meeting engineering requirements for safe railway and facility operation. The Proponent shall design and maintain all ecopassages taking into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide.</p>	January 2021	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	<p>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).</p>		
8.32	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on habitat connectivity attributed to the Designated Project, including the effectiveness of ecopassages installed pursuant to condition 8.31. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide when developing the follow-up program. The Proponent shall implement the follow-up program until at least the end of the fifth year following the installation of all ecopassages. As part of the implementation of the follow-up program, the Proponent shall:</p>	January 2021	<p>Development of FUP is complete. Implementation of the FUP until the end of the fifth year following the installation of all ecopassages</p>
	<p>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).</p>		

Condition Number	Condition	Commencement	Estimated Completion
8.32.1	<p>Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the implementation of the follow-up program, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on habitat connectivity; and</p> <p>Activities Planned to Fulfill Condition: If the monitoring results demonstrate that modified or additional mitigation are required, they will be developed and implemented as outlined in the adaptive management section of the FUP.</p>	-	-
8.32.2	<p>Before the end of the fifth year following the installation of all ecopassages, determine, in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities and based on the results of the monitoring conducted as part of the follow-up program if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition: Before the end of the fifth year following the installation of all ecopassages, it will be determined, in consultation with ECCC, Halton Region, CH and MNRF (now MECP) and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.</p>	-	-

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

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 8.33.4 - details on how the Proponent shall design and operate the Designated Project's truck entrance on Britannia Road to mitigate adverse environmental effects on Halton Region's Natural Heritage System; • 8.33.5 - all measures to be implemented by the Proponent to mitigate the adverse environmental effects of the Designated Project on wildlife during any phase of the Designated Project, including the mitigation measures set out in this Decision Statement as it pertains to listed species at risk and migratory birds. In doing so, the Proponent shall describe how these measures give preference to avoiding adverse environmental effects on wildlife over minimizing adverse environmental effect on wildlife, to minimizing adverse environmental effects on wildlife over-compensating for adverse environmental effects on wildlife and, if minimizing adverse environmental effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife; and • 8.33.6 - the information referred to in condition 2.7 for each follow-up program to be implemented by the Proponent to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to wildlife, including listed species at risk and migratory birds. 		
	<p>Activities Planned to Fulfill Condition:</p> <p>Condition fulfilled. See 2021 Annual Report for details on creation of the FUP.</p> <p>Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).</p>		

Section 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	Development of the FUP is complete. Implementation of the FUP will occur until the end of the fifth year of operation
<p>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).</p>			
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	-	-
<p>Activities Planned to Fulfill Condition: Concentrations of B(a)P will be monitored in soils within the LAA and results will be compared to modeling predictions estimated during the EA, as outlined in the FUP.</p>			

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

Condition Number	Condition	Commencement	Estimated Completion
	addition mitigation measures. A copy of the Sleep Disturbance Analysis (Aecom, 2021) was provided to IAAC on December 1, 2021. The analysis will be updated prior to the start of the second phase of construction.		
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
<p>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).</p>			
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;	-	-
<p>Activities Planned to Fulfill Condition: Nighttime noise events attributed to the Project will be monitored at the same points of reception considered in the sleep disturbance analysis (per condition 9.2) for at least two years following the start of operation.</p>			
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;	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>If the monitoring results referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project exceed 60 dBA Lmax outdoors more than 15 times per night at any point of reception, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.</p>		
9.3.3	<p>Compile the results of the monitoring referred to in condition 9.3.1 on a monthly basis and make these results available upon request; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Once operation begins and the FUP is implemented, monitoring results will be compiled on a monthly basis and made available to IAAC upon request.</p>	-	-
9.3.4	<p>Before the end of the second year following the start of operation, determine, in consultation with Health Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Once operation begins and the FUP is implemented, the results of this monitoring will be reviewed with Health Canada before the end of the second year to determine if any additional monitoring is required. If so, the FUP will be updated accordingly and implemented.</p>	-	-

Section 10: Socioeconomic Effects

Condition Number	Condition	Commencement	Estimated Completion
General (10.1)			
10.1	<p>The Proponent shall provide additional agricultural lease opportunities or rehabilitate or improve agricultural lands under the care and control of the Proponent within properties adjacent to the Designated Project Development Area in consultation with Halton Region, the Town of Milton and representatives of local farmers and farming organizations, including the Halton Region Federation of Agriculture and until such time that the Proponent has determined other non-agricultural uses for these areas.</p>	January 2021	Until such time as an alternate use for these lands are identified
<p>Activities Planned to Fulfill Condition:</p> <p>All agricultural lands outside of the PDA will be extended leases for 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.</p>			

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

Condition Number	Condition	Commencement	Estimated Completion
Cultural Heritage (11.1 to 11.6)			
11.1	The Proponent shall assess, prior to construction, the condition of each cultural heritage resource under the care and control of the Proponent identified by the Proponent in table 6.4 of the document entitled Technical Data Report Cultural Heritage Assessment (Appendix E.3) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) using photographic records.	August 2020	June 2021
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	July 2021
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	<p>Submit a report containing the land use history, construction details and photographic record made pursuant to condition 11.2.1 to the Agency and potentially affected parties. The Proponent shall also make the information available to a local library or museum.</p> <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>	-	-
11.3	<p>The Proponent shall not carry out any construction activity associated with the Designated Project within 50 metres of any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, unless required for construction or to meet engineering requirements for safe railway and facility operation. If the Proponent must carry out any construction activity within 50 metres of a cultural heritage resource, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition: 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.</p>	Prior to construction	End of construction
11.3.1	<p>Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;</p> <p>Activities Planned to Fulfill Condition: CN engaged qualified personnel to determine the maximum acceptable vibration levels that should not be exceeded to protect the resource. The results of this study have been provided to IAAC under separate cover. The maximum acceptable levels have also been communicated to the contractor and referenced during the vibration monitoring activities where construction occurs within 50 m of a cultural heritage resource.</p>	-	Complete

Condition Number	Condition	Commencement	Estimated Completion
11.3.2	<p>Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and</p> <p>Activities Planned to Fulfill Condition:</p> <p>Vibration monitoring has been set up onsite for continuous monitoring at the cultural heritage resources identified adjacent to construction work occurring on SWM Pond #2, realignment of Tributary A and Indian Creek, and the property adjacent to where CN mainline work south of Lower Base Line will occur.</p>	-	-
11.3.3	<p>Develop and implement modified or additional mitigation measures, which may include temporarily ceasing any construction activity causing vibration for any given cultural heritage resource until modified or additional mitigation measures are implemented, if the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1 to ensure that vibration levels remain below acceptable levels. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented and the Proponent shall submit a detailed description of these measures to the Agency within 7 days of their implementation.</p> <p>Activities Planned to Fulfill Condition:</p> <p>Monitoring for vibration levels has commenced and is being compared to the maximum acceptable vibration levels identified pursuant to condition 11.3.1 to determine compliance. If the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1, modified or additional mitigation measures will be developed and implemented to ensure that vibration levels remain below acceptable levels. IAAC will be notified within 24 hours of any modified or additional mitigation measure being implemented and a detailed description of these measures will be submitted to IAAC within 7 days of their implementation.</p>	-	-
11.4	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	After construction in the vicinity of each resource has ended	Within 30 days of completing all inspections

Condition Number	Condition	Commencement	Estimated Completion
	<p>in the vicinity of each resource has ended. In doing so, the Proponent shall:</p> <p>Activities Planned to Fulfill Condition:</p> <p>CN will retain a qualified individual to conduct an updated assessment of each cultural heritage resource referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 m pursuant to condition 11.3. Each structure will be inspected as soon as practical, if required, after construction in the vicinity of each resource has ended.</p>		
11.4.1	<p>Compare the condition of the resource before and after construction, based on the photographic records made pursuant to condition 11.1, to determine if any vibration-related damage has occurred as a result of construction;</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>To determine if any vibration-related damage has occurred as a result of construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN will retain a qualified individual to conduct an updated assessment of each cultural heritage resource structure and to compare the before and after construction condition of each structure based on photographic records made pursuant to condition 11.1.</p>		
11.4.2	<p>Have a qualified individual make any repair necessary to maintain the heritage integrity of the damaged resource in a timely manner if an inspection demonstrates that vibration-related damage has occurred; and</p>	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>In the event that damages are encountered as a result of vibration-related damage, CN will retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.</p>		
11.4.3	<p>Submit the results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, to the Agency and potentially affected parties within 30 days of the Proponent completing all inspections.</p>	-	-

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition:</p> <p>The results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. It is anticipated that potentially affected parties would be limited to owners of the property in which damage has occurred, which are likely those already owned by CN.</p>		
11.5	<p>The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties, a cultural heritage property maintenance and re-use plan in relation to each cultural heritage resource under the control of the Proponent referred to in condition 11.1. The Proponent shall implement the plan throughout all phases of the Designated Project for each resource, unless the Proponent determines pursuant to condition 11.6 that any given resource is to be relocated or demolished. As part the plan, the Proponent shall set out:</p>	2020	Ongoing, or until such time as the cultural heritage resources are relocated or demolished
	<p>Activities Planned to Fulfill Condition:</p> <p>CN retained Stantec to develop cultural heritage property maintenance and re-use plans for each cultural heritage resource (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.</p>		
11.5.1	How the Proponent shall preserve the heritage value of each cultural heritage resource;	-	-
	<p>Activities Planned to Fulfill Condition:</p> <p>The cultural heritage property maintenance and re-use plan sets out how the heritage value of each cultural heritage resource will be preserved.</p>		

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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> • 11.8.3.5 - apply, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance. <p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>		
11.9 (including all sub-conditions 11.9.1 to 11.9.6)	<p>The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remain (including any ossuary) discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the procedure, the Proponent shall:</p> <ul style="list-style-type: none"> • 11.9.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery; • 11.9.2 - delineate an area of at least 20 m around the discovery as a no-work zone; 	October 2020	Ongoing

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

Condition Number	Condition	Commencement	Estimated Completion
	<p>Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.</p>		
11.10	<p>The Proponent shall require all employees and contractors associated with the Designated Project to undertake, before they conduct any construction activity within the Designated Project Development Area, an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 11.8 and the procedures related to the discovery and protection of human remains referred to in condition 11.9. As part of the awareness training program, the Proponent shall include information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the Designated Project Development Area.</p>	Prior to start of construction	End of construction
	<p>Activities Planned to Fulfill Condition: An awareness training program was developed by Stantec in conjunction with CN and includes information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the PDA. This video training program has been provided to the contractor for viewing by all personnel who will be onsite during construction. Training will be ongoing throughout the various phases of construction.</p>		

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

Section 12: Effects of the Environment on the Designated Project

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

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

Section 13: Independent Environmental Monitor

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

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

Section 14: Accidents and Malfunctions

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

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

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

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

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

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

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

Section 15: Schedules

Condition Number	Condition	Commencement	Estimated Completion
General (15.1 to 15.4)			
15.1	The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.	60 days prior to start of construction	
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
15.2	The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each construction phase, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.	60 days prior to start of construction	
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
15.3	The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 15.1 and 15.2 every year no later than March 31.	March 2022	Annually
	Activities Planned to Fulfill Condition: An update to the schedules referred to in conditions 15.1 and 15.2 will be submitted to IAAC every year no later than March 31.		

Condition Number	Condition	Commencement	Estimated Completion
15.4	<p>The Proponent shall provide the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, potentially affected parties, the Town of Milton, Halton Region and Conservation Halton with the schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 at the same time the Proponent provides these documents to the Agency.</p>	July 2021 for initial schedules	Annually
	<p>Activities Planned to Fulfill Condition:</p> <p>The schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 were first provided to the MCFN, the SNGR, the HWN, potentially affected parties, the Town of Milton, Halton Region, CH and IAAC on July 30, 2021 (all at the same time).</p>		

Section 16: Record Keeping

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