CN MILTON LOGISTICS HUB – 2022 ANNUAL REPORT

March 31, 2023

Prepared for:

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Executive Summary

On January 21, 2021 (amended July 26, 2022), the Minister of Environment and Climate Change issued a Decision Statement with respect to the Milton Logistics Hub Project (the Project). The Decision Statement includes conditions of approval with which CN must comply. This document was prepared in fulfillment of the requirements of Condition 2.11 as set out in the Decision Statement, as follows:

> *2.11 The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:*
>
> *2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement*
>
> *2.11.2 how the Proponent complied with condition 2.1*
>
> *2.11.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation*
>
> *2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program*
>
> *2.11.5 a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3*
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> *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*
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> *2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9*
>
> *2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply*

This Annual Report provides the above information as it pertains to the period from January 1 to December 31, 2022, and includes information on additional annual reporting requirements identified in the Decision Statement pertaining to Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11, and 12.1.2 (see Section 7 for details).

Project construction commenced on January 24, 2022. Initially, CN undertook site preparation activities (i.e., surveying, delineating construction site boundaries, installing site fencing), installed monitoring equipment, cleared and grubbed vegetated areas, constructed access roads and laydown areas, and established the construction site offices.

In the second quarter of the year (Q2), site activities included excavation of stormwater management (SWM) pond 2, removal of CN-owned buildings, initiation of grading activities for the realignment of Indian Creek and Tributary A, and work on access roads, including the installation of a temporary bridge over Indian Creek.

In the third quarter (Q3), following the fisheries in-water work restriction window(March 15 to June 30), CN started the realignment of the downstream portion of the Tributary A where it occurred within the existing

agricultural pond, and continued with construction of the associated Tributary A habitat structures and offline portions of culverts 2A and 2B. Other activities in Q3 included site grading activities, continued construction of SWM pond 2 (including the outlet structure), initiation of the excavation of SWM pond 1 excavation, continued offline construction of the Indian Creek realignment channel and associated habitat structures, and the construction of an interim noise berm along Lower Base Line and the eastern property boundary near lay down area 1. Site preparation work for the Sun-Canadian pipeline reconfiguration commenced in early September, with initial drilling beneath the mainline commencing on September 9, 2022.

Finally, in the fourth quarter (Q4), site activities included site grading and diversion channels work for the mainline track realignment, completion of SWM pond 2 and associated outlet structures, completion of the offline Tributary A realignment channel and associated habitat structures (including portions of culverts 2A and 2B). Work during this quarter was also concentrated in the Indian Creek area, including continued construction of the offline channel, habitat features, and associated planting / stabilization measures, as well as stabilizing the Indian Creek slope near the red barn and installation of in-stream and riparian habitat structures. The offline portion of the realigned Tributary A was commissioned, including removal of the existing culverts and berm structure associated with the former agricultural pond, downstream connection to the existing channel, and completion of culvert 2B and portions of culvert 2A in preparation for the scheduled cutover that saw flows redirected into the realigned portion of Tributary A on December 22, 2022. The SunCanadian pipeline work was also completed and demobilized in Q4.

CN's consultation activities during the reporting year focused on providing updates to various parties and agencies regarding the progress of construction activities on site and the continued development of design plans to be implemented later in the construction process. Efforts focused on continuing to work with and engage parties with an interest in the Project and those that could provide information relevant to finalizing Project plans, providing relevant information to various parties in accordance with Project commitments and conditions of approval. Three main consultation groups were engaged:

- Agencies, including the Impact Assessment Agency of Canada (IAAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Canadian Transportation Agency (CTA), Transport Canada (TC), Regional Municipality of Halton, Town of Milton and Conservation Halton (CH)
- Indigenous communities, including Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (SNGR) and the Huron-Wendat Nation (HWN)
- Other potentially affected parties, including the Community Consultation Committee and members of the public

Ongoing consultation with those identified above continued throughout the reporting year, and any feedback received has been carefully considered by CN for incorporation into ongoing Project activities and design plans as described in Sections 3.3, 3.4 and 3.5 below. CN also engaged the public through various means (i.e., project website, surveys, Community Consultation Committee, online and paper newspaper adds, emails, mail drops) to share information and solicit feedback on the Project. See **Appendix 2a** and **Appendix 2b** for a record of consultation between CN and the various parties in 2022.

Administrative updates to several of the FUPs were completed in 2022, with the final versions submitted to the IAAC on March 1, 2022. Follow-up programs implemented in 2022 focused on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction, including:

- Air Quality (per Condition 4.21.1)
- Acoustic Environment (per Condition 4.10)
- Surface Water Quality and Quantity (per Condition 5.10)
- Groundwater Quality and Quantity (per Condition 5.13)
- Fish and Fish Habitat (per Condition 7.12)
- Migratory Birds (per Condition 8.4)
- Grassland Habitat Replacement – offsite component (per Condition 8.13)
- Snapping Turtle and Midland Painted Turtle (per Condition 8.21)
- Monarch Butterfly – offsite component (per Condition 8.25)
- Eastern Milksnake (per Condition 8.28)
- Country Foods (per Condition 9.1)

The following FUPs - which were not implemented in 2022 - will be addressed in future Annual Reports:

- Ambient Lighting (per Condition 4.1)
- Stormwater Management (per Condition 5.9)
- Wetlands (per Condition 6.3)
- Progressive Reclamation (per Condition 6.10)
- Western Chorus Frog (per Condition 8.10)
- Grassland Habitat Replacement – onsite component (per Condition 8.13)
- Monarch Butterfly – onsite component (per Condition 8.25)
- Ecopassage (per Condition 8.32)
- Nighttime Noise Events (per Condition 9.3)

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

In some cases, adaptive management measures were implemented in 2022, including the following:

- Measures to reduce potential effects associated with removal of a beaver dam on Indian Creek, such as trapping the beaver, maintaining a slow drawdown of water, and stabilizing exposed soils using coir matting and seeding of disturbed areas
- Delaying construction activities and constructing an interim noise barrier to reduce noise associated with concentrated construction activities near Lower Base Line

- Repairs and modifications to the location of the erosion and sediment control (ESC) measures identified in the ESC Plans to address observations made by CN's EM
- Spreading of additional seed mix on areas where previous seeding was not successful to stabilize existing soils, as summer conditions were extremely dry even with supplemental watering of vegetated areas

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

In 2022, CN, through discussions with Sun-Canadian, implemented a project change which triggered Conditions 2.16 and 2.17 of the Decision Statement. Rather than the original plan to relocate/move part of the pipeline to the north end of the proposed terminal at a depth ranging between 3 and 6 m, the refined design proposed to maintain the existing location/alignment and instead deepen it to approximately 14 m. This refined design was consistent with and considerably less impactful than the preliminary plan. Following initial consultation pertaining to this change at the end of 2021, CN provided a more detailed description of the proposed change and an assessment of the predicted environmental effects of that change to IAAC for consideration.

The project change was approved by the Minister through issuance of an amended Decision Statement on July 26, 2022. The proposed refinement was predicted to reduce the potential for adverse environmental effects relative to the preliminary design considered in the Environmental Impact Statement.

Résumé

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

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

Le présent rapport annuel couvre la période du 1er janvier au 31 décembre 2022 et contient, en plus des informations ci-haut mentionnées, les renseignements visés aux exigences supplémentaires en matière de rapport énoncés dans les conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11 et 12.1.2 de la déclaration de décision (pour plus de détails, voir la Section 7).

La construction du projet a commencé le 24 janvier 2022. Dans un premier temps, le CN a entrepris des activités de préparation du site (arpentage, délimitation des frontières du chantier, installation de clôtures), installé des équipements de surveillance, défriché et dessouché des zones végétalisées, construit des routes d'accès et des aires de dépôt, et installé les bureaux du chantier.

Au cours du deuxième trimestre de l'année (T2), les activités sur le site comprenaient l'excavation du bassin de gestion des eaux pluviales 2, l'enlèvement des bâtiments appartenant au CN, le début des activités de nivellement pour le détournement du ruisseau Indian et de l'affluent A, ainsi que les travaux sur les routes d'accès, dont l'installation d'un pont temporaire enjambant le ruisseau Indian.

Au troisième trimestre (T3), après la fenêtre de restriction des travaux dans l'eau (du 15 mars au 30 juin), le CN a commencé le détournement de la partie en aval de l'affluent A à l'intérieur de l'étang agricole existant, et a poursuivi la construction des structures d'habitat connexes de l'affluent A et des parties non raccordées des ponceaux 2A et 2B. Les autres activités du troisième trimestre comprenaient des activités de nivellement du site, la poursuite de la construction du bassin de gestion des eaux pluviales 2 (notamment la structure de sortie), le début de l'excavation du bassin de gestion des eaux pluviales 1, la poursuite de la construction en dérivation du canal de détournement du ruisseau Indian et des structures d'habitat connexes, et la construction d'une berme antibruit provisoire le long du chemin Lower Base Line et de la limite Est de la propriété, près de l'aire de dépôt 1. Les travaux de préparation du site pour la reconfiguration du pipeline de Sun-Canadian ont commencé au début du mois de septembre, et le forage initial sous la canalisation principale a débuté le 9 septembre 2022.

Enfin, au quatrième trimestre (T4), les activités sur le site comprenaient des travaux de nivellement et de canaux de dérivation pour le détournement de la voie principale, l'achèvement du bassin de gestion des eaux pluviales 2 et des structures de sortie connexes, l'achèvement du canal de détournement de l'affluent A non raccordé et des structures d'habitat connexes (dont des portions des ponceaux 2A et 2B). Les travaux réalisés au cours de ce trimestre ont également été concentrés dans la zone du ruisseau Indian, avec la poursuite de la construction du canal de dérivation, la restauration des caractéristiques de l'habitat et les mesures de plantation ou de stabilisation connexes, ainsi que la stabilisation de la pente du ruisseau Indian près de l'étable rouge et l'installation de structures d'habitat dans le cours d'eau et de structures d'habitat riverain. La partie non raccordée et réaménagée de l'affluent A a été mise en service, ce qui comprend l'enlèvement des ponceaux existants et de la structure de la berme associée à l'ancien étang agricole, la connexion en aval au canal existant et l'achèvement du ponceau 2B et de certaines parties du ponceau 2A en préparation de la transition prévue qui a permis de rediriger le débit dans la partie réaménagée de l'affluent A, le 22 décembre 2022. Les travaux sur le pipeline de Sun-Canadian ont également été achevés et démobilisés au cours du quatrième trimestre.

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

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

La consultation des personnes susmentionnées s'est poursuivie tout au long de l'année de déclaration, et tous les commentaires reçus ont été soigneusement examinés par le CN en vue de leur intégration aux activités en cours dans le cadre du projet et aux plans de conception décrits dans les sections 3.3, 3.4 et 3.5 ci-après. Le CN a également mobilisé le public par divers moyens (site web du projet, sondages, comité de consultation communautaire, annonces dans les journaux en ligne et sur papier, courriels, envois postaux) afin de partager de l'information et de solliciter des commentaires sur le projet. Voir les **annexes 2a et 2b** pour un compte rendu des consultations entre le CN et les différentes parties en 2022.

Les mises à jour administratives de plusieurs programmes de suivi ont été achevées en 2022, les versions définitives ayant été soumises à l'AEIC le 1er mars 2022. Les programmes de suivi mis en œuvre en 2022 ont principalement porté sur la surveillance des effets environnementaux prévus du projet et sur l'efficacité des mesures d'atténuation mises en œuvre pendant la construction, notamment :

- la qualité de l'air (selon la condition 4.21.1);
- l'environnement acoustique (selon la condition 4.10);
- la qualité et la quantité des eaux de surface (selon la condition 5.10);
- la qualité et la quantité des eaux souterraines (selon la condition 5.13);
- le poisson et son habitat (selon la condition 7.12);
- les oiseaux migrateurs (selon la condition 8.4);
- les habitats de prairie de remplacement (selon la condition 8.13);
- la chélydre serpentine et la tortue peinte du Centre (selon la condition 8.21);
- le papillon monarque (selon la condition 8.25);
- la couleuvre tachetée (selon la condition 8.28);
- les aliments prélevés dans la nature (selon la condition 9.1).

Les programmes de suivi ci-après, qui n'ont pas été mis en œuvre en 2022, seront abordés dans les prochains rapports annuels :

- l'éclairage ambiant (selon la condition 4.1);
- la gestion des eaux pluviales (selon la condition 5.9);
- les milieux humides (selon la condition 6.3);
- la remise en état progressive (selon la condition 6.10);
- la rainette faux-grillon de l'Ouest (selon la condition 8.10);
- le remplacement de l'habitat de prairie – composante sur site (selon la condition 8.13);
- le monarque – composante sur site (selon la condition 8.25); les passages à faune inférieurs (selon la condition 8.32);
- la pollution sonore nocturne attribuable au projet (selon la condition 9.3).

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

Dans certains cas, des mesures de gestion adaptative ont été mises en œuvre en 2022, notamment les suivantes :

- Mesures visant à réduire les effets potentiels associés à l'enlèvement d'un barrage de castors sur le ruisseau Indian, comme la capture des castors, le maintien d'un lent abaissement du niveau de l'eau et la stabilisation des sols exposés à l'aide de nattes en fibre de coco, ainsi que l'ensemencement des zones perturbées.
- Retarder les activités de construction et construire un mur antibruit provisoire pour réduire la pollution sonore associée aux activités de construction concentrées près du chemin Lower Base Line.
- Réparations et modifications de l'emplacement des mesures de contrôle de l'érosion et des sédiments figurant dans les plans de contrôle de l'érosion et des sédiments pour tenir compte des observations faites par les contrôleurs environnementaux.
- Épandage d'un mélange de semences supplémentaire sur les zones où l'ensemencement précédent n'a pas réussi à stabiliser les sols existants, les conditions estivales ayant été extrêmement sèches, même avec un arrosage supplémentaire des zones végétalisées.

La mise en œuvre de ces mesures a permis de remédier à des effets imprévus du projet ou de répondre à des observations faites dans le cadre des différents plans d'aménagement du territoire, afin d'atténuer ou de gérer les effets potentiels sur l'environnement.

En 2022, le CN, à la suite de discussions avec Sun-Canadian, a mis en œuvre une modification du projet qui a justifié l'application des conditions 2.16 et 2.17 de la déclaration de décision. Contrairement au plan initial qui prévoyait de déplacer une partie du pipeline vers l'extrémité Nord du terminal proposé à une profondeur comprise entre 3 et 6 mètres, la reprise de la conception proposait de conserver l'emplacement et le tracé existants et de l'approfondir à environ 14 mètres. Cette nouvelle conception était cohérente avec le plan préliminaire et avait nettement moins d'impact que ce dernier. À la suite d'une première consultation portant sur ce changement à la fin de 2021, le CN a fourni à l'AEIC, pour examen, une description plus détaillée du changement proposé ainsi qu'une évaluation des effets environnementaux prévus de ce changement.

La modification du projet a été approuvée par le ministre qui a publié une déclaration de décision modifiée le 26 juillet 2022. La reprise de la conception proposée devait permettre de réduire les risques d'effets négatifs sur l'environnement par rapport à la conception préliminaire envisagée dans l'étude d'impact environnemental.

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Abbreviations

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

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

1 INTRODUCTION

On January 21, 2021, the Minister of Environment and Climate Change issued a Decision Statement with respect to the Milton Logistics Hub Project (the Project). The Decision Statement was amended on July 26, 2022, to reflect changes to the Project associated with the design and construction of the Sun-Canadian Pipeline.

The Decision Statement (as amended) includes conditions of approval with which CN must comply. This document was prepared in fulfillment of the requirements of Condition 2.11 and 2.12 as set out in the Decision Statement, as follows:

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> *2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9*
>
> *2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply*
>
> *2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies*.

This document also includes information on additional annual reporting requirements identified in the Decision Statement pertaining to Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11 and 12.1.3.

Annual Reports are to be submitted to the Impact Assessment Agency of Canada (IAAC) no later than March 31 following each reporting year.

1.1 TIME PERIOD COVERED BY THIS REPORT

This Annual Report covers the period from January 1 to December 31, 2022.

1.2 ORGANIZATION OF THE REPORT

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

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

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

1.3 CONCORDANCE TABLE

Table 1: Concordance Table

Condition #	Annual Reporting Requirement	Corresponding Section in the 2022 Annual Report
Components of the Annual Report		
2.11	The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:	This 2022 Annual Report
2.11.1	the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement	Section 2.1, and Appendix 1
2.11.2	how the Proponent complied with condition 2.1	Section 2.2, and Appendix 1
2.11.3	for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation	Section 3.1 to 3.5, and Appendices 2a, 2b, 3a and 3b

Condition #	Annual Reporting Requirement	Corresponding Section in the 2022 Annual Report
2.11.4	the information referred to in conditions 2.6 and 2.7 for each follow-up program	Section 4.1
2.11.5	a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3	Section 4.2
2.11.6	for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan	Section 4.3
2.11.7	any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9	Section 5
2.11.8	any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply	Section 6.2
2.12	The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.	Executive Summary (including English and French plain language summary) Submission of this document to IAAC on or before March 31, 2023
Other Annual Reporting Requirements		
4.14	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall: 4.14.1 provide a rationale as to why the truck fleet has, or has not, been electrified; and 4.14.2 provide an update on the electric truck pilot project referred to by the Proponent in its Closing Statement Submission (Canadian Impact Assessment Registry Reference Number 80100, Document Number 972), including the results of the pilot project when it is completed.	Section 7.1, and Appendix 1
4.15	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of implementing idling reduction technologies on Proponent-owned locomotives that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent implements these technologies. In providing that information, the Proponent shall provide a rationale as to why these technologies have, or have not, been implemented.	Section 7.2, and Appendix 1

Condition #	Annual Reporting Requirement	Corresponding Section in the 2022 Annual Report
4.16.4	report to the Agency, as part of the annual report referred to in condition 2.11, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.	Section 7.3.1, and Appendix 1
4.17.1	As part of the annual report referred to in condition 2.11, the Proponent shall report its progress in meeting the five-year targets established during the development of the plan (air pollutant and greenhouse gas emissions reduction plan for locomotives).	Section 7.3.2, and Appendix 1
4.20.1	As part of the annual report referred to in condition 2.11, the Proponent shall report the number of container trucks entering and exiting the Designated Project Development Area, including the number of container trucks entering the Designated Project Development Area with a container or without a container and the number of container trucks exiting the Designated Project Development Area with a container or without a container, during the reporting year.	Section 7.4, and Appendix 1
11.11	The Proponent shall facilitate discussions between the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return of artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction to the communities for preservation and interpretation. The Proponent shall seek consent from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions.	Section 7.5, and Appendix 1
12.1.3	report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the [infrastructure protection plan], including any major repair done pursuant to condition 12.1.2	Section 7.6, and Appendix 1

2 ACTIVITIES UNDERTAKEN TO COMPLY WITH EACH CONDITION

2.1 SUMMARY OF ACTIVITIES

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

Project construction commenced on January 24, 2022. Initially, CN undertook site preparation activities (i.e., surveying, delineating construction site boundaries and installing site fencing), installed monitoring equipment, cleared and grubbed vegetated areas, constructed access roads and laydown areas and established the construction site offices.

In the second quarter of the year (Q2), site activities included excavation of stormwater management (SWM) pond 2, removal of CN-owned buildings, initiation of grading activities for offline portions of the Indian Creek and Tributary A re-alignments, and work on access roads, including the installation of a temporary bridge over Indian Creek.

In the third quarter of the year (Q3), following the end of the fisheries in-water work restriction period (March 15 to June 30), CN commenced realignment of the downstream, offline, portion of the Tributary A realignment channel where it occurred within the existing agricultural pond, and continued with construction of the associated Tributary A habitat structures and offline portions of culverts 2A and 2B. Other activities in Q3 included site grading activities, continued construction of SWM pond 2 (including the outlet structure), initiation of the excavation of SWM pond 1, continued offline construction of the Indian Creek realignment channel and associated habitat structures and construction of an interim noise berm along Lower Base Line and the eastern property boundary near lay-down area 1. Site preparation work for the Sun-Canadian pipeline reconfiguration commenced in early September, with initial drilling beneath the mainline commencing on September 9, 2022.

Finally, in the fourth quarter of the year (Q4), site activities included site grading and diversion channels work for the mainline track realignment, completion of SWM pond 2 and associated outlet structures, completion of the offline Tributary A realignment channel and associated habitat structures (including portions of culverts 2A and 2B). Work during this quarter was also concentrated in the Indian Creek area, including continued construction of the offline channel, habitat features, and associated planting / stabilization measures, as well as stabilizing the Indian Creek slope near the red barn and installation of in-stream and riparian habitat structures. The offline portion of the realigned Tributary A was commissioned, including removal of the existing culverts and failed berm structure associated with the former agricultural pond, downstream connection to the existing channel, and completion of culvert 2B and portions of culvert 2A in preparation for the scheduled cutover that saw flows redirected into the realigned portion of Tributary A on December 22, 2022. The SunCanadian pipeline work was also completed and demobilized in Q4.

While onsite construction has progressed for the site grading, SWM pond 1 and SWM pond 2, realignments of Tributary A, Indian Creek, and the Sun-Canadian pipeline, work associated with construction of the mainline realignment has fallen behind schedule due to delays in the Section 8 notification process under the Canada Transportation Act. With this delay, mainline grading and realignment components of the schedule will be moved forward into the 2023 construction schedule, as indicated in the updated Project Schedule provided in **Appendix 5** Schedule 15.2. This delay also impacts the downstream phases of construction.

See **Appendix 1** for further details on specific activities undertaken by CN to comply with each condition. Site photographs showing progress of construction activities in 2022, as presented to the various regulators and the CCC in 2022, are presented in **Appendix 6**.

2.2 COMPLIANCE WITH CONDITION 2.1

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

CN's actions in meeting the conditions of approval set out in the Decision Statement were considered in the above-noted manner. The principles of sustainable development (i.e., development that protects the environment for future generations) are integrated into the design of the Project through the avoidance and protection of sensitive natural features, CN's commitment to the implementation of mitigation measures to reduce potential environmental effects of the Project and to restore and enhance areas affected by the Project (i.e., in consideration of Bronte Creek Watershed Study, species at risk recovery strategies, natural channel design principles). The various FUP and monitoring activities carried out during construction in 2022 (and future phases of the Project) have been appropriately established, consulted on, and described in the FUPs to verify the environmental assessment. These plans are designed to establish a process for implementing corrective actions or taking remedial actions, including implementation of best available economically and technically feasible technologies, to improve upon or further reduce Project effects and contribute to continuous improvement.

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

CN continues to engage with relevant authorities, Indigenous communities and the public and has incorporated information and knowledge obtained through that consultation into the various measures, plans and programs required by the conditions. Where available, and subject to participation by the various parties during the consultation process, CN has incorporated the best information and knowledge available into the various FUPs, design plans and management plans to address project specific components. Adjustments were made to the various plans and programs (see Section 4.3) based on consideration of information and views expressed by the various parties and will continue to be considered through ongoing consultation efforts and participation in the field programs.

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

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

3 CONSULTATION ACTIVITIES AND CONSIDERATIONS

3.1 CONSULTATION ACTIVITIES

CN's consultation activities during the reporting year focused on providing updates to various parties and agencies regarding the progress of construction activities on site and the continued development of design plans to be implemented later in the construction process. Efforts focused on continuing to work with and engage parties with an interest in the Project and those that could provide information relevant to finalizing Project plans, providing relevant information to various parties in accordance with Project commitments and conditions of approval.

The three main groups engaged in 2022 were:

- Agencies, including the Impact Assessment Agency of Canada (IAAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Canadian Transportation Agency (CTA), Transport Canada, Region of Halton, Town of Milton and Conservation Halton (CH)
- Indigenous communities, including Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (SNGR), and the Huron-Wendat Nation (HWN)

- Other potentially affected parties, including the Community Consultation Committee and members of the public

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

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

See **Appendix 2a** and **Appendix 2b** for a complete account of the record of consultation between CN and the various parties in 2022.

3.2 CONSIDERATION AND RATIONALE

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

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

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

See **Appendix 3a** and the **Quarterly Reports** on the CN website (https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/) for the feedback received and an explanation of how CN took it into account.

3.3 AGENCY CONSULTATION

Regular bi-weekly meetings were held throughout most of 2022 with IAAC to discuss the progression of construction, compliance with conditions of approval and any issues identified by CN or IAAC regarding the Project. During these calls, CN was able to seek clarification, advice, and guidance from IAAC while communicating to IAAC on the progress of construction activities and environmental considerations.

Virtual monthly meetings with IAAC and other federal agencies, including ECCC, DFO, HC and the CTA were initiated in July 2022. . These meetings were held by CN in order to provide Project updates, to review progress of onsite construction activities, to review implementation of project conditions and to discuss issues or concerns regarding construction activities onsite. Copies of presentations delivered during these meetings to illustrate construction activities are provided in **Appendix 6**. On three occasions, meetings were held onsite to provide agencies with a first-hand view of construction activities, as follows:

- March 3 – with IAAC to review site conditions and construction activities and to discuss compliance with conditions of approval
- June 2 – with IAAC, DFO, ECCC, HC and CTA to review site conditions and construction activities, and to discuss compliance with conditions of approval, which included a visit to CN's Brampton Intermodal Terminal to observe an operating intermodal terminal
- October 12 - with IAAC, DFO, HC, and CTA to review site conditions, with specific emphasis on the establishment of vegetation within Tributary A prior to the planned cut-over activities
- December 1 – with DFO to review growth of the vegetation within the realigned portion of Tributary A prior to removing the earthen plug (per condition 7.10.4)
- December 22 – with DFO to observe the cut over of flows into culvert 2A and the realigned portion of Tributary A

Additional meetings with ECCC were held to review proposed plans for the establishment of Western Chorus Frog compensation habitat (per Condition 8.9) and to discuss the planned implementation of exclusion fencing and additional call-count surveys for Western Chorus Frog as targeted mitigation (per Condition 8.6) for future phases of construction. Communication with ECCC also included a presentation regarding the implementation of ecopassages and planning the location and design of the permanent wildlife exclusion fencing.

Communication with HC also occurred to confirm the timing of the second of two monitoring phases for the Acoustic Environment FUP, specifically to confirm CN's plans to target construction activities as they ramped up for grading and drainage work associated with the realigned mainline in proximity to the interim noise barrier near Lower Base Line.

3.4 INDIGENOUS CONSULTATION

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

In 2022, CN continued to consult with each Indigenous community regarding opportunities to participate in various FUPs, for involvement in the tender process and other aspects of the Project. CN remains committed to facilitating economic opportunities with the goal of advancing reconciliation with Indigenous communities.

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

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

All three Nations were invited and actively participated in field monitoring work. Archaeological monitors were on site until June 20, 2022, when deep excavation and opening up of new areas of disturbance on site was substantially complete. Additional archaeological monitors were invited and participated during targeted excavation activities, such as SWM Pond 1 and 2 excavation and the excavation of pits for installation of the Sun-Canadian pipeline. Future monitoring will be coordinated with each of the Indigenous communities in advance of targeted activities to schedule / confirm attendance, as needed.

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

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

3.4.1 Mississaugas of the Credit First Nation

CN has continued to engage with MCFN on all matters related to the Project. MCFN indicated that they would like to be kept apprised of all aspects of the Project and have an opportunity to review and comment on all plans and FUPs as part of the conditions in the Decision Statement.

MCFN was notified of the potential project component change for the Milton Logistics Hub project regarding the reconfiguration of the Sun-Canadian pipeline. CN offered a meeting to review the change if desired; however, MCFN advised that they do not have any concerns with the proposed reconfiguration and no follow-up information is necessary.

MCFN continued to express their interest in participating in field work to monitor some of the construction activities. CN and the MCFN signed a one-year construction monitoring agreement that would guide MCFN's field monitoring participation during construction. Communication between Stantec and MCFN occurred regularly throughout 2022 to advise of and coordinate the participation of MCFN field liaisons during archaeological field work and fish / turtle rescue activities.

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

3.4.2 Six Nations of the Grand River

CN has continued to engage with SNGR on matters related to the Project. SNGR indicated that they would like to be kept apprised of all aspects of the Project and have an opportunity to review and comment on all plans and FUPs as part of the conditions in the Decision Statement.

SNGR was notified of the potential project component change for the Milton Logistics Hub project regarding the reconfiguration of the Sun-Canadian pipeline. CN offered a meeting to review the change if desired. CN met with SNGR to discuss the project change and SNGR expressed that they are satisfied with the information and is pleased that the reconfiguration results in less impacts.

SNGR continued to express their interest in participating in field work to monitor some of the construction activities. CN and the SNGR signed a one-year construction monitoring agreement that would guide SNGR's field monitoring participation during construction. Communication between Stantec and SNGR occurred regularly throughout 2022 to advise of and coordinate the participation of SNGR monitors during archaeological field work and fish / turtle rescue activities.

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

3.4.3 Huron-Wendat Nation

CN has continued to engage with HWN on matters related to the Project. HWN indicated that they would like to be kept apprised of all aspects of the Project, particularly as it relates to archeological impacts and significant ground disturbance activities.

HWN was notified of the potential project component change for the Milton Logistics Hub project regarding the reconfiguration of the Sun-Canadian pipeline. CN offered a meeting to review the change if desired. CN met with HWN to discuss the project change to review maps, purpose of the change and impacts. WN indicated that they had no concerns with the project change, but requested if Sun-Canadian would consider removing the old pipe during future open excavations for maintenance purposes. CN indicated that it would be brought forward for consideration with Sun Canadian.

HWN continued to express their interest in participating in field work to monitor some of the construction activities. Communication between Stantec and HWN occurred regularly throughout 2022 to advise of and coordinate the participation of HWN monitors during archaeological field work, fish / turtle rescues and surface water monitoring activities.

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

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

3.5 COMMUNITY CONSULTATION COMMITTEE

The CCC generally meets bi-monthly and has visited the Project site twice during the reporting year. In Q1, the committee met three times, including a site visit held on March 31st. Topics addressed during the Q1 meetings included terminal-generated truck traffic, general traffic modelling, regulatory compliance and enforcement, terminal design, effectiveness of Committee discussions, and communication methods with the wider community. Informal discussions during the site tour in March included stages of construction, natural habitat enhancements, and heritage building maintenance and reuse.

Topics discussed during Q2 meetings included: Indigenous consultation, nearby residential development, the regional road network and road safety, vegetation removal, habitat enhancements, and heritage building maintenance and reuse. Committee member interest in the heritage buildings on the Project site identified in the Heritage Maintenance and Reuse Reports (prepared in accordance with Condition 11.5) led to the establishment of a Cultural Heritage Sub-Committee to develop recommendations on potential future uses. The sub-committee plans to meet on a regular basis to explore options for potential reuse of CN's heritage structures and to report on progress at scheduled CCC meetings. During the June 9 CCC meeting, the HWN Committee representative noted that a HWN onsite field monitor confirmed the find of an arrowhead at the Project site. The HWN Committee member noted that arrowheads are commonly found items and that there were no concerns about this finding. The member used the opportunity to explain to the members of the CCC the value of onsite monitors and the importance of having chance find protocols in place, as well as demonstrating how these procedures work. The CCC, led by the Committee Co-Facilitators, developed an information document on Committee activity in recent months that members could share with their stakeholder groups. This document provides information about the Project and areas of discussion, independent of CN's public engagement materials, and it was agreed that the document should be produced regularly throughout the year.

The Q3 period saw the CCC meet monthly with additional meetings held by the Cultural Heritage Sub-Committee, including two in-person site tours. Topics for discussion included the change to the Sun-Canadian pipeline reconfiguration, the construction of noise mitigation berms along the eastern edge of CN's property and Lower Base Line, and wildlife removal and relocation. CN provided aerial site photos that captured the Tributary A realignment, habitat enhancements, SWM pond 2 completion, installation of culverts, Indian Creek realignment, and protective measures implemented as part of these activities.

The Q4 period included two CCC meetings and one site tour. Topics discussed during this quarter included noise, including monitoring, mitigation initiatives, and adaptive management principles; environmental oversight process and onsite environmental monitoring; groundwater follow-up and monitoring program; surface water follow-up and monitoring and program; vegetation removal and tree planting; road safety and Halton Region's traffic study; and overview the Ontario Superior Court's proceedings and decisions (2022 ONSC 4644 (CanLII) | Regional Municipality of Halton v. Canadian National Railway Company | CanLII). During the site tour, informal discussions included noise mitigation berms, the magnitude of the realignment of Indian Creek, vegetation and habitat rehabilitation, stormwater management ponds, planning for the re-use of tree trunks from two large trees on the Project site, and wildlife management. The Cultural Heritage Sub-Committee reported on discussions at the October 6 and December 8 Committee meetings, including a summary of the meeting with a heritage

policy representative from the Town of Milton. The Sub-Committee continues to explore options regarding the potential reuse, relocation, and/or documentation of these structures.

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

4 FOLLOW-UP PROGRAMS

4.1 OVERVIEW

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

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

- Acoustic Environment (per Condition 4.10)
- Air Quality (per Condition 4.21.1)
- Surface Water Quality and Quantity (per Condition 5.10)
- Groundwater Quality and Quantity (per Condition 5.13)
- Fish and Fish Habitat (per Condition 7.12)
- Migratory Birds (per Condition 8.4)
- Grassland Habitat Replacement – offsite component (per Condition 8.13)
- Snapping Turtle and Midland Painted Turtle (per Condition 8.21)
- Monarch Butterfly – offsite component (per Condition 8.25)
- Eastern Milksnake (per Condition 8.28)
- Country Foods (per Condition 9.1)

The following FUPs, which were not implemented in 2022, will be addressed in future Annual Reports:

- Ambient Lighting (per Condition 4.1)
- Stormwater Management (per Condition 5.9)
- Wetlands (per Condition 6.3)
- Progressive Reclamation (per Condition 6.10)

- Western Chorus Frog (per Condition 8.10)
- Grassland Habitat Replacement – onsite component (per Condition 8.13)
- Monarch Butterfly – onsite component (per Condition 8.25)
- Ecopassage (per Condition 8.32)
- Nighttime Noise Events (per Condition 9.3)

Copies of all final versions of the FUPs are available on CN's project website here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/

A summary of the results of the various FUPs implemented in 2022 is provided below. Reports documenting the annual results for each of the FUPs were provided to all parties that were consulted during the development of these FUPs on March 31, 2022 (per Condition 2.9.5) and are similarly available on CN's project website.

4.2 FOLLOW-UP PROGRAM RESULTS

Condition 2.11.5 requires a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3 to be included in the annual report. The following information is provided as a summary of the results for each corresponding follow-up program implemented in 2022.

4.2.1 Condition 4.5 – Ambient Lighting

The Ambient Lighting FUP has been designed to monitor adverse changes to ambient lighting resulting from the Project, during construction and operations. Beyond the pre-construction measurement of baseline light trespass and glare and additional measurement of sky quality for environmental zone classification completed in 2021, the program includes the following monitoring activities:

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

Since there was no night-time construction in 2022, and therefore no use of construction lights that may change ambient lighting conditions, the Ambient Lighting FUP was not implemented in 2022.

4.2.2 Condition 4.10 – Acoustic Environment

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

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

The Acoustic Environment FUP was implemented by monitoring noise levels from construction activities during two distinct four-week periods: (a) Round 1, which represents the first four-week period of Phase 1 construction, and (b) Round 2, which represents the four-week period when Phase 1 construction activities were expected to have the highest impact. Round 2 was determined in consultation with HC.

The monitoring results for Phase 1 – Round 1 and Phase 1 – Round 2 show that construction noise levels were within the applicable FUP limits. The mitigation measures implemented ahead of and during the 2022 construction period were effective in allowing construction noise levels at the monitored locations to meet the applicable criteria. Following Phase 1 – Round 1, an interim noise berm was constructed as adaptive management to address the potential impact of the anticipated Phase 1 activities at one of the receptors at Lower Base Line. The adaptive management process involved a technical review of construction activities that supported the implementation of the interim noise berm as an additional/modified mitigation measure.

A copy of the Acoustic Environment FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.3 Condition 4.21 – Air Quality

The Air Quality FUP has been designed to monitor adverse changes to air quality attributed to the Project, during construction and operations. Beyond the pre-construction updates to the ambient air quality baseline, the program includes monitoring air quality during construction and monitoring air quality during the first five years of operation, or until the end of the third year during which the Project operates at its full operational capacity, whichever comes later.

In 2022, air quality monitoring occurred at the two CN air quality stations established prior to construction. These stations monitored ambient air quality for a variety of parameters, including particulate matter (PM), fine particulate matter, nitrogen dioxide (NO_2), benzene and benzo(a)pyrene (B(a)P), as well as meteorological conditions (wind speed, wind direction, temperature and relative humidity). Monitored concentrations of these constituents were compared to the updated baseline air quality assessment values, as well as the results from the National Air Pollutants Survey (NAPS) Halton Air Monitoring station, where available.

Where appropriate, the 2022 concentrations were compared to the MECP Ontario Ambient Air Quality Criteria. Concentrations of those contaminants were also compared to Canadian Council of Ministers of the Environment (CCME) Canadian Ambient Air Quality Standards, but as the one year of FUP data does not allow generation of the correct statistical form for comparison, detailed evaluation and comparison is not yet possible.

The monitored air quality concentrations in 2022 were consistent with the predicted cumulative concentrations in the Air TDR and as updated with the Updated Baseline Air Quality Assessment (May – September 2021), and supplemented with data from October – December 2021 before construction began in Q1 2022. The NO_2 2022 monitored concentrations are all well below the conservatively modelled and predicted values; the values are approximately one half of the predictions. The 2022 monitored annual benzene concentration was significantly lower (almost half) of the Air TDR conservative cumulative prediction. For B(a)P, the 2022 monitored values were also significantly lower than predicted, about 25% of the comparable Air TDR conservative cumulative prediction.

Dust, represented by PM_{10} and $PM_{2.5}$, had predicted values that were very close to predictions. For PM_{10}, there were two days where the 24-hr maximum PM_{10} average exceeded 50 ug/m^3 close to the project boundary. This was consistent with modelling results, as up to 5 such events were predicted. The data for $PM_{2.5}$ is also close to that predicted. Compliance with CAAQS can only be determined when sufficient data is available to generate the correct statistical form for comparison to the applicable standard.

In-depth upwind/downwind analysis to isolate any specific project offsite air emissions impacts was not conducted, as the 2022 FUP monitored results were as predicted in the modelled data. Data demonstrated the typical expected variance of contaminant concentrations over the course of 2022. All data records, including accompanying meteorological data will be retained for five years should subsequent analysis prove beneficial.

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

A copy of the Air Quality FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.4 Condition 5.9 – Stormwater Management

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

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

4.2.5 Condition 5.10 – Surface Water Quality and Quantity

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

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

In 2022, surface water monitoring included regular monitoring of turbidity, as well as continuous and monthly monitoring of surface water quality and quantity in Tributary A and Indian Creek. This monitoring started in January 2022 and continued throughout the year.

Turbidity sampling was conducted by CN's Environmental Monitors (EM) at four stations within the Project Development Area (PDA), representing inflow and outflow along Tributary A and Indian Creek. Turbidity exceedances related to Project construction activities were observed for 3 of 124 monitoring events in Tributary A and for 18 of 124 monitoring events Indian Creek. Measures implemented in accordance with the Surface Water Quality and Quantity FUP included additional erosion and sediment control (ESC) measures, repairs and maintenance, which were effective in addressing sediment loading to the water bodies. Additional ESC measures implemented following removal of a beaver dam in Indian Creek occurred over the following weeks (e.g., erosion control matting, seeding, live staking) in an attempt to stabilize the area impacted by construction while the previously inundated areas stabilized naturally. Investigation of other turbidity exceedances observed in Tributary A and Indian Creek determined several non-Project related activities were the cause (e.g., failed existing agricultural pond outlet structures, fish and wildlife activity within the creek, beaver dam area).

Monthly *in situ* and laboratory analysis surface water quality monitoring results from five stations representing inflow and outflow along Tributary A and Indian Creek were compliant with threshold criteria.

Surface water quantity monitoring was undertaken using continuous water levels at five stations on Tributary A and Indian Creek. The removal of the beaver dam approximately 200 m upstream from the Indian Creek outflow site in July 2022 changed the existing flow regime. Estimated ice-free condition flows at 3 stations recorded two higher flow events in the spring of 2022 associated with precipitation events that exceeded the top of bank flow condition. These flow events were visually observed during construction turbidity and monthly monitoring events as flows that exceeded top of bank elevation and had flow within the channel floodplain. When peak flows were observed, there were no Project construction activities within Tributary A and Indian Creek and the flood events are not attributable to Project. Following the peak flow events in 2022, monitored flows matched expected localized changes in drainage patterns within the PDA, and no changes to existing hydrologic flows were recorded, including flood and environmental flows within the PDA and downstream of the Project.

There was no adaptive management implemented in 2022. Corrective actions were taken in response to elevated turbidity results in Tributary A and Indian Creek as planned in the implementation of mitigation measures described in the Surface Water Quality and Quantity FUP.

A copy of the Surface Water Quality and Quantity FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.6 Condition 5.13 – Groundwater Quality and Quantity

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

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

In 2022, monitoring of groundwater levels and quality was conducted using the existing groundwater monitoring well network that has been in place across the PDA since 2015, as well as within 3 new wells established in 2021 (2 north of the PDA and 1 adjacent to Lower Base Line). Some wells within the PDA were decommissioned to facilitate construction activities, in accordance with the decommissioning plan included in the Groundwater FUP. Continuous groundwater levels were recorded using Leveloggers installed in each monitoring well, while groundwater quality was measured using samples collected in June 2022. Pre-construction water quality samples were also collected from the 3 new wells in January 2022.

While isolated dewatering occurred in 2022 to remove accumulated surface water that has pooled in excavated areas as a result of rainfall and snow melt events, no groundwater dewatering activities occurred in 2022.

Observed groundwater elevations in most monitoring wells experienced a steady decline between late May to December 2022. This prolonged drop in the groundwater table is attributed to the notably dry year experienced in 2022, during which a lower-than-average amount of precipitation fell over the region. Total precipitation (rainfall + snowfall) equaled 427 mm compared to the corresponding 30-year average of 897 mm (as recorded at the Oakville TWN Climate Station).

Groundwater quality results have been relatively stable across the PDA since 2015. As no groundwater dewatering activities occurred in 2022 as part of the completed Project works, minor fluctuations in groundwater quality observed within and adjacent to the PDA are attributed to naturally occurring conditions present in the PDA groundwater system.

No private well interference complaints were received by CN in 2022. Subsequently, no adaptive management measures were initiated during 2022. A copy of the Groundwater Quality and Quantity FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.7 Condition 6.3 – Wetlands

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

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

While wetland construction was initiated in 2022, these features are not yet complete or functional; however, with the realigned portion of Tributary A being brought online at the end of 2022 and with the expectation of the realigned portion of Indian Creek being brought online in 2023, monitoring to determine post-construction Project-related effects associated with the Wetland FUP will be addressed in the next Annual Report.

4.2.8 Condition 6.10 – Progressive Reclamation

The Progressive Reclamation FUP has been designed to monitor progressive reclamation of the Project, which will be implemented once progressive reclamation is complete. The program includes monitoring of vegetation to evaluate restoration success and to prevent the encroachment of invasive species. Since construction remains in progress across the site, progressive reclamation did not occur in 2022; therefore, the Progressive Reclamation FUP was not implemented in 2022 and will be implemented once reclamation of construction areas, access roads, laydown areas or other areas disturbed during construction that will be revegetated are completed.

4.2.9 Condition 7.12 – Fish and Fish Habitat

The Fish and Fish Habitat FUP has been designed to monitor adverse environmental effects on fish and fish habitat attributed to the Project, during construction and operations, and was prepared to comply with both the requirements of the Decision Statement and the *Fisheries Act* Authorization. The program includes the following monitoring activities:

- Monitoring of construction activities and channel construction as it relates to the protection of fish and fish habitat.

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

CN's EM was on site regularly during construction activities to collect in-situ water quality samples, inspect ESC measures for any repairs that may be required, and to recommend modifications if needed. These individuals also acted as the main contact for additional Stantec staff to complete fish removals and relocations, when necessary. Throughout the construction year, any ESC deficiencies and recommended modifications were communicated to the contractor for repairs or modifications, consistent with measures outlined in the ESC Plans.

During construction, a beaver dam was observed on Indian Creek near the proposed confluence of the realigned portion of Indian Creek. A mitigation plan was prepared by Stantec and submitted to DFO and IAAC, which was then provided to the contractor to reduce potential adverse effects during dam removal. The dam was removed between July 4 and July 14, 2022. While efforts to reduce erosion and migration of material downstream were employed during removal of the beaver dam (see Sections 5 and 7.6 for more details), including sequentially v-notching the dam to allow for slow drawdown, elevated turbidity levels were observed during and immediately following the beaver dam removal. The exposed sediment within the area previously inundated by the beaver dam is expected to re-vegetate, which will help stabilize this material and further reduce turbidity levels over time. This area will be monitored in 2023 to verify re-vegetation is occurring as expected.

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

Fish rescues were also conducted prior to any in-water work by qualified aquatic biologists licensed in Ontario to complete such surveys, with any fish caught being transferred downstream into the same waterbody. These surveys were conducted in Tributary A and Indian Creek on October 19, November 7, November 21, December 9, December 14, and December 20. These rescues were completed to facilitate in-water work associated with the activation of the realigned portion of Tributary A, bank stabilization work in Indian Creek, and culvert installations.

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

The downstream segment of the realigned Tributary A, including culvert 2B and a portion of culvert 2A, was activated on December 22, 2022. DFO staff were present for this work to observe the crossover of flows from the original channel into the newly constructed culverts and natural channel segment. Prior to activation, the condition of Tributary A was reviewed in the field by DFO on December 1, 2022, who indicated their satisfaction with the vegetative growth within the realigned channel and riparian area.

Continued work on the remaining portions of culvert 2A, as well as installation of culverts 1 and 7, and the crossover of flows from the original channel into the realigned segment of Indian Creek are planned for 2023. As such, monitoring to determine post-construction Project-related effects associated with the Fish and Fish Habitat FUP will be addressed in the next Annual Report.

Site-specific adaptive management approaches were relatively minor in 2022 and focused primarily on adjusting ESC measures to prevent or address minor erosion issues. This is common practice during any construction activity, where adjustments to the approach to ESC are made to resolve issues that arise. The following are examples where issues potentially affecting fish and fish habitat were addressed through the implementation of adaptive management measures:

- Additional coir matting was recommended and implemented along the slopes of SWM pond 2 to help stabilize slopes
- Additional seeding and watering of stabilized areas was similarly recommended and implemented where it was observed that the establishment of vegetation was not successful
- Additional coir matting was recommended and implemented to stabilize the area disturbed during the beaver dam removal
- Various efforts (e.g., additional ESC measures; modified ESC measures; replacing permeable rock check with impermeable earth berm) employed to resolve elevated turbidity levels in Tributary A and Indian Creek.

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

A copy of the Fish and Fish Habitat FUP Annual Report for 2022 was submitted to DFO on December 23, 2022 and is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/). Confirmation was received from DFO on January 27, 2023, that the conditions of the Authorization were met for the specified time period.

4.2.10 Condition 8.4 – Migratory Birds

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

- Monitoring during construction, which includes:
  - Weekly monitoring of vegetation in migratory bird habitat so that it remains undisturbed during the breeding season (April 1st to August 31st).
  - Monitoring of migratory bird habitat for the presence of bird nests or eggs (i.e., nest sweeps) if vegetation disturbance is required during the breeding season.
  - Daily monitoring during the Bank Swallow nesting season (May 15th to August 3rd) of exposed soil (e.g., excavation areas and stockpiles) for Bank Swallows or evidence of Bank Swallow nesting (i.e., excavated nesting holes).

- Sightings of bird collisions at buildings within the PDA to be reported to CN's EM.

Regular monitoring of migratory birds occurred as part of the environmental monitoring activities during the first construction year of the Project.

Vegetation clearing across portions of the PDA that had construction in 2022 occurred prior to the start of the breeding bird season (i.e., prior to April 1). Grading and earth works took place in 2022, including stockpiling of soils through the breeding bird season. Daily monitoring did not observe evidence of Bank Swallow nesting, suggesting the measures to dissuade nesting were successful.

Limited clearing of approximately 10 isolated trees and shrubs in an open field was required in May 2022 to facilitate grading of the future onsite habitat replacement area. Prior clearing of this area before April 1 was not feasible due to access (i.e., required installation of the temporary bridge crossing) and due to the wet soil conditions in the Indian Creek floodplain.

Nest sweeps of the area were conducted by a qualified biologist on May 27, 2022, prior to tree clearing. Visual assessments were made at each tree and shrub to be cleared to assess evidence of active nests of migratory birds. Several inactive nests and one suspected active nest were identified during this initial visit. While the species utilizing the suspected active nest could not be identified during the visit, an American Robin and a Red-winged Blackbird were observed in the area at the time of the survey. A 5-metre buffer was established around the tree within which no activity was permitted and the remaining trees outside of this area were removed. Subsequent nesting surveys were conducted on May 31, June 2, and June 3 could not confirm the nest was not in use, and on June 17 it was confirmed to be in use by an American Goldfinch. Subsequent nesting surveys confirmed the nest to be in use on July 13 (female observed incubating eggs) and nestlings were observed in the nest on July 27. On August 12, the nest was observed to be inactive and the last remaining tree in that area was subsequently removed to accommodate construction.

CN's EM and contractors conducted visual surveys and incidental observations of the area for any evidence of active bird behaviour. An active Killdeer nest was reported by construction crews on July 4, 2022, within an area previously disturbed by construction (i.e., ongoing grading activities). A 5-metre buffer was established around the nest by CN's EM. On the July 13, 2022, the nest was determined to be inactive with evidence of predation, the buffer was removed, and construction work resumed in the area.

Through the FUP monitoring conducted in 2022, there was no evidence of Project-attributable harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. Mitigation measures in place appear to be effective at avoiding harm to migratory birds. As such, no modified or additional mitigation measures are recommended.

A copy of the Migratory Birds FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

Additional post-construction monitoring of migratory bird habitat is also proposed as part of the Migratory Bird FUP, including:

- Monitoring of wetlands for use by wetland migratory birds

- Monitoring of artificial Barn Swallow structures for use by Barn Swallows and other species
- Monitoring of existing barn structures for use by Barn Swallows

While enhancements and creation of migratory bird habitat were initiated in 2022, these features were not yet complete or functional in time for the breeding bird season; however, with the completion of seeding and planting activities proposed in 2023, monitoring to determine post-construction Project-related effects associated with the Migratory Birds FUP will be addressed in the next Annual Report.

Additional monitoring for migratory birds (specifically off-site grassland habitat) is addressed in the Grassland Habitat FUP described in Section 4.2.12.

4.2.11 Condition 8.10 – Western Chorus Frog

The Wildlife Management Plan includes a Western Chorus Frog FUP that has been designed to monitor adverse environmental effects on Western Chorus Frog attributed to the Project during construction and operations. Beyond the pre-construction targeted Western Chorus Frog surveys to identify breeding and hibernating habitat within the PDA and nearby areas completed in 2020, the program includes the following monitoring activities:

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

CN did not conduct any construction activity in proximity to this habitat in 2022; however, such activities are anticipated in 2023. Further, no compensation habitat for Western Chorus Frog was constructed in 2022. As such, monitoring to inform the timing of installing the temporary exclusion fencing and to determine post-construction Project-related effects associated with the Western Chorus Frog FUP will be addressed in the next Annual Report.

4.2.12 Condition 8.13 – Grassland Habitat Replacement

The Wildlife Management Plan includes a Grassland Habitat FUP that has been designed to monitor the effectiveness of replacement grassland habitat established within the Luther Marsh Wildlife Management Area (offsite) to compensate for the loss of suitable habitat for Eastern Meadowlark, Bobolink and Monarch butterfly from within the PDA. Beyond the photographic monitoring completed prior to (2018) and following (2019) the off-site habitat creation, the program includes the following monitoring activities:

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

Three surveys were conducted in the replacement grassland habitat located in the Luther Marsh Wildlife Management Area on June 6, 15 and 22, 2022. Surveys were completed by Bluestem Consulting and DUC using 16 point count locations as per the protocol provided by the MNRF's guidelines and guidance from the WMCP.

The offsite grassland replacement habitat appears to be capable of supporting breeding pairs of Bobolink and Eastern Meadowlark. Bluestem Consulting and DUC noted in 2022 that the onsite ratio of grasses to forbs was 70:30, which is consistent with appropriate habitat identified in COSEWIC's (2010) literature review. No Eastern Meadowlark were observed on the transect route between point count locations in 2022. However, one Eastern Meadowlark was observed flying over an adjacent field and is expected to be using the replacement habitat as part of its breeding territory. Shrub cover, in the adjacent field where the observation was made, provides appropriate perching habitat for Eastern Meadowlark (MNR 2013), which may help to augment the replacement grassland habitat.

Use of the offsite replacement grassland habitat by Bobolink and Eastern Meadowlark was documented in the 2022 FUP monitoring. As such, no modified or additional mitigation measures are recommended. However, Bluestem Consulting and DUC noted that although woody growth is minimal, it is beginning to appear throughout the grassland habitat. Woody vegetation control, which was anticipated as part of the plan for the management of this grassland habitat, was recommended and will be implemented in the fall of 2023.

A copy of the Grassland Habitat FUP Annual Report for 2022, including the Grassland Bird and Monarch Butterfly Survey Report (Bluestem Consulting and DUC, 2022), is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.13 Condition 8.21 – Snapping Turtle and Midland Painted Turtle

The Wildlife Management Plan includes a Snapping Turtle and Midland Painted Turtle FUP that has been designed to monitor adverse environmental effects on Snapping Turtle and Midland Painted Turtle attributed to the Project during construction and operations. Beyond the pre-construction surveys conducted in 2021 to identify and relocate turtles within habitats to be impacted by construction, the program includes the following monitoring activities:

- Incidental observations and relocation of turtles encountered during construction.
- Monitoring to confirm proper functioning of temporary turtle exclusion fencing on a weekly basis during construction.
- Incidental observations and reporting of turtle sightings and collisions with turtles within the PDA
- Monitoring of created wetlands and watercourse channels for basking turtles over a period of five years post-construction.

Prior to any in-water work, surveys for turtles were conducted within the areas to be impacted by construction activities. This included surveys within the former agricultural pond that was drawn down to construct the realigned Tributary A channel, as well as other surveys conducted in association with commissioning Tributary A and stabilizing the Indian Creek slope (which were completed in accordance with Condition 8.16). No turtles were encountered during these surveys.

Signage to notify drivers of the risk of turtle collisions was installed on temporary access roads within the PDA prior to the active turtle season (i.e., prior to May 1, 2022). Regular monitoring of internal access roads within the PDA was completed by CN's EM and through incidental observations reported by the operators of construction equipment. No turtles were observed crossing any internal access roads and no turtle collisions / mortalities occurred within the PDA. However, on June 16, 2022, an equipment operator observed a collision between a non-project-related motor vehicle and snapping turtle that was crossing Tremaine Road outside of the PDA. CN's EM was contacted, the turtle was captured and transferred to a registered wildlife rehabilitator (Dundas Turtle Watch) who in turn transferred the injured turtle to the Kawartha Turtle Trauma Centre. CN was informed that the turtle recovered from its minor injuries and was released within 1 km of where it was found.

Wildlife exclusion fencing was installed prior to the start of the turtle active season in 2022, with the majority of the exclusion fencing being installed in the fall of 2021 and additional fencing installed in early spring of 2022 as construction moved into different portions of the PDA. Weekly monitoring found the exclusion fencing remained intact through the turtle active season in 2022, with only minor repairs made as needed.

Incidental observations of snapping turtles (and snapping turtle eggs) were made by (or reported to) CN's EM in 2022. In some cases, these observations were within areas where active or future construction activities were planned, and as such necessitated the safe capture and release of these turtles to areas outside of the construction area. No Midland Painted Turtles were observed. The relocation of snapping turtles and snapping turtle eggs was required in 2022, as follows:

- Nine turtle eggs were uncovered in fill material along Indian Creek on July 20, 2022. Construction activity stopped and CN's EM contacted the Ontario Turtle Conservation Centre (OTCC) for guidance; as directed by OTCC, eggs were collected by CN's EM and transferred to OTCC for incubation. A single turtle egg uncovered on August 3, 2022, in fill material along Indian Creek was also sent to the OTCC for incubation.
- A Snapping Turtle was observed on September 1, 2022, in the agricultural pond on Tributary A adjacent to the coffer dam, inside the wildlife fence (outside active work area, where future channel work is anticipated). The individual was within a future work area, so was captured and relocated to Indian Creek on CN property.
- Two Snapping Turtles were observed on September 7, 2022, in the agricultural pond on Tributary A adjacent to the coffer dam, inside the wildlife fence (outside active work area, where future channel work is anticipated). Both individuals were within a future work area, so were captured and relocated to Indian Creek on CN property.

All Snapping Turtle observations within the PDA were recorded in CN's internal reporting system and records were submitted to the Natural Heritage Information Centre.

Through the FUP program monitoring conducted in 2022, there was no evidence of Project-related harm to Snapping Turtle or Midland Painted Turtle. The Snapping Turtles that were observed within Tributary A, inside the exclusion fencing, were anticipated to be resident when the fence was installed and not to have breached the fence. Therefore, the fencing appears to be functioning at excluding turtles from the construction areas. As such, no modified or additional mitigation measures are recommended.

A copy of the Snapping Turtle and Midland Painted Turtle FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

Additional post-construction monitoring of turtle habitat is also proposed as part of the Snapping Turtle and Midland Painted Turtle FUP, including:

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

While enhancements and creation of turtle habitat were initiated in 2022, these features are not yet complete or functional; however, with the realigned portion of Tributary A being brought online at the end of 2022 and with the expectation of the realigned portion of Indian Creek being brought online in 2023, monitoring to determine post-construction Project-related effects associated with the Snapping Turtle and Midland Painted Turtle FUP will be addressed in the next Annual Report.

4.2.14 Condition 8.25 – Monarch Butterfly

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

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

In 2022, Monarch surveys were conducted within the off-site replacement grassland habitat established within the Luther Marsh Wildlife Management Area. Transects were walked between grassland bird survey point count locations during each of the three grassland breeding bird surveys. All adult Monarchs observed flying or foraging within approximately 50 feet on either side of the transect line were recorded. Two additional surveys were conducted at the offsite replacement habitat on July 15 and September 6, 2022, to document Monarch larvae and egg presence and leaf predation on milkweed plants along the

transect line. Nodes (clumps) of 10 or more milkweed stalks found along the transect were examined for caterpillars, eggs, and evidence of predation.

The off-site grassland replacement habitat appears to be capable of supporting populations of Monarch. Adult butterflies were observed throughout the habitat during the peak warm season. However, Bluestem Consulting and DUC noted that Monarch was not as abundant in 2022, compared to the first year of monitoring in 2021. Milkweed nodes were not common along the transect but were more abundant along the perimeter of the field where it is likely that milkweed has established through recruitment from outside sources.

Presence of milkweed and nectaring flowers in the offsite replacement habitat, as well as use of the habitat by Monarch, were documented in the 2022 FUP monitoring. As such, no modified or additional mitigation measures were required. However, Bluestem Consulting and DUC (2022) recommends supplemental hand planting of milkweed seed to increase overall establishment throughout the replacement habitat. Many areas of bare soil exist within the habitat and DUC recommended hand planting of seed at a rate of 125 grams per acre (approximately 16,000 seeds per acre), which could increase establishment and abundance of milkweed within the habitat. CN will implement the recommended seeding in the spring of 2023 during the grassland breeding bird surveys.

A copy of the Monarch FUP Annual Report for 2022, including the Grassland Bird and Monarch Butterfly Survey Report (Bluestem Consulting and DUC, 2022), is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

While enhancements and creation of onsite Monarch habitat were initiated in 2022, these features are not yet complete or functional; however, with the completion of seeding and planting activities proposed in 2023, monitoring to determine post-construction Project-related effects associated with the Monarch FUP will be addressed in the next Annual Report.

4.2.15 Condition 8.28 – Eastern Milksnake

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

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

Sightings of Eastern Milksnake within the PDA were monitored by CN's EM and through incidental observations reported by the operators of construction equipment (as per the wildlife training plan). Two sightings of Eastern Milksnake were reported within the PDA on May 31 and June 2, 2022. Both observations were made inside the exclusion fence, in proximity to an opening in the fencing which is

required to accommodate the temporary bridge across Indian Creek. On May 31, 2022, CN's EM relocated the snake to the opposite side of the exclusion fence, along the Indian Creek corridor. In response, regular monitoring (three times per week) for snakes was implemented in the area of the observation. Through the supplemental monitoring, a second observation was made on June 2, 2022, in the same general location as the first observation. Both observations were of a mature snake (approximate 90cm in length), assumed to be the same individual. CN's EM relocated the snake again to the opposite side of the exclusion fence, along the Indian Creek corridor. There were no further observations of Eastern Milksnake within the PDA in 2022 and it was assumed the snake had moved along through the Indian Creek corridor away from the Project. Both Eastern Milksnake observations were recorded in CN's internal reporting system and records were submitted to the Natural Heritage Information Centre.

Through the FUP monitoring conducted in 2022, there was no evidence of harm to Eastern Milksnake. As such, no modified or additional mitigation measures were recommended.

A copy of the Eastern Milksnake FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.16 Condition 8.32 – Ecopassage

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

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

While portions of the ecopassages were initiated in 2022 (i.e., aquatic ecopassage associated with culvert 2A/2B), these features are not yet complete and an additional ecopassage (culvert 1) is planned for installation in 2023. As such, with the completion of the two ecopassages in 2023, monitoring to determine post-construction Project-related effects associated with the Ecopassage FUP will be addressed in the next Annual Report.

4.2.17 Condition 9.1 – Country Foods

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

- Pre-construction sampling of PAH levels.
- Monitoring during construction annually for three years at the end of the growing season.

- Monitoring during operation annually for the first five years of operation.

Pre-construction samples were taken at the upwind and downwind locations on November 11, 2020, which identified that the existing B(a)P total potency equivalents, or B(a)P TPE, in the soil were below the CCME soil quality guideline of 5.3 mg/kg for carcinogenic PAHs prior to construction.

During construction, samples were taken on October 27, 2022, at the same locations as the pre-construction sampling program. These samples were similarly analyzed for PAHs, and a B(a)P TPE was calculated and compared to the CCME PAH soil quality guideline. During construction, the B(a)P TPE ranged from <0.0069 µg/g to 0.0090 µg/g, which represents a nominal change relative to pre-construction levels. These values remained below the CCME soil quality guideline of 5.3 µg/g. Results indicate that adaptive management measures were not required.

A copy of the Country Foods FUP Annual Report for 2022 is available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/).

4.2.18 Condition 9.3 – Nighttime Noise Events

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

The terminal is not yet in operation. Therefore, the nighttime noise events component of the Acoustic Environment FUP will be addressed once the terminal is in operation.

4.3 UPDATES TO PLANS AND FOLLOW UP PROGRAMS

The various FUPs were developed in 2021 for implementation during construction and operation in consultation with all relevant parties, as described in the various conditions of approval. Draft versions of the FUPs were circulated to parties for review and input, with final versions submitted to IAAC and circulated to those parties that participated in consultation.

Minor administrative changes to the following FUPs were made in 2022 based on comments received from IAAC:

- Ambient Lighting (Condition 4.5)
- Acoustic Environment (condition 4.10)
- Air Quality (Condition 4.21)
- Stormwater Management (Condition 5.9)
- Surface Water Quality and Quantity (Condition 5.10)
- Groundwater Quality and Quantity (Condition 5.13)

- Wetlands (Condition 6.3)
- Progressive Reclamation (Condition 6.10)
- Fish and Fish Habitat (Condition 7.12)
- Western Chorus Frog (Condition 8.10)
- Snapping Turtle and Midland Painted Turtle (Condition 8.21)
- Ecopassage (Condition 8.32)

Final versions of these FUPs, along with responses to the comments received from IAAC on January 11 and February 1, 2022, were submitted to IAAC on March 1, 2022. As noted in Section 4.1, copies of all final versions of the FUPs are available on CN's project website (available here: https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources).

During construction, a beaver dam was observed on Indian Creek near the proposed confluence of the realigned portion of Indian Creek. A mitigation plan was prepared by Stantec and submitted to DFO and IAAC, based on DFO's Interim Code of Practice: Beaver Dam Removal, which was then provided to the contractor to reduce potential adverse effects during dam removal.

No updates to other plans prepared in accordance with the conditions of approval were completed in 2022.

5 ADAPTIVE MANAGEMENT

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

In 2022, instances where adaptive management was implemented, including any modified or additional mitigation measures, as determined through implementation of the various FUPs, include the following:

- Beaver dam removal: During construction, a beaver dam was observed on Indian Creek near the proposed confluence of the realigned portion of Indian Creek. A mitigation plan was prepared by Stantec and submitted to DFO and IAAC, which was then provided to the contractor to reduce potential adverse effects during dam removal. The dam was removed between July 4, 2022, and July 14, 2022. Mitigation measures included, but were not limited to, the following measures, which were implemented by the contractor in 2022:
  - A wildlife agent (licensed trapper) licensed to trap beaver in Ontario will be hired by the Contractor to humanely kill or trap beavers before the dam is removed
  - CN and Contractor will comply with the fish and fish habitat protection provisions of the Fisheries Act and incorporate measures to avoid causing the death of fish, harmful alterations to fish habitat, and disruption or destruction of fish habitat

  - CN's EM will be on site during the removal activities
  - Measures to protect fish and fish habitat as outlined in the '*Interim code of practice: beaver dam removal*' (https://www.dfo-mpo.gc.ca/pnw-ppe/codes/beaver-dam-barrage-castor-eng.html)
  - Removal of the dam structure(s) will be staged to prevent severe flooding and damage to fish habitat (i.e., if a series of dams must be removed, remove the downstream dam first)
  - The dam will be removed gradually (i.e., flow notching) to prevent a sudden surge of impounded water and to reduce the risk of sediment transport, erosion, and harm to fish and fish habitat

  Dam removal began on July 4, 2022, and was completed on July 14, 2022. Before starting the removal, beaver(s) were confirmed as having been removed on June 18, 2022, by a licensed trapper (under trapping license MA02032332).

- Interim noise berm: During Round 1 of the Phase 1 construction monitoring for noise, a potential future impact of the anticipated Phase 1 construction activities was identified at one of the receptors at Lower Base Line. Construction activities in this area were halted to investigate opportunities to reduce construction related noise. The solution implemented included installing an interim noise berm along the frontage and property line perpendicular to Lower Base Line. This berm was constructed in August 2022. Construction activities associated with the realignment of the mainline, including concentrated operation of construction equipment and deliveries in this area, commenced in November 2022. The second round of Phase 1 noise monitoring proposed as part of the Acoustic Environment FUP occurred during this time, an interim noise berm was constructed as adaptive management to address the potential impact of the anticipated Phase 1 activities at one of the receptors at Lower Base Line. The adaptive management process involved a technical review of construction activities that supported the implementation of the interim noise berm as an additional/modified mitigation measure.
- Erosion and Sediment Controls: ESC measures were proposed by CN as mitigation measures in the EIS and are required in accordance with Condition 5.4. These measures were identified in the ESC plans prepared and submitted to IAAC in 2021, which identified the potential need to maintain ESC measures, upgrade or amend ESC measures based on site and weather conditions, and to implement alternative ESC measures where and when needed. This approach incorporates adaptive management into the design of the ESC plans, and encourages proactive and reactive implementation as needed. Further information with respect to the implementation of ESC measures is provided in Section 7.6; however, a summary of adaptive management measures taken in 2022 include:
  - Implementation of additional ESC measures adjacent to Tributary A in association with clearing activities for culvert 2A (as a preventative measure)
  - Implementation of additional ESC measures to address overland drainage to site drainage features, such as the regional bypass channel, including the installation of rip rap
  - Implementation of additional ESC measures along drainage ditches to reduce flow velocities and potential scour, including the use of strawbales and check dams
  - Installation of additional coir matting on disturbed slopes to stabilize and promote improved vegetation growth

  - Implementation of additional silt fence and strawbales to address localized scour areas
  - Installation of plastic sheeting for temporary slope protection (i.e., where rainfall was imminent)
  - Investigations and site observations to determine potential sources of turbidity contributions, and addition of monitoring stations for total suspended solids (TSS), to determine whether turbidity increases were the result of construction activities / site run-off
- Additional Seeding: Seed mix was used to stabilize and naturalize areas of the site following completion of construction activities. Given the dry conditions experienced over the summer months in 2022, many of these areas did not grow as expected despite receiving supplemental water (i.e., watering truck). As such, additional seed mix was spread on some areas where this previous seeding was not successful, such as within some of the drainage ditches, slopes, and Tributary A valley feature.

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

6 PROJECT CHANGES

Any changes to the Project are to be addressed in accordance with Conditions 2.16, 2.17 and 2.11.8 of the Decision Statement. Of note, Conditions 2.16 and 2.17 were revised in the amended Decision Statement issued July 26, 2022. For the purposes of the annual report, CN is reporting on compliance with the conditions that were in place at the time that the project change was implemented through notification to IAAC. In future annual reports, CN will report on the conditions as revised July 26, 2022.

6.1 SUN-CANADIAN PIPELINE

The only project change implemented in 2022 pursuant to the original Conditions 2.16 and 2.17 pertained to the reconfiguration of the Sun-Canadian pipelines and corresponding method of construction.

On April 8, 2022, CN submitted a proposal to IAAC to reconfigure a portion of the existing Sun-Canadian pipelines, and to install the pipelines using directional bore instead of open cut, to better accommodate the construction of the proposed intermodal terminal. This request to change the design of the Sun-Canadian pipeline was considered to be a change to which Condition 2.16 and 2.17 apply. IAAC reviewed CN's proposed Project change, held a public consultation period on the proposed change, and considered the submissions received during the comment period. On July 26, 2022, the Minister approved the proposed change and subsequently amended the Decision Statement.

CN originally anticipated that the relocated pipelines would be installed via large open cut trenching through existing agricultural fields, along almost all of the pipeline relocation. The one exception was for the relatively short stretch proposed to cross beneath the existing mainline, where underground directional drilling would have been utilized (as further described in CN's response to IR4.1). As

contemplated in the EIS, CN continued its ongoing discussions with SunCanadian during the detailed design process to determine the optimum approach to reconfiguration, which ultimately led to refinements. Rather than the original plan to relocate/move part of the pipelines to the north end of the proposed terminal at a depth ranging between 3 and 6 m, the refined design would maintain the existing location/alignment and instead deepen it to approximately 14 m. This refined design is consistent with and considerably less impactful than the preliminary plan. **Table 2** provides a summary of the refinements proposed and implemented in 2022.

Table 2: Summary of Refinements to the Sun-Canadian Pipeline Reconfiguration

Sun-Canadian Pipeline Component	Preliminary Design	Refinement
Location	Proposed realignment of two existing pipelines around the north end of the proposed terminal	Proposed deepening of one existing pipeline (323 mm) within the existing right-of-way (ROW)
Pipeline Size	12”5/8 (321 mm)	Nominal pipeline size (NPS12) (323 mm)
Pipeline Depth	3 to 6 m below ground surface	13.8 m below ground surface
Pipeline Length	Approx. 890 m necessary for new alignment	Approx. 485 m – same as the original
Construction Method	Open cut for 800 m, with directional drill for 90 m beneath the CN mainline	No open cut trenching; directional drill for 485 m
Surface Disturbance	Approx. 800 m (full open cut, except for mainline crossing)	Limited disturbance for entry and exit points for drilling (less than 100 m)

Note that by installing the new pipeline sections deeper than originally proposed, a reconfiguration around the north end of the terminal was no longer required and avoided bends in the pipeline.

The horizontal directional drill (HDD) method involves an entry and exit pit at each end where the new alignment of pipeline will tie into the existing pipeline. The HDD was completed in one bore from the entry pit on the south side of the PDA to the north side of the PDA crossing underneath the existing mainline and the planned terminal and tracks, following the existing alignment of the pipeline. The replacement segment was installed at a maximum curved depth of approximately 13.8 m, approximately 7.8 to 10.8 m deeper than the original pipelines. Entry and exit pits were cleared of vegetation, stripped of topsoil, and excavated to a maximum depth of 3 m to expose the existing pipeline, to achieve the required angle for the HDD path for construction, and to tie the replacement segment into the existing pipeline. Upon completion, the disturbed surface areas were restored.

During consultation with interested parties conducted pursuant to Condition 2.16, comments were received during the consultation period regarding these proposed changes. All three Indigenous communities indicated their general support for the potential change, both by email and through conference call discussions. The Halton Region, Town of Milton, and CH also responded, identifying their interests, as follows:

- Halton Region - expressed an interest in the interaction of the pipeline with groundwater resources, and requested clarification whether the proposed reconfiguration is to one or both Sun-Canadian pipelines
- Town of Milton - expressed an interest in any new site alteration that could affect the local environment
- Conservation Halton - expressed an interest in water resources and drainage flows towards watercourses

Information regarding the specific interests expressed by the parties were incorporated into the report submitted to IAAC and considered by the Minister in approving the project change.

6.2 OTHER PROJECT CHANGES

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

For the purposes of documenting changes to the Project implemented in 2022 pursuant to Condition 2.11.8, the following changes were implemented regarding the design and construction of the Project:

- Revisions to the Tributary A culverts proposed beneath the terminal (culvert 2A/2B) and truck access road (culvert 1) to improve connectivity for wildlife and water flow, as follows:
  - culvert 1 – increased the size of this culvert to facilitate wildlife movement as an ecopassage (in accordance with Condition 8.31)
  - culvert 2A/2B – revised from two twin box culverts to two larger single box culverts (in accordance with Condition 8.31)
- Revisions to the design of the SWM system to improve water quality control, as follows:
  - Oil Grit Separators (OGS) - included plans to install additional oil and grit separators to treat runoff from the gate and workpad areas (in accordance with Condition 5.2)

These changes were reflected in the information submitted to IAAC and other parties during development of the design plans for the Project. Revisions to the SWM system and Tributary A culverts designs were proposed as mitigation measures to further reduce potential environmental effects from the Project in response to comments received from various parties, including the Joint Review Panel. These measures are anticipated to result in positive outcomes for the environment (i.e., improved corridor function, improved water management) with no adverse environmental effects. Construction of the Tributary A culverts commenced in 2022 in accordance with the design plans submitted to IAAC and other agencies (i.e., DFO, Conservation Halton) in fulfillment of various conditions of approval and are expected to be completed in 2023. While construction of the OGS unit has not started, plans identifying the additional OGSs were submitted to IAAC and other agencies (i.e., DFO, Conservation Halton) in fulfillment of

various conditions of approval in 2021 and are expected to be completed through subsequent phases of construction.

Prior notification of these revisions as project changes pursuant to Condition 2.16 and 2.17 was not provided since these measures were developed in response to the implementation of specific conditions of approval included in the definition of the Designated Project (Condition 1.8). Details regarding these revised project components were circulated to various parties during development of these plans and any comments received were considered and addressed in fulfilling those conditions in 2021.

There were no other project changes implemented in 2022.

7 OTHER ANNUAL REPORTING REQUIREMENTS

Throughout the Decision Statement, several other conditions require CN to include information and updates as part of the Annual Report, including Conditions 4.14, 4.15, 4.16.4, 4.17.1, 4.20.1, 11.11, and 12.1.2. This section covers those items.

7.1 CN TRUCK ELECTRIFICATION

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

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

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

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

7.2 LOCOMOTIVE IDLING REDUCTION TECHNOLOGIES

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

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

During cold weather conditions, due to the risk of engine damage and loss of water used to cool engines, normally an AESS system will not allow for a shutdown in a sub-freezing environment. CN is currently making improvements to the AESS software and hardware system to allow to stop the engine in some situations instead of running idle for long periods of time. While idling will still be required in extremely frigid weather, the number of cold weather days for potential AESS shutdowns is expected to increase.

In parallel, CN is also testing a new system installed in a locomotive. The system is based on an auxiliary power unit (APU), a small battery-powered controller that operates an efficient diesel burner, providing a source of heat to the engine water and oil. This small heating source is sufficient to allow the engine to shut down without risk of damage. A pilot project was launched at the end of 2021 and will continue in through 2023. If the results are satisfying, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in the rail yards.

Finally, CN has announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards. CN is currently expecting to receive that locomotive in 2025.

7.3 AIR POLLUTANT AND GREENHOUSE GAS EMISSIONS REDUCTION PLAN

7.3.1 Trucks

Condition 4.16.4 requires CN to provide information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.

Preliminary work to define the program to collect information related to emissions from trucks entering the terminal was initiated in 2022. This work included internal discussions to identify program requirements, available technologies for measuring emissions from individual trucks, alternative thresholds for the identification of high-emitting trucks, and options for management responses to notify high-emitters. These program components are being vetted by CN to determine preferences and next steps to move forward with consultation, planning and implementation of this program prior to the start of operation.

7.3.2 Locomotives

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

CN continues to raise our level of ambition to deliver for a sustainable future, to make a meaningful difference for our people, our customers, and the many communities where we operate.

In 2017, CN became the first railroad in North America, and was among the first hundred companies globally, to set an approved science-based target. To ensure consistency with the most recent climate science and best practices that apply a well below 2°C scenario, and in the context of the Company's acquisition of TransX, we revised our target in 2021.

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

In 2021, we announced our commitment to setting a target in line with a 1.5°C scenario and to achieving net-zero carbon emissions by 2050. CN was the first North American railroad to formally commit to setting a net-zero target by joining the "Business Ambition for 1.5°C" and the United Nations' "Race to Zero" campaign, as well as the Government of Canada's Net-Zero Challenge which encourages companies to transition to net-zero emissions be 2050.

In 2021, CN reduced its GHG emission intensity for Scope 1 and 2 GHG emissions by 3.3% relative to 2020 and are at 13.4% progress relative to our 2030 target. Additionally, CN reduced its GHG emission intensity for Scope 3 emissions by 4.2% from 2020 and has realized a 30.9% reduction relative to our 2030 target.

In addition, CN committed through the renewal of a long-standing Memorandum of Understanding (MOU) with Transport Canada, to reducing its intensity-based Criteria Air Contaminants by 6% by 2022 based on 2017 levels. In 2021, CN achieved this target. Discussions are underway to renew the MOU with Transport Canada.

7.4 TERMINAL TRUCK MOVEMENTS

Condition 4.20.1 requires CN to report the number of container trucks entering and exiting the PDA, including the number of container trucks entering the PDA with a container or without a container and the number of container trucks exiting the PDA with a container or without a container, during the reporting year. However, the terminal is not yet in operation.

7.5 ARCHAEOLOGICAL ARTIFACTS

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

Initial discussions with the Ontario Ministry of Citizenship and Multiculturalism (formerly Ontario Ministry of Heritage, Sport, Tourism and Culture Industries) occurred between Stantec's licensed archaeologist responsible for managing the artifacts uncovered during the various stages of archaeological assessment for this Project to confirm opportunities and licensing requirements to exchange (i.e., return, loan, transfer) artifacts to the Indigenous communities. With this information, CN will explore any interest or opportunities available to CN to address this condition with the Indigenous communities.

7.6 EROSION AND SEDIMENT CONTROL REPAIRS

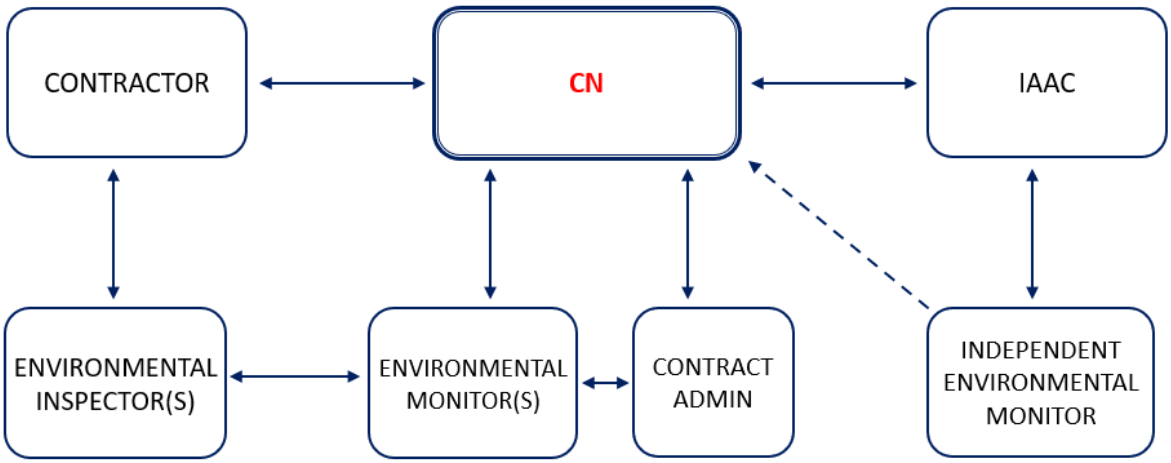
Condition 12.1.2 requires CN to report on any major repair done pursuant to the implementation of the infrastructure protection plan, including any major repair done pursuant to the regular inspection of all ESC devices installed within the PDA, including following rainfall events, and repair any defective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

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

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

Figure 1 illustrates the relationship between these various parties.

Figure 1: Environmental Monitoring Responsibilities During Construction



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

In 2022, precipitation events occurred throughout the reporting year; however, no storms occurred that resulted in damage to infrastructure at the Project site.

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

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

- Water application for dust management

These repairs were identified during the onsite monitoring activities, which were then reviewed and discussed with the contractor during weekly environmental compliance meetings, and follow-up undertaken to determine that repairs were completed. Construction photographs illustrating repaired ESC measures that were shared with agencies and the CCC during regular meetings in 2022 are provided in **Appendix 6A** and **Appendix 6B**.

8 CONCLUSION

The information provided in this report, including the applicable appendices, has been consolidated and prepared in fulfillment of Condition 2.11 and 2.12 of the Decision Statement. This document includes information describing how CN complied with the various conditions of approval throughout 2022 and identifies how CN plans to comply with these conditions in the future.

This Annual Report will be submitted to the IAAC no later than March 31, 2022, and will be posted on the Project website.

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APPENDIX 1
Activities Undertaken to Comply with Each Condition

CN MILTON LOGISTICS HUB

Appendix 1 - Activities Undertaken to Comply with Each Condition in 2022

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



IAAC Reference Number: 80100

March 31, 2023

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Abbreviations

ACRPP	Archaeological and Cultural Resources Protection Plan
A&M	Accidents and Malfunctions
B(a)P	Benzo(a)pyrene
CAAQS	Canadian Ambient Air Quality Standards
CCC	Community Consultation Committee
CH	Conservation Halton
CN	Canadian National Railway Company
dBA	Decibels adjusted - weighted absolute noise power
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
EIS	Environmental Impact Statement
EM	Environmental Monitor
EPP	Environmental Protection Plan
ESC	Erosion and Sediment Control
FUP	Follow-up Program
ha	Hectare
HWN	Huron Wendat Nation
IAAC	Impact Assessment Agency of Canada
IEM	Independent Environmental Monitor
MCFN	Mississaugas of the Credit First Nation
MCM	Ontario Ministry of Citizenship and Multiculturalism
MECP	Ontario Ministry of the Environment, Conservation and Parks
MNRF	Ontario Ministry of Natural Resources and Forestry
PDA	Project Development Area
PM	Particulate matter
$PM_{2.5}$	Fine particulate matter (suspended air borne particulate 2.5 microns and less in diameter)
RAA	Regional Assessment Area
SNGR	Six Nations of the Grand River

SWQQ FUP	Surface Water Quality and Quantity Follow-up Program
Stantec	Stantec Consulting Ltd.
SWM	Stormwater Management
WMCP	Wildlife Management and Connectivity Plan

Introduction

On January 21, 2021 (as amended July 26, 2022), the Minister of Environment and Climate Change issued a Decision Statement with respect to the Milton Logistics Hub Project (the Project). The Decision Statement includes conditions of approval with which CN must comply.

Appendix 1 describes the activities undertaken in 2022 to comply with each condition set out in the Decision Statement. The table is organized according to the conditions as set out in the Decision Statement.

Section 2: General Conditions

Condition Number	Condition
General Conditions (2.1 to 2.3)	
2.1	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, have applied the best available economically and technically feasible technologies to achieve continuous improvement and meet all engineering requirements for safe railway and facility operation.
	Activities Undertaken to Comply with Condition: CN has retained a team of qualified individuals, including from Stantec, Aecom, Ducks Unlimited, and others to develop mitigation measures and management plans, to design and implement the various follow-up and monitoring programs, and to undertake the detailed design. Field programs, studies, and engineering designs follow accepted and applicable standards and practices using recognized methods and models, which will lead to the construction and operation of an intermodal terminal that meets all engineering requirements for safe railway and facility operation while mitigating potential environmental effects. For construction, requirements outlined in the conditions will be incorporated into contract specifications and drawings for implementation by the contractor, who will be managed by CN and/or CN representatives and monitored throughout construction for compliance. CN continues to consult with relevant authorities, Indigenous communities, and the public to solicit their input and will incorporate information and knowledge obtained through consultation into the various documents required by the conditions. CN's adaptive management approach will contribute to continuous improvement. Further details are included throughout this report specific to each condition, and in Section 2.2. CN's actions in fulfilling the conditions demonstrate a careful and precautionary approach that supports sustainable development.

Condition Number	Condition
2.2	The Proponent, when carrying out the Designated Project, shall do so as defined in condition 1.8 of this Decision Statement.
	Activities Undertaken to Comply with Condition: Design and construction requirements consistent with condition 1.8 have been incorporated into contract specifications and drawings for implementation by the contractor. Any changes in the Project would be identified and managed in accordance with Conditions 2.11.8 or 2.16/2.17, as appropriate.
2.2.1	The Proponent shall carry out the Designated Project such that no more than 450,000 containers are handled by the Designated Project per calendar year.
	Activities Undertaken to Comply with Condition: The Project has been designed to handle no more than 450,000 containers per calendar year. CN will monitor the number of containers handled in the terminal and will report on this number annually in the annual report, once operation of the Terminal begins.
2.3	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.
	Activities Undertaken to Comply with Condition: The construction contractors and sub-contractors are required, through their contracts with CN, to implement mitigation measures throughout construction. These mitigation measures have been developed in consideration of applicable recovery strategy and action plans for listed species at risk. Applicable recovery strategies have also been considered in the development of the Wildlife Management and Connectivity Plan and Follow-up Program (WMCP) as per Condition 8.10 and will be incorporated into the compensation habitat for the western chorus frog, as per Condition 8.9, including development of mitigation measures that can lessen known impacts that contribute to the declining of listed species. Some mitigation measures implemented specifically for the protection of species at risk include installing a barrier and maintaining setbacks around identified barn swallow nesting habitat (i.e., existing Barn) and the installation of new barn swallow nesting structures, which occurred in March 2022. The existing Barn has been protected with jersey barriers to prevent encroachment during construction, which were improved with fencing installed on top of the jersey barriers in June 2022.

Condition Number	Condition
Consultation (2.4 to 2.5)	
2.4	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
2.4.1	Provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
	Activities Undertaken to Comply with Condition: For each party or parties listed specific to each condition with a requirement to consult, CN provided written notice (i.e., emails, letters and website postings) of the opportunity to provide views and information on the subject of the consultation. Documents containing the information available, relevant to the scope and the subject matter of the consultation were provided via email or file sharing software (SharePoint, FTP site), which made the information available continuously for each party specific to each consultation request. Follow up with each party was also completed, as required, to ensure they had received all files and information provided so they had opportunity to review and provide their views.
2.4.2	Provide all information available and relevant to the scope and the subject matter of the consultation and a period of time not less than 15 days, or as otherwise agreed upon with the party or parties being consulted, to prepare their views and information;
	Activities Undertaken to Comply with Condition: In accordance with Condition 2.4.2, CN has provided and will continue to provide at minimum 15 days for parties to review and provide comments on all available information that is relevant to the scope and subject matter of the consultation.
2.4.3	Undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
	Activities Undertaken to Comply with Condition: In accordance with Condition 2.4.3, where comments were received from a party being consulted on information relevant to the conditions of approval, CN has reviewed and impartially considered any views or information for incorporation into the final versions of applicable information and documentation, where appropriate. This includes consideration of technical and economic feasibility. The comments received by each party during consultation have been recorded, as well as how each comment / view has been or has not been incorporated into the information and

Condition Number	Condition
	documentation. See Appendix 3 and Section 3.2 for details on the views and information received and how it was incorporated.
2.4.4	Advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated.
	Activities Undertaken to Comply with Condition: In accordance with Condition 2.4.4, where comments were received from a party being consulted on information relevant to the conditions of approval, CN has documented how those views and information have been considered including the rationale for why the views or information have, or have not, been integrated. This information has been provided to each party who provided views or information. A record of consultation with the various parties, including the views / information received, CN's response documenting how the views / information have been considered, and the rationale for CN's response, have been tracked and consolidated for inclusion in this annual report. See Appendix 3 and Section 3.2 for details on the views and information received and how it was incorporated.
2.5	The Proponent shall, where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent.
	Activities Undertaken to Comply with Condition: CN has continued to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (SNGR) and the Huron-Wendat Nation (HWN) on this Project. Targeted discussions with each community were held prior to the start of construction to confirm the methods of notification / communication, the type of information, and the period of time to be provided when seeking input. All information relevant to the conditions of approval has been and / or will be shared with these Indigenous communities for their review. Regular meetings have been sought and/or arranged with these Indigenous communities to discuss any views and information they wish to provide, as well as to keep them apprised of the status of CN's detailed design and construction progress and to ensure meaningful engagement during the tender process. Where comments have been received, CN has advised each community how their comments have been considered and incorporated, including the rationale for CN's consideration. CN will continue to engage with these communities during construction activities, and during

Condition Number	Condition
	operations to continue soliciting their views and information pertinent to the Project, as described in section 3.1 of the Annual Report (2022).
Follow-Up and Adaptive Management (2.6 to 2.10)	
2.6 (and all sub-conditions 2.6.1 to 2.6.5)	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information: • 2.6.1 - the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program; • 2.6.2 - the scope, content and frequency of reporting of the results of the follow-up program, including whether the reporting of any result may, if disclosed, cause specific harm to the environment; • 2.6.3 - the frequency at which the follow-up program must be updated, unless otherwise required through the condition; • 2.6.4 - the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and • 2.6.5 - the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
	Activities Undertaken to Comply with Condition: Condition fulfilled: Where a follow-up program (FUP) has been identified as a requirement of a condition, each FUP has been developed by qualified individuals familiar with the Project, proposed mitigation measures, and predicted effects and in consultation with agencies as identified. Each FUP has been developed to include all requirements of this condition and its sub-conditions. Final FUPs were submitted to IAAC in March 2022 and are available on the project website.
2.7	The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties being consulted during the development of each follow-up program.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Administrative updates to several of the FUPs were completed in 2022, with the final versions submitted to the Agency on March 1, 2022. Implementation of some of the FUPs was initiated in 2022 (see Section 4) focusing on monitoring the predicted environmental effects of the Project and the effectiveness of mitigation measures implemented during construction. No further updates to any FUP were made in 2022.
2.8	The Proponent shall provide the FUPs referred to in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to IAAC and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
	Activities Undertaken to Comply with Condition: Condition fulfilled: CN provided all FUPs pursuant to conditions listed in 2.8 to the IAAC and to the party/parties that were consulted during the development of each FUP in November and December 2021, prior to the start of construction. Administrative updates to several of the FUPs were completed in 2022, with the final versions submitted to the Agency on March 1, 2022. All FUPs were developed pursuant to condition 2.6. Notification of these updates being posted to the project website was provided to DFO on April 26, 2022, to ECCC, Health Canada and Natural Resources Canada on April 29, 2022, to CTA and TC on May 27, 2022, and to the Town of Milton, Halton Region, and Conservation Halton on August 10, 2022. No further updates to any FUP were made in 2022.
2.9	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
2.9.1	implement the follow-up program according to the information determined pursuant to condition 2.6;
	Activities Undertaken to Comply with Condition: In 2022, follow-up programs were implemented, as described in Section 4 of the Annual Report.
2.9.2	Conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	In 2022, the accuracy of the environmental assessment was verified as described in Section 4 of the Annual Report.
2.9.3	Determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2;
	Activities Undertaken to Comply with Condition: Information on modified or additional mitigation measures can be found in Sections 4 and 5 of the Annual Report.
2.9.4	If modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
	Activities Undertaken to Comply with Condition: Information on modified or additional mitigation measures can be found in Sections 4 and 5 of the Annual Report.
2.9.5	Report all results of the follow-up program to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted during the development of the follow-up program.
	Activities Undertaken to Comply with Condition: The results of the various FUPs implemented in the 2022 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. Results of the follow-up programs can be found in Section 4 of the Annual Report.
2.10	Where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	The various FUPs have been discussed with the MCFN, the SNGR and/or the Huron Wendat Nation (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. Nations are advised of the timing of proposed FUP activities, such as archaeological monitoring, surface water sampling, and electrofishing activities and invited to participate as environmental monitors when available.
Annual Reporting (2.11 to 2.12)	
2.11 (and all sub-conditions 2.11.1 to 2.11.8)	The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year: • 2.11.1 - the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement; • 2.11.2 - how the Proponent complied with condition 2.1; • 2.11.3 - for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation; • 2.11.4 - the information referred to in conditions 2.6 and 2.7 for each follow-up program; • 2.11.5 - a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3; • 2.11.6 - for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan; • 2.11.7 - any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and • 2.11.8 - any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.

Condition Number	Condition
	Activities Undertaken to Comply with Condition: An annual report for 2021 that provides all the specified information was prepared and submitted to IAAC on March 31, 2022. This report is being provided in accordance with Condition 2.11 to describe the results of activities completed in 2022.
2.12	The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.
	Activities Undertaken to Comply with Condition: The executive summary included in the annual report for 2021 was prepared in both official languages and was submitted to IAAC on March 31, 2022.
Information Sharing (2.13 to 2.14)	
2.13	The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the air pollutant emissions reduction plans referred to in conditions 4.16 and 4.17, the final offsetting plan(s) referred to in condition 7.6, the wildlife management and connectivity plan referred to in condition 8.33, the cultural heritage property maintenance and re-use plan referred to in condition 11.5, the archaeological resources protection plan referred to in condition 11.8, the reports related to accidents and malfunctions referred to in conditions 14.5.4 and 14.5.5, the accident and malfunction communication plan referred to in condition 14.6, the schedules referred to in conditions 15.1 and 15.2, and any update or revision to the above documents, upon submission of these documents to the party or parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party or parties referenced in each respective condition, potentially affected parties, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.
	Activities Undertaken to Comply with Condition: The 2021 Annual Report, submitted to IAAC on March 31, 2022, including the executive summaries (in both languages), and other documents required by the conditions of approval (i.e., follow-up programs, plans, protocols) are posted publicly on the project website (https://www.cn.ca/en/about-cn/milton-logistics-hub/documents-and-resources/) and will be maintained on the website for at least 15 years following publication.

Condition Number	Condition
2.14	When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.
	Activities Undertaken to Comply with Condition: All final plans that were required prior to construction were submitted to IAAC prior to the start of construction activities in 2022. Any final plans for which corresponding construction activities have not yet been initiated will be submitted to IAAC prior to the start of those activities (i.e., Phase 2 and 3 design plans).
Change of Proponent (2.15)	
2.15	The Proponent shall notify the Agency, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton, the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.
	Activities Undertaken to Comply with Condition: CN intends to own and operate the Milton Logistics Hub as a key component of their network in perpetuity; however, in the event that CN decides to transfer ownership, care, control or management of the Project (in whole or in part) to another party, CN will provide notification to IAAC, the MCFN, the SNGR, the HWN, Halton Region, Conservation Halton (CH), the Town of Halton and other relevant authorities in writing no later than 30 days after the day on which that would occur.
Change to the Designated Project (2.16 to 2.17)*	
Note, Conditions 2.16 and 2.17 of approval were revised in the amended Decision Statement issued July 26, 2022. The comments provided in regard to CN's compliance with these conditions are in response to the conditions that were in place at the time that the project change was initiated by CN and subsequently approved by the Minister. No additional project changes were implemented in 2022 in regard to these conditions and any future annual reports will reflect the revised wording of the corresponding conditions.	
2.16	The Proponent shall consult with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton and other relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential change to the Designated Project. (*condition from the Decision Statement issued January 21, 2021)
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Section 6.1 of this annual report describes the consultation carried out by CN in 2022 regarding the change to configuration and construction of the SunCanadian Pipeline where it crosses the PDA. CN considered any information or views received from consulted parties in determining whether and how to proceed with the proposed change and documented this in the report entitled Proposed Project Change to the SunCanadian Pipeline Design and Construction (April 8, 2022) that was submitted to IAAC in support of this project change.
2.17	The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this Decision Statement or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent in relation to the predicted adverse environmental effects. The Proponent shall also describe the results of the consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, Halton Region, Conservation Halton, and other relevant authorities. (*condition from the Decision Statement issued January 21, 2021)
	Activities Undertaken to Comply with Condition: Section 6.1 of the annual report describes the change to the SunCanadian Pipeline configuration and construction component of the Project. CN provided a submission to IAAC that included a description of the proposed change, the predicted adverse environmental effects, and any mitigation measures and follow-up requirements to be implemented in relation to the predicted adverse environmental effects, in accordance with Condition 2.17. The results of any consultation with the various parties consulted on this change, in accordance with Condition 2.16, were included.

Section 3: Community Liaison Communication Process

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

Condition Number	Condition
3.2	The Proponent shall develop, prior to construction and in consultation with potentially affected parties, a community liaison communication process. The Proponent shall implement the community liaison communication process throughout all phases of the Designated Project. The Proponent shall include, as part of the community liaison communication process, a method for potentially affected parties to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and a method for the Proponent to share information about the Designated Project with potentially affected parties, to document and respond to feedback received and to demonstrate how feedback has been addressed, including through the implementation of modified or additional mitigation measure(s) and/or modified or additional follow-up program requirement(s). This includes liaison with potentially affected parties throughout all phases of the Designated Project to identify and address potential impacts of truck traffic on the community and road safety. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: 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 document were provided to IAAC on December 1, 2021. Details on implementation of the CLCP are provided under Condition 3.2.3.

Condition Number	Condition
3.2.1	Determine, as part of the development of the community liaison communication process:
3.2.1.1	The communication methods (including electronic and in-person communication methods) by which potentially affected parties may provide feedback to the Proponent and communication methods (including electronic and in-person communication methods) by which the Proponent shall share information about the Designated Project and address feedback received. The Proponent shall retain a third-party facilitator to support the exchange of information between the Proponent and potentially affected parties during in-person communication opportunities;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.2	How the Proponent shall document feedback received and how that feedback has been addressed, including through the implementation of any modified or additional mitigation measure and/or any modified or additional follow-up program requirement;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.3	How the Proponent shall report the information referred to in condition 3.2.1.2 to potentially affected parties (including the frequency at which the Proponent shall report that information, which shall be no less than quarterly, and the communication methods by which the Proponent shall report that information);
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.4	The information about the Designated Project that the Proponent shall share with potentially affected parties, which shall include the following information:
3.2.1.4.1	A summary of the results of all follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details. A summary of the results of the 2022 follow-up programs is provided in Section 4.0.

Condition Number	Condition
3.2.1.4.2	The quarterly reports related to noise complaints referred to in condition 4.9.3;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2022 Annual Report for details. Any noise complaints were communicated to the CCC in the quarterly reports available on the Project website.
3.2.1.4.3	The land use history, construction details and photographic record referred to in condition 11.2.2;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.1.4.4	The results of the post-construction inspections referred to in condition 11.4; and
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details. As construction activity continues in proximity to the heritage structures, no post construction inspections were completed in 2022.
3.2.1.4.5	The results of the heritage impact assessment referred to in condition 11.6.
	Activities Undertaken to Comply with Condition: The CLCP document provided to IAAC on December 1, 2021, identifies the list of information and reports about the Designated Project that CN will share with potentially affected parties, including the results of the heritage impact assessment referred to in condition 11.6, and the process for CN to share with potentially affected parties. The report(s), which cannot be completed until 3 years after the start of operation, will be provided to the correct local historical documentation repository (e.g., museum or library) and will be posted on the CN Milton website, as appropriate.
3.2.1.5	How the requirements set out in conditions 3.2.1.1 to 3.2.1.3 may vary throughout any phase of the Designated Project, including during each phase of construction identified in the construction schedule referred to in condition 15.2, during the first year of operation and during the first year of operation at which the Designated Project operates at its full operational capacity;
	Activities Undertaken to Comply with Condition: Condition Fulfilled. See 2021 Annual Report for details.
3.2.2	Provide the community liaison communication process to the Agency prior to construction;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition Fulfilled. The CLCP was provided to IAAC on December 1, 2021.
3.2.3	As part of the implementation of the community liaison communication process:
3.2.3.1	Implement the community liaison communication process according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5;
	Activities Undertaken to Comply with Condition: The CLCP was established through the CLCP document and corresponding Terms of Reference provided to IAAC on December 1, 2021. In 2022, regular CCC meetings were held on January 27, March 3, April 7, June 9, August 4, October 6, and December 8. Site tours took place on March 31 and October 6. Meetings of the Cultural Heritage Sub-Committee were held on July 14 and September 22, along with a site tour on August 31. Information shared with the CCC is described in the quarterly reports available on the Project website. Regarding the specific sub-sections listed: • 3.2.1.1 – Coordination of the CCC occurred through two third-party facilitators. Communication included a combination of in-person and virtual meetings, site visits, and the exchange of digital documents. All relevant information required to be posted has been posted to the Project website. Door to door notices were also delivered prior to the start of construction and prior to one night of night-time construction activities that occurred in early 2023. • 3.2.1.2 and 3.2.1.3 - A summary of input from community and stakeholder engagement, as well as how such information was considered by CN, was included in each of the quarterly CCC reports, including draft versions submitted to the CCC members for review and final versions posted to the project website. • 3.2.1.4.1 – No FUP results were available in 2022. • 3.2.1.4.2 – Any noise complaints received by CN were included in the quarterly CCC reports and discussed with the CCC during regular meetings. • 3.2.1.4.3 – Information regarding the cultural heritage property at 5269 Tremaine Road was posted to the Project website. • 3.2.1.4.4 - As construction activity continues in proximity to the heritage structures, no post construction inspections were completed in 2022. • 3.2.1.4.5 – The Cultural Heritage Sub-Committee was formed through the CCC to review possible adaptive re-use options for the dwelling(s) located at 4393 and 5269 Tremaine Road. CN provided a copy of the relevant Heritage Reports to the committee as input for their consideration and Stantec's heritage planner met with the Committee on September 22 to discuss options and considerations for adaptive re-use. • 3.2.1.5 – No changes have been implemented to the requirements set out in conditions 3.2.1.1 to 3.2.1.3.

Condition Number	Condition
3.2.3.2	Respond to all feedback received through the community liaison communication process in a timely manner, including, if the Proponent determines that no mitigation measure and/or follow-up program requirement is required to address the feedback, by providing a rationale for that determination;
	Activities Undertaken to Comply with Condition: A summary of input from community and stakeholder engagement, as well as how such information was considered by CN, was included in each of the quarterly CCC reports, including draft versions submitted to the CCC members for review and final versions posted to the project website. A question and feedback tracking document has been established that compiles the list of questions and comments raised during CCC meetings, as well as provided in writing to the Co-Facilitators (e.g., by email) and CN's responses (shared with CCC). Any direct correspondence from members of the community received through the public inquiry line, email, or other means, as well as CN's response and how such comments were considered, are included in the CCC quarterly reports. Comments received from the public included concerns regarding: • construction and impacts on local road network • air quality and noise • increased noise/vibration along the rail line north of the Project site • interest in the truck access to the facility • interest in the location of the project site in relation to the town overall
3.2.3.3	Implement any mitigation measure and/or follow-up program requirement that the Proponent determined is required to address feedback received (including any modified or additional mitigation measure and/or modified or additional follow-up program requirement); and
	Activities Undertaken to Comply with Condition: In response to comments received regarding noise during construction, discussions were held with the individual and CN ceased major construction activities in the area closest to the resident to investigate possible solutions. In response, CN expedited the installation of a soil berm as an interim measure during construction to address this concern. This was communicated to the CCC in the Q2 quarterly report.
3.2.3.4	Provide to the Agency, as part of the annual report referred to in condition 2.11, all feedback received during the reporting year and how the Proponent has addressed all feedback, including any mitigation measure and/or any follow-up program requirement that the Proponent has implemented or plans to implement pursuant to condition 3.2.3.3, or a rationale as to why no mitigation measure or no follow-up program requirement is required to address the feedback.

Condition Number	Condition
	Activities Undertaken to Comply with Condition: All feedback received during the reporting year and how CN has addressed feedback is provided to IAAC as part of the annual report (Appendix 2 – Record of Consultation).

Section 4: Atmospheric Environment

Condition Number	Condition
Light (4.1 to 4.5)	
4.1	The Proponent shall measure, prior to construction, baseline light trespass and glare at the eight sites identified by the Proponent in table 4.5 of the document entitled Technical Data Report Light (Appendix E.8) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
4.2	The Proponent shall manage, during all phases of the Designated Project, lighting within the Designated Project Development Area such that light trespass and glare from the Designated Project meet or surpass:
4.2.1 or 4.2.2	E2 rural guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition); or E3 suburban guidelines for light trespass and glare as set out in the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (2nd Edition) if baseline light trespass and glare measured pursuant to condition 4.1 exceeds E2 rural guidelines for light trespass and glare as set out in the Guide.
	Activities Undertaken to Comply with condition: Per measurements taken pursuant to Condition 4.1, baseline light trespass and glare exceeds E2 rural guidelines. Lighting design plans, including the selection of luminaires, have been based on the implementation of measures to reduce light trespass and glare and to target light to those areas during construction and operation where it is required. CN's contractor is required to manage light trespass and glare to meet or surpass the E3 guidelines during construction. Further, CN will manage light trespass and glare to meet or surpass the E3 guidelines during operations through the various light mitigation measures outlined in the EIS and commitments. No nighttime construction occurred in 2022.
4.3	The Proponent shall develop, prior to construction, mitigation measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. The Proponent shall

Condition Number	Condition
	implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall:
	Activities Undertaken to Comply with condition: Condition fulfilled. See 2021 Annual Report for details. No nighttime construction occurred in 2022.
4.3.1	Direct light fixtures toward active construction areas during construction and toward the terminal during operation;
	Activities Undertaken to Comply with condition: No nighttime construction occurred in 2022; therefore, no construction light fixtures were used. The contractor agreement requires the positioning of lights to illuminate the immediate work area and avoid directing lights off CN property, onto a public roadway that is open for public use or towards a private residence.
4.3.2	Use down-cast light fixtures during operation;
	Activities Undertaken to Comply with condition: No operation occurred in 2022. This condition will be met once the Project becomes operational.
4.3.3	Install glare reduction technologies on individual light fixtures; and
	Activities Undertaken to Comply with condition: This condition will be met once the Project becomes operational.
4.3.4	Require that all motor vehicles use low-beam headlights within the Designated Project Development Area.
	Activities Undertaken to Comply with condition: No nighttime construction occurred in 2022. The contractor agreement requires that all motor vehicles to use low-beam headlights within the Site.
4.4	The Proponent shall evaluate, prior to construction, the technical and economic feasibility of installing amber-coloured outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin within the Designated Project Development Area. The Proponent shall also evaluate, in consultation with relevant authorities, whether the use of amber lighting can reduce sky glow and glare from the Designated Project, is not harmful to wildlife and can meet all engineering requirements for safe railway and facility operation. In doing so, the Proponent shall:

Condition Number	Condition
4.4.1	Provide the results of the evaluation to the Agency and relevant authorities prior to construction, including the sources of information and methodology used for the evaluation; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
4.4.2	Install amber outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin and with no more than 2 percent of total emitted light with a wavelength of less than 500 nanometres within the Designated Project Development Area, unless the evaluation demonstrates that installing amber lighting is not technically or economically feasible or does not reduce sky glow and glare, is harmful to wildlife and/or does not meet all engineering requirements for safe railway and facility operation.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
4.5	The Proponent shall develop, prior to construction and in consultation with the Town of Milton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to ambient lighting attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Ambient Lighting FUP was provided to IAAC prior to construction on December 9, 2021, and was prepared following consultation efforts with the Town of Milton and Transport Canada. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Ambient Light FUP is posted on the project website.
4.5.1	Monitor, during construction and until the end of the first year at which the Designated Project operates at its full operational capacity, light trespass and glare attributed to the Designated Project and compare monitoring results against the applicable guidelines referred to in condition 4.2.1 or 4.2.2; and
	Activities Undertaken to Comply with Condition: No nighttime construction or use of construction lights occurred in 2022; therefore there was no light trespass or glare attributed to the Designated Project and no corresponding light monitoring occurred in 2022.

Condition Number	Condition
4.5.2	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 4.5.1 demonstrate that modified or additional mitigation measures are required to ensure that light trespass and glare attributed to the Designated Project meet or surpass the applicable guidelines referred to in condition 4.2.1 or 4.2.2.
	Activities Undertaken to Comply with Condition: No nighttime construction or use of construction lights occurred in 2022; therefore there was no light trespass or glare attributed to the Designated Project and no corresponding light monitoring occurred in 2022.
Noise (4.6 to 4.10)	
4.6	The Proponent shall manage noise throughout all phases of the Designated Project so that the Designated Project causes the acoustic environment at any receptor location identified by the Proponent on figure 3 of the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57) to change by less than one to five decibels, as set out in the U.S. Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual, and the level of highly annoyed to change by no more than 6.5%, as set out in Health Canada's Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE, from baseline conditions documented by the Proponent in the document entitled Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Noise mitigation measures have been identified by CN and incorporated into detailed design and construction planning. The contractor agreement includes construction-specific mitigation measures to be implemented by the contractor during construction. The contractor has kept a daily equipment use log documenting equipment numbers, activities, time, and locations, where equipment is operating on site. As described in Section 4.2.2, acoustic monitoring demonstrated no exceedance of the specified criteria, whereby CN managed noise during the construction phase so that the acoustic environment at any receptor did not change more than the specified level.
4.6.1	Construct, prior to operation, and maintain, throughout operation, noise barriers and/or vegetated berms within the Designated Project Development Area. The Proponent shall determine the locations and heights of the noise barriers and/or vegetated berms prior to construction and shall provide that information to the Agency prior to construction, including a rationale demonstrating how the location and height of each noise barrier and/or vegetated berm will cause change(s) to the acoustic environment to meet the thresholds for change referred to in condition 4.6;
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Construction of the noise barriers and/or vegetated berms are proposed during construction so that these measures are in place at the start of operation. However, final designs, including the locations and heights of the noise barriers and/or vegetated berms, have not yet been confirmed, but will be confirmed prior to construction of these mitigation measures during subsequent phases of construction. As an interim measure in 2022, in response to noise concerns raised by a local resident, CN constructed an interim noise barrier along the property line and road frontage near Lower Base Line.
4.6.2	Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;
	Activities Undertaken to Comply with Condition: At this time, there are no plans to use a concrete plant during construction of the terminal. In the event a concrete plant is proposed to be used by the contractor, the contractor would install temporary sound barriers (hoarding) around the temporary concrete plant.
4.6.3	Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;
	Activities Undertaken to Comply with Condition: Construction works associated with the Lower Base Line grade separation did not occur in 2022. Construction activities in proximity to Lower Base Line were in association with construction access and laydown, site grading, drainage, and works in preparation for the realignment of the mainline, but were not related to construction of the grade separation.
4.6.4	Use noise-dampening technologies on construction vehicles and equipment and maintain the technologies in good working order;
	Activities Undertaken to Comply with Condition: Noise-dampening technologies including mufflers were used on all construction vehicles. A daily vehicle maintenance check was completed by site operators to maintain equipment in good working order.
4.6.5	Require employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring within the Designated Project Development Area, including during loading and unloading activities, and encourage employees and contractors associated with the Designated Project to abide by best practices for noise reduction during activities occurring outside the Designated Project Development Area, including when travelling between the Designated Project Development Area and the 400-series highway network. The Proponent shall provide these best practices to the Agency prior to implementing them; and

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Several requirements have been incorporated into the contract documents requiring the contractor and their employees to abide by best practices for noise reduction within the PDA during construction. A Noise Reduction Plan has been prepared by the contractor to describe best practices for noise reduction that will be implemented by construction staff within the PDA and while travelling between the PDA and the 400-series highway network. The Noise Reduction Plan was provided to IAAC on December 9, 2021. BMPs associated with noise control are implemented in accordance with the Noise Reduction Plan. This includes routing haulage and dump trucks on main roads where possible, using vehicles and equipment with efficient muffling devices, minimizing drop heights of materials and use of positive noise attenuation for all construction zones where repetitive metal to metal contact may generate excess noise, limiting operating time within the daytime period whenever possible, reducing reverse operations by arranging equipment to enter and leave the Site in the same direction where possible, and implementing a no idling policy for mobile equipment and vehicles where applicable.
4.6.6	Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, the contractor is required to enclose generators used during construction and to only use generators with a sound power level of 107 dBA or less. Where generators were required to be used in 2022, they were limited to the extent required only and not left idling. In all instances of use (i.e., to run pumps for dewatering during culvert installation), silenced generators with a sound power level of 107 dBA or less were used.
4.7	The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a communication protocol to share information related to noise attributed to construction of the Designated Project. The Proponent shall implement the protocol during construction. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. The protocol shall include procedures, including timing and methods, for sharing the following information:
	Activities Undertaken to Comply with Condition: Condition fulfilled in terms of developing the Noise Communication Protocol. See 2021 Annual Report for details. The Noise Communication Protocol was implemented in 2022, as follows:
4.7.1	The schedule of construction activities, including construction activities that produce noise, and any update to that schedule;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: The overview of the construction schedule and sequencing prepared pursuant to Condition 15.2 was posted on the project's website.
4.7.2	How the Proponent will notify the local community if the Proponent must conduct construction activities at nighttime pursuant to condition 4.8; and
	Activities Undertaken to Comply with Condition: No night time construction work occurred in 2022; however, notification of a one night night-time construction activity planned in early 2023 was communicated in accordance with the Noise Communication Protocol in December 2022, including through print and digital advertisements, construction updates on the project website, email notification to the local government and the Project email list, and door drops to residents located near the project.
4.7.3	The details of the protocol for receiving complaints related to exposure to noise attributed to the Designated Project implemented pursuant to condition 4.9, including how to record a complaint.
	Activities Undertaken to Comply with Condition: CN monitored the public inquiry line, the 'contact us' page on the project website, and the emergency line for any concerns related to construction. Any concerns raised were considered by CN and acknowledged within 48 hours of receipt, with these concerns documented in the CCC quarterly reports and discussed with the CCC during regular meetings (see Condition 3.2.3.2). See Condition 4.9 for a summary of complaints received.
4.8	The Proponent shall conduct construction activities during daytime, unless not technically feasible. If the Proponent must conduct any construction activity that produces noise during nighttime, the Proponent shall notify the local community prior to undertaking the activity according to the communication protocol implemented pursuant to condition 4.7.
	Activities Undertaken to Comply with Condition: In 2022, construction activities occurred during daytime hours (between 7:00 am to 10:00 pm, as defined in Condition 1.7). The contract documents prepared to guide the contractor's activities during construction of the Project includes requirements for the completion of construction activities during these daytime hours and describes the conditions under which nighttime construction may be permitted (i.e., where daytime construction is not technically feasible). No night time construction work

Condition Number	Condition
	occurred in 2022; however, notification of a one-night night-time construction activity planned in early 2023 was communicated in accordance with the Noise Communication Protocol in December 2022.
4.9	The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a protocol for receiving complaints related to exposure to noise attributed to the Designated Project. The Proponent shall implement the protocol during all phases of the Designated Project. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. As part of the implementation of the protocol, the Proponent shall: • 4.9.1 - Acknowledge any noise complaint attributable to any component of the Designated Project as soon as possible, or no later than 48 hours after the complaint is received, and shall implement any corrective action, if required to reduce exposure to noise, in a timely manner; • 4.9.2 - Take into account the thresholds for change referred to in condition 4.6 and the results of the monitoring conducted pursuant to condition 4.10 when determining if any corrective action is required to reduce exposure to noise; and • 4.9.3 - Provide, on a quarterly basis, a report of all complaints received during the reporting quarter and any corrective action taken (which may include the results of any noise measurement done in relation to any measure taken) to the Agency, potentially affected parties and the Town of Milton.
	Activities Undertaken to Comply with Condition: In accordance with the Noise Communication Protocol, CN monitored the public inquiry line, the 'contact us' page on the project website, and the emergency line for any concerns related to construction. Any concerns raised were considered by CN and acknowledged within 48 hours of receipt, with these concerns documented in the CCC quarterly reports and discussed with the CCC during regular meetings (see Condition 3.2.3.2). In one instance, a local resident complained of noise associated with construction activity near Lower Base Line. This concern was investigated, with additional noise monitoring conducted to determine potential sources and/or the extent of noise in the area. Construction activity in this area was ceased in response to the concerns and CN moved forward with the installation of an interim noise berm along the property boundary and road frontage along Lower Base Line. Further information is included in the summary of the Acoustic Environment FUP (see Section 4.2.2).

Condition Number	Condition
4.10	The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Health Canada, the Canadian Transportation Agency, and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to the acoustic environment attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall compare changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to in condition 4.6. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Acoustic Environment FUP was provided to IAAC on December 9, 2021, and was prepared following consultation efforts with MCFN, the SNGR, Health Canada (HC) and the Canadian Transportation Agency, as well as ECCC and the Town of Milton. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Acoustic Environment FUP is posted on the project website. The Acoustic Environment FUP was implemented in 2022 and included comparison of changes to the acoustic environment attributed to the Designated Project against the thresholds for change referred to condition 4.6. A summary of the results of the Acoustic Environment FUP are provided in Section 4.2.10.
4.10.1	Monitor day-night average sound levels continuously during the first four weeks of each phase of construction identified in the construction schedule referred to in condition 15.2, at locations to be determined during the development of the follow-up program;
	Activities Undertaken to Comply with Condition: Sound levels were monitored during the first four weeks of Phase 1 construction activities and again during a four-week period of Phase 1 construction phase when construction activities were anticipated to result in the greatest noise effects, the dates of which were communicated to HC in advance to confirm timing. Monitoring occurred at locations determined during the development of the FUP. See Section 4.2.2 for more details regarding the 2022 results of the Acoustic Environment FUP.
4.10.2	Monitor day-night average sound levels continuously during the first four weeks of operation and during four additional weeks when the Designated Project operates at its full operational capacity, at locations to be determined during the development of the follow-up program;
	Activities Undertaken to Comply with Condition: This condition will be met during operations.

Condition Number	Condition
4.10.3	As part of the monitoring referred to in condition 4.10.2, monitor low-frequency noise in a manner that allows comparison with the American National Standards Institute's Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4); and
	Activities Undertaken to Comply with Condition: This condition will be met during operations.
4.10.4	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.10.1, 4.10.2 or 4.10.3 demonstrate that modified or additional mitigation measures are required to maintain changes to the acoustic environment attributed to the Designated Project within the thresholds for change referred to in condition 4.6, including in the area north of Britannia Road.
	Activities Undertaken to Comply with Condition: In response to concerns raised by a local resident regarding noise associated with construction activity near Lower Base Line, CN investigated the concerns by conducting additional noise monitoring to determine potential sources and/or the extent of noise in the area, ceased construction activity in this area, and moved forward with the installation of an interim noise berm along the property boundary and road frontage along Lower Base Line. Further information is included in the summary of the Acoustic Environment FUP (see Section 4.2.2). No additional or modified mitigation measures were implemented in 2022.
Air Quality (4.11 to 4.25)	
4.11	The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:
	Activities Undertaken to Comply with Condition: In 2022, measures to mitigate fugitive dust emissions attributed to the Project were implemented during construction. These measures have been identified in the Environmental Protection Plan (EPP) and have been incorporated into the contractor's Air Quality Best Management Practice Plan.
4.11.1	Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, the contractor is required to use dust suppressants with the least potential for adverse effects (i.e., water or other approved materials) to control fugitive dust emissions during construction, as outlined in the

Condition Number	Condition
	contractor's Air Quality Best Management Practice Plan. In 2022, the only dust suppressant used on site was water, as applied by the on-site water truck along major haul roads.
4.11.2	Not handling non-enclosed granular materials during sustained high wind conditions;
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, the handling of granular materials during sustained high wind conditions is restricted. Dust monitoring and dust suppressant mitigation is outlined in the contractor's Air Quality Best Management Plan to ensure handling of granular material is managed appropriately. In 2022, the contractor referred to the Environment Canada Wind Warning threshold criteria of 70 km/h or more for sustained wind or gusts exceeding 90 km/h. Where such high wind conditions were observed, handling of non-enclosed granular materials was paused.
4.11.3	Covering or enclosing sources of granular materials stored in open containers within the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: In 2022, no granular materials were stored in open containers.
4.11.4	Building and managing temporary and permanent roads and parking lots located within the Designated Project Development Area to reduce fugitive dust emissions from dirt surfaces, including through paving and the removal of loose materials on road surfaces; and
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, the contractor is required to build and manage roads and parking lots to reduce fugitive dust emissions from dirt surfaces (i.e., gravel, paving, removal of loose material on road surfaces). In 2022, temporary access roads and parking areas were constructed and covered in gravel to reduce dust generation in high traffic areas. Access points were completed with riprap or stone to reduce fugitive dust and mud tracking off-site. The contractor deployed a street sweeper that remained on site during construction to remove any accumulated mud or debris tracked from the construction site onto area roadways. Regular inspection and maintenance of mud mats, access points and street conditions around the site was ongoing.

Condition Number	Condition
4.11.5	Establishing speed limits of no more than 30 kilometres/hour on temporary and permanent roads located within the Designated Project Development Area and requiring that all persons abide by these speed limits.
	Activities Undertaken to Comply with Condition: As part of the contractor agreement, a speed limit of 30 kilometres/hour (km/h) has been established on all roads / vehicle movements within the PDA during construction, to which all persons are required to abide. Similar speed limits have been established for all permanent roads within the PDA. Appropriate signage was installed and maintained during construction in conjunction with the construction of the on-site access roads. Speed limit signs were installed on May 4, 2022.
4.12	If the Proponent chooses to install a temporary portable concrete plant for the Designated Project, the Proponent shall include a bag house, and shall install and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions attributed to the operation of the concrete plant. In doing so, the Proponent shall: • 4.12.1 - Store dry material only within designated material storage areas and control dust emissions when transferring and handling dry material; • 4.12.2 - Enclose material transfer points, conveyors and mixing equipment within leak-proof structures; and • 4.12.3 - Minimize drop height during truck loading and unloading activities to the lowest height that is technically feasible.
	Activities Undertaken to Comply with Condition: At this time, there are no plans for the use of a temporary portable concrete plant.
4.13	The Proponent shall implement measures to mitigate air emissions attributed to the Designated Project during all phase of the Designated Project, including by:
4.13.1	Implementing a no-idling policy for mobile equipment and road vehicles within the Designated Project Development Area and requiring that all persons abide by this policy, unless not feasible for health or safety reasons;
	Activities Undertaken to Comply with Condition: A no-idling policy has been developed with the contractor and has been implemented for mobile equipment and road vehicles within the PDA. In 2022, the contractor complied with the no idling policy.
4.13.2	Giving preference, through the tender process, to third-party contractors to use zero-emission mobile and stationary off-road equipment for any physical activity undertaken in relation to the construction of the Designated Project or, if zero-emission

Condition Number	Condition
	equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and requiring third-party contractors to use equipment that:
	Activities Undertaken to Comply with Condition: The contractor agreement includes the preferential use of zero-emission mobile and stationary off-road equipment for any physical activity undertaken as part of the contractor's Emissions Reduction Plan. If zero-emission equipment is not available or not technically feasible, the contractor is required to provide justification for the use of alternative equipment, as described in the sub-conditions. In 2022, only Tier 3 and 4 equipment was operational on-site. No zero-emission equipment was available to conduct the construction activities.
4.13.2.1	Uses diesel engines operating on diesel or low-carbon diesel fuel that meet Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and is equipped with verified diesel particulate filters and for which both the engines and the filters are maintained in accordance with maintenance instructions provided by the manufacturer; or
	Activities Undertaken to Comply with Condition: In 2022, only Tier 3 and 4 equipment was operational on-site. No zero-emission equipment was available to conduct the construction activities. A list of all heavy equipment operated on site, including serial numbers and appropriate Tier emission standards, is kept on file within the site trailer office. Any Tier 3 equipment were equipped with diesel particulate filters. All equipment operating on site is maintained regularly by qualified operators and mechanics so that vehicles were maintained in accordance with maintenance instructions provided by the manufacturer.
4.13.2.2	Uses low-carbon fuel, which may include natural gas, propane or hydrogen, while meeting Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and being maintained in accordance with maintenance instructions provided by the manufacturer;
	Activities Undertaken to Comply with Condition: In 2022, standard diesel fuel has been used to run Tier 3 and 4 equipment on-site. No alternative fuels (i.e., natural gas, propane or hydrogen) have been used to run equipment on site.
4.13.3	During operation, using mobile and stationary off-road equipment that is zero-emission for any physical activity undertaken by the Proponent in relation to the Designated Project, including maintenance activities, or, if zero-emission equipment is not

Condition Number	Condition
	available or its use is not technically or economically feasible, providing a rationale for that determination and using equipment that meets the requirements referred to in condition 4.13.2.1 or 4.13.2.2;
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.
4.13.4	Reducing distance travelled on-site by outgoing vehicles and minimizing container handling turnaround time during operation; and
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.
4.13.5	Ensuring emission control technologies are not removed from equipment and vehicles operated by the Proponent for the Designated Project, unless removal is necessary for repair and maintenance activities, after which the emission control technologies shall be reinstalled or replaced before the equipment and vehicles are operated again.
	Activities Undertaken to Comply with Condition: In 2022, no emission control technologies were removed from equipment and vehicles.
4.14	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall:
	Activities Undertaken to Comply with Condition: An update is provided in Section 7.1 of the annual report.
4.14.1	Provide a rationale as to why the truck fleet has, or has not, been electrified; and
	Activities Undertaken to Comply with Condition: Throughout 2021 and 2022, CN worked collaboratively with the manufacturer to develop the trucks, which are currently in the manufacturing phase. The first prototypes are expected to be released for Transport Canada certification in 2023. CN expects to take possession of its first truck in early 2023. In parallel, through 2021 and 2022, CN advanced the design of charging stations at

Condition Number	Condition
	our Montreal and Vancouver Intermodal Terminals and commenced their installation. The charging stations are expected to be commissioned in Montreal and Vancouver in time for rollout of the first trucks.
4.14.2	Provide an update on the electric truck pilot project referred to by the Proponent in its Closing Statement Submission (Canadian Impact Assessment Registry Reference Number 80100, Document Number 972), including the results of the pilot project when it is completed.
	Activities Undertaken to Comply with Condition: The live pilot is expected to take place throughout 2023 in Montreal and Vancouver. Lessons learned throughout this pilot phase will ensure that the trucks and the charging stations are meeting operational requirements and the results will be used to inform and further refine the rollout of Lion Electric trucks and the design for the Milton Logistics Hub.
4.15	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of implementing idling reduction technologies on Proponent-owned locomotives that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent implements these technologies. In providing that information, the Proponent shall provide a rationale as to why these technologies have, or have not, been implemented.
	Activities Undertaken to Comply with Condition: A key idling reduction technology already in place at CN is the automatic engine start-stop (AESS) system. AESS software minimizes locomotive idling based on certain parameters related to engine oil, water, and ambient air temperatures. Close to 90% of CN locomotives are equipped with this system. During cold weather conditions, due to the risk of engine damage and loss of water used to cool engines, normally an AESS system will not allow for a shutdown in a sub-freezing environment. CN is currently making improvements to the AESS software and hardware system to allow the engine to be stopped in some situations instead of running idle for long period of times. While idling will still be required in extremely frigid weather, the number of cold weather days on which AESS shutdowns are possible is expected to increase. In parallel, CN is also testing a new system installed in a locomotive. The system is based on an auxiliary power unit (APU), a small battery-powered controller that operates an efficient diesel burner, providing a source of heat to the engine water and oil. This small heating source is sufficient to allow the engine to shut down without risk of damage. A pilot project was launched at the end of 2021 and will continue through 2023. If the results are satisfying, the system could eventually be installed on most of CN's low horsepower locomotive fleet, which are used to move traffic in the rail yards.

Condition Number	Condition
	Finally, CN has announced in November 2021 the purchase of its first 100% heavy-haul battery-electric locomotive (link: https://www.cn.ca/en/news/2021/11/cn-advances-sustainability-efforts-with-wabtecs-battery-electric/). As alternative propulsion systems to diesel locomotives are currently being developed, CN plans to continue to lead the sector by deploying low and no carbon technologies that would also eventually reduce idling in the rail yards. CN is currently expecting to receive that locomotive in 2025.
4.16	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the Designated Project. As part of the development of the plan, the Proponent shall establish emissions thresholds for high-emitting trucks. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan during operation. As part of the implementation of the plan, the Proponent shall:
	Activities Undertaken to Comply with Condition: In preparation for the implementation of this plan, CN has been working to develop the goals and objectives, methods, and management framework to be implemented in order to monitor emissions from incoming trucks, identify high-emitting trucks, and implement an appropriate response that will encourage continual improvements in the reduction of air pollutant and greenhouse gas emissions from trucks serving the Designated Project. CN is exploring available technologies used to monitor emissions from individual trucks to consider as part of the plan, with the location of such equipment proposed in or near the portal located on the incoming lanes of the truck access road.
4.16.1	Implement incentive measures to encourage truck operators serving the Designated Project to lower truck emissions and implement clean technology, which may include low-carbon fuel, low-emission auxiliary power units or idling reduction technologies;
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.

Condition Number	Condition
4.16.2	Install and maintain signs at the exit of the terminal reminding truck drivers serving the Designated Project to reduce idling outside of the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: Anti-idling signage and requirements for anti-idling have been developed with the contractor as part of the Emission Reduction Plan during construction. Once operations commence, anti-idling information and signage will be in place for trucks servicing the facility.
4.16.3	Implement measures (other than visual inspection) to collect information about air pollutants and greenhouse gases emitted by trucks entering the Designated Project Development Area, including concentrations and quantities of nitrogen oxides, carbon dioxide and particulate matters, and to notify truck operators of any truck that meets or exceeds the emissions thresholds for high-emitting trucks established during the development of the plan. As part of these measures, the Proponent may collect information through the installation of emission measurement technologies within the Designated Project Development Area or through review of on-board diagnostic systems; and
	Activities Undertaken to Comply with Condition: Operation has not commenced. Monitoring of air pollutants and greenhouse gases emitted by trucks entering the facility will be developed prior to the start of operations.
4.16.4	Report to the Agency, as part of the annual report referred to in condition 2.11, information about air pollutants and greenhouse gases collected pursuant to condition 4.16.3 during the reporting year, including the number and proportion of trucks meeting or exceeding the thresholds for high-emitting trucks established during the development of the plan, and how the Proponent has addressed any incidence of high-emitting trucks through notification to truck operators and/or other means.
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met during operations.

Condition Number	Condition
4.17	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, an air pollutant and greenhouse gas emissions reduction plan to require continual improvements in the reduction of air pollutant and greenhouse gas emissions from locomotives serving the Designated Project. As part of the development of the plan, the Proponent shall establish five-year targets for increasing over time the proportion of locomotives serving the Designated Project that meet, at a minimum, Tier 4 emissions standards pursuant to the Locomotive Emissions Regulations, and are maintained, in accordance with engine maintenance instructions provided by the manufacturer, to remain at least Tier 4 compliant, or of locomotives that are retrofitted with verified diesel oxidation catalysts and the latest available engine upgrades, until such time that the Designated Project is fully served by these locomotives. The Proponent shall submit the plan to the Agency prior to operation and shall implement the plan throughout operation.
	Activities Undertaken to Comply with Condition: Operation has not commenced. This condition will be met prior to and during operations.
4.17.1	As part of the annual report referred to in condition 2.11, the Proponent shall report its progress in meeting the five-year targets established during the development of the plan.
	Activities Undertaken to Comply with Condition: Operation has not commenced. The annual progress report will be prepared once operations commence and will form part of the annual report.
4.18	The Proponent shall review the air pollutant and greenhouse gas emissions reduction plans referred to in conditions 4.16 and 4.17, in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, after the fifth year of operation and thereafter at a time to be determined during each review. If the Proponent updates the plan(s), the Proponent shall submit any updated plan to the Agency, Environment and Climate Change Canada, Transport Canada and other relevant authorities within 30 days of the plan(s) being updated.
	Activities Undertaken to Comply with Condition: Operation has not commenced. Once prepared, this plan will be consulted on with Environment and Climate Change Canada, Transport Canada and other relevant authorities. Updates to the plan will be circulated to the same parties within 30 days of the plan update.

Condition Number	Condition
4.19	The Proponent shall manage, during operation, the number of container trucks entering the Designated Project Development Area such that the monthly average daily number of container trucks entering the Designated Project Development Area does not exceed 800 trucks and the maximum daily number of container trucks entering the Designated Project Development Area does not exceed 880 trucks.
	Activities Undertaken to Comply with Condition: Operation has not commenced. CN will monitor the container truck counts entering the facility to ensure the monthly average does not exceed 800 trucks and the maximum daily number does not exceed 880 trucks.
4.20	The Proponent shall develop, prior to operation, and implement, during operation, measures to optimize the efficiency of container trucks to handle contained goods to and from the Designated Project Development Area and reduce the number of container trucks over time. The Proponent shall submit these measures to the Agency prior to implementing them.
	Activities Undertaken to Comply with Condition: Operation has not commenced. Drawing on experience from other terminals, and prior to operation, CN will develop and implement measures to optimize the efficiency of operations of the terminal and submit them to IAAC prior to implementing them.
4.20.1	As part of the annual report referred to in condition 2.11, the Proponent shall report the number of container trucks entering and exiting the Designated Project Development Area, including the number of container trucks entering the Designated Project Development Area with a container or without a container and the number of container trucks exiting the Designated Project Development Area with a container or without a container, during the reporting year.
	Activities Undertaken to Comply with Condition: Operation has not commenced. The number of container trucks entering and exiting the facility will be reported as part of the annual report, once Project operation has begun, including a breakdown of the monthly average daily and maximum daily number of trucks during the previous year, as well as the number of container trucks entering and exiting the terminal with and without a container (i.e., bobtail, empty chassis, with a container).

Condition Number	Condition
4.21	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Health Canada, the Ontario Ministry of the Environment, Conservation and Parks, Halton Region, the Town of Milton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the Designated Project. The Proponent shall take into account the Canadian Council of Ministers of the Environment's Ambient Air Monitoring and Quality Assurance/Quality Control Guidelines when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Air Quality FUP was provided to IAAC on December 9, 2021, and was prepared following consultation efforts with ECCC, HC, the Ontario Ministry of the Environment, Conservation and Parks, Halton Region, the Town of Milton, the MCFN and the SNGR. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Air Quality FUP is posted on the project website.
4.21.1	Update the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment by conducting pre-construction monitoring and/or by compiling publicly available data and revise, as required based on updated baseline information, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Designated Project (including particulate matter, fine particulate matter, coarse particulate matter, ozone, nitrogen dioxide, sulphur dioxide, benzene, 1,3-butadiene, benzo(a)pyrene and carbon monoxide). The Proponent shall submit the updated baseline information and the revised predictions to the Agency prior to construction;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
4.21.2	During construction, monitor (at locations, based on prevailing winds, upwind of the Designated Project Development Area, at or near the Designated Project Development Area boundary, and downwind of the Designated Project Development Area, at or near the property line): • 4.21.2.1 - Particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.2.2 - Benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.2.3 - Meteorological conditions (including wind speed, wind direction, temperature and relative humidity);
	Activities Undertaken to Comply with Condition: The two air quality monitoring stations, one based on prevailing winds upwind and one downwind of the Project were installed and became fully functional in 2021. These two stations were operational throughout 2022 and are monitoring the listed parameters.
4.21.3	During the first five years of operation, or until the end of the third year during which the Designated Project operates at its full operational capacity, whichever comes later, monitor (at the same monitoring locations referred to in condition 4.21.2): • 4.21.3.1 - Particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.3.2 - Benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.3.3 - Meteorological conditions (including wind speed, wind direction, temperature and relative humidity);
	Activities Undertaken to Comply with Condition: Operations have not commenced. This condition for monitoring will be met during operations.
4.21.4	Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to: • 4.21.4.1 - The Canadian Council of Ministers of the Environment's Canadian Ambient Air Quality Standards or, in the absence of federal criteria, to the Ontario Ambient Air Quality Criteria; or • 4.21.4.2 - The revised maximum predicted ground-level concentrations of air quality contaminants referred to in condition 4.21.1 if the updated baseline information referred to in condition 4.21.1 already exceeds the air quality standards referred to in condition 4.21.4.1;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: The results of the 2022 Air Quality FUP are summarized in Section 4.2.3.
4.21.5	If the comparison undertaken pursuant to condition 4.21.4.1 or 4.21.4.2 demonstrates any exceedance of the air quality standards referred to in condition 4.21.4.1 or any exceedance of the revised maximum predicted ground-level concentrations of air quality contaminants referred to in 4.21.1, determine, in consultation with the parties involved in the development of the follow-up program, the source(s) of any such exceedance. If the Proponent determines, in consultation with the parties involved in the development of the follow-up program, that the Designated Project is contributing to any such exceedance, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the emissions of air quality contaminants attributed to the Designated Project.
	Activities Undertaken to Comply with Condition: The results of the 2022 Air Quality FUP are summarized in Section 4.2.3, including any discussion regarding any exceedances of the air quality standards as a result of the project.

Section 5: Water

Condition Number	Condition
Surface Water (5.1 to 5.10)	
5.1	The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement the Designated Project such that maximum and minimum flows of waterbodies affected by the Designated Project located outside of the Designated Project Development Area are maintained during all phases of the Designated Project, and that sufficient capacity exists to safely accommodate and convey the range of climate conditions that could be reasonably expected during the Designated Project's lifetime, including at least one regulatory storm event.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. The construction contractor is required through the contractor agreement to construct the Project according to the detailed design. In 2022, construction occurred on the offline realignment of Indian Creek and Tributary A, various culverts (i.e., Culverts 2A, 2B and 3), Stormwater Management (SWM) Pond 1 and 2, and the regional diversion ditch. These works are all still in progress. The Surface Water Quality and Quantity Follow up Program (SWQQ FUP), provided to IAAC on December 1, 2021, was implemented in 2022 to monitor for water quality and quantity in relation to construction of the Milton Logistics Hub.
5.2	The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada and other relevant authorities, and implement a stormwater management system to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Construction of SWM Pond 1 and 2 was started in 2022 and remains in progress.
5.2.1	Design the stormwater management system so that it can convey multiple storm events, including a regulatory storm event;
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details.
5.2.2	Install oil grit separators for the administration and maintenance buildings, gate area and work pad areas to capture sediments, oil and grease before discharge to the wet ponds;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Installation of the oil grit separators has not been initiated.
5.2.3	Install shut off valves on the stormwater management pond outlets; and
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. A 600mm knife gate valve was installed at the SWM Pond 2 outlet structure in May 2022; however, the SWM ponds remain under construction.
5.2.4	Implement end-of-pipe storage volumes that take into account Enhanced Protection requirements for long-term average suspended solids under Ontario's Stormwater Management Planning and Design Manual.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Construction of SWM Ponds 1 and 2 has been initiated; however, construction of the remaining components of the SWM system to manage the quantity and quality of runoff from the terminal has not been initiated.
5.3	The Proponent shall not use salt for de-icing or traction control purposes within the Designated Project Development Area during any phase of the Designated Project, unless other technically and economically feasible methods for de-icing or traction control purposes may result in unsafe construction conditions or unsafe railway or facility operation. If the Proponent must use salt, the Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate salt loading into the stormwater management system. The Proponent shall submit these measures to the Agency prior to implementing them and shall provide a rationale as to why other methods are not technically or economically feasible.
	Activities Undertaken to Comply with Condition: This condition will be met during construction and operations. No use of salt for de-icing or traction control occurred in 2022.
5.4	The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to control erosion and sedimentation within the Designated Project Development Area to avoid the deposit of sediments in waterbodies when conducting any activity, including dewatering, during construction and operation. These measures shall include the installation of erosion and sedimentation control devices and vegetation planting. The Proponent shall submit these measures to IAAC prior to implementing them.

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design for Phase 1 of construction. See 2021 Annual Report for details. Erosion and sediment control (ESC) measures (i.e., silt fence, strawbale check dams, rock check dams, coir matting, etc.) have been installed, monitored, and maintained by the contractor in 2022. Vegetation planting (seeding) occurred on any finished slopes and valleys within areas adjacent to Tributary A and Indian Creek, as well as within any temporary drainage channels on site throughout the summer and fall months, as appropriate. Any dewatering that occurred on site (i.e., dewatering offline channels, isolating and dewatering for in-water work, dewatering ponded site runoff) utilized filter bags, strawbales and silt fence as appropriate to control sediment.
5.5	The Proponent shall undertake equipment fueling and maintenance, store substances with the potential to cause harmful effects to the receiving environment and deposit water removed during dewatering at least 30 metres from any wetland or waterbody.
	Activities Undertaken to Comply with Condition: Any fueling of equipment and generators has been completed more than 30 m away from any wetland or waterbody.
5.6	The Proponent shall implement measures to prevent wet concrete or cement-laden water, including high pH run-off occurring during concrete work, from entering any wetland or waterbody during construction.
	Activities Undertaken to Comply with Condition: Concrete pours in 2022 occurred in areas isolated from wetlands and waterbodies (i.e., Culvert 2A and 2B occurred in offline, isolated areas), preventing the risk of high pH runoff being an issue.
5.7	The Proponent shall collect and treat all wastewaters and wash waters, taking into account the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life, before discharging them in any wetland or waterbody.
	Activities Undertaken to Comply with Condition: No waste water or wash water was discharged into any wetland or waterbody in 2022.

Condition Number	Condition
5.8	The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Designated Project Development Area towards waterbodies during all phases of the Designated Project, including measures to allow time for increased die-off of pathogenic organisms and volatilization of agricultural contaminants prior to soil disturbance and removal of nutrient compounds through plant harvesting.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to developing measures to mitigate the mobilization and transport of potential residual agricultural contaminants. See 2021 Annual Report for details. In 2022, no new applications of fertilizers, manure, or pesticides/herbicides have been applied to the fields within the PDA. Buffers and setbacks were maintained from waterbodies (i.e., Tributary A, Indian Creek) and ESC measures were implemented when construction activity in those areas commenced. Turbidity monitoring was conducted on a regular basis and surface water sampling to target a suite of agricultural parameters was conducted as part of the Surface Water FUP (see Section 4.2.4).
5.9	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, the Town of Milton, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the stormwater management system. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The SWQQ FUP (which includes SWM) was provided to IAAC on December 1, 2021, and was prepared following consultation efforts with ECCC, DFO, the Town of Milton, CH and MECP. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the SWQQ FUP is posted on the project website.
5.9.1	Review, every five years following the end of construction, the performance of the stormwater management system in light of the most current climate change projections, including through the review of downstream hydrographs and floodlines; and
	Activities Undertaken to Comply with Condition: SWM system performance will be reviewed every five years following the end of construction.

Condition Number	Condition
5.9.2	Develop and implement modified or additional mitigation measures if any review conducted pursuant to condition 5.9.1 demonstrates that modified or additional mitigation measures are required to maintain downstream hydrographs and floodlines unaltered, unless otherwise directed or advised by Environment and Climate Change Canada in consultation with Conservation Halton.
	Activities Undertaken to Comply with Condition: This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.
5.10	The Proponent shall develop, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to surface water quality and quantity attributed to the Designated Project. As part of the development of the follow-up program, the Proponent shall determine the water quality parameters to be monitored in order to support the comparison of measured parameters to the levels predicted during the environmental assessment. The water quality parameter shall include the effluent contaminants of concern identified by the Proponent in table 7.4-1 submitted in response to Information Request 7.4 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 680). As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with condition: The SWQQ FUP was provided to IAAC on December 1, 2021, and was prepared following consultation efforts with ECCC, DFO, the Town of Milton, CH and MECP. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1. The final version of the SWQQ FUP is posted on the project website.
5.10.1	Monitor surface water quantity continuously during construction and for at least five years following the end of construction;
	Activities Undertaken to Comply with condition: Surface water quantity monitoring has been ongoing in accordance with the SWQQ FUP since January 2022 (see Section 4.2.5) and will continue for at least five years following the end of construction.
5.10.2	Monitor surface water quality, during construction and for at least five years following the end of construction, at least monthly and during high flows and upset conditions;
	Activities Undertaken to Comply with condition: Surface water quality monitoring has been ongoing in accordance with the SWQQ FUP since January 2022 (see Section 4.2.5) and will continue for at least five years following the end of construction.

Condition Number	Condition
5.10.3	Conduct the monitoring referred to in conditions 5.10.1 and 5.10.2 both at locations where water flows towards the Designated Project Development Area and at locations where water flows away from the Designated Project Development Area, including the effluent of the stormwater management ponds;
	Activities Undertaken to Comply with condition: Surface water quality and quantity was measured at monitoring locations where flows enter and exit the PDA along Tributary A and Indian Creek as identified in the SWQQ FUP (see Section 4.2.5).
5.10.4	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate adverse changes to surface water quality and quantity attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards; and
	Activities Undertaken to Comply with condition: Refer to Section 4.2.5 for a description of any modified or additional mitigation measures developed and implemented in 2022.
5.10.5	Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring is required after the first five years following the end of construction.
	Activities Undertaken to Comply with condition: The need for additional monitoring after the first five years following the end of construction will be determined, in consultation with ECCC, CH and the MECP. The time period for this review to occur has not yet been met.

Condition Number	Condition
Groundwater (5.11 to 5.13)	
5.11	The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to maintain baseline groundwater flow and prevent the preferential movement of groundwater along servicing alignments.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of appropriate measures. See 2021 Annual Report for details. In 2022, the SunCanadian Pipeline was installed following design and construction procedures approved through the amended Decision Statement (July 26, 2022). Groundwater was not encountered during construction of the entry and exit pits and no groundwater dewatering was required. As such, anti-seepage collars were not installed in the entry and exit pits as they were not deemed to be necessary to prevent the preferential movement of groundwater along the pipeline or boring path.
5.12	The Proponent shall estimate, prior to construction, the dewatering requirements of the Designated Project and shall provide that information to the Agency prior to construction. In the event that the Proponent determines that construction of the Designated Project requires dewatering in excess of 50,000 litres/day, the Proponent shall implement a dewatering system to dissipate the energy and reduce the sediment content of discharging water during construction.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No groundwater dewatering was completed in 2022.
5.13	The Proponent shall develop, prior to construction and in consultation with Natural Resources Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to groundwater quality and quantity attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Groundwater FUP was provided to IAAC on December 1, 2021, and was prepared following consultation efforts with Natural Resources Canada, MECP and CH. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Groundwater FUP is posted on the project website.
5.13.1	Monitor, during construction and for a minimum of one year following the end of construction, groundwater levels and quality within the Designated Project Development Area and at private wells to which the Proponent is granted access located within the Local Assessment Area defined by the Proponent on figure 6 of the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In the event that the

Condition Number	Condition
	Proponent determines that construction dewatering is required pursuant to condition 5.12, the Proponent shall also monitor wells located within the projected dewatering cone of depression and to which the Proponent is granted access to determine the potential for drawdown interference; and
	Activities Undertaken to Comply with Condition: Groundwater monitoring has been ongoing in accordance with the Groundwater FUP since January 2022 (see Section 4.2.6) and will continue for at least one year following the end of construction. No groundwater dewatering was completed in 2022.
5.13.2	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.13.1 demonstrate that modified or additional measures are required to maintain groundwater quantity and quality as predicted by the Proponent as part of the environmental assessment in the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).
	Activities Undertaken to Comply with Condition: Refer to Section 4.2.6 for a description of any modified or additional mitigation measures developed and implemented in 2022.

Section 6: Terrestrial Environment

Condition Number	Condition
General (6.1 to 6.10)	
6.1	The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and maintain, throughout operation, 7.1 hectares of replacement online and offline wetlands within the Designated Project Development Area in a manner that supports the maintenance of ecological functions in the Bronte Creek watershed and that enhances wetland habitat for turtle and breeding opportunities for wetland-dependent birds. In doing so, the Proponent shall establish the constructed riparian wetlands with locally-occurring native emergent and riparian vegetation. The Proponent shall construct the replacement wetlands before removing the existing wetlands, unless not technically feasible.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of wetlands. See 2021 Annual Report for details. Work to construct the replacement wetlands began in 2022 and is still in progress. Construction of the upper section of the realigned portion of Tributary A, including the riparian wetland pond features, began in March 2022 with grading activities and roughing in of the features. Riparian wetland planting along the upper reaches of the realigned Tributary A began in July 2022. The downstream section of the realigned portion of Tributary A, including the removal of the existing agricultural pond, began in July 2022. A portion of the existing wetlands originally planned to be removed to facilitate construction of the realigned portion of Tributary A was retained following discussions in the field with the contractor and reviewing same with DFO in the field. Riparian wetland planting along the lower reaches of the realigned Tributary A began in September 2022. The replacement wetlands along the realigned portion of Tributary A are now complete and considered part of the natural environment. Construction of the replacement wetlands along the realigned portion of Indian Creek also began in 2022 following earth moving activities. Some of the riparian wetland pockets were excavated within the newly created creek valley, as well as within the existing valley to naturalize existing riparian habitats. Riparian wetland plantings along portions of the Indian Creek valley began in September 2022. Additional riparian wetlands and associated planting will occur in 2023 in accordance with the design plans in association with the offline Indian Creek realignment work and ultimate connections of the new channel to Indian Creek. Only locally-occurring native emergent and riparian vegetation plantings were used in accordance with the design plans.

Condition Number	Condition
6.1.1	If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
6.2	The Proponent shall design, in consultation with Conservation Halton, and maintain, throughout operation, drainage features around Designated Project components, including culverts beneath the mainline, to maintain baseline drainage and inflows and outflows to and from any pre-existing wetland that are retained within the Designated Project Development Area following construction. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details. Flow in drainage features around the Designated Project components has been maintained during construction, including Tributaries A, B and C and Indian Creek. Construction of the realigned channels for Tributary A and Indian Creek occurred offline, allowing flows to continue unimpeded in these features. During in-water work activities (i.e., diverting flows into the downstream portion of Culvert 2A and into the realigned portion of Tributary A and Culvert 2B), a dam and pump system was implemented to maintain flow within Tributary A. The remaining portions of Culvert 2A and installation of Culvert 1 will be completed in 2023 based on the design plans. While the upper reaches of Tributary B were removed in accordance with the design plans and description of work outlined in the EIS, any flows in these upper reaches of Tributary B were diverted into the regional diversion ditch and conveyed downstream to Indian Creek. The downstream portion of Tributary B remains intact and conveys local drainage to Indian Creek. No in-water work or activities that impacted drainage in Tributary C occurred in 2022. Finally, in regard to Indian Creek, construction of the realigned channel occurred offline allowing flows to continue unimpeded in this feature. The temporary bridge was installed across the bankfull width of Indian Creek with installation activities occurring outside of the channel (i.e., no in-water work).

Condition Number	Condition
6.2.1	Conduct, prior to construction and in consultation with Conservation Halton, a feature-based water balance analysis for all wetlands with drainage areas that may be affected by the Designated Project to understand the hydrological impacts of site alteration (including water inflows and outflows) on all wetlands located within the Designated Project Development Area and to mitigate the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the consultation, the Proponent shall consult Conservation Halton regarding about the types, frequency and timing of measurements used when conducting the analysis;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
6.2.2	Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design and maintenance of the replacement wetlands referred to in condition 6.1;
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details. A Wetland FUP will be implemented in 2023 to monitor the establishment and maintenance of any created wetlands.
6.2.3	Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design of the stormwater management system; and
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details.
6.2.4	Submit to the Agency, prior to construction, the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 and how the Proponent took into account these results pursuant to conditions 6.2.2 and 6.2.3.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of drainage features. See 2021 Annual Report for details. The feature-based water balance analysis was provided to IAAC on November 26, 2021.
6.3	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse

Condition Number	Condition
	changes to wetlands and wetland functions attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Wetland FUP was provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC, MECP, and CH. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Wetland FUP is posted on the project website.
6.3.1	Monitor, for at least five years following the end of construction, the areal extent, encroachment by invasive vegetation species and success of native vegetation planting for all retained and constructed wetlands located within the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: No monitoring occurred in 2022 since the wetlands subject to this monitoring were not fully constructed. Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the Designated Project Development Area will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).
6.3.2	Monitor, for at least five years following the end of construction, water level fluctuations in all retained and constructed wetlands located within the Designated Project Development Area and compare monitoring results against baseline fluctuations;
	Activities Undertaken to Comply with Condition: No monitoring occurred in 2022 since the wetlands subject to this monitoring were not fully constructed. Water level fluctuations within both retained and created wetlands will be monitored. Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of five years post construction.
6.3.3	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.3.1 or 6.3.2 demonstrate that modified or additional mitigation measures are required such that the total areal extent of wetlands within the Designated Project Development Area is maintained or increased over time and retained and constructed wetlands maintain their functions over time; and

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Once constructed, wetland boundaries will be flagged and marked with a submeter Global Positioning System (GPS), to provide an accurate measurement of wetland size. In the event that the channel design does not perform as intended, resulting in wetland not achieving predicted areal extent or water levels, remedial actions will be recommended and completed as part of the SWQQ FUP.
6.3.4	Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 6.3.1 and 6.3.2, if additional monitoring is required after the first five years following the end of construction, including the duration of that additional monitoring.
	Activities Undertaken to Comply with Condition: Based on the results of the monitoring from the first five years post construction, as referred to in conditions 6.3.1 and 6.3.2, and in consultation with ECCC and CH, CN will determine if additional monitoring is required and for how long.
6.4	The Proponent shall establish and maintain, during all phases of the Designated Project, a buffer of undisturbed vegetation around all retained and constructed wetlands and along riparian areas located within the Designated Project Development Area. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding design of vegetated buffers. See 2021 Annual Report for details. Vegetated buffers around wetlands and along riparian areas have been maintained during construction in accordance with the design plans. Construction delineation fencing was installed prior to construction and has been maintained to separate construction activities from these areas, as required. Encroachment into these areas during construction in 2022 was limited to providing access to conduct restoration and naturalization work along Indian Creek (i.e., slope stability, toe erosion protection, wetland construction).

Condition Number	Condition
6.4.1	Determine the width of the buffer(s) prior to construction, in consultation with relevant authorities, and shall provide that information to the Agency prior to construction; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
6.4.2	Conduct work or activity within the buffer only to the extent necessary to meet engineering requirements for safe railway and facility operation, to install and maintain erosion or sediment control measures and to conduct channel realignment, restoration and naturalization work.
	Activities Undertaken to Comply with Condition: In 2022, encroachment into the identified buffer areas was limited to those activities required to construct drainage infrastructure (i.e., outlet of the regional diversion channel to Indian Creek) and to provide access for the offline construction of Tributary A and Indian Creek and for access to restore and naturalize portions of Indian Creek (i.e., slope stability, toe erosion protection, wetland construction).
6.5	The Proponent shall delineate, prior to construction, areas on the ground within which construction will take place. The Proponent shall not undertake any construction activity outside of these areas, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. In 2022, no construction occurred outside of these defined areas.
6.6	The Proponent shall minimize soil disturbance and shall retain vegetation, including wildlife trees, within and around the Designated Project Development Area, to the extent that it is technically feasible or unless required to meet engineering requirements for safe railway and facility operation.
	Activities Undertaken to Comply with Condition: In 2022, vegetation removal occurred within the areas subject to grading and construction activities as identified on the design drawings. Vegetation, including wildlife trees, in areas not subject to construction activities, or in areas to be retained / protected (i.e., naturalization areas, future phases of construction, perimeter trees), were retained and protected using staking and fencing to delineate the limits of construction.

Condition Number	Condition
6.7	The Proponent shall handle and store soils during construction in a manner that protects soil quality for re-use. In the event that the Proponent encounters contaminated soils during construction, the Proponent shall determine the suitability of re-using that soil before re-using it. The Proponent shall dispose of any soil not suitable for re-use according to proper screening and disposal requirements, taking into account Ontario's Management of Excess Soil - A Guide for Best Management Practices.
	Activities Undertaken to Comply with Condition: In 2022, in accordance with the Soil Management Plan provided to IAAC on November 26, 2021, topsoil was stripped to facilitate grading and construction activities and stockpiled on site for potential reuse during future phases of construction (i.e., landscaping, berms). Topsoil was stripped during dry periods and ESC measures have been installed to reduce erosion from these areas. No contaminated materials were uncovered in 2022 and no excess soil has been identified necessitating removal from the site
6.8	The Proponent shall implement measures, during construction, to avoid the introduction or spread of invasive vegetation within the Designated Project Development Area, including from equipment brought on-site from other worksites and from imported fill. In doing so, the Proponent shall take into account Ontario Invasive Plant Council's Clean Equipment Protocol for Industry.
	Activities Undertaken to Comply with Condition: In accordance with the Ontario Invasive Plant Council’s Clean Equipment Protocol for Industry, as well as measures outlined in the EPP and tender documents, all equipment brought on-site was cleaned prior to arrival to reduce the potential introduction of invasive vegetation. No imported fill was brought to the site in 2022.

Condition Number	Condition
6.9	The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project. The Proponent shall use native Ontario groundcover species and nurse crops when conducting progressive reclamation.
	Activities Undertaken to Comply with Condition: In 2022, progressive reclamation in the form of seeding of areas with native species and nurse crops occurred along the slopes and valley feature associated with the realigned sections of Tributary A and Indian Creek, along the noise berm and along some drainage channels. Construction of Tributary A occurred in stages, with upstream sections being completed in advance of the lower sections. In conjunction with implementation of the planting plan, seeding / hydroseeding of the slopes and valley lands occurred as construction of each section was completed. Similarly, portions of the Indian Creek channel realignment, including the slopes, valley lands, and floodplain berm, were also completed in 2022 and seeded / hydroseeded to promote vegetation growth. The interim noise berm was also seeded following construction, along with several of the drainage channels (i.e., portions of the regional diversion ditch) to help stabilize slopes and reduce erosion. Watering of these areas using a water truck occurred in an attempt to promote vegetation growth during dry conditions, with additional hydroseeding and watering to supplement areas where initial seeding did not take. Remaining areas will similarly be seeded once construction activities are completed in those areas.
6.10	The Proponent shall develop, prior to construction and in consultation with Conservation Halton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to progressive reclamation of the Designated Project Development Area conducted pursuant to condition 6.9, including the establishment of native Ontario groundcover species and nurse crops. As part of the development of the follow-up program, the Proponent shall identify objectives that shall be used by the Proponent to evaluate the effectiveness of the progressive reclamation. The Proponent shall implement the follow-up program once progressive reclamation is completed and shall continue to implement the follow-up program until the Proponent has determined, in consultation with Conservation Halton and other relevant authorities, that the objectives have been met.
	Activities Undertaken to Comply with Condition: The Progressive Reclamation FUP was provided to IAAC on November 26, 2021, and was prepared following consultation with ECCC, MECP and CH. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Progressive Reclamation FUP is posted on the project website. Progressive reclamation efforts were not initiated in 2022 as the site remains actively under construction, including access roads, laydown areas, topsoil / soil stockpiles, areas for future grading, etc. Note that the Progressive

Condition Number	Condition
	Reclamation FUP does not include portions of the channel realignment areas or SWM ponds as they are considered in the specific follow-up programs to monitor for the success of vegetation establishment specific to those design plans (i.e., Wetlands FUP, the Fish and Fish Habitat FUP, and the Wildlife Management Plan).

Section 7: Fish and Fish Habitat

Condition Number	Condition
General (7.1 to 7.12)	
7.1	The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, and implement, during all phases of the Designated Project, measures to protect fish and fish habitat when conducting any Designated Project activity in or near water not already approved under the Fisheries Act and its regulations, taking into account Fisheries and Oceans Canada's Measures to protect fish and fish habitat.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Measures implemented in 2022 to protect fish and fish habitat were consistent with the DFO Measures to Avoid Causing Harm to Fish and Fish Habitat and in accordance with the DFO Authorization, including but not limited to the following: • Implementation and maintenance of ESC measures to reduce erosion and sedimentation in waterbodies during construction of the channel realignment work (Tributary A and Indian Creek), installation of Culvert 2B and portions of Culvert 2A, and area grading activities • Installing temporary crossings of Tributary A and Indian Creek to avoid fording of these watercourses • Completing stream diversions and culvert installations in isolation from stream flows, including the offline construction of portions of Tributary A and Indian Creek, upstream and downstream connections of the realigned Tributary A (dam and pump), and completing the toe protection and slope stabilization along Indian Creek (coffer dam and flume) • All pumps used for dewatering or flow diversion were fitted with screens in accordance with DFO's Interim Code of Practice: End-of-pipe Fish Protection Screens for Small Water Intakes in Freshwater (Tributary A, Indian Creek) • Fish salvage operations were completed prior to any in-water work by qualified aquatic biologists • No in-water work occurred during of the restricted activities period (March 15 to June 30) • Designated refueling areas for yard equipment were established at a safe distance (30 m setback minimum distance from top of bank) from fish habitat. Ultra-low sulphur fuel was used when available.

Condition Number	Condition
7.2	The Proponent shall have a qualified individual, who is an aquatic biologist, salvage and relocate fish prior to conducting any Designated Project activity requiring the removal of fish habitat, including dewatering, culvert installations, channel realignment or any construction work undertaken by a contractor associated with the Designated Project, in a manner that is consistent with any authorization issued under the Fisheries Act and its regulations. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Aquatic biologists were retained by CN to conduct fish rescues throughout the reporting year prior to any in-water work. Fish rescues were conducted on October 19, November 7, November 21, December 9, December 14, and December 20 (see Section 4.2.9).
7.2.1	Salvage and relocate fish to the satisfaction of Fisheries and Oceans Canada;
	Activities Undertaken to Comply with Condition: CN retained an aquatic biologist to conduct fish rescues in 2022, with any fish caught being transferred downstream into the same waterbody. The results of these fish rescues were documented in the Fish and Fish Habitat Annual Report provided to DFO on December 23, 2022, to address monitoring requirements under the DFO Authorization. Through communication received from DFO on January 27, 2023, no concerns were raised and DFO advised that the conditions of the Authorization have been met.
7.2.2	Give preference to relocating fish within the same waterbody, outside of the work area; and
	Activities Undertaken to Comply with Condition: Any fish caught during the fish rescues were transferred downstream into the same waterbody and outside of the work area.
7.2.3	If relocating fish within the same waterbody is not technically feasible, relocate fish within the same watershed where suitable habitat exists, outside of the work area.
	Activities Undertaken to Comply with Condition: Not applicable (see Condition 7.2.2).

Condition Number	Condition
7.3	The Proponent shall design, install and operate the water and pump intake structures located in fish-bearing water within the Designated Project Development Area in a manner that mitigates the incidental capture of fish by entrainment and impingement and is consistent with the Fisheries Act and its regulations. In doing so, the Proponent shall use an appropriately sized fish screen, taking into account Fisheries and Oceans Canada's Freshwater Intake End-of-Pipe Fish Screen Guideline and Interim code of practice: end-of-pipe fish protection screens for small intakes in freshwater, and shall not disturb the bed of the waterbody.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Fish screens were installed on any intake used for pumping water to maintain flow conveyance (i.e., dam and pump) or to isolate and dewater areas where fish may be present (i.e., fish bearing waters in Tributary A and Indian Creek). The fish screens were installed by the contractor based on design plans and with oversight from the Environmental Monitors. These screens were placed on the bottom of the watercourse without disturbing the bed of the waterbody.
7.4	The Proponent shall conduct any in-water construction activity, including any activity associated with the realignment of Indian Creek and Tributary A, outside of restricted activity timing windows for fish species defined for the Southern Region by Ontario Ministry of Natural Resources and Forestry, unless otherwise permitted by relevant authorities.
	Activities Undertaken to Comply with Condition: In 2022, all in-water construction activity occurred outside of the restricted activity period (March 15 to June 30). With the exception of the connections made to activate the realigned portion of Tributary A in December 2022, all work to construct the realigned portions of Tributary A and Indian Creek were completed offline.
7.4.1	If the Proponent must conduct any in-water construction activity during the restricted activity timing windows, the Proponent shall develop and implement additional mitigation measures, in consultation with Fisheries and Oceans Canada, Conservation Halton and other relevant authorities, to protect fish during sensitive life stages, including migration and spawning. The Proponent shall submit these measures to the Agency prior to implementing them.
	Activities Undertaken to Comply with Condition: Not applicable (see Condition 7.4)

Condition Number	Condition
7.5	The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and CH, and implement an offsetting plan in relation to fish and fish habitat. The Proponent shall submit the approved offsetting plan to the Agency prior to implementation.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to development of the offsetting plan. See 2021 Annual Report for details. In 2022, work to implement the offsetting plan approved by DFO through issuance of the Authorization under the *Fisheries Act* included the offline construction of the realigned portions of Tributary A and Indian Creek, including associated riparian habitat and wetland pockets. Instream habitat enhancements within existing reaches of Indian creek were also completed, including toe protection, riparian wetlands, and instream habitat structures. The realigned portion of Tributary A was brought on-line in December 2022 and is currently functioning as fish habitat.
7.5.1	Delineate existing and future fish habitat, including riparian buffers; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.5.2	Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
7.6	The Proponent shall advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and Conservation Halton on how the views and information they provided to the Proponent as part of the development of the offsetting plan referred to in condition 7.5 have been considered by the Proponent, including a rationale for why the views and information have, or have not, been integrated, prior to submitting the final offsetting plan to Fisheries and Oceans Canada for approval. The Proponent shall submit that rationale to the Agency prior to implementing the approved offsetting plan.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.7	The Proponent shall, for any fish habitat offsetting measure proposed in the approved offsetting plan referred to in condition 7.5 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementing them.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.8	The Proponent shall fell trees away from waterbodies and shall immediately remove trees, debris or soils inadvertently deposited in any location within the Designated Project Development Area that may cause a loss of flood storage.
	Activities Undertaken to Comply with Condition: Tree and vegetation removal was undertaken at various locations across the Project in 2022. Initial work to facilitate major earthworks and grading activities on site, including those associated with the installation of Culvert 2A and the realignment of Tributary A and Indian Creek, occurred prior to April 1. Additional tree removal to facilitate grading for the realigned mainline occurred after August 31. All trees were felled away from the watercourse and were either mulched or stockpiled for future use on site away from any watercourses. The stockpiled trees were used in the construction of the realigned portions of Tributary A and Indian Creek channels.
7.9	The Proponent shall apply, in consultation with Conservation Halton, natural channel design principles when realigning Indian Creek and Tributary A. In doing so, the Proponent shall incorporate natural bed morphology and planform geometry to the realigned channels in a manner that promotes natural sediment transport processes and such that the realigned channels:

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.1	Do not excessively aggrade or degrade;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.2	Convey baseline flow levels;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.3	Maintain baseline bankfull frequency;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.4	Do not alter downstream channel morphology; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.9.5	Provide fish habitat features and allow for fish migration and passage.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.10	The Proponent shall realign Indian Creek and Tributary A in a manner that minimizes the extent and duration of flow diversions in existing channels, including by:
	Activities Undertaken to Comply with Condition: Channel realignment construction planning has been completed to minimize the extent and duration of flow diversions in existing channels.
7.10.1	Constructing the realigned channels offline;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: In 2022, construction of the realigned portions of Tributary A and Indian Creek were completed offline.
7.10.2	Siting the realigned channels predominantly outside of the existing channels;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
7.10.3	Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and
	Activities Undertaken to Comply with Condition: The realigned portion of Tributary A downstream of Culvert 2B, as well as Culvert 2B and a portion of Culvert 2A and the intervening channel, were brought on-line (i.e., commissioned) on December 20, 2022. All realignment work within this channel segment, including the culverts, was completed prior to commissioning. This includes the completion of any in-stream structures and riparian habitats supporting fish and fish habitat (as well as other wildlife) within this segment of the channel. In advance of commissioning, DFO met on site with CN on December 1, 2022, to review existing conditions within the channel and confirmed based on that site meeting that this condition had been satisfied (confirmed through an email received December 2, 2022). DFO was also present during commissioning of this segment of the Tributary A channel on December 20, 2022.
7.10.4	Leaving earthen plugs in the connection points with the existing channels until such time that the realigned channels are vegetated and the Proponent commissions the realigned channels or channel segments pursuant to condition 7.10.3.
	Activities Undertaken to Comply with Condition: Offline construction of the Tributary A and Indian Creek channel realignments occurred in 2022. This offline construction was achieved by maintaining earthen plugs at both the upstream and downstream sections of each channel. The constructed segments of the Indian Creek channel realignment remain offline, while the downstream portion of the Tributary A channel realignment was commissioned on December 20, 2022. The Tributary A channel was constructed in two phases, with the first including the section upstream of the existing agricultural pond and the second phase including the channel being constructed within the existing agricultural pond once it was removed after the restricted activities period (March 15 to June 30).

Condition Number	Condition
	To commission the Tributary A channel, earthen plugs separating the new channel from the existing channel were maintained until such time that the channel segment had been completed (see Condition 7.10.3) and until vegetation had established within the new channel. Confirmation that vegetation had been established was provided during a site meeting with DFO on December 1, 2022, and subsequently confirmed through email on December 2, 2022, in which DFO noted their satisfaction with the vegetative growth within the realigned Tributary A channel and riparian area, such that the new Tributary A channel could be commissioned (i.e., confirmed compliance with this condition). The downstream earthen plug was removed in conjunction with the downstream connection, followed by removal of the upstream earthen plug prior to commissioning of the new channel.
7.11	The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada and Conservation Halton, and implement, during operation, measures to mitigate increased temperature in water discharged from the stormwater management system such that collected overland runoff flows at a temperature no higher than baseline conditions, taking into account Ontario's Stormwater Management Planning and Design Manual. As part of these measures, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds commenced in 2022 but they are not yet operational.
7.11.1	Maintain vegetated edges and berms around the wet ponds and along the outlet channel;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds commenced in 2022 but they are not yet operational.
7.11.2	Maintain grassed swales; and
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the grassed swales have not yet commenced and they are not yet operational.
7.11.3	Install below-grade pipes and bottom draw outlet pipes.
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Construction of the SWM Ponds commenced in 2022, including installation of the bottom draw outlet structure for SWM Pond #2; however, these

Condition Number	Condition
	SWM ponds are not yet operational. Construction of the below grade pipes proposed to collected stormwater runoff from the terminal has not yet commenced and they are not yet operational.
7.12	The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Conservation Halton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse environmental effects on fish and fish habitat attributed to the Designated Project. The Proponent shall implement the follow-up program at least until the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Fish and Fish Habitat FUP was provided to IAAC on December 1, 2021, and was prepared following consultation efforts with DFO, CH, MCFN and SNGR. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Fish and Fish Habitat FUP is posted on the project website.
7.12.1	Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;
	Activities Undertaken to Comply with Condition: With the exception of a segment of Tributary A being commissioned at the end of 2022 (December 10, 2022), all other offsetting measures remain under construction. Implementation of this component of the Fish and Fish Habitat FUP is planned to start in 2023.
7.12.2	Monitor channel stability throughout the Designated Project Development Area, including channel cross-sections, bed substrate, bed morphology and detailed longitudinal profiles, to track channel migration. In doing so, the Proponent shall:
7.12.2.1	Conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and
	Activities Undertaken to Comply with Condition: With the exception of a segment of Tributary A being commissioned at the end of 2022 (December 22, 2022), all other offsetting measures remain under construction. Implementation of this component of the Fish and Fish Habitat FUP is planned to start in 2023.

Condition Number	Condition
7.12.2.2	Conduct fall monitoring of stream characteristics (including profile, pattern, dimensions, and pebble counts);
	Activities Undertaken to Comply with Condition: With the exception of a segment of Tributary A being commissioned at the end of 2022 (December 22, 2022), all other offsetting measures remain under construction. Implementation of this component of the Fish and Fish Habitat FUP is planned to start in 2023.
7.12.3	Monitor water temperature of the overland runoff flows from the stormwater management system;
	Activities Undertaken to Comply with Condition: As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction. SWM ponds are not yet operational.
7.12.4	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.12.1, 7.12.2 or 7.12.3 demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on fish and fish habitat attributed to the Designated Project, including fish and fish habitat downstream of the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Fish and Fish Habitat (Appendix E.4) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57); and
	Activities Undertaken to Comply with Condition: If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.
7.12.5	Before the end of the fifth year of operation, determine, in consultation with Fisheries and Oceans Canada and Conservation Halton and based on the results of the monitoring referred to in conditions 7.12.1, 7.12.2 and 7.12.3, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.
	Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with DFO and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.

Section 8: Wildlife

Condition Number	Condition
Migratory Birds (8.1 to 8.4)	
8.1	The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's Avoidance Guidelines to reduce risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall be in compliance with the Migratory Birds Convention Act, 1994, the Migratory Birds Regulations and with the Species at Risk Act.
	Activities Undertaken to Comply with Condition: In 2022, construction activities included measures to protect migratory birds and to avoid harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs as outlined in the Environmental Protection Plan (EPP). Such measures included: • completing site preparation and construction activities outside of the nesting period for birds, or only completing such activities during the nesting period under very limited circumstances and where a wildlife sweep had been performed by a professional biologist to confirm no evidence of breeding • implementing measures to discourage bank swallows from nesting in temporary banks or stockpiles • avoiding grading and heavy earth moving from May 1 to June 30 within 100 m south of the Barn Swallow colony in the existing barn With one exception, the restricted activity period for vegetation removal (as established previously through consultation with ECCC and as documented in the EPP) was adhered to during construction of the Project to limit the disturbance to migratory birds that may be within the limits of construction. Initial work to facilitate major earthworks and grading activities on site, including those associated with the installation of Culvert 2A and the realignment of Tributary A and Indian Creek, occurred prior to April 1. Additional tree removal to facilitate grading for the realigned mainline occurred after August 31. The one exception where tree removal occurred during the restricted activities period pertained to the removal of several small trees within the area for the offline construction of a segment of the Indian Creek channel realignment. This tree removal was completed following the completion of breeding birds surveys in accordance with Condition 8.2.2 and the mitigation measures outlined in the EPP.

Condition Number	Condition
	No contravention of the *Migratory Birds Convention Act, 1994*, or the *Migratory Birds Regulations* of the *Species at Risk Act* was identified. The slopes of any temporary banks on site (i.e., graded areas, soil stockpiles) were maintained at an angle of 70 degrees or less, specifically between April 15 and July 15, to discourage bank swallows from nesting. Regular monitoring of these areas was conducted by CN's Environmental Monitor (EM) and no Bank Swallow nests were encountered on site. No grading and heavy earth moving occurred from May 1 to June 30 within 100 m south of the Barn Swallow colony in the existing barn. All activities remained outside of the concrete barrier (jersey barriers) established around the barn. Further, work to the south of the barn associated with gaining access to stabilize the Indian Creek slope and to install the in-stream habitat structures occurred outside of this period. Barn Swallows were observed flying in and out of the existing barn. Environmental monitors and contractors conducted visual surveys and incidental observations of the area for any evidence of active bird behaviour. An active Killdeer nest was reported by construction crews on July 4, 2022, within an area previously disturbed by construction (i.e., ongoing grading activities). A 5-metre buffer was established around the nest by the Environmental Monitor. On the July 13, 2022, the nest was determined to be inactive with evidence of predation, the buffer was removed, and construction work resumed in the area.
8.2	The Proponent shall ensure that vegetation in migratory bird habitat located within the Designated Project Development Area remains undisturbed during the breeding season for migratory birds. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: To facilitate construction activities on site in 2022, and to avoid disturbing migratory bird habitat during the breeding bird season, the contractor completed tree and vegetation removal prior to April 1 or scheduled construction activities after August 31 in those areas so that tree and vegetation removal could be completed after the restricted activities period established in consultation with ECCC.
8.2.1	Determine the dates of the breeding season, in consultation with Environment and Climate Change Canada, for any year that vegetation clearing shall occur; and
	Activities Undertaken to Comply with Condition: In 2022, breeding bird season dates were determined in consultation with ECCC and are specified in the Wildlife Management and Connectivity Plan (WMCP). The WMCP and EPP, including vegetation clearing dates, were provided to IAAC on November 26, 2021.

Condition Number	Condition
8.2.2	If vegetation clearing outside of the breeding season is not technically feasible during any year, develop and implement additional mitigation measures, in consultation with Environment and Climate Change Canada, to avoid effects on migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to measures being included in the WMCP and EPP. See 2021 Annual Report for details. Limited clearing of approximately 10 isolated trees and shrubs in an open field was required in May 2022 to facilitate grading of the future onsite habitat replacement area. Prior clearing of this area before April 1 was not feasible due to access (i.e., required installation of the temporary bridge crossing) and due to the wet soil conditions in the Indian Creek floodplain. Nest sweeps of the area were conducted by a qualified biologist on May 27, 2022, prior to tree clearing. Visual assessments were made at each tree and shrub to be cleared to assess evidence of active nests of migratory birds. Several inactive nests and one suspected active nest were identified during this initial visit. While the species utilizing the suspected active nest could not be identified during the visit, an American Robin and a Red-winged Blackbird were observed in the area at the time of the survey. A 5-metre buffer was established around the tree within which no activity was permitted and the remaining trees outside of this area were removed. Subsequent nesting surveys were conducted on May 31, June 2, and June 3 could not confirm the nest was not in use, and on June 17 it was confirmed to be in use by an American Goldfinch. Subsequent nesting surveys confirmed the nest to be in use on July 13 (female observed incubating eggs) and nestlings were observed in the nest on July 27. On August 12, nest was observed to be inactive and the last remaining tree in that area was subsequently removed to accommodate construction.
8.3	The Proponent shall design and maintain, throughout operation, buildings associated with the Designated Project in a manner that minimizes the risk of avian collisions, taking into account the City of Toronto's Bird Friendly Development Guidelines.
	Activities Undertaken to Comply with Condition: As committed to during the EA process, buildings associated with the Project will be designed to the City of Toronto's Bird Friendly Development Guidelines, such that they minimize the risk of avian collisions. Vegetation planting plans for surrounding the buildings will also be developed to minimize avian collision potential. No building construction occurred in 2022.

Condition Number	Condition
8.4	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests, including the mitigation measures implemented pursuant to conditions 8.1 to 8.3, 8.12 and 8.23. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The migratory bird FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the migratory bird FUP is posted on the project website. Breeding bird monitoring was conducted at the Luther Marsh Soil sampling for the Country Food FUP was completed in November 2022 and is summarized in Section 4.2.17.
8.4.1	Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the follow-up program demonstrate that modified or additional mitigation measures are required to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests; and
	Activities Undertaken to Comply with Condition: Through the follow-up program monitoring conducted in 2022, there was no evidence of project-attributable harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. Mitigation measures in place appear to be effective at avoiding harm to migratory birds. As such, no modified or additional mitigation measures are recommended (see Section 4.2.10).
8.4.2	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.
	Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7. No operation occurred in 2022.

Condition Number	Condition
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 (Pseudacris triseriata) identified during the environmental assessment within the Designated Project Development Area and the Local Assessment Area (as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57)), springtime surveys of these areas to identify the presence or absence of western chorus frog (Pseudacris triseriata) and breeding and hibernating sites (residences) for western chorus frog (Pseudacris triseriata). In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.5.1	Submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada and determine, in consultation with Environment and Climate Change Canada, if additional surveys are required for the purpose of implementing conditions set out in this Decision Statement in relation to western chorus frog (Pseudacris triseriata);
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.5.2	Identify, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, connectivity between all habitat necessary to support the annual life cycle of western chorus frog (Pseudacris triseriata), including breeding and hibernating sites (residences) identified through the surveys; and
	Activities Undertaken to Comply with Condition: Based on the surveys conducted in the spring of 2020, connectivity between all habitat necessary to support the annual life cycle of western chorus frog, including breeding and potential hibernating sites (residences), were identified on Figure 1 of the draft WMCP submitted to ECCC on May 31, 2021, Ministry of the Environment Conservation and Parks (MECP) on June 8, 2021, Halton Region on June 4, 2021, and CH on June 28, 2021. Only ECCC and MECP provided comments in regard to the WMCP, the final version of which was submitted to IAAC on November 26, 2021, and is available on the project website. The previously identified western chorus frog habitat has been altered by the adjacent land developers since completion of the spring surveys in 2021. One of the two wetland pockets has been removed and compensation habitat for the removal of

Condition Number	Condition
	that pond, as well as for the future removal of the second pond, has been constructed by the developer. This work was completed in accordance with the Boyne Survey Secondary Plan and Subwatershed Impact Study for Block 1 for the Pony Pines residential development, which was approved by the Region, Town and Conservation Halton, as discussed on February 16, 2023, with representatives from Great Gulf (developers). Now, with the absence of breeding habitat immediately adjacent to the CN mainline, the function of the vegetated areas within CN's mainline as potential hibernating sites is now questionable. Compensation for the removal of the breeding ponds by others has already been accommodated and approved by the Town, Region and Conservation Halton. Further discussion with ECCC, as well as the other parties, is planned for 2023 to better understand the remaining habitat, timing of municipal approvals granted to third parties for this work, and possible implications for the implementation of specific mitigation measures and compensation habitat for this Project.
8.5.3	Develop, in consultation with Environment and Climate Change Canada, Conservation Halton, Halton Region and Ontario Ministry of Environment, Conservation and Park, and implement modified or additional mitigation measures, including measures to maintain or enhance habitat connectivity, to mitigate adverse environmental effects attributed to the Designated Project on western chorus frog (Pseudacris triseriata) and/or its breeding or hibernating sites (residences) (including connectivity between these sites) during any phase of the Designated Project. The Proponent shall take into account Conservation Halton's Road Ecology Quick Reference Guide when developing and implementing these measures.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. In 2022, no construction occurred north of Britannia Road within the area where such mitigation measures will be implemented.
8.6	The Proponent shall install, prior to construction and during the breeding season for western chorus frog (Pseudacris triseriata), exclusion fencing to prevent western chorus frog (Pseudacris triseriata) from entering construction areas. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Prior to construction starting in the area along the CN ROW between Britannia Rd and Louis St. Laurent Ave, wildlife exclusion fencing will be installed to prevent western chorus frog from entering construction areas, as directed by a qualified wildlife biologist, as directed in the EPP and the contractor agreement. No construction occurred in this area in 2022.

Condition Number	Condition
8.6.1	Determine the dates of the breeding season, based on ambient temperatures and in consultation with Environment and Climate Change Canada, for any year that construction shall occur; and
	Activities Undertaken to Comply with Condition: No construction occurred in this area in 2022. Based on consultation with ECCC, the breeding season dates for Western Chorus Frogs for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area.
8.6.2	Ensure, based on the results of the surveys conducted pursuant to condition 8.5, that construction areas do not contain western chorus frog (Pseudacris triseriata) breeding sites (residences) prior to installing exclusion fencing.
	Activities Undertaken to Comply with Condition: Construction in the WCF area has not started. Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA.

Condition Number	Condition
8.7	The Proponent shall install, prior to construction and before the breeding season determined for that year pursuant to condition 8.6.1, exclusion fencing between the railway tracks located within the Designated Project Development Area and breeding and hibernating sites (residences) for western chorus frog (Pseudacris triseriata) identified through the surveys conducted pursuant to condition 8.5. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction.
	Activities Undertaken to Comply with Condition: Construction in the WCF area has not started. Exclusion fencing will be installed prior to the beginning of breeding season to exclude western chorus frogs from pertinent construction areas. A qualified wildlife biologist will be on site to confirm the installation of the fencing and that breeding sites are excluded prior to the start of construction in the PDA. Exclusion fencing will be inspected and maintained throughout construction by CN's EM. No construction occurred in this area in 2022.
8.8	The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog (Pseudacris triseriata) identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog (Pseudacris triseriata) determined pursuant to condition 8.6.1.
	Activities Undertaken to Comply with Condition: Construction along the mainline between Britannia Rd and Louis St. Laurent, including the replacement of culverts will be scheduled outside of the breeding season for western chorus frog. No construction occurred in this area in 2022.
8.9	If any hibernating site (residence) for western chorus frog (Pseudacris triseriata) identified through the surveys conducted pursuant to condition 8.5 will be temporarily or permanently affected by any activity associated with the Designated Project, the Proponent shall replace the affected site (residence) with at least a one-to-one ratio of restored habitat suitable for western chorus frog (Pseudacris triseriata) in location(s) determined in consultation with Environment and Climate Change Canada, Conservation Halton and the Town of Milton. The Proponent shall restore the habitat as soon as technically feasible after any hibernating site (residence) has been affected by the Designated Project and shall maintain the restored habitat throughout all phases of the Designated Project.
	Activities Undertaken to Comply with Condition: Construction in the WCF area did not occur in 2022. A preliminary plan for the creation of restoration habitat for western chorus frogs was identified in the WMCP, and further refined through consultation with ECCC. However, based on recent changes to the existing habitat by others, as described in regard to Condition 8.5.2, further discussion with ECCC (and other

Condition Number	Condition
	parties) is required to determine whether any hibernating sites for western chorus frog would be impacted by Project activities, and consequently whether any restored habitat will be necessary.
8.10	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog (Pseudacris triseriata) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The western chorus frog FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC, MECP and Conservation Halton. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the western chorus frog FUP is posted on the project website.
8.10.1	Monitor the use by western chorus frog (Pseudacris triseriata) individuals of the habitat restored pursuant to condition 8.9;
	Activities Undertaken to Comply with Condition: Use of any habitat restored by CN by western chorus frog will be monitored once it has been completed.
8.10.2	Monitor the use by western chorus frog (Pseudacris triseriata) individuals of any measure implemented pursuant to Condition 8.5.3 to maintain or enhance habitat connectivity;
	Activities Undertaken to Comply with Condition: Use of any implemented measure to maintain or enhance habitat connectivity will be monitored.

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

Condition Number	Condition
8.11	The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) in areas identified by the Proponent as habitat for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) on figure 5 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).
	Activities Undertaken to Comply with Condition: Agricultural fields previously identified as grassland habitat for Bobolink and Eastern Meadowlark were based on the presence of hay in those fields. At the time of construction, and associated vegetation removal, hay fields were not present within the PDA and crops grown in the year prior to the start of construction were a mixture of corn and soybeans. Neither crop is conducive to supporting grassland bird habitat. Further, vegetation removal occurred outside of the breeding season for eastern meadowlark and bobolink. Vegetation removal described in response to Condition 8.1 and 8.2 that occurred during this period (i.e., May) pertained to the removal of individual trees and not grassland habitat where these species would be found.
8.12	The Proponent shall cause to be established and maintained, during construction and operation, 40.7 hectares of suitable replacement grassland habitat (containing hay and meadow fields) in the Luther Marsh Wildlife Management Area to compensate for the loss of suitable habitat for eastern meadowlark (Sturnella magna), bobolink (Dolichonyx oryzivorus) and monarch butterfly (Danaus plexippus) within the Designated Project Development Area. The Proponent shall cause the suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
8.13	The Proponent shall cause to be developed, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and cause to be implemented a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the replacement grassland habitat established pursuant to condition 8.12. As part of the development of the follow-up program, the Proponent shall cause to be identified indicators that shall be considered to determine the suitability of the replacement grassland habitat. As part of the implementation of the follow-up program, the Proponent shall cause to:
	Activities Undertaken to Comply with Condition: The grassland habitat FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the grassland habitat FUP is posted on the project website. Eastern meadowlark and bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2022 (see Section 4.2.12).
8.13.1	Monitor use of the replacement grassland habitat established pursuant to condition 8.12 by eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus), including breeding success of both species, for a period of 20 years following the establishment of the replacement grassland habitat;
	Activities Undertaken to Comply with Condition: Eastern meadowlark and bobolink use of the replacement grassland habitat was monitored by Bluestem Consulting and Ducks Unlimited Canada in 2022 (see Section 4.2.12).
8.13.2	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) attributed to the Designated Project; and
	Activities Undertaken to Comply with Condition: The monitoring carried out in 2022 did not demonstrate that any modified or additional mitigation measures are required.
8.13.3	Develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures and/or additional follow-up requirements if after 20 years following the establishment of the replacement grassland habitat, the results of the monitoring referred to in condition 8.13.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that the replacement

Condition Number	Condition
	grassland habitat is not functioning as predicted during the environmental assessment as a replacement habitat for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus). The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be implemented until such time that monitoring results indicate that the replacement grassland habitat is functioning as predicted during the environmental assessment. The Proponent shall cause these modified or additional mitigation measures and/or additional follow-up requirements to be submitted to the Agency prior to them being implemented.
	Activities Undertaken to Comply with Condition: Monitoring results for 20 years following the establishment of the replacement grassland habitat will be evaluated and if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replacement habitat for eastern meadowlark and bobolink, modified or additional mitigation measures and/or additional follow-up requirements will be developed and implemented in consultation with ECCC and other relevant authorities as per the adaptive management section of the FUP. Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.
8.14	The Proponent shall identity, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, foraging, nesting and overwintering habitat for snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) within the Designated Project Development Area and within the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.15	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, Conservation Halton and the Six Nations of the Grand River, habitat enhancement features (including nesting mounds) for snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
	Construction of some of the snapping turtle habitat features, including the nesting mounds and riparian wetland pools along the realigned Tributary A channel and within the existing Indian Creek riparian area, were completed in 2022. Additional habitats adjacent to the Indian Creek channel realignment are still in progress and are expected to be completed in 2023.
8.15.1	Locate constructed nesting mounds outside of areas where nesting habitat has been identified pursuant to condition 8.14; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.15.2	Maintain the habitat enhancement features functional during operation.
	Activities Undertaken to Comply with Condition: Habitat enhancement features will be monitored as part of the WMCP FUP to ensure the features are created and functional during the 5 years post construction. Ongoing habitat features beyond the 5 years post construction are anticipated to be stable and ongoing maintenance will not be required. Habitat enhancement features will remain in place in perpetuity.
8.16	The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (Chelydra serpentine) (October 1 to April 30), unless not technically feasible. If the Proponent must conduct in-water construction activities within the overwintering period, the Proponent shall have a qualified individual, who is a biologist, relocate snapping turtles (Chelydra serpentine) observed within in-water construction areas to an accredited facility for the duration of the overwintering period, prior to conducting any in-water construction activity.
	Activities Undertaken to Comply with Condition: The methods for relocating snapping turtles observed within in-water construction areas are provided in the WMCP, which was provided to IAAC on November 26, 2021. Some in-water works were conducted during the overwintering period for snapping turtles, specifically in October, November and December of 2022 in association with commissioning Tributary A and stabilizing the Indian Creek slope. Prior to completing this work, surveys for the presence of any turtles were completed by biologists in conjunction with the fish rescue activities undertaken (See Condition 7.2); however, no snapping turtles were observed during these surveys.
8.17	The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (Chelydra serpentine) from entering construction work areas. The Proponent shall take into account the

Condition Number	Condition
	location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14 when installing the exclusion fencing.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.18	The Proponent shall install, prior to operation, and maintain, throughout operation, exclusion fencing between the habitat enhancement features constructed pursuant to condition 8.15 and roads located within the Designated Project Development Area. In doing so, the Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14.
	Activities Undertaken to Comply with Condition: Permanent exclusion fencing will be installed once construction of the realigned channels is completed, and vegetation has been installed. Maintenance and monitoring of the exclusion fencing will be completed by CN throughout operation of the Designated Project.
8.19	With respect to all exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18, the Proponent shall:
8.19.1	Install and maintain all exclusion fencing taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario; and
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to installation of exclusion fencing. See 2021 Annual Report for details. Regular inspection of the wildlife exclusion fencing was completed by CN's EM and any maintenance needs were communicated to CN and the contractor through regular weekly meetings. Repairs were completed by the contractor as required.
8.19.2	Inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	In 2022, CN's EM inspected the exclusion fencing along portions of Tributary A and Indian Creek regularly (i.e., weekly) and directly following any heavy rain event, as well as during any construction activity in close proximity to the fencing. Where maintenance or repair was flagged to the contractor, monitoring of these areas was completed by CN's EM to confirm that repairs were completed.
8.20	The Proponent shall install and maintain, during all phases of the Designated Project, signs to notify drivers of the risk of turtle collisions along any temporary and permanent road located within the Designated Project Development Area. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario when installing the signs.
	Activities Undertaken to Comply with Condition: Signs to notify drivers of the risk of turtle collisions (i.e., turtle crossing signs) were installed along the temporary construction access roads within the PDA (i.e., at the entrances to each access road) on May 4th, 2022.
8.21	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.15 to 8.20. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The snapping turtle and midland painted turtle FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC, Conservation Halton and SNGR. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the snapping turtle and midland painted turtle FUP is posted on the project website. Monitoring of wildlife exclusion fencing and for the presence of any turtles within the construction area or in-water construction areas occurred in 2022 (see Section 4.2.13).
8.21.1	Monitor, during the time that the Proponent shall maintain the exclusion fencing referred to in condition 8.17, the effectiveness of the fencing in preventing snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) from entering in-water construction work areas;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Regular inspections by CN's EM and maintenance of the wildlife exclusion fencing by the contractor occurred in 2022. Prior to any in-water work in 2022, areas were searched for snapping turtles and midland painted turtles in conjunction with the fish rescue activities. No turtles were encountered during in-water construction activities.
8.21.2	Monitor, during all phases of the Designated Project, roads located within the Designated Project Development Area for turtle crossings and/or turtle collisions with vehicles; and
	Activities Undertaken to Comply with Condition: Regular monitoring of internal access road within the PDA was completed by CN's EM and the operators of construction equipment. No turtles were observed crossing any internal access roads and no turtle collisions occurred within the PDA. On June 16, 2022, an equipment operator observed a collision between a non-project-related motor vehicle and snapping turtle that was crossing Tremaine Road outside of the PDA. CN's EM were contacted, the turtle was captured and transferred to a registered wildlife rehabilitator (Dundas Turtle Watch) who in turn transferred the injured turtle to the Kawartha Turtle Trauma Centre. CN was informed that the turtle recovered from its minor injuries and was released within 1 km of where it was found.
8.21.3	Develop and implement modified or additional mitigation measures, taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles.
	Activities Undertaken to Comply with Condition: No modified or additional mitigation measures were determined to be required to further mitigate the risk to turtles, including the risk of collisions with vehicles.

Condition Number	Condition
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.
	Activities Undertaken to Comply with Condition: In 2022, the following observations occurred were recorded and reported to the Natural Heritage Information Centre: • A snapping turtle was spotted in Tributary A east of the tracks on May 26th, 2022. • A snapping turtle was spotted basking on beaver dam in creek on June 3rd, 2022. • A snapping turtle was spotted in flooded Tributary A on June 15th, 2022. • A snapping turtle was found on side of the road (outside PDA) and had been struck by vehicle on June 16th, 2022. Transferred to registered wildlife rehabilitator (Dundas Turtle Watch) who in turn transferred to Kawartha Turtle Trauma Centre. • Nine turtle eggs were uncovered on July 20th during works to reconnect Tributary B to Indian Creek. Construction activity stopped, CN's EM contacted Ontario Turtle Conservation Centre (OTCC) for guidance, eggs were collected and transferred to OTCC for incubation. The fate of these specific eggs is unknown. • One turtle egg uncovered on August 3rd in fill material along Indian Creek. Construction activity stopped, egg was collected CN's EM and transferred to OTCC for incubation. The fate of this specific egg is unknown. • Snapping Turtle observed on August 31st in agricultural pond on Tributary A adjacent to coffer dam, inside wildlife fence where future channel work is anticipated. • Snapping Turtle observed on September 1st in agricultural pond on Tributary A adjacent to coffer dam, inside wildlife fence where future channel work is anticipated. CN's EM captured the turtle and relocated it to Indian Creek (assumed to be the same turtle as August 31). • Two Snapping Turtles observed on September 7th in agricultural pond on Tributary A adjacent to coffer dam, inside wildlife fence where future channel work is anticipated. CN's EM captured the turtles and relocated them to Indian Creek.

Condition Number	Condition
8.23	The Proponent shall implement measures, during all phases of the Designated Project and in consultation with Environment and Climate Change Canada, to mitigate the adverse environmental effects on barn swallow (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project. As part of these measures, the Proponent shall:
	Activities Undertaken to Comply with Condition: Appropriate measures to mitigate the adverse environmental effects on barn swallow (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project were established in the EPP and WMCP, both of which were developed in consultation with ECCC. Mitigation measures implemented in 2022 include the installation of barn swallow nesting structures prior to the removal of the shed, installation of a concrete barrier around the existing barn to prevent construction activities within areas that may disturb barn swallows, removal of trees and vegetation outside of the migratory bird nesting timing window (April 1 to August 31), and implementing measures to discourage bank swallows from nesting in temporary banks or stockpiles on site.
8.23.1	Maintain and keep accessible nesting habitat for barn swallow (Hirundo rustica) located in the barn identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939);
	Activities Undertaken to Comply with Condition: The heritage barn identified by CN on figure U24-1 in response to Undertaking 24 during the Panel hearing was maintained and kept accessible for use as nesting habitat for barn swallow. Barn swallows were observed flying in and out of the barn in 2022 and foraging over the adjacent grass areas. A concrete barrier was installed in March/April 2022 around the existing barn to prevent encroachment by construction vehicles in proximity to the barn swallow habitat.

Condition Number	Condition
8.23.2	Install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (Hirundo rustica) located in the shed identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939). The Proponent shall install the artificial nesting structures before removing the shed and shall maintain the structures during all phases of the Designated Project;
	Activities Undertaken to Comply with Condition: Two artificial barn swallow nesting structures were constructed and installed in and around March 10, 2022, prior to removal of the shed identified on figure U24-1 of CN's response to Undertaking 24. One structure was installed adjacent to Tributary A and one was installed adjacent to Indian Creek.
8.23.3	Manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (Riparia riparia) from nesting in the stockpiles; and
	Activities Undertaken to Comply with Condition: The Contractor implemented measures to discourage bank swallows from nesting in temporary banks during construction, including reducing slopes to 70 degrees or less from April 15th to July 15th. No bank swallows were observed on site in 2022.
8.23.4	Establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (Hirundo rustica) or bank swallow (Riparia riparia) nest during the removal of a culvert during any phase of the Designated Project. The Proponent shall maintain the buffer zones and setback distances at least until all young have visibly left the nest permanently.
	Activities Undertaken to Comply with Condition: No barn swallows or bank swallow nests were encountered in culverts in 2022. Only one existing culvert was removed in 2022, and that culvert was not conducive to supporting barn swallow nesting as it was the damaged culvert on Tributary A within the berm that created the existing agricultural pond. As such, no buffer zones or setbacks were required.

Condition Number	Condition
8.24	The Proponent shall compensate for the loss of monarch butterfly (Danaus plexippus) habitat attributed to the Designated Project by establishing, in consultation with Environment and Climate Change Canada, 18.8 hectares of replacement open habitat within the Designated Project Development Area. The Proponent shall maintain the replacement habitat throughout operation. The Proponent shall incorporate vegetation species in the replacement habitat that provide breeding and nectaring functions for monarch butterfly (Danaus plexippus).
	Activities Undertaken to Comply with Condition: The On-site monarch Habitat Enhancement areas were identified on Figure 13 of the WMCP, which was prepared in consultation with ECCC and was provided to IAAC on November 26, 2021. The monarch habitat enhancement areas occur in association with the realigned Tributary A and Indian Creek channels and associated riparian habitat, as well as additional grassland habitat within the floodplain of Indian Creek. The segment of Tributary A has been completed, with seeding and planting having occurred during the fall of 2022, while the Indian Creek realignment work is still in progress. Additional seeding and planting are planned for 2023 to create the monarch habitat, including common milkweed (larval host plant) and a variety of nectaring wildflowers.
8.24.1	The Proponent shall limit the use of chemical herbicides and pesticides in the replacement habitat established pursuant to condition 8.24.
	Activities Undertaken to Comply with Condition: No chemical herbicides or pesticides were used within the PDA in 2022.

Condition Number	Condition
8.25	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on monarch butterfly (Danaus plexippus) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.12 and 8.24. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The monarch FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the monarch FUP is posted on the project website. Monitoring of monarch use at the Luther Marsh habitat replacement area was completed in July 2022 and is summarized in Section 4.2.14.
8.25.1	Monitor the use by monarch butterfly (Danaus plexippus) of the replacement grassland habitat (including any breeding habitat) established pursuant to condition 8.12;
	Activities Undertaken to Comply with Condition: Monitoring of monarch use at the Luther Marsh habitat replacement area was completed in July 2022 and is summarized in Section 4.2.14.
8.25.2	Monitor the use by monarch butterfly (Danaus plexippus) of the replacement habitat established pursuant to condition 8.24;
	Activities Undertaken to Comply with Condition: Construction of the monarch habitat within the PDA commenced in 2022 but was not completed or available in time for use by monarch during the active season. A portion of this habitat is expected to function as monarch habitat in 2023 (i.e., Tributary A) with additional habitat creation and enhancement proposed in 2023. Monitoring of on-site monarch habitat per the FUP will begin in 2023.
8.25.3	Develop and implement modified or additional mitigation if the results of the monitoring referred to in condition 8.25.1 or 8.25.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that

Condition Number	Condition
	modified or additional mitigation measures are required to mitigate the adverse environmental effects on monarch butterfly (Danaus plexippus) attributed to the Designated Project; and
	Activities Undertaken to Comply with Condition: If the monitoring results referred to in conditions 8.25.1 or 8.25.2 demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the adaptive management section of the FUP.
8.25.4	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.25.1 or 8.25.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.
	Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.
8.26	The Proponent shall conduct pre-construction surveys of eastern milksnake (Lampropeltis Triangulum) in Tributary A and in wooded areas near where Indian Creek intersects the railway tracks. The Proponent shall develop the methodology for the surveys in consultation with Environment and Climate Change Canada and other relevant authorities and shall take into account Ontario's Survey Protocol for Ontario's Species at Risk Snakes when developing the methodology.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.27	If the presence of eastern milksnakes (Lampropeltis Triangulum) within the Designated Project Development Area is confirmed through the surveys conducted pursuant to condition 8.26, the Proponent shall, in consultation with Environment and Climate Change Canada and other relevant authorities:
	Activities Undertaken to Comply with Condition: Throughout the surveys, no eastern milksnake were observed within the PDA.

Condition Number	Condition
8.27.1	Implement, prior to construction, a snake capture and relocation program to remove eastern milksnakes (Lampropeltis Triangulum) from the Designated Project Development Area and relocate them in accordance with wildlife care protocols to suitable habitat, identified by the Proponent based on known habitat requirements of eastern milksnakes (Lampropeltis Triangulum), within the Local Assessment Area, as defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). As part of the program, the Proponent shall implement measures to prevent relocated snakes from returning to the removal site(s);
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
8.27.2	Develop, prior to construction, measures to mitigate adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) attributed to the Designated Project, in addition to the snake capture and relocation program referred to in condition 8.27.1. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them; and
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. Even though no eastern milksnakes were observed during the pre-construction surveys, measures to mitigate adverse environmental effects on eastern milksnake were implemented in 2022, including general wildlife mitigation measures as documented in the WMCP (Section 4.1), such as wildlife exclusion fencing, monitoring for and relocation of any snakes within the active construction areas. Wildlife sensitivity training was delivered to all onsite personal at the beginning of construction and wildlife education information was posted in the construction office.

Condition Number	Condition
8.27.3	Determine, prior to construction, if any of the exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18 can mitigate adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) attributed to the Designated Project. If the Proponent determines that the exclusion fencing implemented for other listed species at risk cannot effectively mitigate adverse environmental effects on eastern milksnake (Lampropeltis Triangulum), the Proponent shall develop and implement, in consultation with Environment and Climate Change Canada and other relevant authorities, modified or additional mitigation measures for eastern milksnake (Lampropeltis Triangulum), which may include appropriately adapting any existing exclusion fencing.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to design. See 2021 Annual Report for details. One eastern milksnake was observed within the PDA on May 26, 2022, in proximity to Indian Creek, along the reptile exclusion fencing, on the construction side of the fence. The snake was captured by an individual trained in the handling of snakes and relocated to the opposite side of the exclusion fence, outside of the construction area. The snake appeared to be unharmed and fled into the vegetation after release. Additional snake surveys were conducted in the vicinity of the snake observation, which resulted in a second eastern milksnake being observed on June 2, 2022, in close proximity to the initial observation. The two sightings were assumed to be the same individual. The snake was captured and relocated to the opposite side of the exclusion fence, outside of the construction area. The snake appeared to be unharmed and fled into the vegetation after release. No additional snakes were observed. There was no evidence of harm to eastern milksnake and therefore, no modified or additional mitigation measures were recommended (see Section 4.2.15).
8.28	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The milksnake FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the milksnake FUP is

Condition Number	Condition
	posted on the project website. Monitoring for milksnake within the PDA was conducted in 2022 and is summarized in Section 4.2.15.
8.28.1	Monitor sightings of eastern milksnake (Lampropeltis Triangulum) within the Designated Project Development Area during any phase of the Designated Project;
	Activities Undertaken to Comply with Condition: Sightings of eastern milksnake within the PDA were monitored by CN's EM and through incidental observations reported by the operators of construction equipment (as per the wildlife training plan). As noted above, two sightings of eastern milksnake were reported within the PDA on May 31 and June 2, 2022, and both times the snake (assumed to be the same individual) was captured and safely relocated to the opposite side of the exclusion fence, outside of the construction area.
8.28.2	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.28.1, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) attributed to the Designated Project; and
	Activities Undertaken to Comply with Condition: There was no evidence of harm to eastern milksnake and therefore, no modified or additional mitigation measures were recommended (see Section 4.2.15).
8.28.3	Before the end of the fifth year of operation, determine, in consultation with Environment and Climate Change Canada and other relevant authorities and based on the results of the monitoring referred to in condition 8.28.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.
	Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and other relevant authorities and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.

Condition Number	Condition
8.29	The Proponent shall conduct, prior to construction in the area of Indian Creek, surveys for little brown myotis (Myotis lucifugus) habitat in thicket communities along Indian Creek and in the coniferous plantation and deciduous woodland fragment west of the railway tracks. The Proponent shall submit the methodology used for the surveys and the results of the surveys to Environment and Climate Change Canada. If the results of the surveys indicate the presence of little brown myotis (Myotis lucifugus) habitat, the Proponent shall develop, in consultation with Environment and Climate Change Canada and other relevant authorities, mitigation measures to protect or replace the surveyed habitat. The Proponent shall submit the results of the surveys and the identified mitigation measures, if any, to the Agency prior to construction.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
8.30	The Proponent shall provide regular awareness training about actions to take to protect wildlife to all employees and contractors associated with the Designated Project who may encounter wildlife within the Designated Project Development Area.
	Activities Undertaken to Comply with Condition: Any employee or contractor working within the PDA received wildlife awareness training prior to the start of construction or as part of their site orientation. This was delivered through a training video developed by specialists in wildlife management identifying wildlife, including any species at risk, that may be encountered on site and the measures to follow in the event of an encounter. Communication between CN, the contractor and CN's EM during weekly meetings reported on the results of any wildlife surveys or observations on site and the implementation of wildlife mitigation measures. In many cases, wildlife observations (i.e., turtles, snakes) were reported to CN's EM by equipment operators in the field.
8.31	The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, and maintain throughout operation, a system of ecopassages within the Designated Project Development Area, including through the mainline embankment and associated roadways, to retain habitat connectivity for terrestrial and aquatic species expected to be present within the Designated Project Development Area, including listed species at risk, while meeting engineering requirements for safe railway and facility operation. The Proponent shall design and maintain all ecopassages taking into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide.
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Culvert 2B and portions of Culvert 2A, which are proposed to function as aquatic ecopassages across the site, were constructed in 2022, with the remainder of Culvert 2A, and the removal of the existing culverts beneath the CN mainline anticipated in 2023. Culvert 1, which is a terrestrial and aquatic ecopassage proposed beneath the truck entrance road near Britannia Road, is also proposed for construction in 2023. Once this work is complete, the ecopassages will be in place to retain habitat connectivity for terrestrial and aquatic species expected to be present within the PDA, including listed species at risk, while meeting engineering requirements for safe railway and facility operation.

Condition Number	Condition
8.32	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on habitat connectivity attributed to the Designated Project, including the effectiveness of ecopassages installed pursuant to condition 8.31. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide when developing the follow-up program. The Proponent shall implement the follow-up program 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:
	Activities Undertaken to Comply with Condition: The ecopassages FUP was included in the WMCP provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC, Halton Region, and Conservation Halton. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP including the ecopassages FUP is posted on the project website.
8.32.1	Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the implementation of the follow-up program, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on habitat connectivity; and
	Activities Undertaken to Comply with Condition: No monitoring of ecopassages occurred in 2022 since construction of these features is not complete. If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.
8.32.2	Before the end of the fifth year following the installation of all ecopassages, determine, in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities and based on the results of the monitoring conducted as part of the follow-up program if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC, Halton Region, CH and MNRF (now MECP) and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.
8.33	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and other relevant authorities, a wildlife management and connectivity plan that takes into account the final detailed design of the Designated Project. The Proponent shall implement the plan according to the timelines established in the Plan. The plan shall include:
	Activities Undertaken to Comply with Condition: The WMCP was provided to IAAC on November 26, 2021, and was prepared following consultation efforts with ECCC, Halton region, Conservation Halton, MCFN and SNGR. In 2022, CN made minor administrative changes to the WMCP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the WMCP is posted on the project website. The WMCP was implemented by CN and the contractor prior to and during construction activities in 2022. Such measures included the implementation of general wildlife mitigation measures that included: • adherence to restricted activity periods • use of wildlife exclusion fencing • isolating and dewatering areas prior to any in-water work • completing fish rescues prior to any in-water work • any contractors working on site completed the wildlife sensitivity training • regular inspection and maintenance of wildlife exclusion fencing • relocating any snakes or turtles encountered within the construction area following incidental observations or targeted surveys • implementing measures to discourage Bank Swallows from nesting in temporary banks during the breeding period • implementing speed limits for vehicles on internal roads • maintaining wildlife connectivity along the Indian Creek corridor through the maintenance of wildlife exclusion fencing during the offline construction of the channel realignment • general site management activities, such as storage of hazardous materials, maintenance of erosion and sediment control measures, using animal resistant storage containers for food waste

Condition Number	Condition
8.33.1	Mapping of wildlife habitat, travel patterns and existing and planned wildlife corridors within the Regional Assessment Area, defined by the Proponent in section 3.3 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), based on publicly available information;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
8.33.2	details on how the Proponent shall maintain habitat connectivity for terrestrial species during all phases of the Designated Project, including how the Proponent has considered the role of open agricultural lands and wildlife travel patterns and existing and planned wildlife corridors across the Regional Assessment Area and in adjacent lands within Region of Halton's Natural Heritage System during detailed design of the Designated Project;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
8.33.3	Details on how the Proponent has considered terrestrial and aquatic species expected to be present within the Designated Project Development Area when designing, installing and maintaining all travel corridors (including ecopassages referred to in condition 8.31) and when establishing the dimensions of buffers in the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details. Terrestrial and aquatic species were protected during construction of the portions of the ecopassage (i.e., Culvert 2A and 2B) in 2022, including through compliance with restricted activities periods, the use of wildlife exclusion fencing, isolating and dewatering the work area, conducting surveys for the presence of fish and turtles prior to the start of any in-water work, and the completion of fish rescues where they were encountered. Any contractors working on site completed the wildlife sensitivity training.
8.33.4	Details on how the Proponent shall design and operate the Designated Project's truck entrance on Britannia Road to mitigate adverse environmental effects on Halton Region's Natural Heritage System;
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Condition fulfilled in regard to design. See 2021 Annual Report for details.
8.33.5	All measures to be implemented by the Proponent to mitigate the adverse environmental effects of the Designated Project on wildlife during any phase of the Designated Project, including the mitigation measures set out in this Decision Statement as it pertains to listed species at risk and migratory birds. In doing so, the Proponent shall describe how these measures give preference to avoiding adverse environmental effects on wildlife over minimizing adverse environmental effect on wildlife, to minimizing adverse environmental effects on wildlife overcompensating for adverse environmental effects on wildlife and, if minimizing adverse environmental effects on wildlife is not possible, to compensating for adverse environmental effects on wildlife; and
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.
8.33.6	The information referred to in condition 2.7 for each follow-up program to be implemented by the Proponent to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to wildlife, including listed species at risk and migratory birds.
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to design. See 2021 Annual Report for details.

Section 9: Human Health

Condition Number	Condition
General (9.1 to 9.3)	
9.1	The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects on human health caused by changes in concentrations of contaminants of potential concern in country foods attributed to the Designated Project. The Proponent shall implement the follow-up program during

Condition Number	Condition
	construction and for at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Country Food FUP was provided to IAAC on December 1, 2021, and was prepared following consultation efforts with Health Canada. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Country Food FUP is posted on the project website. Soil sampling for the Country Food FUP was completed in November 2022 and is summarized in Section 4.2.17.
9.1.1	Monitor concentrations of benzo(a)pyrene in soils within the Local Assessment Area, as defined by the Proponent in figure 1 of the document entitled Technical Data Report Human Health Risk Assessment (Appendix E.7) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), and compare monitoring results against modelling predictions estimated by the Proponent during the environmental assessment, as referred to by the Proponent in table IR8.3-1 submitted in response to Information Request 8.3 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 714); and
	Activities Undertaken to Comply with Condition: Concentrations of B(a)P were monitored in soils within the LAA, and results compared to modeling predictions estimated during the EA, as outlined in the FUP (see Section 4.2.17).
9.1.2	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 9.1.1 demonstrate that modified or additional mitigation measures are required to ensure that concentrations of contaminants of potential concern in soils attributed to the Designated Project are below the Canadian Council of Ministers of the Environment's Soil Quality Guidelines for the Protection of Environmental and Human Health.
	Activities Undertaken to Comply with Condition: Based on the results of the Country Foods FUP, concentrations of contaminants of potential concern in soils (i.e., benzo(a)pyrene) 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 and therefore modified or additional mitigation measures were not required (see Section 4.2.17).
9.2	The Proponent shall conduct, prior to construction and in consultation with Health Canada, a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events. If the results of

Condition Number	Condition
	this evaluation demonstrate that nighttime noise events attributed to the Designated Project may exceed 60 dBA Lmax outdoors more than 10 times per night, at any point of reception identified by the Proponent on figure 3 of the Technical Data Report Noise Effects Assessment (Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), the Proponent shall develop, in consultation with Health Canada, and implement, prior to construction, modified or additional mitigation measures to ensure that nighttime noise events attributed to the Designated Project do not exceed 60 dBA Lmax outdoors more than 10 times per night at any point of reception. The Proponent shall submit the results of the analysis and any modified or additional mitigation measure to the Agency prior to implementing them.
	Activities Undertaken to Comply with Condition: Condition fulfilled for Phase 1 of construction. See 2021 Annual Report for details.
9.3	The Proponent shall develop, prior to operation and in consultation with Health Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on human health caused by nighttime noise events attributed to the Designated Project during operation, including any modified or additional mitigation measure developed and implemented pursuant to condition 9.2. As part of the implementation of the follow-up program, the Proponent shall:
	Activities Undertaken to Comply with Condition: The Acoustic Environment FUP, which includes consideration for potential effects caused by nighttime noise events attributed to the Designated Project during operation, was provided to IAAC on December 9, 2021, and was prepared following consultation efforts with Health Canada. In 2022, CN made minor administrative changes to this FUP to address comments received from IAAC, which was provided to IAAC on March 1, 2022. The final version of the Acoustic Environment FUP is posted on the project website. This program will be implemented during operation.
9.3.1	monitor, for at least two years following the start of operation, nighttime noise events attributed to the Designated Project, at the same points of reception considered in the sleep disturbance analysis conducted pursuant to condition 9.2;
	Activities Undertaken to Comply with Condition: Nighttime noise events attributed to the Project will be monitored at the same points of reception considered in the sleep disturbance analysis (per condition 9.2) for at least two years following the start of operation.

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

Section 10: Socioeconomic Effects

Condition Number	Condition
General (10.1)	
10.1	The Proponent shall provide additional agricultural lease opportunities or rehabilitate or improve agricultural lands under the care and control of the Proponent within properties adjacent to the Designated Project Development Area in consultation with Halton Region, the Town of Milton and representatives of local farmers and farming organizations, including the Halton Region Federation of Agriculture and until such time that the Proponent has determined other non-agricultural uses for these areas.
	Activities Undertaken to Comply with Condition: All agricultural lands outside of the PDA were extended agricultural land leases in 2022, and all lands outside of the PDA will be extended leases for 2023, and into the future. Moving forward, CN will continue to provide additional agricultural lease opportunities until such time as CN has determined an alternate use for these lands. These lands are already in production as agricultural lands and little opportunity exists to rehabilitate or improve these lands (i.e., creation of more agricultural land, improved drainage). Expansion of agricultural uses on CN owned properties adjacent to the PDA would require the conversion of natural areas into agricultural fields, which would be contrary to the protection of these natural areas.

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

Condition Number	Condition
Cultural 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.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.2	The Proponent shall have a qualified individual document the land use history and construction details of the shed located at 5269 Tremaine Road to provide an understanding of the use, context and relationship of the shed in relation to the surrounding buildings, prior to removing the shed. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.2.1	Make a photographic record of the shed and salvage any component of the building in which there is public or private interest; and
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding photographic record of the shed. See 2021 Annual Report for details. Upon removal of the shed on March 25, 2022, several lightning rods and ventilators were salvaged.
11.2.2	Submit a report containing the land use history, construction details and photographic record made pursuant to condition 11.2.1 to the Agency and potentially affected parties. The Proponent shall also make the information available to a local library or museum.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Condition fulfilled. The report entitled *Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario* (Stantec, 2020) was submitted to IAAC on November 26, 2021. A copy of this report was also delivered to the Milton Historical Society on June 29, 2022.
11.3	The Proponent shall not carry out any construction activity associated with the Designated Project within 50 metres of any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, unless required for construction or to meet engineering requirements for safe railway and facility operation. If the Proponent must carry out any construction activity within 50 metres of a cultural heritage resource, the Proponent shall:
	Activities Undertaken to Comply with Condition: In 2022, construction within 50 m of a cultural heritage resource was required to install the access roads into the PDA required for the construction of SWM Pond 2, the realignment of Tributary A. CN was required to use existing entrances into the site to gain access to the PDA for construction and the existing driveways adjacent to 5269 and 5381 Tremaine Road were used for construction. These access roads, as well as some construction activities, occur within 50 m of these heritage structures. Specific measures implemented to mitigate potential effects on these identified cultural heritage resource structures include delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment, and monitoring.
11.3.1	Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.3.2	Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and
	Activities Undertaken to Comply with Condition: Continuous vibration monitoring was conducted in 2022 at 4 locations within the PDA: (1) adjacent to the house located at 5381 Tremaine Road (CHR-5), (2) adjacent to the house located at 5269 Tremaine Road (CHR-4), (3) adjacent to the barn located at 5269 Tremaine Road (CHR-4), (4) adjacent to the house located at 4393 Tremaine Road (CHR-1). No construction related exceedances were noted at any of these locations during the monitoring period.
11.3.3	Develop and implement modified or additional mitigation measures, which may include temporarily ceasing any construction activity causing vibration for any given cultural heritage resource until modified or additional mitigation

Condition Number	Condition
	measures are implemented, if the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1 to ensure that vibration levels remain below acceptable levels. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented and the Proponent shall submit a detailed description of these measures to the Agency within 7 days of their implementation.
	Activities Undertaken to Comply with Condition: Continuous vibration monitoring was conducted where construction occurred within 50 m of a cultural heritage resource in 2022. No construction related exceedances were noted at any of these locations during the monitoring period.
11.4	The Proponent shall inspect each cultural heritage resource under the care and control of the Proponent referred to in condition 11.1 and for which the Proponent has carried out any construction activity within 50 metres pursuant to condition 11.3 as soon as practical after construction in the vicinity of each resource has ended. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: 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. Since construction activity continues in proximity to the cultural heritage structures, no post construction inspections were completed in 2022.
11.4.1	Compare the condition of the resource before and after construction, based on the photographic records made pursuant to condition 11.1, to determine if any vibration-related damage has occurred as a result of construction;
	Activities Undertaken to Comply with Condition: To determine if any vibration-related damage has occurred as a result of construction that occurred within 50 m of a cultural heritage resource referred to in condition 11.1, CN would retain a qualified individual to conduct an updated assessment of each cultural heritage resource structure and to compare the before and after construction condition of each structure based on photographic records made pursuant to condition 11.1.
11.4.2	Have a qualified individual make any repair necessary to maintain the heritage integrity of the damaged resource in a timely manner if an inspection demonstrates that vibration-related damage has occurred; and
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	In the event that damages are encountered as a result of vibration-related damage, CN would retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.
11.4.3	Submit the results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, to the Agency and potentially affected parties within 30 days of the Proponent completing all inspections.
	Activities Undertaken to Comply with Condition: The results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. It is anticipated that potentially affected parties would be limited to owners of the property in which damage has occurred, which are likely those already owned by CN.
11.5	The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties, a cultural heritage property maintenance and re-use plan in relation to each cultural heritage resource under the control of the Proponent referred to in condition 11.1. The Proponent shall implement the plan throughout all phases of the Designated Project for each resource, unless the Proponent determines pursuant to condition 11.6 that any given resource is to be relocated or demolished. As part the plan, the Proponent shall set out:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the plan. See 2021 Annual Report for details. The cultural heritage structures, including the 4 dwellings (CHR-1, CHR-3, CHR-4 and CHR-5), as well as the barn associated with CHR-4, have been protected during construction, including exclusion and vibration monitoring noted above. Of the two dwellings that were vacated, both have been to prevent damage from trespassing and vandalism, and heat has been maintained in CHR-4. The barn at CHR-4 has been protected from construction impacts through the use of jersey barriers, but has been kept open to facilitate use by barn swallows. Two dwellings outside of the PDA (CHR-1 and CHR-3) remain occupied by tenants. CN will be working with a contractor in 2023 to review existing conditions of these dwellings and to complete any maintenance requirements.
11.5.1	How the Proponent shall preserve the heritage value of each cultural heritage resource;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.5.2	How the Proponent shall secure all cultural heritage resources, prior to construction, and inspect and maintain them in working order, during all phases of the Designated Project, or until such time any viable adaptive re-use is identified for any given resource; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.5.3	The criteria, including land use compatibility, that may be used to identify any feasible adaptive re-use for any given cultural heritage resource and, if an adaptive re-use is identified for a resource, to determine the terms of that re-use.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.6	If, for any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, the Proponent has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, the Proponent shall conduct, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region and the Town of Milton, a Heritage Impact Assessment to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. The Proponent shall submit the results of the Heritage Impact Assessment to the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties within 30 days of the Heritage Impact Assessment being completed.
	Activities Undertaken to Comply with Condition: In the event that CN has not identified a feasible adaptive re-use pursuant to the criteria referred in condition 11.5.3 three years after the beginning of operation, CN will retain a qualified individual to complete a Heritage Impact Assessment (HIA) to determine whether the resource(s) should be preserved, relocated or demolished with appropriate mitigation. This study would be completed in consultation with the Ministry of Citizenship and Multiculturalism (MCM) (formerly Ministry of Heritage, Sport, Tourism and Culture Industries), Halton Region and the Town of Milton, with the results to be submitted to these parties within 30 days on the HIA being completed.

Condition Number	Condition
11.6.1	The Proponent shall consider, as part of the Heritage Impact Assessment, removal or demolition of any cultural heritage resource under the care and control of the Proponent only if no other options for re-use are technically and economically feasible.
	Activities Undertaken to Comply with Condition: If CN conducts a HIA pursuant to condition 11.6, it will consider removal or demolition of any cultural heritage resource only if no other options for re-use are technically and economically feasible. To explore possible future alternatives to the removal or demolition of any cultural heritage resource under the care and control of CN, the Cultural Heritage Sub-Committee of the CCC was created in 2022 to review possible adaptive re-use options for the dwelling(s) located at 4393 and 5269 Tremaine Road (see Condition 3.2.3.1).
Archaeology (11.7 to 11.11)	
11.7	The Proponent shall have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct any controlled salvage excavation of archaeological resources required for the Designated Project during any phase of the Designated Project in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and taking into account Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
11.8	The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, an archaeological and cultural resources protection plan to mitigate adverse environmental effects on any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the plan, the Proponent shall set out:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. A copy of the ACRPP is available on the project website.
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

Condition Number	Condition
	may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. Prior notification was provided to each of the Indigenous communities to advise of and coordinate participation in monitoring for construction activities that may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the PDA (i.e., deep excavation associated with the SWM Ponds, Indian Creek valley excavation, or the Sun-Canadian pipeline).
11.8.2	How the Proponent shall allow the participation of the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. Participation by archaeological monitors from the MCFN, Six Nations and HWN occurred in 2022.
11.8.3	How the Proponent will apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered within the Designated Project Development Area by the Proponent or brought to the attention of the Proponent by another party during any phase of the Designated Project. As part of the chance find procedure, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No chance finds were reported on site in 2022. However, during the June 9 CCC meeting, the HWN Committee representative shared that a HWN on-site field monitor found a single arrowhead on the Milton site on March 9, 2022. The HWN Committee member noted that arrowheads are commonly found items and that there were no concerns about this finding. The member used the opportunity to explain to the members of the Committee the value of on-site monitors and the importance of having chance find protocols in place, as well as demonstrating how these procedures work.
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;

Condition Number	Condition
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2022.
11.8.3.2	Delineate an area of at least 20 metres around the discovery as a no-work zone;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2022.
11.8.3.3	Inform the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2022.
11.8.3.4	Have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct an assessment at the location of the discovery; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2022.
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

Condition Number	Condition
	legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance were encountered in 2022.
11.9	The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remains (including any ossuary) discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the procedure, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2022.
11.9.1	Immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2022.
11.9.2	Delineate an area of at least 20 metres around the discovery as a no-work zone;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2022.

Condition Number	Condition
11.9.3	Inform appropriate local, municipal and provincial authorities as it pertains to the handling of human remains (including any authority that has a responsibility under Ontario's Funeral, Burial, and Cremation Services Act) as soon as possible, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2022.
11.9.4	Have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act and who has education, experience and knowledge as it pertains to ossuaries, conduct an assessment at the location of the discovery, subject to the requirements of Ontario's Funeral, Burial, and Cremation Services Act. The Proponent shall choose the qualified individual in consultation with the Huron-Wendat Nation and the Six Nations of the Grand River;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains were encountered in 2022.
11.9.5	In the event that there is any indication that the discovered human remains may be an ossuary, leave the area permanently undisturbed, unless an agreement is reached with the Huron-Wendat Nation and the Six Nations of the Grand River to take an alternative action; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. No human remains or ossuaries were encountered in 2022.
11.9.6	Not recommence work within the no-work zone referred to in condition 11.9.2, unless authorized by relevant authorities and subject to the requirement of condition 11.9.4.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
	No human remains were encountered in 2022.
11.10	The Proponent shall require all employees and contractors associated with the Designated Project to undertake, before they conduct any construction activity within the Designated Project Development Area, an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 11.8 and the procedures related to the discovery and protection of human remains referred to in condition 11.9. As part of the awareness training program, the Proponent shall include information on the recognition of artifacts related to Indigenous and Euro-Canadian material cultures that may be found within the Designated Project Development Area.
	Activities Undertaken to Comply with Condition: Any employee or contractor working within the PDA received archaeological awareness training prior to the start of construction or as part of their site orientation. This was delivered through a training video developed by a licensed archaeologist identifying possible artifacts that may be encountered on site and the measures to follow in the event of a chance find.
11.11	The Proponent shall facilitate discussions between the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation and qualified individuals involved in archaeological work completed in support of the environmental assessment about opportunities to return of artifacts of Indigenous origin excavated as part of the environmental assessment or discovered during construction to the communities for preservation and interpretation. The Proponent shall seek consent from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions.
	Activities Undertaken to Comply with Condition: Any artifacts encountered by a licensed archaeologist become the responsibility of that licensed archaeologist to curate indefinitely. However, agreements can be reached with responsible parties, such as Indigenous communities, to take responsibility for the preservation and protection of these resources. Through on-going consultation with the MCFN, the SNGR and the HWN, CN will arrange discussions with the licensed archaeologists about opportunities to return artifacts of Indigenous origin excavated as part of the EA or discovered during construction to the communities for preservation and interpretation. CN will seek consent from the MCFN, the SNGR and the HWN before including, as part of the annual report referred to in condition 2.11, information on any measure implemented as a result of these discussions. No such discussions have occurred in 2022. Discussions will be facilitated in 2023.

Section 12: Effects of the Environment on the Designated Project

Condition Number	Condition
General (12.1)	
12.1	The Proponent shall develop, prior to construction, and implement an infrastructure protection plan that describes how the Proponent shall maintain Designated Project infrastructures, keeping them secure and in good working order during all phases of the Designated Project and how the Proponent shall restore any damaged infrastructure and prevent future damages, including in the event of a flooding, freezing rain, ice storm or another extreme weather event and if erosion beyond acceptable levels occurs within the Designated Project Development Area, to mitigate adverse environmental effects of the environment on the Designated Project. As part the implementation of the plan, the Proponent shall:
	Activities Undertaken to Comply with Condition: Condition fulfilled in regard to development of the infrastructure protection plan for phase 1 of construction. See 2021 Annual Report for details.
12.1.1	Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;
	Activities Undertaken to Comply with Condition: Contractor and Environmental Monitor monitored weather forecasts on a daily basis using reliable government sources (i.e., Environment Canada) and subscribed to alerts for extreme weather events. This information was used to plan construction activities and identify any flood-producing severe rainfall events in advance of them occurring. The IEM also monitored a weather app to time site visits accordingly.
12.1.2	Regularly inspect all erosion and sediment control devices installed within the Designated Project Development Area, including following rainfall events, and repair any defective or damaged device in a timely manner;
	Activities Undertaken to Comply with Condition: All ESC devices installed within the PDA were regularly inspected by the contractor and CN Environmental Monitors, including following rainfall events. The results of these inspections were reviewed and discussed with CN during weekly coordination calls to identify any erosion and sediment controls requiring repairs or maintenance. Any defective or damaged erosion and sediment control devices were repaired and any additional erosion and sediment control measures recommended for implementation were discussed and implemented, as appropriate.

Condition Number	Condition
12.1.3	Report, as part of the annual report referred to in condition 2.11, on any major repair done pursuant to the implementation of the plan, including any major repair done pursuant to condition 12.1.2; and
	Activities Undertaken to Comply with Condition: No major repairs were completed pursuant to the implementation of the plan, including any major repairs to the erosion and sediment control measures implemented in accordance with the infrastructure protection plan. There were no major failures of the erosion and sediment control devices in 2022 caused by flooding, freezing rain, ice storm or another extreme weather event. Similarly, there were no instances of erosion beyond acceptable levels within the PDA that caused adverse environmental effects requiring further mitigation. Only minor repairs were implemented to erosion and sediment control devices, such as replacing strawbale check dams, repairing silt fences impacted by wind or runoff events (i.e., torn or loose geotextile). Some repairs to target localized erosion areas within on-site drainage features (i.e., regional diversion ditch) were implemented, and additional erosion and sediment controls implemented to stabilize these areas (i.e., seeding, matting, strawbales, rock check dams), although these areas were contained on-site and did not result in a release to the environment.
12.1.4	Backfill all open excavations in a timely manner during construction, unless not technically feasible.
	Activities Undertaken to Comply with Condition: During construction, and through the contractor agreement, the contractor will be required to backfill open excavations in a timely manner during construction, unless not technically feasible. There were limited open excavations that occurred in 2022. In July 2022, open excavations were required to facilitate the culvert installation works at Laydown Area 1. Where required, excavations were backfilled in a timely manner. In September 2022, open excavations were used to facilitate the SunCanadian pipeline works, but all open excavations were blocked off with site delineation fencing at all times and backfilled in a timely manner once installation of the new pipeline segment was completed.

Section 13: Independent Environmental Monitor

Condition Number	Condition
General (13.1 to 13.4)	
13.1	The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring in Ontario, to independently observe and record on the implementation of the conditions set out in this Decision Statement during construction and to report findings to the Proponent and the Agency.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
13.2	The Proponent shall require the independent environmental monitor to report to the Proponent, in writing, about the implementation of any condition set out in this Decision Statement during construction. The Proponent shall also require the independent environmental monitor to recommend to the Proponent, in writing, which action(s) in their view should be taken by the Proponent in respect to the implementation of condition set out in this Decision Statement during construction.
	Activities Undertaken to Comply with Condition: Through the environmental monitoring contract with Stantec, CN has required the IEM to report to CN, in writing, about the implementation of any condition set out in the Decision Statement during construction and to recommend which action(s) in their view should be taken by CN or any retained contractor with respect to the implementation of conditions set out in the Decision Statement during construction. Monthly reports were prepared by the IEM that include such information and these reports were submitted to CN and IAAC each month.

Condition Number	Condition
13.3	The Proponent shall require the independent environmental monitor to provide to the Agency, at a frequency to be determined in consultation with the Agency, the information reported to the Proponent pursuant to condition 13.2 at the same time that the Proponent receives that information.
	Activities Undertaken to Comply with Condition: Condition fulfilled with respect to frequency. See 2021 Annual Report for details. All reports prepared pursuant to Condition 13.2 by the Independent Environmental Monitor were submitted to IAAC at the same time that CN received that information.
13.4	The Proponent shall require the independent environmental monitor to retain the information reported to the Proponent pursuant to condition 13.2 for five years following submission to the Agency pursuant to condition 13.3.
	Activities Undertaken to Comply with Condition: Through the environmental monitoring contract with Stantec, CN has required the IEM to retain the information reported to CN pursuant to condition 13.2 for five years following submission to IAAC pursuant to condition 13.3.

Section 14: Accidents and Malfunctions

Condition Number	Condition
General (14.1 to 14.6)	
14.1	The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur. In doing so, the Proponent shall:
	Activities Undertaken to Comply with Condition: CN has prepared the Accident & Malfunction (A&M) Response Plan – Construction while the A&M Response Plan – Operation will be developed prior to operation. They will outline procedures, including design features, that include measures to prevent incidents from happening. The A&M Response Plan for construction is being implemented by the contractor via their contractual obligations. CN or a CN representative is ensuring the A&M Response Plan is being implemented appropriately by the Contractor during construction. CN will develop and implement the A&M Response Plan before operation begins. The A&M Operation Plan will include routine A&M prevention, inspection, and operation of the Designated Project. Designated areas will be identified for storage of hazardous material, bulk quantities of combustible and flammable materials, and spill kits. CN will communicate with shippers their expectations for safe loading of materials in storage containers. The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.
14.1.1	Store hazardous materials in designated areas with proper primary and secondary containment and in accordance with appropriate federal, provincial and municipal safety procedures and requirements;
	Activities Undertaken to Comply with Condition: In 2022, hazardous materials, such as fuel, were stored in a fuel cage at the central work area with proper primary and secondary containment and in accordance with applicable federal, provincial and municipal safety procedures and requirements.

Condition Number	Condition
14.1.2	Store bulk quantities of combustible and flammable materials in designated areas at least six metres away from the Designated Project's property line;
	Activities Undertaken to Comply with Condition: Combustible and flammable materials, specifically fuel, were stored in the fuel cage at the site trailers, which was more than six metres away from the Designated Project's property line.
14.1.3	Provide information to shippers regarding safe loading practices; and
	Activities Undertaken to Comply with Condition: CN will communicate with shippers their expectations for safe loading of materials in storage containers.
14.1.4	Place spill containment kits in designated locations within the Designated Project Development Area where there is a higher risk of spills.
	Activities Undertaken to Comply with Condition: Spill containment kits were placed in designated locations within the PDA where there is a higher risk of spills. Spill kits were located at several locations within the PDA including the site trailer, SWM pond 1, and SWM pond 2, culvert 2A/2B, Laydown area1, Laydown area 3 and Laydown area 4.
14.2	The Proponent shall consult, prior to construction, with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 14.1.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
14.3	The Proponent shall develop, prior to each applicable phase of the Designated Project and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities, an accident and malfunction response plan in relation to each phase of the Designated Project. The accident and malfunction plan shall include:
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
14.3.1	A description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including accidents and malfunctions considered in section 13 of the Joint Review Panel Report (Canadian Impact Assessment Registry Reference Number 80100, Document Number 985) and accidents and malfunctions within the Designated Project Development Area which may adversely affect area(s) outside of the Designated Project Development Area;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
14.3.2	The measures, including management and organizational procedures, under the care and control of the Proponent to be implemented by the Proponent in response to each type of accident and malfunction referred to in condition 14.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction. These measures shall include:
	Activities Undertaken to Comply with Condition: Condition fulfilled for construction. See 2021 Annual Report for details. The A&M Response Plan – Operation will be developed by CN prior to operation.
14.3.2.1	Measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies, as required;
	Activities Undertaken to Comply with Condition: Condition fulfilled for construction. See 2021 Annual Report for details. The A&M Response Plan – Operation, once developed, will include measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies. Such measures including reduced speed of trains and trucks entering and exiting the terminal, proper loading and unloading of containers within the terminal, adherence to safe driving practices by transport vehicles within and outside of the Terminal, setbacks of container handling within the pad areas of the terminal and natural areas and general operations within the terminal.
14.3.2.2	Measures to manage the stormwater management system to prevent contaminated water from flowing downstream in case of a spill and, if a spill adversely affects a stormwater management pond, measures to deter birds from using the pond until water quality is restored;
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Condition fulfilled for construction. See 2021 Annual Report for details. The A&M Response Plan - Operation will be developed prior to operation to include provisions to implement in the event a spill occurs. This will include the SWM ponds being equipped with shut-off valves to prevent contaminated water from flowing downstream in case of a spill. The system includes multiple oil and grit separators and grassy swales to prevent contaminated water from entering the overall SWM system. Water spill kits will be kept onsite, and water will not be released from the SWM ponds if the water quality does not meet quality guidelines for release to the natural environment (Indian Creek). Deterrent devices will be temporarily deployed if a spill that is potentially harmful to birds or wildlife occurs and enters the SWM ponds.
14.3.2.3	Measures to identify any sensitive habitats where response efforts shall be prioritized; and
	Activities Undertaken to Comply with Condition: Condition fulfilled for construction. See 2021 Annual Report for details. The A&M Response Plan – Operation, to be developed prior to operation, will include provisions and protocols to implement in the event a spill occurs within the Terminal, including the protocol to identify any sensitive habitats where response efforts should be applied.
14.3.2.4	Measures to reduce fire hazard and enhance fire preparedness;
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. Measures to reduce fire hazard and enhance fire preparedness will be included in the A&M Response Plan – Operation once it is developed prior to operation.
14.3.3	The locations of spill containment kits within the Designated Project Development Area; and
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.

Condition Number	Condition
14.3.4	A description of how the Proponent will evacuate its property and participate in coordinated evacuation procedures with relevant authorities in the case of an accident or malfunction requiring evacuation.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details. Evaluation procedures and coordination with relevant authorities will be included in the A&M Response Plan – Operation once it is developed prior to operation of the terminal.
14.4	The Proponent shall maintain the accident and malfunction response plan referred to in condition 14.3 up-to-date during all phases of the Designated Project so that it remains consistent with the Proponent's Network Operations Emergency Response Plan. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to relevant authorities involved in its implementation within 30 days of the plan being updated.
	Activities Undertaken to Comply with Condition: The A&M Response Plan – Construction was submitted to IAAC on December 9, 2021. No updates to the A&M Response occurred in 2022. CN shall submit an updated plan to IAAC, and relevant authorities involved with the implementation within 30 days of the plan being updated.
14.5	In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or malfunction referred to in 14.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any appropriate measure referred to in condition 14.3.2, and shall:
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. The A&M Response Plan – Operation will include these components once it’s developed prior to operation.

Condition Number	Condition
14.5.1	Implement the communication plan referred to in condition 14.6 as it relates to accidents and malfunctions;
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. As such, no external communication occurred in this regard.
14.5.2 (and all sub-conditions 14.5.2.1 to 14.5.2.3)	Notify, as soon as possible and pursuant to the communication plan referred to in condition 14.6, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, potentially affected parties and the Agency, the Proponent shall specify: • 14.5.2.1 – the date when and location where the accident or malfunction occurred; • 14.5.2.2 – a summary description of the accident or malfunction; and • 14.5.2.3 – a list of any substance potentially released into the environment as a result of the accident or malfunction.
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. As such, no notification was required in this regard.
14.5.3	Notify the Town of Milton, Halton Region and other relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislated and regulatory requirements and existing protocols;
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. As such, no notification was required in this regard.
14.5.4 (and all sub-conditions 14.5.4.1 to 14.5.4.5)	Submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include: • 14.5.4.1 - a detailed description of the accident or malfunction and of its adverse environmental effects; • 14.5.4.2 - a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;

Condition Number	Condition
	• 14.5.4.3 - any view from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects; • 14.5.4.4 - a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and • 14.5.4.5 - details concerning the implementation of the accident or malfunction response plan referred to in condition 14.3.
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. As such, no written reports were required in this regard.
14.5.5	Submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 14.5.4. The report shall include all additional views from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 14.5.4.3 were received by the Proponent
	Activities Undertaken to Comply with Condition: No accidents or malfunctions with the potential to cause adverse environmental effects, including those listed in the A&M Response Plan – Construction, occurred in 2022. As such, no written reports were required in this regard.

Condition Number	Condition
14.6	The Proponent shall develop, in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project, including accidents and malfunctions occurring within the Designated Project Development Area which may affect area(s) outside of the Designated Project Development Area. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details. A&M Communication Plan for Operations will be developed prior to the start of operations.
14.6.1	The types of accidents and malfunctions requiring the Proponent to notify the parties referred to in condition 14.6;
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.
14.6.2	The manner by which the parties referred to in condition 14.6 shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.
14.6.3	The contact information of the representatives of the Proponent that the parties referred to in condition 14.6 may contact and of the representatives of the respective parties referred to in condition 14.6 to which the Proponent shall provide notification.
	Activities Undertaken to Comply with Condition: Condition fulfilled regarding development of the A&M Communication Plan - Construction. See 2021 Annual Report for details.

Section 15: Schedules

Condition Number	Condition
General (15.1 to 15.4)	
15.1	The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities Undertaken to Comply with each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
15.2	The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each construction phase, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.
	Activities Undertaken to Comply with Condition: Condition fulfilled. See 2021 Annual Report for details.
15.3	The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 15.1 and 15.2 every year no later than March 31.
	Activities Undertaken to Comply with Condition: Updated schedules prepared in accordance with Conditions 15.1 and 15.2 are provided as Appendix 4 and 5 of this 2022 Annual Report.
15.4	The Proponent shall provide the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation, potentially affected parties, the Town of Milton, Halton Region and Conservation Halton with the schedules referred to in conditions 15.1 and 15.2 and any update to the initial schedule made pursuant to condition 15.3 at the same time the Proponent provides these documents to the Agency.
	Activities Undertaken to Comply with Condition:

Condition Number	Condition
	Condition fulfilled in regard to Condition 15.1 and 15.2. See 2021 Annual Report for details. Updated schedules prepared in accordance with Condition 15.3 were submitted to these the MCFN, the SNGR, the HWN, the Town of Milton, Halton Region, and Conservation Halton on March 31, 2022, via email correspondence directing them to the project website.

Section 16: Record Keeping

Condition Number	Condition
General (16.1 to 16.3)	
16.1	The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
	Activities Undertaken to Comply with Condition: Records relevant to the implementation of the conditions set out in the Decision Statement will be maintained. Upon request, records will be provided to IAAC.
16.2	The Proponent shall retain all records referred to in condition 16.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained and shall provide to the Agency the address of the new location.
	Activities Undertaken to Comply with Condition: All records referred to in condition 16.1 will be retained in Canada at CN's headquarters office located at 935 rue de la Gauchetiere West, Montreal, QC, H3B 2M9. IAAC will be notified if there is a change to the physical location of the facility retaining the records 30 days prior to any change, and the new address will be provided to IAAC.
16.3	The Proponent shall notify the Agency of any change to the contact information of the Proponent included in the Decision Statement.
	Activities Undertaken to Comply with Condition: No changes to the contact information occurred in 2022. IAAC will be notified if there is a change to the contact information of the Proponent.

APPENDIX 2A
Record of Consultation Agencies

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

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
FEDERAL AGENCIES				
Impact Assessment Agency of Canada (IAAC)				
01/11/2022	Email – Incoming	Carl Johansson Steven Fraser	Darren Reynolds	IAAC provided CN with comments on the documents submitted to IAAC on November 26, 2021. Attachments: - Letter – Milton Plan and FUP Submission 1 Comments – 2022-01-11
03/01/2022	Email – Outgoing	Carl Johansson Compliance (compliance-conformite@iaac.aeic.gc.ca)	Luanne Patterson Darren Reynolds France Moreau Chris Powell	CN provided IAAC with Submission 5, which includes CN's response to IAAC's comments on the pre-construction submission package and updated documents/information (including updated FUPs) and redacted versions of appropriate documents.
03/18/2022	Letter – Outgoing (via email)	Steven Fraser	Luanne Patterson Darren Reynolds	CN provided IAAC with a letter providing supplemental information with respect to construction activities near Tributary A.
10/12/2022	Meeting	Steven Fraser	Steve Thurtell Daren Reynolds Kristina Boka France Moreau Luanne Patterson Heather Amirault Sheldon Smith Sean Geddes Paul Schipani (AECOM)	CN held an old-site meeting with regulators IAAC, DFO, HC, and CTA to observe current construction activities and site conditions, discuss compliance with conditions of approval and review planned activities. ECCC staff were unable to attend the meeting. Topics discussed included general site observations, watercourse realignment and sequencing, and noise berm and construction laydown areas. Attachments: - Presentation CN MLH Connectivity Noise 20221012
Canadian Transportation Agency (CTA)				
05/27/2022	Email – Outgoing	Jason Tsang	Eric Harvey	CN notified the CTA that minor administrative changes had been made to the FUPs, including the Noise FUP.
10/12/2022	Meeting	Sean Persad	Steve Thurtell Daren Reynolds Kristina Boka France Moreau Luanne Patterson Heather Amirault Sheldon Smith Sean Geddes Paul Schipani (AECOM)	CN held an old-site meeting with regulators IAAC, DFO, HC, and CTA to observe current construction activities and site conditions, discuss compliance with conditions of approval and review planned activities. ECCC staff were unable to attend the meeting. Topics discussed included general site observations, watercourse realignment and sequencing, and noise berm and construction laydown areas. Attachments: - Presentation CN MLH Connectivity Noise 20221012
Department of Fisheries and Oceans Canada (DFO)				
03/08/2022	Email – Outgoing	Tara Schweitzer Brianna Wyn Steve Fraser (IAAC)	France Moreau	CN provided a list of measures to be employed in order to remove the existing beaver dam on Indian creek, based on DFO's Interim Code of Practice: Beaver Dam Removal. Identified measures included measures to manage the existing beavers and measures to protect fish and fish habitat.
03/11/2022	Email – Incoming	Tara Schweitzer Steve Fraser (IAAC)	France Moreau	DFO confirmed that the Interim Code of Practice: Beaver Dam Removal could be applied.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
06/06/2022	Email – Outgoing	Tara Schweitzer	France Moreau	CN provided DFO with the surface water quality sampling results for the months of January to April 2022, as per the Surface Water FUP. Attachments: - Mem 160960844 CN SW FUP Jan 2022 table 4-2 results 202200504 - Mem 160960844 SW FUP Cover Memo 20220603 - Mem 160960844 CN SW FUP Apr 22 table 4-2 results 20220603 fnl - Mem 160960844 CN SW FUP Mar 022 table 4-2 results 20220603 fnl - Mem 160960844 CN SW FUP Feb 22 table 4-2 results 202200530 fnl
10/12/2022	Meeting	Tara Schweitzer Curtis Phillip (DFO)	Steve Thurtell Daren Reynolds Kristina Boka France Moreau Luanne Patterson Heather Amirault Sheldon Smith Sean Geddes Paul Schipani (AECOM)	CN held an old-site meeting with regulators IAAC, DFO, HC, and CTA to observe current construction activities and site conditions, discuss compliance with conditions of approval and review planned activities. ECCC staff were unable to attend the meeting. Topics discussed included general site observations, watercourse realignment and sequencing, and noise berm and construction laydown areas. Attachments: - Presentation CN MLH Connectivity Noise 20221012
11/17/2022	Email – Outgoing	Phillip Curtis (DFO) Tara Schweitzer	Chris Powell France Moreau Kristina Boka Heather Amirault	CN notified DFO that they would provide them with several photographs of the Project site, specifically of Tributary A. CN noted that the downstream connection work has been completed, the temporary plug remains in place, vegetation has established along the realigned section of Tributary A, and the site has been stabilized in this area. CN stated that they would continue to monitor site conditions prior to the site meeting with DFO.
11/22/2022	Email – Outgoing	Phillip Curtis Tara Schweitzer	Chris Powell France Moreau Kristina Boka Heather Amirault	CN provided DFO with photographs of the Project site, as discussed in CN's November 17, 2022 email. CN noted DFO's intention to attend a second site visit to allow DFO the opportunity to observe the planned upstream cutover of Tributary A that would divert flows (if any) into the new Culvert 2A / 2B and into the realigned natural watercourse. CN noted that cutover work would tentatively begin December 7 or 8, 2022, and asked DFO if they would be able to attend on those dates. Attachments: - CN Milton Tributary A site photos Nov 2022
11/24/2022	Email – Incoming	Phillip Curtis Tara Schweitzer	Chris Powell France Moreau Kristina Boka Heather Amirault	DFO notified CN that, after reviewing the photos forwarded on November 22, 2022, it looks likely that the site has been stabilized and vegetated to satisfy the below condition from the Decision Statement; however, it will be confirmed after the second site visit. DFO stated that they would like to have a representative on site when the stream cutover works take place.
11/24/2022	Email – Outgoing	Phillip Curtis Tara Schweitzer	Chris Powell France Moreau Kristina Boka Heather Amirault	CN responded to DFO's November 24, 2022 email and noted that they would meet the DFO representative (Phil) on December 1, 2022 at the site trailed prior to proceeding to Tributary A. CN further noted that they would continue to communicate with DFO regarding the planning cutover work.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
11/24/2022	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Surface Water September Table 4-2 Results Memo, as well as the revised Table 4-2 results tables for the February and March 2022 monitoring events. CN noted that the results consistently show the surface water quality meets the predictions made during the course of the Environmental Assessment, the Follow-up Program and the applicable Conditions laid out in the Decision Statement for surface water monitoring. Attachments: - SW FUP Table 4-2 Results Memo Table 1 202202 rev1 - SW FUP Table 4-2 Results Memo Table 1 202203 rev1 - Mem CN SW FUP Sep27 table 4-2 results 20221122 fnl
11/29/2022	Email – Incoming	Tara Schweitzer	France Moreau Chris Powell	DFO acknowledged receipt of CN's November 24, 2022 email (regarding Table 4-2 results) and noted that they had no additional comments at this time.
12/19/2022	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Surface Water Quality and Quantity Follow-up Program – October 2022 Table 4-2 Results. Attachments: - Mem CN SW FUP October table 4-2 results 20221215
12/23/2022	Email – Outgoing	Tara Schweitzer	France Moreau Chris Powell	CN provided DFO with the Fish and Fish Habitat FUP for 2022. Attachments: - Fish and Fish Habitat FUP DFO Monitoring 2022 20221222 final AODA
Environment and Climate Change Canada (ECCC)				
02/15/2022	Email – Outgoing	Sheryl Lusk	Luanne Patterson France Moreau Chris Powell Elaine Little	CN provided the ECCC with an update to the Western Chorus Frog Compensation Plan. CN noted that field visits are ongoing to address comments from ECCC (including soil and groundwater investigations). CN anticipated having a draft Compensation Plan in fall 2022 for the ECCC's review, and noted that no construction work is planned in WCHF area until 2023. CN stated that the WCHF surveys or exclusion fence installation are planned for March/April 2023, and stated that the ECCC will be consulted on specific timing of surveys.
06/06/2022	Email – Outgoing	Sheryl Lusk	France Moreau Chris Powell Denis Kirchhoff	CN provided ECCC with the surface water quality sampling results for the months of January to April 2022, as per the Surface Water FUP. Attachments: - Mem 160960844 CN SW FUP Jan 2022 table 4-2 results 202200504 - Mem 160960844 SW FUP Cover Memo 20220603 - Mem 160960844 CN SW FUP Apr 22 table 4-2 results 20220603 fnl - Mem 160960844 CN SW FUP Mar 022 table 4-2 results 20220603 fnl - Mem 160960844 CN SW FUP Feb 22 table 4-2 results 202200530 fnl
07/15/2022	Meeting	Bethany Thurber	France Moreau Luanne Patterson Darren Reynolds Andrew Taylor Chris Powell	The purpose of the call was to discuss the design of the permanent turtle exclusion fencing and to review examples of the fencing design.
09/23/2022	Email – outgoing	Bethany Thurber Sheryl Lusk Carolyn Hann	France Moreau Andrew Taylor Heather Amirault	CN provided ECCC with a summary of the Snapping Turtle observations at the CN Milton Logistics Hub site up to September 23, 2022. CN noted that observations up to June 16 had been reported to NHIC, and the remainder are in progress.

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

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
09/23/2022	Email – Outgoing	Sheryl Lusk	Luanne Patterson France Moreau Chris Powell	CN provided ECCC with the surface water quality sampling results for the months of May and June 2022, per the Surface Water FUP. CN noted that they completed one round of analysis for chlorpyrifos, which will be forwarded to ECCC with the July and August water quality sampling results. Attachment: - Mem 160960844 SW FUP Cover Memo 20220921 fnl - Mem 160960844 CN SW FUP June table 4-2 results 20220912 fin
09/26/2022	Meeting	Bethany Thurber Sheryl Lusk Carolyn Hann	France Moreau Luanne Patterson Andrew Taylor Chris Powell	The purpose of the call was to review turtle observations to date, discuss the proposed turtle fencing locations and design in relation to the proposed ecopassages, and address any additional questions from the ECCC.
10/26/2022	Email – Outgoing	Bethan Thurber	Chris Powell	CN provided ECCC with a copy of the slides relating to wildlife connectivity and ecopassages to be presented in the October 12, 2022 site meeting with regulators. Attachment: - Presentation CN MLH Connectivity Noise 20221012
11/09/2022	Meeting	Sheryl Lusk Bethany Thurber Carolyn Hann	Chris Powell France Moreau Luanne Patterson Andrew Taylor Isabelle Picard Heather Amirault	The purpose of the meeting was to review the proposed design that CN developed for the WCHR habitat to be created and to seek input or any comments / questions from ECCC regarding the proposed design.
11/15/2022	Meeting	Sheryl Lusk Anita Li (ECCC)	Chris Powell France Moreau Luanne Patterson Andrew Sinclair Sheldon Smith	The purpose of the meeting was to discuss CN's intention to stop the Table 4.2 monitoring since the results have confirmed the predictions of the Environmental Assessment: that exceedances of the thresholds would not result from construction activity (mobilizing following cessation of agricultural activities).
11/17/2022	Email – Outgoing	Sheryl Lusk Bethany Thurber Carolyn Hann John Brett	Chris Powell France Moreau Luanne Patterson Andrew Taylor Isabelle Picard Heather Amirault	CN provided ECCC with the meeting minutes for the November 9, 2022 meeting. CN further requested ECCC's written comments on the design drawings over the coming weeks.
11/23/2022	Email – Outgoing	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Sinclair France Moreau	CN provided ECCC with the February, March, and September Table 4-2 Results Memo. CN requested that pesticides/herbicides (except chlorpyrifos), nitrogen compounds, and pathogens be discontinued for the November monitoring and subsequent monthly monitoring events. Attachments: - SW FUP Table 4-2 Results Memo Table 1 202202 rev 1 - SW FUP Table 4-2 Results Memo Table 1 202203 rev 1 - Mem CN SW FUP Sep 27 table 4-2 results 20221122 final

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
11/30/22	Email – Outgoing	Sheryl Lusk Anita Li	Chris Powell France Moreau Luanne Patterson Andrew Sinclair Sheldon Smith	CN provided ECCC with meeting minutes for the November 15, 2022 call. CN requested that ECCC provide their position on CN stopping the monitoring of the general suite of pesticides (excluding chlorpyrifos) the week of November 30, 2022. Attachments: - Notes ECCC surface water Table 4.2 12 Nov 2022 final
12/05/2022	Email – Incoming	Sheryl Lusk	Luanne Patterson Chris Powell Andrew Sinclair France Moreau	ECCC reviewed Table 4.2 provided in CN's November 23, 2022 email and determined that monitoring pesticides/herbicides (except chlorpyrifos), nitrogen compounds, and pathogens can be discontinued for the November monitoring event and subsequent monthly events.
12/07/2022	Email – Incoming	Sheryl Lusk Bethany Thurber Carolyn Hann John Brett	Chris Powell France Moreau Luanne Patterson Andrew Taylor Isabelle Picard Heather Amirault	ECCC provided comments on the proposed Western Chorus Frog habitat restoration design. Attachments: - WCF design comments 20221109 Final
12/14/2022	Email – Incoming	Sheryl Lusk	Chris Powell	ECCC provided CN with revisions to the meeting minutes for the November 15, 2022 call.
Health Canada (HC)				
06/20/2022	Email – Outgoing	Dae Young Lee Kitty Ma Umme Akhtar Joel Kaushanky (HC) Julie M. Boudreau	Chris Powell France Moreau Luanne Patterson Frank Babic Fabian Alvarado Denis Kirchhoff	CN notified HC that the first round of noise monitoring for Phase 1 of Project construction was completed in accordance with the Noise FUP and Condition 4.10.1. CN further notified HC that second round of monitoring is proposed to commence September 2022 (following installation of noise berms/barriers near Lower Base Line). CN noted that the second round of noise monitoring is to be informed through consultation with HC, and requested HC's input.
07/20/2022	Email – Incoming	Dae Young Lee Kitty Ma	Chris Powell France Moreau Luanne Patterson Frank Babic Fabian Alvarado Denis Kirchhoff	HC notified CN that HC agrees with the proposed timing of the second round of Phase 1 construction. HC noted that if the timing window should change, HC should be notified by CN.
10/12/2022	Meeting	Dae Young Lee	Steve Thurtell Daren Reynolds Kristina Boka France Moreau Luanne Patterson Heather Amirault Sheldon Smith Sean Geddes Paul Schipani (AECOM)	CN held an old-site meeting with regulators IAAC, DFO, HC, and CTA to observe current construction activities and site conditions, discuss compliance with conditions of approval and review planned activities. ECCC staff were unable to attend the meeting. Topics discussed included general site observations, watercourse realignment and sequencing, and noise berm and construction laydown areas. Attachments: – Presentation CN MLH Connectivity Noise 20221012

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
11/21/2022	Email – Outgoing	Julie M. Boudrea	France Moreau Darren Reynolds Kristina Boka Luanne Patterson Frank Babic Fabian Alvarado Chris Powell	CN notified HC that CN would be conducting grading work along the proposed mainline realignment, drainage works along the existing mainline, equipment and materials stockpiling in Laydown Area 1, and gravel deliveries and construction of the realigned mainline from Lower Base Line moving towards the north following Transport Canada's issuance of a Section 10 Authorization. CN further notified HC that noise monitoring equipment has been deployed on site for Round 2, Phase 1 noise monitoring program (scheduled for Monday, November 21, 2022 to Sunday, December 18, 2022).
11/21/2022	Email – Incoming	Julie M. Boudrea Dae-Young Lee	France Moreau Darren Reynolds Kristina Boka Luanne Patterson Frank Babic Fabian Alvarado Chris Powell	HC acknowledged receipt of CN's November 21, 2022 emails.
PROVINCIAL AGENCIES				
Ministry of the Environment, Conservation and Parks (MECP)				
01/06/2022	Email – Incoming	Trevor Bell (MECP)	Darren Reynolds	MECP requested that CN update the Surface Water FUP in conjunction with the summary that CN provided on December 7, 2021.
01/21/2022	Email – Outgoing	Trevor Bell	Darren Reynolds	CN provided the MECP with the final Surface Water and SWM FUP.
02/16/2022	Email – Incoming	Trevor Bell Merza Header (MECP) Zhiping Yang (MECP) Ted Belayneh (MECP) Katy Potter (MECP)	Darren Reynolds	MECP provided additional comments on the Surface Water and SWM FUP.
03/21/2022	Email – Outgoing	Trevor Bell Merza Header Zhiping Yang Ted Belayneh Katy Potter	Darren Reynolds	CN provided the MECP with additional information related to the MECP's comments provided on February 16, 2022. Attached: - CN Milton Logistics Hub Project MECP Additional Comments 20220310
05/11/2022	Email – Outgoing	Trevor Bell Merza Header Zhiping Yang Ted Belayneh Katy Potter	Darren Reynolds	CN notified the MECP that minor administrative changes have been made to the FUPs and have been uploaded to the CN Project Website.
MUNICIPALITIES				
Town of Milton (ML)				
01/19/2022	Letter – Incoming (via email)	Jill Hogan Rodney Northey Andrew Siltala	Darren Reynolds Eric Harvey Andrew Bernstein	ML provided a response to CN's December 23, 2021 letter. It is ML's understanding that Sun-Canadian's pipeline is a matter of provincial interest regulated by the OEB and the TSSA. HR states that their interest in the pipeline includes its interaction with groundwater resources. ML requested a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.

Communication Date	Communication Method	Agency Representatives	Project Team Members	Communication Summary
08/10/2022	Email – Outgoing	Andrew Siltala Barb Koopmans	Darren Reynolds Luanne Patterson Chris Powell	CN notified ML that minor administrative changes had been made to a number of FUPs, which had been uploaded to the CN Project website.
Halton Region (HR)				
01/18/2022	Letter – Incoming (via email)	Bob Gray Jane MacCaskill Rodney Northey	Eric Harvey Andrew Bernstein Darren Reynolds	HR provided a response to CN's December 23, 2021 letter. It is HR's understanding that Sun-Canadian's pipeline is a matter of provincial interest regulated by the OEB and the TSSA. HR states that their interest in the pipeline includes its interaction with groundwater resources. HR requested a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.
08/10/2022	Email – Outgoing	Bob Gray Curt Benson	Darren Reynolds Luanne Patterson Chris Powell	CN notified HR that minor administrative changes had been made to the Air Quality FUP, which had been uploaded to the CN Project website.
CONSERVATION AUTHORITY				
Conservation Halton (CH)				
01/18/2022	Letter – Incoming (via email)	Hassaan Basit Barbara Veale Rodney Northey	Darren Reynolds Eric Harvey Andrew Bernstein	CH provided a response to CN's December 23, 2021 letter. It is CH's understanding that Sun-Canadian's pipeline is a matter of provincial interest regulated by the OEB and the TSSA. CH states that their interest in the pipeline relates to water resources and drainage flows towards watercourses. CH requested a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.
06/29/2022	Email – Outgoing	Hassaan Basit Barbara Veale	Darren Reynolds Luanne Patterson Chris Powell	CN provided CH with the surface water quality sampling results for the months of January, February, March, and April 2022. Attachments: - mem_160960844_SW_FUP_Cover_Memo_20220603.pdf - mem_160960844_CN_SW_FUP_Jan2022_table_4_2_results_202200504.pdf - mem_160960844_CN_SW_FUP_Feb022_table_4_2_results_202200530_fnl.pdf - mem_160960844_CN_SW_FUP_Mar022_table_4_2_results_20220603_fnl.pdf - mem_160960844_CN_SW_FUP_Apr22_table_4_2_results_20220603_fnl.pdf
08/10/2022	Email – Outgoing	Hassaan Basit Barb Veale	Darren Reynolds Luanne Patterson Chris Powell	CN notified CH that minor administrative changes had been made to a number of FUPs, which had been uploaded to the CN Project website.
COMMUNITY CONSULTATION				
COMMUNITY CONSULTATION COMMITTEE (CCC)				
04/02/2022	Email – Outgoing	Terry Flynn (CCC)	Luanne Patterson	CN provided the CCC with links to the Annual Report and updated documents, including the Construction Schedule, FUPs, and Construction Fact Sheet.

APPENDIX 2B
Record of Consultation Indigenous Groups

Communication Date	Communication Method	Indigenous Representatives	Project Team Members	Communication Summary
MISSISSAUGAS OF THE CREDIT FIRST NATION				
Jan 4, 2022	Email – Outgoing	Fawn Sault (MCFN) Adam LaForme (MCFN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	CN informed MCFN of a potential project component change for the Milton Logistics Hub project (pipeline reconfiguration) and shared information and maps. CN offered a meeting to review the change if desired.
Jan 11, 2022	Email – Incoming	Adam LaForme(MCFN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	MCFN shared via email that they do not have any concerns with the proposed reconfiguration and no follow up information is necessary.
Jan 27, 2022	Email – Outgoing	Adrian Blake (MCFN) Adam LaForme (MCFN)	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the Field Liaison Representatives for MCFN of upcoming follow-up and monitoring activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating their desire to have a representative monitor the planned activities.
Feb 11, 2022	Letter – Outgoing (via email)	Adam LaForme (MCFN) Mark LaForme (MCFN)	Danielle Van Huizen (Kirk and Co.)	CN and MCFN executed a one-year construction monitoring agreement
Feb 15, 2022	Email – Outgoing	Mariah Sault (MCFN) Adrian Blake (MCFN)	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming follow-up and monitoring activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating their desire to have a representative monitor at the planned activities.
Feb 17, 2022	Email - Outgoing	Mariah Sault (MCFN) Adam LaForme (MCFN) Adrian Blake (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming archaeological activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating a representative monitor was available to participate.
Feb 24, 2022	Email - Outgoing	Mariah Sault (MCFN) Adam LaForme (MCFN) Adrian Blake (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming archaeological activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating a representative monitor was available to participate (regular confirmation of attendees between Feb 24 and April 24).
Apr 10, 2022	Email – Incoming	Mariah Sault (MCFN) Adam LaForme (MCFN)	Denis Kirchhoff (Stantec)	MCFN inquired about upcoming follow-up and monitoring activities and to confirm a representative monitor at the planned activities.
May 15, 2022	Email – Outgoing	Mariah Sault (MCFN) Adrian Blake (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN that planned follow-up and monitoring activities were re-scheduled due to weather conditions.
June 15, 2022	Email – Outgoing	Mariah Sault (MCFN) Adam LaForme (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) emailed the field coordinator to advise them that the monitoring activities for phase 1 will be wrapping up but commencing again in the coming weeks and months.
June 30, 2022	Email – Outgoing	Mariah Sault (MCFN) Adrian Blake (MCFN) Adam LaForme (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish / turtle rescue activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating a representative monitor was available to participate.
Aug 17, 2022	Email – Outgoing	Mariah Sault (MCFN) Adrian Blake (MCFN) Adam LaForme (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming follow-up and monitoring activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
Oct 6, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming follow-up and monitoring activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.

Communication Date	Communication Method	Indigenous Representatives	Project Team Members	Communication Summary
Oct 11, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming follow-up and monitoring activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
Oct 14, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish rescue activities planned with a request for monitors if MCFN was interested in participating.
Nov 4, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish rescue activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
Nov 14, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish rescue activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
Dec 6, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN) Adam LaForme	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish rescue activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
Dec 19, 2022	Email – Outgoing	Joelle Williams (MCFN) Adrian Blake (MCFN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for MCFN of upcoming fish rescue activities planned with a request for monitors if MCFN was interested in participating. MCFN responded indicating they did not have a representative monitor available to participate at this planned activity.
SIX NATIONS OF THE GRAND RIVER FIRST NATION				
Jan 4, 2022	Email – Outgoing	Robbin Vanstone (SNGR)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	CN informed SNGR of a potential project component change (pipeline reconfiguration) for the Milton Logistics Hub project and shared information and maps. CN offered a meeting to review the change if desired.
Jan 7, 2022	Meeting (via teleconference)	Robbin Vanstone (SNGR)	Danielle Van Huizen (Kirk and Co.)	CN and SNGR discussed the project change. SNGR expressed that they are satisfied with the information and is pleased that the reconfiguration results in less impacts.
Jan 27, 2022	Email – Outgoing	Tanya Hill-Montour (SNGR)	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the Field Liaison Representatives for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating their desire to have a representative monitor the planned activities.
Feb 7, 2022	Letter – Outgoing (via email)	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Danielle Van Huizen (Kirk and Co.)	CN and SNGR executed a one-year construction monitoring agreement
Feb 15, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating their desire to have a representative monitor at the planned activities.
Feb 15, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating their desire to have a representative monitor at the planned activities.
Feb 24, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating their desire to have a representative monitor at the planned activities (regular confirmation of attendees between Feb 24 and April 24).

Communication Date	Communication Method	Indigenous Representatives	Project Team Members	Communication Summary
Apr 17, 2022	Email – Incoming	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	SNGR inquired about upcoming follow-up and monitoring activities and to confirm a representative monitor at the planned activities. SNGR responded indicating their desire to have a representative monitor at the planned activities
May 15, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR that planned follow-up and monitoring activities were re-scheduled due to weather conditions.
June 15, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) emailed the field coordinator to advise them that the monitoring activities for phase 1 will be wrapping up but commencing again in the coming weeks and months.
June 30, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish / turtle rescue activities planned with a request for monitors if SNGR was interested in participating.
July 10, 2022	Email – Incoming	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	SNGR inquired about upcoming follow-up and monitoring activities.
July 10, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) responded to SNGR's email with information on upcoming activities.
Aug 17, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating.
Oct 6, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating a representative monitor was available to participate at this planned activity.
Oct 11, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming follow-up and monitoring activities planned with a request for monitors if SNGR was interested in participating. SNGR responded indicating they did not have a representative monitor available to participate at this planned activity.
Oct 14, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish rescue activities planned with a request for monitors if SNGR was interested in participating.
Nov 4, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish rescue activities planned with a request for monitors if SNGR was interested in participating.
Nov 14, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish rescue activities planned with a request for monitors if SNGR was interested in participating.
Dec 6, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish rescue activities planned with a request for monitors if SNGR was interested in participating.
Dec 6, 2022	Email – Incoming	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	SNGR acknowledged notification.
Dec 19, 2022	Email – Outgoing	Tayler Hill-Montour (SNGR) Dawn LaForme (SNGR)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for SNGR of upcoming fish rescue activities planned with a request for monitors if SNGR was interested in participating.
HURON-WENDAT NATION				
Jan 4, 2022	Email – Outgoing	Maxime Picard (HWN) Louis Lesage (HWN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	CN informed HWN of a potential project component change (pipeline reconfiguration) for the Milton Logistics Hub project and shared information and maps. CN offered a meeting to review the change if desired.

Communication Date	Communication Method	Indigenous Representatives	Project Team Members	Communication Summary
Jan 19, 2022	Email – Incoming	Dominic Ste Marie (HWN) Louis Lesage (HWN) Mario Gros Louis (HWN) Lori-Jeanne Bolduc (HWN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	HWN expressed via email that they would appreciate a meeting to review the pipeline reconfiguration proposal.
Jan 27, 2022	Email – Outgoing	Louis Lesage (HWN)	Chris Powell (Stantec)	Stantec (on behalf of CN) the Field Liaison Representatives for HWN of upcoming follow-up and monitoring activities planned with a request for monitors if HWN was interested in participating.
Feb 4, 2022	Meeting (virtual)	Dominic Ste Marie (HWN) Lori-Jeanne Bolduc (HWN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	CN met to discuss the Sun-Canadian pipeline reconfiguration with HWN, including reviewing maps, purpose of the change and the impacts. HWN had no concerns. HWN had one request that if there is open excavation for maintenance purposes that Sun Canadian consider removing old pipe. CN indicated that it would be brought forward for consideration with Sun Canadian.
Feb 15, 2022	Email – Outgoing	Louis Lesage (HWN) Maxime Picard (HWN)	Chris Powell (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming follow-up and monitoring activities planned with a request for monitors if HWN was interested in participating. HWN responded indicating their desire to have a representative monitor at the planned activities.
Feb 16, 2022	Email – Incoming	Marie-Sophie Gendron(HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	HWN shared their construction monitoring quote with CN and CN approved the activities.
March 17, 2022	Email – Incoming	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	HWN inquired about upcoming follow-up and monitoring activities and to confirm a representative monitor at the planned activities.
March 29, 2022	Meeting (virtual)	Dominic Ste Marie (HWN) Marie-Sophie Gendron (HWN)	Darren Reynolds (CN) Danielle Van Huizen (Kirk and Co.)	CN met with HWN to review project schedule so they can better anticipate monitoring work on site. HWN expressed a desire to do monitoring work around fish and fauna and water monitoring. CN committed to sharing with Stantec HWN's capabilities and qualifications in this area of monitoring.
May 15, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN that planned follow-up and monitoring activities were re-scheduled due to weather conditions.
June 15, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) emailed the field coordinator to advise them that the monitoring activities for phase 1 will be wrapping up but commencing again in the coming weeks and months.
June 30, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish / turtle rescue activities planned with a request for monitors if HWN was interested in participating.
Aug 17, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming follow-up and monitoring activities planned with a request for monitors if HWN was interested in participating.
Oct 6, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming follow-up and monitoring activities planned with a request for monitors if HWN was interested in participating.

Communication Date	Communication Method	Indigenous Representatives	Project Team Members	Communication Summary
Oct 14, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish rescue activities planned with a request for monitors if HWN was interested in participating.
Nov 4, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish rescue activities planned with a request for monitors if HWN was interested in participating.
Nov 14, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish rescue activities planned with a request for monitors if HWN was interested in participating.
Dec 6, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish rescue activities planned with a request for monitors if HWN was interested in participating.
Dec 19, 2022	Email – Outgoing	Marie-Sophie Gendron (HWN) Jean-Francois Richard (HWN) Isabelle Lechasseur (HWN)	Denis Kirchhoff (Stantec)	Stantec (on behalf of CN) notified the field coordinator for HWN of upcoming fish rescue activities planned with a request for monitors if HWN was interested in participating.

APPENDIX 3A
Consideration of Views and Information Received

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 2.6: Development of the Follow-up Programs			
IAAC 0-1	January 11, 2022	*Several conditions require that follow-up programs be submitted to the Agency prior to implementation of a follow-up program. As many of these follow-up programs will begin in construction, these follow-up programs must be submitted prior to construction. The Agency is of the view that these follow-up programs must include the requirements listed in the Decision Statement when submitted as final to the Agency. Notably, each follow-up program must have all of the requirements listed under 2.6; it would be beneficial to be explicit and quantify each of the requirements under 2.6 for each follow-up program to the extent possible.*	All follow-up programs (FUPs) were developed in consultation with the parties specified by the conditions that require a FUP be developed. The FUP versions sent to IAAC were considered final; however, it was anticipated that should additional feedback be provided throughout the review process, including IAAC's, FUPs would be updated as necessary. While all FUPs were developed based on the requirements listed under 2.6, it is understood additional clarity in this regard may be helpful. To assist IAAC in confirming each FUP meets the listed requirements under 2.6, CN has attached a concordance table to direct IAAC where each condition has been addressed in each FUP.
IAAC 0-2	January 11, 2022	*Several conditions require that plans be submitted to the Agency prior to construction. The Decision Statement requires that many of these plans be developed in consultation with various stakeholders. The Agency is of the view that the comments received from the listed stakeholders in each plan must be considered by CN prior to submission to the Agency as final. It is CN's responsibility to demonstrate that the development of each plan submitted has satisfied the consultation requirements when it is submitted.*	The development of plans was completed through consultation with the parties specified in each condition that requires consultation. While many parties provided views and information, some parties elected not to provide views or information in response to CN's request for input into the development of these FUPs. All views and information received from consulted parties on the various FUPs and plans were considered and documented through the consultation process, resulting in final FUPs that have been provided to IAAC. As per condition 2.4.4, which requires CN to "advise in a timely manner how 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," CN prepared responses and provided those to back to each party to advise them on how their views and information had been incorporated, or not incorporated, into the FUPs and plans, as well as CN's rationale. All views and information received by CN from consulted parties and the specific document to which the views and information pertain are included with this comment response for IAAC's information. It was CN's understanding this would form part of the Annual Report, as per condition 2.11.3, which requires CN to include in the Annual Report "*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*."
IAAC 0-3	January 11, 2022	*The Agency encourages contact information for the various stakeholders be updated on a regular basis, especially in the documents where a notification to stakeholders may be required. The Agency noted after a brief review that the contact list provided to satisfy condition 3.1 contains information about the undersigned and several elected officials that is out of date.*	As per condition 3.1, it is understood the contact list will be maintained up to date as best as possible, based on publicly available information and will be provided to IAAC upon request, including with this comment response.
IAAC 0-4	January 11, 2022	*The Agency notes that the Decision Statement does allow for follow-up programs and the plans to be amended, however each version of these documents must satisfy the requirements of the Decision Statement.*	While the FUPs provided to IAAC were considered final, it is CN's understanding that throughout the implementation of the FUPs, additional updates or modifications may be necessary (e.g., adaptive management and review of monitoring results). Should changes through additional mitigation or monitoring objectives be necessary, each program outlines continued communication and discussion with the various stakeholders to inform such adaptive management and changes, which follows the same process for development of each FUP.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-1	January 11, 2022	*Where a follow-up program is a requirement of a condition, condition 2.6.3 requires CN to 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 frequency at which the follow-up program must be updated, unless otherwise required through the condition.* *The Agency could not determine the frequency at which CN intends to update any of the follow-up programs submitted on November 26, 2021 during the course of their implementation.*	As stated in response to IAAC 0-4, the FUPs provided to IAAC are considered complete in the development of each program. Views and information received during consultation with parties that chose to participate have been considered and incorporated into the design and development of each FUP as appropriate. While each program is considered complete and ready for implementation, each program also has adaptive management measures that outlines when an update to the FUP may be required, including review of monitoring results as data is collected. This frequency is anticipated to be as necessary, rather than a set recurring event A sentence has been added to each FUP to confirm the process and frequency of updating the FUPs.
IAAC-2-01	January 11, 2022	*Where a follow-up program is a requirement of a condition, condition 2.6.3 requires CN to determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development of the follow-up program, the frequency at which the follow-up program must be updated, unless otherwise required through the condition.* *The Agency could not determine the frequency at which CN intends to update any of the follow-up programs submitted on December 1, 2021 during the course of their implementation.*	As stated in response to IAAC 0-4, the FUPs provided to IAAC are considered complete in the development of each program. Views and information received during consultation with parties that chose to participate have been incorporated into the design and development of each FUP. While each program is considered complete and ready for implementation, each program also has adaptive management measures that outlines when an update to the FUP may be required, including review of monitoring results as data is collected. This frequency is anticipated to be as necessary, rather than a set recurring event. A sentence has been added to each FUP to confirm the process and frequency of updating the FUPs.
Condition 2.17: Change to the Designated Project			
MCFN	January 11, 2022	*I don't have any concerns at this time in regards to the proposed changes, so a follow up is not necessary.*	Noted.
Six Nations	January 7, 2022	*Six Nations indicated the letter was sufficient for consultation and that they were pleased the pipeline reconfiguration results in less impacts and if any archaeology finds during construction occur.*	Response included confirmation of Six Nations being notified if any issues arise particularly with any unknown archaeology finds.
HWN	February 4, 2022	*Based on notes from a phone meeting with CN regarding the pipeline reconfiguration. No concerns.*	Noted.
Halton Region	January 18, 2022	*The description provided in the EIS referenced in the definition of the Designated Project in the Decision Statement advises that CN has existing agreements with utility entities and that the majority of existing utility crossings are located at an appropriate depth to not interact with the Project.* *On the other hand, the EIS advises of not one, but two Sun-Canadian pipelines (EIS, s.3.3, Table 3.1, p.56) – a 16-inch (406 mm) pipeline and a 12 5/8 inch (321 mm) pipeline.* *It is not clear whether the proposed adjustment is to one or both Sun-Canadian pipelines. Should specify.*	Clarified that the changes involved the proposed deepening of one of the existing pipelines (323 mm) within the existing ROW, with the second existing pipeline to be abandoned in place. Addressed in the Project Change submission to the Agency for the Sun Canadian Pipeline and posted to the public registry as *CIAR #1123*.
Halton Region	January 18, 2022	*Albeit not addressed in the letter, it is Halton's understanding that Sun-Canadian's pipeline is a matter of provincial interest regulated by the Ontario Energy Board (OEB) and Ontario's Technical Standards and Safety Authority (TSSA).* *The Region's interest in this pipeline includes its interaction with groundwater resources.*	Potential interaction with groundwater was assessed in the Project Change submission to the Agency for the Sun Canadian Pipeline and posted to the public registry as *CIAR #1123*.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Halton Region	January 18, 2022	*The letter does not identify or address the provincial approval(s) required for the proposed reconfiguration.*	N/A
Halton Region	January 18, 2022	*The letter does not advise what role CN is playing regarding approval(s) required by the owner of this pipeline, Sun-Canadian. Does CN have the agreement of Sun-Canadian to apply for required provincial approval(s) or is Sun-Canadian the sole applicant?*	N/A
Halton Region	January 18, 2022	*As per section 2.4 of the Decision Statement, which provides that where consultation is required, CN shall provide all information "available and relevant" to the scope of the consultation.* *Halton requests a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.*	N/A
Halton Region	January 18, 2022	*Halton requests the contact information for Sun-Canadian to understand who is directly responsible for this matter at Sun-Canadian.*	N/A
Conservation Halton	January 18, 2022	*It is Conservation Halton's understanding that the pipeline is a matter of provincial interest regulated by the Ontario Energy Board (OEB) and the Technical Standards and Safety Authority (TSSA). The letter does not mention the provincial regulatory regime, nor the required provincial approval(s).* *Conservation Halton's interest in this matter relates to water resources and drainage flows towards watercourses.*	Potential interaction with water resources and drainage flows towards watercourses was assessed in the Project Change submission to the Agency for the Sun Canadian Pipeline and posted to the public registry as *CIAR #1123*.
Conservation Halton	January 18, 2022	*Conservation Halton requests a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.*	N/A
Conservation Halton	January 18, 2022	*Conservation Halton requests the contact information for Sun-Canadian to understand who is directly responsible for this matter at Sun-Canadian.*	N/A
Conservation Halton	January 18, 2022	*Please ensure that all future correspondence in this specific matter from you or Sun-Canadian is directed to Barbara Veale, Director, Planning and Watershed Management, who is the appropriate contact (905.336.1158 ext. 2273; bveale@hrca.on.ca).*	Noted.
Town of Milton	January 19, 2022	*Milton understands that the pipeline is a matter of provincial interest regulated by the Ontario Energy Board (OEB) and the Technical Standards and Safety Authority (TSSA).* *The letter does not mention the provincial regulatory regime, nor the required provincial approval(s).* *The interest is potential site alteration that affects the local environment.*	Site alterations that may affect the local environment was assessed in the Project Change submission to the Agency for the Sun Canadian Pipeline and posted to the public registry as *CIAR #1123*.
Town of Milton	January 19, 2022	*In line with Halton's request, Milton requests a copy of all available information on the required Ontario approvals, including any existing and/or anticipated application(s) for approval by Sun-Canadian and/or CN.*	N/A
Town of Milton	January 19, 2022	*Milton requests the contact information for Sun-Canadian to understand who is directly responsible for this matter at Sun-Canadian.*	N/A

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 3.1: Communication List			
IAAC-1-2	January 11, 2022	*Condition 3.2 requires the Proponent to develop the community liaison communication process (CLCP) in consultation with potentially affected parties, which are parties identified as such by the Proponent pursuant to condition 3.1. On December 1, 2021, CN submitted its List of Parties as required to comply with condition 3.1.* *On PDF p. 2 of the CLCP, CN indicates, "A draft version of this document was posted on CNMilton.ca from May 26 to June 30, 2021 for feedback from the general public. This document includes input received during this public consultation period and how CN has incorporated that feedback into the Community Liaison Communication Process." [emphasis added]* *However, on PDF p. 4, CN also indicates, "The document has been drafted to support consultation with potentially affected parties as required by Condition 3.2. CN will consider feedback from potentially affected parties on the draft Process prior to finalizing and providing the Process to the Impact Assessment Agency of Canada (IAAC)." [emphasis added]* *Condition 3.2.2 requires CN to provide the final version of the CLCP to the Agency prior to construction, which must incorporate any view or information received specifically through consultation with potentially affected parties and not only views or information received from "the general public" through its website.*	The process document has been updated to read as follows: CN sought and considered feedback from potentially affected parties on the draft Process prior to finalizing and providing the Process to the Impact Assessment Agency of Canada (IAAC).
Condition 3.2: Community Liaison Communication Process			
IAAC-1-3	January 11, 2022	*Condition 3.2 requires CN to liaise, through the CLCP, with potentially affected parties throughout all phases of the Project to identify and address potential impacts of truck traffic on the community and road safety.* *While CN commits through the CLCP to "establish methods for potentially affected parties to provide feedback to CN about any adverse effect of the Project" (PDF* *p. 6) [emphasis added], the Agency reminds CN that the CLCP must address any adverse effects of the Project, including those on the community and road safety arising specifically from truck traffic.*	Process document has been updated to reflect CN's requirement to address any adverse effects of the Project, including those on the community and road safety arising specifically from truck traffic, as written: a method for potentially affected parties to provide feedback to CN about any adverse effect of the Project, including those on the community and road safety arising specifically from truck traffic; and Feedback from the Committee, and all potentially affected parties, on all issues including adverse effects on the community and road safety, is tracked in a table that identifies the question or concern, when it was raised and in what forum, and how CN has responded to the question or concern. This tracking table is kept up-to-date at all times and will be included in the Annual Report.
IAAC-1-4	January 11, 2022	*Condition 3.2.1.5 requires CN to set out how the provisions of the CLCP may vary throughout any phase of the Project, including during each phase of construction, during the first year of operation and during the first year of operation at which the Designated Project operates at its full operational capacity.* *The Agency only found one instance where a provision of the CLCP may vary over time, which is in relation to the Community Consultation Committee: "The CCC will be established prior to the commencement of construction and will meet four to six times per year during construction. Meetings will continue quarterly for the first five years of operation, or at different intervals determined appropriate by CN after consultation with the committee" (PDF p. 19).* *CN should determine whether any other provision of the CLCP might vary throughout any phase of the Project.*	Process document has been updated to address any variances throughout any stage of the Project through the addition of the following text: *CN proposes these communication methods and processes for all stages of the Project. Should CN, as recommended by the Committee or other potentially affected parties, adjust these methods and processes, CN will update this Process with this input and provide an updated Process to IAAC.*

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 4.5: Ambient Light Follow-up Program			
IAAC-3-02	January 11, 2022	*The Ambient Lighting Follow-up Program states on page 10, "As per condition 4.5.2 of the Decision Statement, should light trespass and glare during construction exceed maximum recommended values, CN shall develop and implement modified or additional mitigation measures to ensure that light trespass and glare attributed to the Designated Project meet or surpass the applicable guidelines referred to in conditions 4.2.1 or 4.2.2."* *The ambient lighting follow-up program is considered a follow-up program under the Decision Statement and condition 2.6 applies to this follow-up program. Notably, the Agency could not identify any technically or economically feasible mitigation as required in 2.6.5.* *Furthermore, the Agency could not determine if Transport Canada or Town of Milton have provided views and information on CN's communication plan yet and, if so, whether CN has incorporated their views and information in the plan submitted to the Agency.*	Specific to the Ambient Light FUP, TC provided one specific comment and no views or information were received from the Town of Milton. All views and information received and CN's responses are documented in the comment response for IAAC's information, as outlined in response to IAAC 0-2.
Condition 4.6: Noise Reduction Plan			
IAAC-3-03	January 11, 2022	*Condition 4.6.5 states that (emphasis added) "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". The Agency notes that the condition covers requirements for the life of the project, while the document submitted is restricted to Phase 1 of Construction.* *Furthermore, the condition applies to employees and sub-contractors. The Agency could not find a commitment that CN employees would be expected to follow Dufferin's (a contractor) noise reduction plan during phase 1.*	Regardless of who is on site, all personnel completing construction during phase 1 will be expected to follow the Dufferin Noise Reduction Plan, as developed in consultation with CN.
Condition 4.7: Noise Communication Protocol			
IAAC-3-04	January 11, 2022	*The Noise Communication Protocol states on page 3 "The CN project team will review all noise concerns and determine what actions may be required in a timely manner. If CN receives noise concerns on a regular basis from a given area, additional acoustic measurements may be undertaken to identify the noise profile and determine if additional mitigation is necessary…" and, "The CN project team will review all noise complaints and determine what actions may be required in a timely manner."* *The Agency could not determine how CN intends to take into account sound thresholds, as per condition 4.9.2, when deciding how to address complaints received.*	Should CN receive noise complaints and determine that further actions may be required, any monitoring completed would be reviewed against applicable noise thresholds.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 4.10: Acoustic Follow-up Program			
IAAC-3-05	January 11, 2022	*The Acoustic Environment Follow-up Program states, "This program has been developed to comply with Conditions 4.10 of the Decision Statement and has been developed in consultation with Health Canada, Environment and Climate Change Canada (ECCC), the Canadian Transportation Agency (CTA) the Mississaugas of Credit First Nation (MCFN), Six Nations of the Grand River, the Ontario Ministry of Environment, Conservation and Parks (MECP), and the town of Milton. Draft versions of this report were sent to Health Canada on June 30, 2020, ECCC on August 10, 2020, the MCFN on January 14, 2021, the Six Nations of the Grand River on March 3, 2021, the MECP on June 7, 2021, and the Town of Milton on June 4, 2021. Comments were received from Health Canada, ECCC, and MECP and have been considered in finalizing this document. Any revisions and manner by which comments were addressed, including corresponding rationale, were communicated to those who responded to CN's request for input."* *The Agency is uncertain of how CN considered these comments prior to submitting the follow-up program to the Agency.*	As stated in response to IAAC 0-2, all views and information received from parties consulted on the various FUPs and plans were considered and documented through the consultation process, resulting in final FUPs that have been provided to IAAC. As per condition 2.4.4, which requires CN to "advise in a timely manner how 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," CN prepared comment responses and provided those to back to the parties to advise them how the views and information was considered and incorporated, or not incorporated, into the FUPs and plans, as well as CN's rationale. All views and information received from consulted parties and the specific document to which the views and information pertain are included with this comment response for IAAC's information. It was CN's understanding this would form part of the annual report, as per condition 2.11.3, which requires CN to include in the annual report "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." This includes how CN considered views and information specific to the Acoustic Environment FUP.
Regulator Call	August 9, 2022	*Confirmation by HC of planned Noise Monitoring period for September based on discussed schedule of activities onsite.*	CN provided proposed dates of next noise monitoring period and was accepted by Health Canada.
Condition 4.21: Air Quality Follow-up Program			
IAAC-3-06	January 11, 2022	*The Air Quality Follow-up Program states, "This program has been developed to comply with Condition 4.21 of the Decision Statement and has been developed in consultation with Environment and Climate Change Canada (ECCC), Health Canada, the Ontario Ministry of the Environment, Conservation and Parks (MECP), the Region of Halton, the Town of Milton, the Mississaugas of Credit First Nation (MCFN) and Six Nations of the Grand River (Six Nations). Draft versions of this follow-up program were provided to ECCC on August 10, 2020 and May 31, 2021, Health Canada on August 27, 2020 and March 15, 2021, MECP on April 30, 2021, Region of Halton on June 4, 2021, Town of Milton on June 4, 2021, MCFN on January 14, 2021, and Six Nations on March 8, 2021. Comments were received from the ECCC, Health Canada and MECP, and have been considered in finalizing this document. Any revisions and manner by which comments were addressed, including corresponding rationale, were communicated to those who responded to CN's request for input."* *The Agency is uncertain of how CN considered these comments prior to submitting the follow-up program to the Agency.*	As stated in response to IAAC 0-2, all views and information received from parties consulted on the various FUPs and plans were considered and documented through the consultation process, resulting in Final fUPs that have been provided to IAAC. As per condition 2.4.4, which requires CN to "advise in a timely manner how 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," CN prepared comment responses and provided those to back to the parties to advise them how the views and information were considered and incorporated, or not incorporated, into the FUPs and plans. All views and information received from consulted parties and the specific document to which the views and information pertain are included with this comment response for IAAC's information. It was CN's understanding this would form part of the annual report, as per condition 2.11.3, which requires CN to include in the annual report "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." This includes how CN considered views and information specific to the Air Quality FUP.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 5.4: Erosion and Sediment Controls			
IAAC-2-02	January 11, 2022	*Condition 5.4 requires CN to develop measures to control erosion and sedimentation within the Project area in consultation with Conservation Halton and other relevant authorities.* *The Agency can not determine if Conservation Halton and other relevant authorities have provided views and information during the development of the erosion and sedimentation control measures set out in the documents Milton Logistics Hub – Natural Channel Design for Indian Creek and Tributary A (August 13, 2021) and Milton Logistics Hub – General Drawings (Erosion and Sediment Control Plan – General Notes, Details and Key Plan) (April 30, 2021), and, if so, whether CN has incorporated their views and information in these measures.*	Draft versions of the documents Milton Logistics Hub – Natural Channel Design for Indian Creek and Tributary A (August 13, 2021) and Milton Logistics Hub – General Drawings (Erosion and Sediment Control Plan – General Notes, Details and Key Plan) (April 30, 2021) were submitted to DFO, MECP, and Conservation Halton (CH) for their review and input. Despite repeated requests, MECP and CH did not provide views or information in response to our requests for input related to the development of the erosion and sediment control measures set out in the documents. Views and information received from DFO were reviewed and incorporated into the measures, as outlined in the submission provided to IAAC. All views and information received by CN from consulted parties and the specific document to which the views and information pertain are included with this comment response for IAAC's information, as outlined in response to IAAC 0-2.
IAAC-2-03	January 11, 2022	*Condition 5.4 requires CN to implement measures to control erosion and sedimentation within the Project area during construction and operation and to submit these measures to the Agency prior to implementing them.* *In the documents Milton Logistics Hub – Natural Channel Design for Indian Creek and Tributary A (August 13, 2021) and Milton Logistics Hub – General Drawings (Erosion and Sediment Control Plan – General Notes, Details and Key Plan) (April 30, 2021), CN indicates that these measures will be implemented prior to, and maintained during the construction however the operations phase is not mentioned.* *The Agency reminds CN that any erosion and sedimentation control measure to be implemented within the Project area during operation must be submitted to the Agency prior to the start of operation.*	Erosion and sedimentation control measures within the Project area are not listed in the documents Milton Logistics Hub – Natural Channel Design for Indian Creek and Tributary A (August 13, 2021) and Milton Logistics Hub – General Drawings (Erosion and Sediment Control Plan – General Notes, Details and Key Plan) (April 30, 2021) for the operations phase as it is expected that these areas will be constructed, planted, and stabilized before the operation phase of the terminal begins. When the channels are stabilized and the area surrounding these channels are constructed and the terminal is ready for operation to begin, the project area will either be directing surface water flow towards the stormwater management facilities (through the completed swales and drainage areas, as outlined in the SWM design drawings) or the areas will be recontoured and vegetated, thus eliminating erosion and sedimentation control measures that are not part of the SWM system. If areas are not fully vegetated and functioning as planned for the operations phase, interim erosion and sedimentation control plans will be modified and submitted to the Agency prior to the start of operations.
Condition 5.8: Residual Agricultural Contaminants			
IAAC-2-04	January 11, 2022	*Condition 5.8 requires CN to develop measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Project area in consultation with Conservation Halton and other relevant authorities.* *On PDF p. 5 of the memo, CN indicates that "This information is provided to document the proposed approach to address Condition 5.8 for submission to ECCC and CH describing the mitigation activities proposed to meet the Project conditions." □emphasis added□* *The Agency could not determine if Conservation Halton and Environment and Climate Change have provided views and information on CN's proposed approach to address Condition 5.8 and, if so, whether CN has incorporated their views and information in the memo submitted to the Agency.*	A draft version of the Condition 5.8 memo was prepared and submitted to ECCC and Conservation Halton (CH) for their review and input. Views and information were received from ECCC and considered in finalizing the development of measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Project area. Despite repeated requests, CH did not provide views or information in response to our requests for input regarding the memo and developed measures. All views and information received by CN from consulted parties and the specific document to which the views and information pertain are included with this comment response for IAAC's information, as outlined in response to IAAC 0-2.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 5.11: Design Measures to Prevent Preferential Movement of Groundwater along Servicing Alignments			
IAAC-2-05	January 11, 2022	*Condition 5.11 requires CN to develop measures to maintain baseline groundwater flow and prevent the preferential movement of groundwater along servicing alignments in consultation with Conservation Halton and other relevant authorities.* *In the July 2021 Implementation Schedule, CN indicates that "This memo has been circulated to the MECP and CH for review. Any comment received from these parties will be considered in finalizing or adjusting any designs to maintain baseline groundwater flow and prevent the preferential movement of GW along servicing alignments" (PDF p. 64) □emphasis added□* *The Agency could not determine if the Ministry of the Environment, Conservation and Parks and Conservation Halton have provided views and information on CN's proposed designs related to groundwater and, if so, whether CN has incorporated their views and information in the memo submitted to the Agency.*	A draft version of the CN Milton Intermodal Logistics Hub – Design Measures to Prevent Preferential Movement of Groundwater along Servicing Alignments memo was prepared and submitted to NRCan, MECP and CH for their review and input. Despite repeated requests, no specific views or information were received from any of the three parties; therefore, the memo was finalized and the design measures to prevent preferential movement of groundwater along servicing alignments as described in the memo have been planned for implementation.
Condition 5.13: Groundwater Quality and Quantity Follow-up Program			
IAAC-2-06	January 11, 2022	*If CN determines that construction dewatering is required for the Project to proceed, condition 5.13.1 requires CN to monitor wells located within the projected dewatering cone of depression and to which it is granted access to determine the potential for drawdown interference during dewatering.* *On PDF p. 5 of the groundwater follow-up program, CN indicates that "As per the Lower Base Line Grade Separation Construction Dewatering Assessment (Stantec 2020a), the predicted dewatering zone of influence (ZOI) (i.e., horizontal extent of groundwater level declines / drawdown caused by dewatering activities at a point source) is not expected to intercept local private wells and, subsequently, interfere with the quantity/yield and quality of these potable water supply sources. However, subject to participation by these private landowners, CN is proposing to establish baseline water quality and level fluctuations within those private wells located within and closest to the predicted ZOI and continue to monitor water levels in these private wells until the time that dewatering activities are completed." □emphasis added□* *On PDF p. 6 of the groundwater follow-up program, CN also indicates that "If permission cannot be obtained, the program may be reduced, or an alternative site(s) may be identified." □emphasis added□* *The Agency could not determine whether CN had obtained, at the time the follow-up program was submitted to the Agency, permission from the private landowners to monitor their wells, or if alternate arrangements will be necessary for the implementation of the follow-up program.*	There is only one private landowner with a well within the zone of influence for the Lower Base Line Grade separation construction and while CN requested permission to access the well to monitor the well during construction as outlined in the groundwater FUP, the resident has not responded. Therefore, CN has installed a well within the Project area that will act as a surrogate well to monitor for potential effects of construction during the Lower Base Line Grade Separation. The FUP has been updated to reflect monitoring the newly installed well instead of the private well.
Condition 6.1: Wetland Habitat replacement			
IAAC-1-5	January 11, 2022	*The memo's introductory paragraph mistakenly refers to lighting:* *"The purpose of this memorandum is to document the mitigation measures to control the direction, timing, and intensity of lighting during the construction phase of the Project in accordance with Condition 6.1.1 of the Decision Statement issued by the Minister of the Environment on January 21, 2021, which states: 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." (PDF p. 1) □emphasis added□*	The introductory text from this memo has been revised to acknowledge that the content of the memo is correctly focused on wetland removal and replacement, and not lighting. The revised introduction reads as follows: *The purpose of this memorandum is to provide a description of the proposed sequence of construction as it pertains to the removal and replacement of wetland habitat, including the rationale for why some wetland areas are required to be removed before replacement habitat is established.*
Condition 6.2: Drainage Features			

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-6	January 11, 2022	*Condition 6.2.4 requires CN to provide to the Agency, prior to construction, the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1. Condition 6.2.1 requires CN to conduct the feature-based water balance analysis in consultation with Conservation Halton. In particular, CN is required to consult Conservation Halton about the types, frequency and timing of measurements used when conducting the analysis.* *In the July 2021 Implementation Schedule, CN indicates, "This analysis was provided to CH for review. Any views or information received from CH regarding the analysis will be considered and incorporated into the final design plans, as appropriate" (PDF p. 69). Moreover, in its November 26, 2021 letter to the Agency, CN indicates, "A feature-based water balance analysis was conducted pursuant to Condition 6.2.1 and provided to CH for review. " (PDF p. 2).* *The Agency could not determine if Conservation Halton provided any view or information about the FBWB analysis and, if so, whether CN has incorporated their views and information in the analysis (including with respect to the types, frequency and timing of measurements used when conducting the analysis).*	A draft version of the feature-base water balance (FBWB) analysis memo was prepared and submitted to Conservation Halton (CH) on November 4, 2020, for their review and input. The draft document was prepared in response to an initial request from CH and based on condition 6.2 as outlined in the draft conditions of approval prepared by IAAC for consideration by the Minister. Despite repeated requests, CH has not provided any views or information in response to our requests for input regarding the FBWB or other corresponding design plans. The memo has been revised to clarify and acknowledge CN's consultation efforts with CH regarding this condition and to confirm that CH has not provided any views or information about the FBWB analysis.
IAAC-1-7	January 11, 2022	*Condition 6.2.4 requires CN to provide to the Agency, prior to construction, the results of a feature-based water balance (FBWB) analysis conducted pursuant to condition 6.2.1, including how CN took into account the results of this analysis pursuant to conditions 6.2.2 □i.e. to inform the design and maintenance of the replacement wetlands referred to in condition 6.1□ and 6.2.3 □i.e. to inform the design of the stormwater management system□.* *The Agency could not determine how CN took into account in the FBWB analysis the results of the analysis pursuant to conditions 6.2.2 and 6.2.3.* *In relation to condition 6.2.2, CN indicated to Environment and Climate Change Canada (ECCC) on November 2, 2021, "The feature-based water balance (FBWB) analysis focused on draws and flow paths across the agricultural fields as input to Indian Creek and Tributary A. The location, design and maintenance of the created wetland areas will continue to direct flow into these two watercourses and are intended to retain water longer than existing conditions of the agricultural fields. The results of the FBWB support these conclusions." (PDF p. 7)* *In relation to 6.2.3, CN indicates in the July 2021 Implementation Schedule that "The feature-based water balance analysis results informed the design of the SWM system." (PDF p. 69)* *The Agency could not determine whether CN intends to submit any additional information to describe how it took the results of the FBWB analysis into account pursuant to conditions 6.2.2 and 6.2.3.*	The FBWB analysis memo documents the existing conditions supporting the wetlands to be retained and demonstrates that the project will maintain baseflows to existing wetlands to be retained. It also suggests that in doing so (i.e., maintaining surface flows across multiple storm events) that the existing wetlands to be retained will not be adversely affected. Therefore, maintaining surface water flows will maintain existing wetlands, as well as future planned wetlands proposed along Tributary A and Indian Creek. Further information is provided in the SWM Report (Aecom, 2021) and the Channel Realignment design document (Stantec, 2021) in this regard, provided in the submissions to IAAC. To further clarify how the results of the FBWB analysis informed the design and maintenance of the replacement wetlands and design of the stormwater management system, we have prepared a separate memo that combines information from these documents to address this specific requirement of this condition more explicitly, as provided with this response.
Condition 6.3: Wetlands and Wetland Functions Follow-up Program			
IAAC-1-8	January 11, 2022	*Condition 6.3.1 requires CN to 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 Project Development Area.* *However, on PDF p. 11 of the Wetlands Follow-up Program document, CN indicated that "Maintenance □of riparian vegetation and wetlands□ is possible over the three-year monitoring period (i.e., years 1, 2 and 3) for the channel realignments and enhancements. The results of the monitoring program will determine if ongoing inspection and continued floodplain and riparian wetland vegetation maintenance is required." □emphasis added□* *The Agency reminds CN that the monitoring required to comply with condition 6.3.1 should continue for at least five years following the end of construction.*	The Wetlands FUP has been updated to reflect the requirements for a five-year monitoring program, as stated in condition 6.3.1.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-9	January 11, 2022	*Where a follow-up program is a requirement of a condition, condition 2.6.4 requires CN to 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 levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s).* *On PDF p. 10 of the Wetlands Follow-up Program document, CN indicates that "If certain plant species □of riparian vegetation□ are experiencing high rates of mortality, the landscape architect will be consulted for recommendations on replacing these species with others anticipated to be hardier for the site."* *□emphasis added□* *To the extent possible, CN should quantify what is expected to be a "high rates of mortality" for riparian vegetation planting that, if reached, may trigger the implementation of modified or additional mitigation measure(s).*	A commitment has been made for 80% survivability of livestakes, consistent with requirements in the Fisheries Act Authorization. The following text has been added to the Wetlands Follow-up Program *If stem count of enhancement area is less than 80% of planting density, based on plantings of livestakes, trees and shrubs as per the landscape plans taking into consideration natural regeneration*
Condition 6.4: Buffer establishment around wetlands / watercourses			
IAAC-1-10	January 11, 2022	*Condition 6.4.1 requires CN to determine the width of the buffer(s) of undisturbed vegetation around all retained and constructed wetlands and along riparian areas prior to construction and in consultation with relevant authorities.* *On PDF p. 4 of the memo, CN indicates that "Consultation with relevant authorities is required per Condition 6.4.1, which in the case of buffers would include ECCC and Conservation Halton, and as such this memo is intended to be circulated to these agencies for review and comment, as appropriate."* *□emphasis added□* *The Agency could not determine if consultation with ECCC and Conservation Halton occurred and, if so, whether CN has incorporated their views and information in the memo.*	As described in response to IAAC-0-2, all views and information received on the plans and FUP's were included in consideration of finalizing them. No views or information related specifically to the width of the buffer(s) were received from either ECCC or Conservation Halton.
Condition 6.10: Progressive Reclamation Follow-up Program			
IAAC-1-11	January 11, 2022	*Condition 6.10 requires CN to determine, as part of the development of the follow- up program, objectives to be used to evaluate the effectiveness of the progressive reclamation. Condition 6.10 also requires CN to implement the progressive reclamation follow-up program until such time that is has determined, in consultation with Conservation Halton and other relevant authorities, that the objectives have been met.* *While CN indicates on PDF p. 7 of the progressive reclamation follow-up program that it will continue to conduct monitoring until vegetation establishment is at 70% cover or greater after 1 year post seeding/planting, it does not commit to consult* *Conservation Halton and other relevant authorities at that time to determine whether this objective has been met.*	To be explicit in meeting the consultation requirement of condition 6.10, CN has amended the reporting requirements in this FUP to read as follows: *A report will be prepared annually with the results provided to Conservation Halton and other relevant authorities as applicable, for consultation to confirm the objective of the monitoring has been reached (see sections 3.3.2 and 3.3.3).*

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 7.1: Fish and Fish Habitat Mitigation Measures			
IAAC-2-07	January 11, 2022	*Condition 7.1 requires CN to develop measures to protect fish and fish habitat in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, Conservation Halton and other relevant authorities.* *In the July 2021 Implementation Schedule, CN indicates that "Consultation with municipalities, Indigenous communities and other stakeholders occurred during the EA. CN retained Stantec to prepare a Letter of Intent (LOI) and supporting offsetting plan, which was submitted to DFO in December 2016 in support of the Fisheries Act Authorization (FAA) application. An Updated LOI was submitted to DFO in March 2020 to reflect design refinements made during the EA and detailed design process. The Updated LOI and supporting design drawings were also provided to CH and were shared with the MCFN, Six Nations and MNO by DFO. CN provided a memo summarizing the proposed offsetting plan to these Indigenous groups in November 2020." (PDF p. 77) {emphasis added}* *The Agency could not determine if Fisheries and Oceans Canada, Conservation Halton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River have provided views and information CN's proposed measures and, if so, whether CN has incorporated their views and information in the measures submitted to the Agency.*	As described, CN provided an Updated LOI to DFO in March 2020 to reflect design refinements made during the EA and detailed design process. The Updated LOI and supporting design drawings were also provided to CH and were shared with the MCFN, Six Nations and MNO by DFO. CN provided a memo summarizing the proposed offsetting plan to these Indigenous groups in November 2020. Through discussions with MCFN, Six Nations and MNO via conference call to discuss the information provided in the LOI and supporting design drawings and memo, each group had no concerns or comments on the content or measures planned. No views or information were received from CH regarding the updated LOI and supporting design drawings. DFO provided views and information on the LOI and design drawings, which were considered and incorporated through comment responses and conference call discussions, until such time that DFO provided the Authorization under the Fisheries Act to CN. All views and information received from consulted parties and how they were considered and incorporated are included with this comment response for IAAC's information, as outlined in response to IAAC 0-2.
Condition 7.5: Fish and Fish Habitat Offsetting Plan			
IAAC-2-08	January 11, 2022	*Condition 7.5 requires CN to develop an offsetting plan in relation to fish and fish habitat in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and Conservation Halton.* *In the July 2021 Implementation Schedule, CN refers to the consultation activities described for condition 7.1 (see comment IAAC-2-07) to describe the activities planned to fulfill condition 7.5.* *The Agency could not determine if Conservation Halton, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River have provided views and information on the offsetting plan developed by CN and, if so, whether CN has incorporated their views and information in the approved offsetting plan submitted to the Agency.*	As described, CN provided an Updated LOI to DFO in March 2020 to reflect design refinements made during the EA and detailed design process. The Updated LOI and supporting design drawings were also provided to CH and were shared with the MCFN, Six Nations and MNO by DFO. CN provided a memo summarizing the proposed offsetting plan to these Indigenous groups in November 2020. Through discussions with MCFN, Six Nations and MNO via conference call to discuss the information provided in the LOI and supporting design drawings, each group had no concerns or comments related back on the content or measures planned. No views or information were received from CH regarding the updated LOI and supporting design drawings. DFO provided views and information on the LOI and design drawings, which were considered and incorporated through comment responses and conference call discussions, until such time that DFO provided the Authorization under the Fisheries Act to CN. All views and information received from consulted parties and how they were considered and incorporated are included with this comment response for IAAC's information, as outlined in response to IAAC 0-2.
Condition 7.9: Natural Channel Design Principles for Indian Creek and Trib A			
IAAC-2-09	January 11, 2022	*Condition 7.9 requires CN to apply, in consultation with Conservation Halton, natural channel design principles when realigning Indian Creek and Tributary A.* *In the July 2021 Implementation Schedule, CN indicates that "A Channel Realignment Addendum was prepared and submitted to CH along with the channel design drawings in 2020" (PDF p. 83).* *The Agency could not determine if Conservation Halton has provided views and information on the Addendum and, if so, whether CN has incorporated their views and information in the Addendum submitted to the Agency.*	A draft version of the Channel Realignment Addendum was prepared and submitted to CH along with the channel design drawings on July 22, 2020, for their review and input. The addendum was prepared as an update to the design drawings to incorporate additional commitments that were made by CN throughout the EA process. Despite repeated requests, CH has not provided views or information regarding the Channel Realignment Addendum and channel design drawings.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 8.4: Migratory Bird Follow-up Program			
IAAC-1-13	January 11, 2022	*Condition 8.4 requires CN to implement the migratory birds follow-up program during construction and until at least the end of the fifth year of operation.* *On PDF p. 32 of the WMCP, CN indicates that "The nesting structures □for barn swallows□ will be surveyed annually for 3 years to document nesting activity and structure use." □emphasis added□. Condition 8.23.2 requires CN to install these nesting structures before removing the shed that currently supports barn swallow nesting and to maintain the structures during all phases of the Project.* *The Agency reminds CN that the monitoring required to comply with condition 8.4, including monitoring of the nesting structures for barn swallows, should begin once the nesting structures are installed and should continue until at least the end of the fifth year of operation.*	An update to the WMCP has been made to correct the timeline period for monitoring of the nesting structures for barn swallows, consistent with condition 8.4, monitoring will begin once the nesting structures are installed and will continue to a minimum the end of the fifth year of operation.
IAAC-1-14	January 11, 2022	*Where a follow-up program is a requirement of a condition, conditions 2.6.4 and 2.6.5 requires CN to 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:* *the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s) the technically and economically feasible mitigation measures to be implemented if monitoring shows that the levels of environmental change have been reached or exceeded* *The Agency could not determine if CN has determined the information prescribed in condition 2.6.4 and 2.6.5 for the migratory birds follow-up program.*	Section 5.1.1 of the WMCP has been updated to specify the acceptable levels of environmental change relative to baseline under Condition 2.6.4. Feasible mitigation measures under Condition 2.6.5 cannot be specified at this time, as specific deficiencies that may cause underperformance of the compensation habitat are unknown. However, a commitment has been made for a qualified biologist to assess the deficiencies and prescribe corrective measures to be implemented by CN.
Condition 8.6: Exclusion Fencing Design and Timing Windows for Turtles			
Regulator Call	July 11, 2022	*Meeting to be scheduled Friday to review the exclusion fencing and discussion around conceptual plan from WMP to review fencing, ecopassage, and retaining walls.*	CN provided fencing locations via figures, photos and conceptual plan from WMP to review during a separate call with ECCC.
Condition 8.7: Exclusion Fencing Design and Installation for WCF			
ECCC	December 7, 2022	*In general, ECCC is supportive of the WCF survey and fencing plan detailed in the November 9 meeting for the rail Right of Way (ROW) between Britannia Road and Louis St Laurent Avenue.*	Response in progress in 2023 through ongoing discussion with CN and ECCC.
ECCC	December 7, 2022	*ECCC requests a map that shows locations of WCF survey stations within the ROW.*	
ECCC	December 7, 2022	*ECCC requests a map that shows the planned location(s) of exclusion fencing that will be installed north and south of the ROW. ECCC also requests written responses to the following questions regarding the exclusion fencing, installation and maintenance plan:* • *What type of fencing is being proposed?* • *Will the fencing tie into other fencing or will turn-arounds be used at the ends of the fencing?* • *What is the anticipated timing of fencing installation?* • *How often will the fencing be checked to ensure its integrity?*	
ECCC	December 7, 2022	*During the call, it was noted that reference sites would be surveyed for WCF to determine whether WCF are active in the area so that breeding ponds on site can be surveyed with confidence with respect to timing/conditions and to assist in appropriate timing of exclusion fencing installation. ECCC requests additional detail on location of reference sites that will be surveyed for WCF.*	

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 8.9: Western Chorus Frog Habitat Replacement			
ECCC	December 7, 2022	*During the meeting [November 9, 2022], it was communicated that the timing of the proposed WCF habitat enhancements were planned to start in summer 2023. ECCC requests more information regarding the timeline and duration anticipated for the works, including a breakdown for the different components required for the project (e.g. implementation of any mitigation, construction of breeding pools, stepping stones, overwintering habitat, invasive species removal, planting plans, etc.)*	
ECCC	December 7, 2022	*ECCC requests written responses to the following questions regarding historical records and future survey effort:* • *During the meeting, it was noted that there were historical records 150 metres east of the proposed habitat enhancements for WCF, is it possible that WCF could be present on site when habitat enhancement works will take place?* • *Will surveys be conducted in spring 2023 to confirm presence/absence of WCF at the proposed habitat enhancement area?* • *Is there mitigation being considered to exclude WCF from the habitat enhancement area? If yes, please provide details on mitigation, a map that shows the location of planned mitigation and include information regarding timing for installation. If no, please provide a rationale for why mitigation is not required to exclude WCF from the habitat enhancement area.*	
ECCC	December 7, 2022	*During the meeting, it was noted that there were invasive species such as Phragmites within the project development area. ECCC requests a map that shows the location and approximate area of invasive species that require removal, detailed plans for removal (e.g. herbicide application, manual removal, etc.), and timing for removal, including a description of the proposed disposal method for any removed plant material. ECCC has concerns that if not removed appropriately, invasive species have the potential to spread and invade natural and enhanced habitat, including the proposed WCF habitat enhancement areas.*	
ECCC	December 7, 2022	*Are there any other species at risk or migratory bird individuals or habitat in or around the proposed WCF habitat enhancement area that may be affected by the project? How have they been considered?*	
Condition 8.10: Western Chorus Frog Follow-up Program			
IAAC-1-15	January 11, 2022	*Condition 8.10 requires CN to develop and implement a follow-up program to determine the effectiveness of mitigation measures implemented pursuant to conditions 8.5 to 8.9. In particular, condition 8.10.2 requires CN to monitor the use by Western Chorus Frog of any measure implemented pursuant to condition 8.5.3 to maintain or enhance habitat connectivity.* *While CN commits to monitoring created Western Chorus Frog habitat (PDF p. 40 of the WMCP, as required pursuant to condition 8.10.1), the Agency could not find any information in relation to condition 8.10.2 (including any information determined pursuant to condition 2.6).*	Results of the 2020 Western Chorus Frog surveys, as provided in the WMCP, identified a single location of confirmed breeding habitat adjacent to CN's PDA, located on private property. However, the identified breeding habitat was removed by other parties in the summer of 2021 during construction of a residential development and no longer exists. Given the lack of breeding habitat, the annual life cycle of that local population of Western Chorus Frogs can no longer be completed, effectively removing the local population. As such, no areas of connectivity between habitat necessary to support the annual life cycle of Western Chorus Frog were identified, per Conditions 8.5.2. As no connectivity was identified, no measures to maintain those connections, pursuant to Conditions 8.5.3, were established and no monitoring of those measures, pursuant to Conditions 8.10.2, is needed.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 8.13: Grassland Bird Habitat Follow-up Program			
IAAC-1-16	January 11, 2022	*Where a follow-up program is a requirement of a condition, condition 2.6.4 requires CN to 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 levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s).* *Condition 8.13 also requires CN to identify, as part of the development of the follow-up program, indicators to determine the suitability of the replacement grassland habitat.* *In the WMCP, CN presents the field measurements that will be collected to assess habitat suitability of the off-site grassland habitant for Eastern Meadowlark and Bobolink and indicates that "(…) field measurements will be collected and then used to assess habitat suitability in accordance with available information about the microhabitat requirements of the species (as documented in COSEWIC, 2010 and McCracken et al, 2013)." CN also indicates, "Should monitoring find habitat suitability is not adequate, remedial actions will be identified, which may include improvements to the off-site grassland habitat, or creation of additional habitat." (PDF p. 35) □emphasis added□* *The Agency could not determine what information from COSEWIC, 2010 and McCracken et al, 2013 meets the requirements of condition 2.6.4 in relation to the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s) and condition 8.13 in relation to indicators to determine the suitability of the replacement habitat.*	The WMCP has been updated with more detail on habitat requirements from COSEWIC, 2010 and McCracken et al., 2013. Clarification has been added as to how those habitat requirements have been considered under Condition 2.6.4. Feasible mitigation measures under Condition 2.6.5 cannot be specified at this time, as specific deficiencies that may cause underperformance of the compensation habitat are unknown. However, a commitment has been made for a qualified biologist to assess the deficiencies and prescribe corrective measures to be implemented by CN.
Condition 8.21: Snapping Turtle and Midland Painted Turtle Follow-up Program			
IAAC-1-17	January 11, 2022	*Condition 8.21 requires CN to develop 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 and midland painted turtle, including all mitigation measures implemented pursuant to conditions 8.15 to 8.20. Condition 8.21 also requires CN to identify, as part of the development of the follow-up program, indicators to determine the effectiveness of the mitigation measures.* *Section 5.4 of the WMPC only describes proposed habitat enhancement features for turtle and does not provide any information in relation to the follow-up program that CN is required to implement pursuant to condition 8.21 and that meets the definition of a "follow-up program" as set out in condition 1.18. The Agency notes that 8.21 is a listed follow-up program in condition 2.8 and must satisfy the requirements of condition 2.6.*	Monitoring the created habitat for use by Snapping Turtle and Midland Painted Turtle has been added to the WMCP, with additional clarification on the requirements of Condition 2.6. It is noted that turtles are long-lived animals that can take several years to locate and start to use new habitats. As such, a lack of observations within the 5-year FUP may not indicate that the created habitat is not functioning as intended. As part of the requirements under Condition 2.6.5, a qualified biologist will assess if corrective measures are required, or if additional monitoring is necessary.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-18	January 11, 2022	*Condition 8.21.3 requires CN to develop and implement modified or additional mitigation measures, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2 demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles. Condition* *8.21.1 requires CN to monitor the effectiveness of the exclusion fencing in preventing snapping turtle and midland painted turtle from entering in-water construction work areas.* *On PDF p. 22 of the WMCP, CN indicates that "If it is determined fencing modifications or additional mitigation measures are required to reduce the risk to turtles on project roads, such measures will be developed and implemented".* *The Agency reminds CN that fencing modifications or additional measures may be required if monitoring demonstrates that they are also necessary to reduce the risk to turtles from any vehicle collisions, not exclusively those collisions that occur on project roads.*	The WMCP has been updated to reflect all vehicle collisions, not just collisions on project roads and now reads as follows: *In accordance with Conditions 8.21.2 and 8.28.1 of the Decision Statement, CN will develop an internal reporting system for onsite employees which will record and track turtle crossing or collision observations in areas of construction activities.* And *If it is determined fencing modifications or additional mitigation measures are required to reduce the risk of turtle collisions,…*
Condition 8.25: Monarch Butterfly Follow-up Program			
IAAC-1-19	January 11, 2022	*Where a follow-up program is a requirement of a condition, conditions 2.6.4 and 2.6.5 requires CN to 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:* *the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s)* *the technically and economically feasible mitigation measures to be implemented if monitoring shows that the levels of environmental change have been reached or exceeded* *Condition 8.25 also requires CN to identify, as part of the development of the follow-up program, indicators to determine the effectiveness of the mitigation measures in relation to the Monarch butterfly.* *In the WMCP, CN indicates that vegetation monitoring of on-site monarch created habitat will be implemented as described in the wetland follow-up and monitoring program and that vegetation establishment of the off-site monarch habitat will be monitored as part of the Bobolink and Eastern Meadowlark follow-up monitoring (PDF p. 45-46). Neither the wetland follow-up program nor the Bobolink and Eastern Meadowlark follow-up program includes the information prescribed in condition 2.6.4 and 2.6.5 as it relates specifically to monarch. These two other follow-up programs also do not include any indicator to determine the effectiveness of the mitigation measures as it relates specifically to monarch.* *The Agency notes that while the Agency encourages cross-referencing documents to reduce duplication, the information to satisfy condition 2.6 for each follow-up program must still be included in the body of documentation.*	Additional details on Monarch survey parameters have been added to the WMCP. Clarification has been added regarding requirements under Condition 2.6.4. Feasible mitigation measures under Condition 2.6.5 cannot be specified at this time, as specific deficiencies that may cause underperformance of the compensation habitat are unknown. However, a commitment has been made for a qualified biologist to assess the deficiencies and prescribe corrective measures to be implemented by CN. It is noted that Monarch populations are highly variable from year to year; mainly influenced by conditions in their wintering grounds in Mexico. As such, abundance has not been identified as a criterion to assess success.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
Condition 8.28: Eastern Milksnake Follow-up Program			
IAAC-1-20	January 11, 2022	*Condition 8.28 requires CN to develop 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 Eastern Milksnakes, including all mitigation measures implemented pursuant to conditions* *8.26 and 8.27. Condition 8.28 also requires CN to identify, as part of the development of the follow-up program, indicators to determine the effectiveness of the mitigation measures.* *Section 5.4 of the WMPC only describes proposed habitat enhancement features for Eastern Milksnakes and does not provide any information in relation to the follow-up program that CN is required to implement pursuant to condition 8.28 and that meets the definition of a "follow-up program" as set out in condition 1.18. This includes information about the follow-up program required pursuant to condition* *2.6. The Agency notes that 8.28 is a listed follow-up program in condition 2.8 and must satisfy the requirements of condition 2.6.*	Monitoring requirements for Eastern Milksnake were previously addressed in Section 4.2 of the WMCP. The Program has been revised to reiterate monitoring requirements during operation in Section 5.4.2 for clarification. Requirements to meet Conditions 2.6.4 and 2.6.5 has also been clarified.
IAAC-1-21	January 11, 2022	*Condition 8.28.1 requires CN to monitor sightings of Eastern Milksnakes during any phase of the Designated Project.* *On PDF p. 30 of the WPCP, CN describes snakes monitoring during construction ("Sightings of snakes in the PDA will be reported to the Environmental Monitor and the sighting will be recorded in daily reports").* *The Agency reminds CN that snakes monitoring should continue during operation.*	Monitoring requirements during operation have been clarified in the revised Section 5.4.2 of the WMCP. It is our interpretation that CN is required to monitor sightings of snakes during operation. However, a program to actively look for snakes is not warranted, given that Eastern Milksnake has not been identified in the PDA following extensive surveys for the Terrestrial Technical Discipline Report (Appendix E.16 of the EIS), IR1.6 and the Wildlife Management and Connectivity Plan.
Condition 8.32: Habitat Connectivity Follow-up Program			
IAAC-1-12	January 11, 2022	*The version of the wildlife management and connectivity plan (WMCP) submitted to the Agency on November 26, 2021 has been redacted to protect confidential information pertaining to the location of known Western Chorus Frog habitat.* *While the Agency will post a redacted version of the plan to the online public registry, the Agency also requires an unredacted version to verify compliance with the conditions. The Agency will not post the unredacted version to the online public registry.*	Both versions of the WMCP have been included with this comment response.
IAAC-1-22	January 11, 2022	*Where a follow-up program is a requirement of a condition, conditions 2.6.4 and 2.6.5 requires CN to 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:* *the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s)* *the technically and economically feasible mitigation measures to be implemented if monitoring shows that the levels of environmental change have been reached or exceeded* *Condition 8.32 also requires CN to identify, as part of the development of the follow-up program, indicators to determine the effectiveness of the mitigation measures.* *The Agency could not determine if CN has determined the information prescribed in condition 2.6.4 and 2.6.5 for the habitat connectivity follow-up program, as well as the indicators prescribed in condition 8.32.*	Clarification has been added as to how results of monitoring will be considered under Condition 2.6.4. Feasible mitigation measures under Condition 2.6.5 cannot be specified at this time, as specific deficiencies that may cause underperformance of the ecopassages are unknown. However, a commitment has been made for a qualified biologist and hydrological engineer to assess the deficiencies and prescribe corrective measures to be implemented by CN.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-23	January 11, 2022	*Condition 8.32 requires CN to implement a follow-up program as it pertains to habitat connectivity until at least the end of the fifth year following the installation of all ecopassages.* *On PDF p. 47 of the WMCP, CN indicates, "CN will monitor the ecopassages to verify they meet the desired design. Three years of post-construction monitoring will occur annually in June." □emphasis added□* *The Agency reminds CN that CN must implement the follow-up program until at least the end of the fifth year following the installation of all ecopassages.*	CN has corrected the WMCP to provide for five years of monitoring following the installation of all ecopassages.
Condition 9.2: Sleep disturbance analysis			
IAAC-2-10	January 11, 2022	*Condition 9.2 requires CN to conduct a sleep disturbance analysis based on an evaluation of the distribution of baseline and predicted nighttime noise events in consultation with Health Canada.* *The Agency could not determine if Health Canada has provided views and information on the sleep disturbance analysis and, if so, whether CN has incorporated their views and information in the analysis submitted to the Agency.*	Health Canada provided views and information that were considered in the finalization of the Sleep Disturbance Analysis. All views and information received and how they were incorporated are included with this comment response for IAAC's information, as outlined in response to IAAC 0-2.
IAAC-2-11	January 11, 2022	*Condition 9.2 requires CN to conduct a sleep disturbance analysis to demonstrate whether nighttime noise events attributed to the Designated Project exceed established thresholds.* *In the sleep disturbance analysis memo, CN indicates that "A noise source inventory was provided by the engineering design team based on the current construction schedule (See Attachment B) that also include the quantity and expected usage for all equipment." (PDF p. 2) In the conclusion to analysis, CN also indicates that "The prediction results indicated that Project construction activities during Phase 1 may be completed without exceeding the defined noise limit for sleep disturbance." (PDF p. 3) {emphasis added}* *The Agency could not determine whether CN plans to update the sleep disturbance analysis to address nighttime noise events attributed to Phases 2 and 3 of construction, or if CN considers that the noise source inventory established for Phase 1 is representative of Phases 2 and 3.*	As stated in the letter to IAAC that accompanied the document submissions on December 1, 2021, Table 4: *A subsequent assessment of potential sleep disturbance will be completed once further details on the potential for nighttime noise events have been confirmed for subsequent phases of construction and operation of the Terminal. This update will be provided to Health Canada for review and a final version provided to IAAC once complete.*
Condition 11.2: Cultural Heritage Documentation Report			
IAAC-1-24	January 11, 2022	*Condition 11.2 requires CN to retain a qualified individual to document the land use history and construction details of the shed located at 5269 Tremaine Road.* *While CN indicates in the Report that fieldwork was carried out by Laura Walter, Cultural Heritage Specialist, and Ruth Dickau, Material Culture Analyst (PDF p. 3), the Report does not include any other information on which the Agency can rely to determine whether the two individuals meet the definition of "qualified individual" included in the Decision Statement (condition 1.30).*	CN has updated the report to include the two individual's bios and qualifications as confirmation they met the definition of "qualified individual", per condition 1.30.
IAAC-1-25	January 11, 2022	*private interest.* *In the Report, CN indicates, "During the course of the site assessment, no materials were identified to be of museum quality, but rather of utilitarian and common use." (PDF p. 32) □emphasis added□* *The Agency could not determine whether the fact that the materials are of "utilitarian and common use" also mean that there is no any public or private interest in it.*	The following statement has been added to the report to provide further clarity: There is no private or public interest in the materials identified in the shed.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-26	January 11, 2022	*Condition 11.2.2 requires CN to make the information about the land use history and construction details available to a local library or museum.* *In the Report, it is "recommended" to CN that the information be deposited at the Milton Public Library and at Heritage Milton (PDF p. 32).* *The Agency could not determine whether CN has actually committed to depositing the information at the two locations indicated.*	It is CN's intent to follow the recommendations outlined in the report and to provide the report and digital images at the local repository of historic material.
Condition 11.5: Cultural Heritage Property Maintenance and Re-use Plan			
		Interest in intentions for heritage buildings on the Project site, including potential relocation or reuse by CCC members.	With input participation from CN, a sub-committee of the Community Consultation Committee will meet separately to explore potential options for relocation or removal. The sub-committee will report on progress at scheduled Community Consultation Committee meetings. See section XX of the 2022 Annual Report.
IAAC-1-27	January 11, 2022	*Condition 2.13 requires CN to publish the cultural heritage property maintenance and re-use plan referred to in condition 11.5 to the Internet, upon submission of the plan to the Agency. Condition 11.5 also requires CN to develop the plan in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties. Condition 1.27 defines the term "potentially affected parties".* *In its November 26, 2021 letter to the Agency, CN indicates, "Draft versions of the reports were provided to the Ministry of Heritage, Sports, Tourism, and Cultural industries (MHSTCI) and the Town of Milton for review. Any feedback on views or information provided were considered by CN in finalizing these plans." (PDF p. 7). Moreover, in the plan for each property, CN indicates that "It is anticipated that this report will be made public so that communities and interested parties may prepare proposals for adaptive reuse of the properties in the future, following completion of the Project." □emphasis added□* *The Agency could not determine whether CN consulted "potentially affected parties" (as the term is defined in condition 1.27) during the development of the plans. Once the plans are finalised, the Agency also reminds CN that they should be posted to the Internet.*	As owner of all 4 properties, CN determined there were no other "potentially affected parties" (as defined in condition 1.27) to consult on the detailed plans to secure, inspect and maintain each property for the duration of construction and into operation of the terminal. Reports are now finalized and will be posted to the CN website document repository for public review.
Condition 11.8: Archaeological and Cultural Resources Protection Plan			
IAAC-1-28	January 11, 2022	*Condition 11.8.1 requires CN to describe how it will notify Indigenous groups in advance of any 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.* *The Agency could not determine how CN intends to notify Indigenous groups as part of the archaeological and cultural resources protection plan (ACRPP).*	CN is in regular communication with the Indigenous groups as part of the archaeological and cultural resources program, via phone and email communication. If notification under the ACRPP was necessary during construction, CN will continue to reach out to the established contacts by phone and email to initiate discussions and consultation on any construction related chance finds.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-1-29	January 11, 2022	*Condition 11.8.3 requires CN to apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered by the Proponent or brought to the attention of the Proponent by another party during any phase of the Project. As part of the application of a chance find procedure, CN must:* *inform the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region and Indigenous groups within 24 hours of the discovery (condition 11.8.3.3)* *apply, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region and Indigenous groups, 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 (11.8.3.5)* *In the ACRPP, CN indicates that it will notify parties if archaeological resources, or suspected archaeological resources, are identified during construction (PDF p. 8). CN also indicates that "For confirmed new archaeological resources, an appropriate assessment and mitigation plan will be developed by a licensed archaeological consultant in collaboration with Indigenous communities (i.e., HWN, MCFN, SNGR, and MNO) and/or the MHSTCI, as required." (PDF p. 8).* *□emphasis added□* *In relation to condition 11.8.3.3, the Agency could not determine if CN intends to notify parties within the prescribed timeline (24 hours). In relation to condition 11.8.3.5, the Agency reminds CN that Halton Region should also be consulted when developing an appropriate assessment and mitigation plan. Finally, the Agency could not find any commitment from CN to apply all applicable legislative or legal requirements to each discovery.*	CN will notify parties within the prescribed timeline (24 hours), as per condition 11.8.3.3, and has added the prescribed timeline into the ACRPP as added clarity. Halton Region has been added to the list of groups to communicate with to review and discuss any chance finds, as per condition 11.8.3.5 in the ACRPP. The Ontario Heritage Act (R.S.O. 1990, c. O.18) as administered by the Ministry of Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, regulates all archaeological resources in Ontario, which will also apply to any discovery during construction, should they occur. This clarification has been added to the section 2.4 of the ACRPP.
Condition 14.3: Accident and Malfunction Response Plan			
IAAC-2-12	January 11, 2022	*Condition 14.3 requires CN to develop an accident and malfunction response plan in relation to each phase of the Designated Project 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.* *The Agency could not determine if the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities have provided views and information on CN's accident and malfunction response plan for construction, and, if so, whether CN has incorporated their views and information in the plan submitted to the Agency.*	The Accident and Malfunction Response Plan was provided to the MCFN, Six Nations, the Town of Milton, and Halton Region for their review and input. Views and information were provided by MCFN and Six Nations and were considered and incorporated, as documented in the comment response for IAAC's information, as outlined in response to IAAC 0-2. No views or information were received from the Town of Milton or Halton Region.
IAAC-2-13	January 11, 2022	*Condition 14.3.3 requires CN to include the locations of spill containment kits within the Project area in the accident and malfunction response plan applicable to each phase of the Project.* *On PDF p. 12 of the Accident and Malfunction Response Plan – Construction (December 3, 2021), CN indicates that "A map will be prepared showing location of Site Office, equipment storage areas, laydown areas, hazardous material storage, spill kit repositories, muster stations, evacuation locations, windsock location, fueling locations, sensitive habitats to best direct response efforts and other key areas as determined necessary to identify by the DCC Environmental Inspector and Environmental Monitor. (…) This map will be kept updated and posted at the Site Office." (emphasis added).* *The Agency reminds CN that a map showing the locations of spill containment kits within the Project area, or a description of where the kits are located, must be included in the accident and malfunction response plan applicable to each phase of the Project.*	Please find attached a copy of the figure where spill containment kits are located (or will be when construction advances) within the Project area for this current phase of construction. This figure is posted in the Contractor's site office for reference and reminder to all contract employees onsite. The figure will be updated throughout construction phases and with the onsite construction focused areas.

#	Date	*Comment from Relevant Agencies*	Description of How Views and Information Have Been Considered
IAAC-2-14	January 11, 2022	*Condition 14.3.4 requires CN to include, in the accident and malfunction response plan applicable to each phase of the Project, a description of how CN will evacuate its property and participate in coordinated evacuation procedures with relevant authorities.* *While section 8.0 of the Accident and Malfunction Response Plan – Construction describes procedures to follow in case of an incident/emergency requiring evacuation of the construction site, the Agency could not determine how CN will coordinate its evacuation procedures with the evacuation procedures of relevant authorities, as appropriate.*	Prior to operations beginning at the Milton Logistics Hub, CN will engage with the local emergency services, specifically the Fire Department and offer to undertake training including undertaking a tabletop exercise to coordinate with them on emergency response for the facility. This coordination prior to an event is an ongoing effort by CN to provide education, training and develop relationships with emergency responders prior to an event such as a response requiring evacuation. CN reaches out every three years to offer training to local departments, however training will be provided as frequently as requested by the local emergency response services. During a major event involving an evacuation CN will work in conjunction with the local emergency services to determine if and where an evacuation is necessary. This coordination will include a review of the potential chemicals involved, significance of the spill/leak, ability to reduce or stop the spill, location of the event, proximity to people, amongst others. This dialogue will include CN, local emergency services (Fire Department) and include advise from CANUTEC. Through this coordination, a decision about response tactics and evacuations or shelter in place (as necessary) will be determined. In the event an evacuation is warranted, the local Police will undertake door knocking to implement the evacuation orders.
Condition 14.6: Communication Plan for Accidents and Malfunctions			
IAAC-2-15	January 11, 2022	*Condition 14.6 requires CN to develop a communication plan for accidents and malfunctions in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties.* *In the July 2021 Implementation Schedule, CN indicates: "The A&M Communications Plan has been developed and made available to the specified parties for consultation. Any feedback received from the parties will be considered and incorporated into the A&M Communications Plan if and as appropriate." (PDF p. 154) □emphasis added□* *The Agency could not determine if the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties have provided views and information on CN's communication plan yet and, if so, whether CN has incorporated their views and information in the plan submitted to the Agency.*	Comments specific to the A&M Communications Plan were received from Six Nations, MCFN and the Community Consultation Committee. Comments from Six Nations were discussed via conference call between the Nation and CN. This call was documented in the comment response 2.4 document included with this submission. A conference call with MCFN was also completed to review the A&M Communications Plan, to which they had no concerns or comments. Responses received from the Community Consultation Committee were considered and feedback on how they were incorporated or not and why was provided in writing to the CCC. No response was received from the public comment posting. All comments and responses are documented in the comment response for IAAC's information, as outlined in response to IAAC 0-2.
IAAC-2-16	January 11, 2022	*The accidents and malfunctions communication plan submitted to the Agency has been redacted to protect contact information. While the Agency will post a redacted version of the plan to the online public registry, the Agency also requires an unredacted version to verify compliance with the conditions. The Agency will not post the unredacted version to the online public registry.* *For future submissions with potentially sensitive information included please inform the Agency when submitting the sensitive documents so the appropriate steps to protect private and sensitive information can be taken.*	Both versions of the Accidents and Malfunctions Communication Plan have been included with this comment response.

APPENDIX 3B

General Enquiry Tracking – Community Consultation Committee

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
8/Dec/22	Construction	N. Mott	Suggestion for re-use of large tree trunks on site: Historic Lumber, 12478 Sixth Line, Milton	All suggestions for re-use are pursued. General lack of interest by businesses approached.	CN	Resolved / Ongoing
8/Dec/22	Construction	W. Roberts	The size of the culverts constructed in the resting pools (in the context of whether there were sufficient access hatches).	As indicated in session, the lengths are large and thus do not require access hatches. K.Boka to provide size of culverts.	CN	Resolved
8/Dec/22	Noise	Committee	Request for a map of noise monitoring stations on site.	To be distributed to the Committee with December 8 Meeting Summary document.	CN	Resolved
8/Dec/22	Noise	R. Vogel Post	Concerns about noise levels in areas beyond where noise monitoring stations; concerns about noise of construction vehicles.	D. Reynolds to engage with R. Vogel Post to discuss further. Construction contractor is transitioning from "beeping" noises on vehicles to a quieter alert.	CN	Resolved / Ongoing
8/Dec/22	Noise	R. Vogel Post	Revisit request (from November 4, 2021 meeting) for CN to meet directly with nearby residents about noise during construction and operations.	D. Reynolds corresponded with R. Vogel Post by email to discuss further.	CN	Resolved / Ongoing
8/Dec/22	Transportation Planning	L. Chambers	L.Chambers shared highlights of Halton Region's 2019 road safety strategy that he obtained through an FOI. Some details were redacted.	Per August 4 entry. L. Chambers to prepare a summary document that can be shared with CCC members, via co-facilitators.	Co-Facilitators	Ongoing
6/Oct/22	CN Corporate Structure	L. Chambers	In due course, would welcome an update on new CEO's perspective on MLH and how it fits into CN's broader strategy; overall reporting structure.	Co-Facilitators preparing a letter to provide an introduction and overview with the new CN executive team.	CN	Noted
6/Oct/22	Cultural Heritage	Cultural Heritage Sub-Committee	Look into whether houses on Tremaine Rd. are on heritage designation lists.	Some heritage protections for brick house, Milton Municipal Heritage Committee may need to be flagged once action is determined.	Co-Facilitators	Resolved
6/Oct/22	Engagement with local organizations	W. Roberts	How is Conservation Halton engaged to provide their local perspective.	CN noted that Conditions require engagement; CN has attempted to engage; court cases have prevented dialogue.	CN	Resolved
6/Oct/22	Environmental Oversight	Co-Facilitators	Requesting the updated Environmental Oversight slide deck that can be shared with the Committee	Slide updated; to be circulated with next meeting package.	CN	Resolved
6/Oct/22	Future Topics	Committee	Questions about surface water were raised during the groundwater presentation.	Sheldon Smith of Stantec to present at a future meeting.	Co-Facilitators	Resolved
6/Oct/22	Legal	Committee	Interest in learning more about the judge's cost award decision in the Ontario Superior Court Case.	Copies of the judge's ruling and follow-up document were circulated via email to the Committee on October 13, 2022.	CN / Co-Facilitators	Resolved
6/Oct/22	Noise Mitigation	L. Reale	Berms on site / to the north	There are ongoing discussions between CN and Great Gulf.	CN	In progress
6/Oct/22	Noise Mitigation	R. Vogel Post	Questions whether berms will be installed along the northern and western edges of the property; questions about noise from idling trains	CN noted the overpass provides a substantive berm between the community on the north side and the Project site to the south, with another overpass to be constructed on the site; the current Project design includes noise berms. CN noted that current noise from idling trains is the result of trains transferring from a double track to a single track and having to wait as another train passes through; the Project design took into consideration ways to improve the fluidity of the trains by not having to slow down/stop in this zone; noise monitoring will continue into operations.	Co-Facilitators	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
6/Oct/22	Site Update	D. Reynolds	Series of drawings with satellite image that can be shared with Committee	Monthly site photos will be compile into a file for a month-over-month time lapse record.	CN	Resolved / Ongoing
6/Oct/22	Wildlife	W. Roberts	Expressed interest in the safety of the birds (specifically wildlife) landing on stormwater pond.	Stormwater ponds are designed not to attract birds/wildlife; barriers are in place as a means to prevent attracting birds/wildlife; other habitat has been put in place elsewhere for birds/wildlife.	CN	Resolved
4/Aug/22	Cultural Heritage	Sub-Committee	Site tour of four houses on MLH site assessed in the cultural heritage property maintenance and reuse plans. Reports can be found: https://cnmilton.com/environment-2-2/	Tour was done on August 31	CN / Co-Facilitators	Resolved
4/Aug/22	Future Topics	Co-Facilitators	Revisit local transportation planning.		Co-Facilitators	Noted
4/Aug/22	Transportation Planning	Co-Facilitators	Halton Region slide deck	M. Green-Battiston to provide the slides to share with the Committee.	Co-Facilitators (via Halton Region reps)	Resolved
4/Aug/22	Transportation Planning	L. Chambers	Status update of Halton Region's 2019 road safety strategy	Discussed at December 8 CCC meeting. L. Chambers to share summary document. L. Chambers submitted an FOI request for the study.	Co-Facilitators (via Halton Region reps)	Resolved
9/Jun/22	General / Housekeeping	Co-Facilitators	E. Thome and T. Flynn would like to host a Committee social gathering to mark the one year anniversary of establishing the Committee.	Lunch held in Milton	Co-Facilitators	Resolved
9/Jun/22	Legal	L. Chambers	Interest in seeing the summary statements for the parties involved in the Ontario Superior Court hearing May 30 to June 3 2022.	D. Reynolds noted it was complex with more 60,000 pages of documentation under review. D. Reynolds will consult with CN legal team to determine whether a summary of CN's position could be shared.	CN	Resolved
9/Jun/22	Site Update	Co-Facilitators	Incorporate a site tour with October 6, 2022 Committee meeting	Site tour booked, prior to in-person Committee meeting	CN / Co-Facilitators	Resolved
9/Jun/22	Site Update	Committee	Request for regular drone videos to see progress on site.	As discussed in August 4, 2022 meeting - drone footage will not be uploaded for Committee viewing and instead aerial photographs will be shared. Aerial photos are more manageable to share, and will capture month-over-month progress which will be more useful.	CN	Resolved
9/Jun/22	Site Update	Committee	Request for greater detail in activities listed in Schedule 15.2. For example, the temporary bridge constructed over Indian Creek is captured as access roads in the Schedule. Committee members expressed this was not intuitive for lay people.	More time to be allotted during the Project Update segments in upcoming meetings to discuss items in more granular detail.	CN	Noted
9/Jun/22	Socioeconomic	N. Mott	Raised a concern that generally new home buyers are not sufficiently informed of where to direct ongoing or specific concerns, despite clauses noted in contracts.	L. Reale from Great Gulf appreciated the feedback and has taken the suggestion under advisement.	Co-Facilitators (via L. Reale)	Noted
9/Jun/22	Socioeconomic	R. Vogel Post	When did sales begin for Pony Pines? What was in the original disclosure - was it proximity to the CN rail lines only or did it include the Milton Logistics Hub and the related truck traffic? If the MLH was not in the original documentation, when was it added?	L. Reale noted that both the proximity and the MLH itself are identified in documentation.	Co-Facilitators (via L. Reale)	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
9/Jun/22	Socioeconomic	R. Vogel Post	Requested contact details for a point person from the customer service team or general contact information so the Committee can disseminate it if they get questions or concerns.	L. Reale stated in October 6, 2022 meeting that he has provided the contact details of the appropriate individual at Great Gulf; co-facilitators to share contact info with Committee.	Co-Facilitators (via L. Reale)	Resolved
7/Apr/22	Future topics	Co-Facilitators	L. Reale of Great Gulf to offer insights on pertains to providing information to new home buyers regarding adjacent properties.	Great Gulf presentation to Committee occurred on June 9, 2022	Co-Facilitators	Resolved
7/Apr/22	Future topics	S. Carruth	Business impact/commerce and benefits to business community - See January 27	E. Thome and T. Flynn to consider reaching out to Economic Development divisions of Town of Milton and Halton Region	Co-Facilitators	Ongoing
7/Apr/22	Future topics	W. Roberts / C. Toth	More information about CN's electric truck pilot project	CN to discuss at a future meeting. CN signed deal with Lion Electric for 50 zero-emission trucks.	CN	Noted
7/Apr/22	General	CN	Committee input on updated Construction Fact Sheet	Committee encouraged to provide input on content/layout for future versions of the Construction Fact Sheet	Committee	Resolved / Ongoing
7/Apr/22	General	R. Vogel Post	Concerns about use of land surrounding CN Project site.	Map to be shared at next meeting.	CN	Resolved
7/Apr/22	General / Housekeeping	Co-Facilitators	Links to drone videos for newly joined participants Committee member permission to be added to Project Distribution email list		Co-Facilitators	Resolved
7/Apr/22	General / Housekeeping	Co-Facilitators	Draft Committee Update for review	Completed and circulated to Committee; discussed during June 9, 2022 meeting	Co-Facilitators	Resolved
7/Apr/22	General / Housekeeping	Co-Facilitators	E. Thome and T. Flynn shared with Committee that they would be available to attend stakeholder meetings should it be helpful to provide insight about the activities of the Committee.		Co-Facilitators	Noted
7/Apr/22	Heritage	Committee - various	The reuse plan for a vacant building on the site (5269 Tremaine Road) - could it be moved to Country Heritage Park or to a vacant lot in the Great Gulf subdivision.	Sub-committee has met and continues to meet to explore options. Will report on progress to the Committee on October 6.	Co-Facilitators / Task Force	Resolved / Ongoing
7/Apr/22	Socioeconomic	L. Chambers	Enquired about the taxes CN pays for the land	Presentation used at CEAA Hearing in 2019 that outlines what CN has paid and what CN is expected to pay.	CN	Resolved
7/Apr/22	Traffic / Safety	R. Vogel Post	Safety concerns about construction vehicles parked on Tremaine Road, particularly at the bend in the road.	D. Reynolds responded in session that he was also concerned and made a site visit to discuss this matter with the contractor. Monitoring will continue. D. Reynolds shared update on traffic management during June 9, 2022 meeting. Update: D. Reynolds spoke with construction firm about trucks turning out of access road. Construction firm has put in place additional procedures to ensure safety such as a flag person to signal safe movement of trucks from the access road.	CN	Resolved Ongoing monitoring.
3/Mar/22	Admin	Co-Facilitators	Consider frequency of meetings		Co-Facilitators	Resolved
3/Mar/22	CLCP	L. Patterson	Share Project Annual Report once submitted to IAAC.	Committee members will be directed to Annual Report on SharePoint site once filed with IAAC. Highlights of Annual Report, especially references to Committee, will potentially be discussed at next meeting.	Co-Facilitators	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
3/Mar/22	CLCP	L. Patterson	Quarterly Reports	2022 Q1 Quarterly Report finalized and filed, with feedback from Committee.	CN	Resolved
3/Mar/22	Future topics	D. Ste-Marie	Committee members to submit discussion items and areas of interest to D. Ste-Marie for Huron-Wendat presentation .		CCC / Co-Facilitators	Resolved
3/Mar/22	General	Committee - various	Committee offer to review and comment on documents or plans that CN has for the project (i.e., Committee members would bring perspectives from their stakeholder groups, such as the nuances of language and references).		All	Noted
3/Mar/22	General	N/A	Arrange a tour of Brampton Intermodal Terminal (BIT) for those who did not participate in October 23, 2021; followed by a site tour in Milton for entire Committee.	Brampton and Milton site tours took place on March 31, 2022.	Co-Facilitators	Resolved
3/Mar/22	Outreach	Committee - various	Proposed idea for signage around the property that announces the Project, and point to a website for more information - to elevate the transparency about the coming project.	Decision on signage will be made after the Superior Court hearing.	CN	Deferred to after Ontario Superior Court appeal by Halton Region.
3/Mar/22	Outreach	N. Mott	Follow up on developers disclosure for buyers in proximity to the hub.	Lukas Reale from Great Gulf has joined the committee and will discuss in May meeting	Co-Facilitators	Resolved
3/Mar/22	Outreach / Mitigation	R. Vogel Post	More discussion on the impacts on the neighbours surrounding the Project and further noted there had not be sufficient direct contact from CN, despite a pledge by CN at the 2019 CEAA Panel Hearing to do this. More in-person engagement and ensure notification by mail is delivered to neighbouring residents.	Community notification methods include: print advertisements in the Milton Canadian Champion; digital display advertisements on InsideHalton.com and StarMetroland targeted to Milton; and postcards delivered via Canada Post to 9,000 neighboring residents. Where appropriate and required, notifications have been sent to adjacent properties and direct dialogue has been facilitated. CN representatives remain accessible via the communication methods outlined in Section 2.2.2 in the Community Liaison Communication Process (Condition 3.2).	CN	Resolved / Ongoing
5/Feb/22	Future topics	Committee - various	Environmental impacts (e.g., air quality, wetlands, wildlife etc.)		Co-Facilitators	Noted
5/Feb/22	Future topics	Committee - various	Another traffic session		Co-Facilitators	Noted
5/Feb/22	Future topics	Committee - various	Indigenous relations and impacts		Co-Facilitators	Noted
5/Feb/22	General	Co-Facilitators	Co-facilitators to share summary of results and feedback of six-month check-in session with CN, including a memo to S. Finn.	In progress.	Co-Facilitators	Resolved
5/Feb/22	General	Committee - various	Feedback from survey of Committee members found a desire to be equipped with communication materials to assist with their engagement with their constituency/stakeholders.	Committee Update produced by Co-Facilitators; to be produced on regular basis	Co-Facilitators	Ongoing
5/Feb/22	General	Committee - various	Meeting format and agenda to be adjusted to reflect increased two-way dialogue style of discussion. This would include increased opportunities for Committee members to impart their specific knowledge or expertise as it pertains to discussion topics.	CN welcomes this feedback in adjusting the format of Committee meetings. Meeting format and agenda will be adjusted commencing March 3, 2022.	Co-Facilitators	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
5/Feb/22	Site Design	S. Carruth	Further dialogue on terminal design, particularly regarding parking for drivers, access to rest areas/facilities etc. This request follows up from the general discussion during the October 19, 2021 Committee meeting.	D. Reynolds to speak with S. Carruth to further explore suggestions and driver needs for consideration into the terminal design. D. Reynolds noted in March 3, 2022 meeting that suggestions had been put toward to design and intermodal teams. D. Reynolds will share with the Committee once the designs have advanced.	CN	Resolved / Ongoing
5/Feb/22	Traffic	Committee	Would it be possible for CN to commission an updated traffic study?	The study was based on Halton Region's Transportation Master Plan *Road to Change 2031*, which has not been updated since it was published in 2012.	CN	Resolved / Ongoing
5/Feb/22	Traffic	Committee - various	Invite Halton Region representatives to discuss Region's Transportation Master Plan and plans for Tremaine, Britannia, and RR 25	Halton Region representatives to present to Committee on August 4, 2022; without CN present for the portion of the meeting; will be provided draft meeting summary prior to wider circulation.	Co-Facilitators	Resolved
5/Feb/22	Traffic	R. Vogel Post	Email follow-up question: Would like clarification on the chart calculation: From presentation: "We recognize the truck has a significantly greater impact on traffic than a passenger car of a typical car you might see on the road through our analysis reviews the passenger car unit equivalent for PC factor four. So what that means is we have assumed that one truck is equivalent to four-passenger cars in terms of traffic impact - established practice in traffic engineering - should note that equivalency factor 4 is very conservative. With this assumption, the terminal would generate the equivalent 382-way car trips in the afternoon rush hour and that's the busiest." 1600 truck trips x 4 (PC factor) = 6400 not 380 or 400. If this is correct, the data is out by a factor of 16 which is incredibly significant.	The traffic volume noted in the question (382 equivalent car trips) refers to the peak hour volume, not the full day. The peak hour is the standard metric for traffic analysis, as road capacity is designed to accommodate demand during the busiest hours of the day.	CN	Resolved
27/Jan/22	Future topics	C. Toth	Sustainability plans - building design, operations etc.		Co-Facilitators	Noted
27/Jan/22	Future topics	S. McCammon	Socioeconomic - impact on/interaction with Milton business		Co-Facilitators	Noted
27/Jan/22	General / Heritage	N. Mott	Will all the homes on the property be removed? Will some be kept/relocated?	Of all the houses being removed only one has a heritage designation and there is a process in the Conditions about the removal of that building. Not all of the houses are being removed. (see conditions outlined in Section 11 within the federal Decision Statement).	CN	Resolved
27/Jan/22	Traffic	C. Carroll	What safety measures have you planned along Tremaine Road in front of the Milton Education Village where the Wilfrid Laurier campus will be operating, considering the large number of students that will be in the area?	Tremaine Road is Halton Region's responsibility. Anything CN does would be in collaboration with the Region because it's not CN's road to manage.	CN	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
27/Jan/22	Traffic	C. Toth	Linkage of traffic impact to air quality impacts. Traffic models have modules to model air quality impacts of tailpipes, stacking queues and idling including area of impact. Truck tailpipes emit quality quite different than cars so that can be factored into an equivalency. Would like to see if already prepared that air quality (GHGs) impact area overlaying land use, e.g. education village, proposed development, etc.	The impacts to Air Quality were thoroughly assessed as part of the Environmental Assessment process including an assessment of the truck traffic to/from the site and an overall GHG assessment. This information can be found at the following links: **For air quality assessment related to GHGs:** CEAR 81 https://ceaa-acee.gc.ca/050/documents/p80100/114729E.pdf **For air quality assessment related to trucks:** CEAR # 375 https://ceaa-acee.gc.ca/050/documents/p80100/115839E.pdf CEAR # 613 https://ceaa-acee.gc.ca/050/documents/p80100/121475E.pdf CEAR # 632 https://ceaa-acee.gc.ca/050/documents/p80100/122057E.pdf CEAR # 647 https://ceaa-acee.gc.ca/050/documents/p80100/122752E.pdf CEAR # 652 https://ceaa-acee.gc.ca/050/documents/p80100/122867E.pdf CEAR # 655 https://ceaa-acee.gc.ca/050/documents/p80100/122961E.pdf CEAR # 680 https://ceaa-acee.gc.ca/050/documents/p80100/124653E.pdf CEAR # 714 https://ceaa-acee.gc.ca/050/documents/p80100/126808E.pdf CEAR # 722 https://ceaa-acee.gc.ca/050/documents/p80100/126920E.pdf CEAR # 732 https://ceaa-acee.gc.ca/050/documents/p80100/128075E.pdf	CN	Resolved
27/Jan/22	Traffic	L. Chambers	The truck traffic volume south of the facility on Tremaine Road is not clear. A south entrance to the facility from Lower Baseline Road would reduce north direction traffic flow and reduce south bound traffic on Regional Road #25.	The truck entrance has been located on Britannia Road as Britannia Road is being upgraded to a six lane Regional arterial road standard that is designed to accommodate goods movement. Lower Base Line is a Town road that is not designed to accommodate goods movement, nor does the Town have plans to upgrade the road to accommodate goods movement. As such, an entrance has not been located on Lower Base Line. As outlined in the presentation slides 11 & 12, a small percentage of trips are expected to use Regional Road 25 south of Britannia Road. This is a function of the location of the current demand. Based on CN's current customer base, it is expected that most traffic flow will be to the 401 to the north.	CN	Resolved

CN Milton Logistics Hub
General Enquiry Tracking - Community Consultation Committee

Date	Topic	Source	For Follow Up	Response	Responsibility	Status Resolved / Response Noted / Ongoing / Outstanding
27/Jan/22	Traffic	M. Nixon	I'm having difficulty understanding the rationale behind the truck trip projections on slides 11 and 12 - I just can't understand only 4 trucks per day coming up Regional Road 25. With the growing populations along the Lakeshore and along with it manufacturing and storage facilities, plus the increasing number of trucks arriving from the US through Queenston and Buffalo (and let's not forget about what seems be almost daily accidents on an increasingly busy 401 and trucks taking alternate routes such as the 407, I can't imagine only 4 trucks per day going up and down #25 - it just seems way too low	The truck trip projections for truck traffic travelling south on Regional Road 25 are for the peak hour, not for the full day.	CN	Resolved
27/Jan/22	Traffic	N. Mott	The modelling numbers used do not match today's reality (e.g., Tremaine/401 interchange does not have provincial funding secured). How do you plan to monitor planned and predicted traffic?	The Project does not rely on the Tremaine/401 interchange and the expectation is there would be 10-20 trucks in each direction in the peak hours that would be re-routed until that interchange is in place. The Region has assigned funding to the interchange, but still needs to collaborate with the Province. In 2015, the projected 2021 data was used because that is what Halton Region used in its own transportation modelling for its Transportation Master Plan. For a variety of reasons, timelines have been pushed back (e.g., Covid). There is no anticipation that modelling would need to change as this is considered a low-volume project.	CN	Resolved
27/Jan/22	Traffic	S. McCammon	Does BA Group do any work for municipalities? (especially in Halton)?	Yes. Although the majority BA Group's clients are in the private sector, they have also done work for municipalities/Regions, including the Town of Oakville, City of Mississauga, City of Vaughan, City of Richmond Hill, Peel Region, York Region, Region of Waterloo, Durham Region, City of Ottawa, City of Halifax, City of Edmonton, etc.	CN	Resolved
Ongoing	Indigenous Relations	CN / Co-Facilitators	Standing invitation to Indigenous groups to attend and/or present at Committee meetings.	Efforts will be made to connect with Indigenous groups on specific matters of interest or general engagement.	CN / Co-Facilitators	Noted

APPENDIX 4
Condition 15.1 Schedule Compliance Report 2022

CN MILTON LOGISTICS HUB

Condition 15.1

Schedule Compliance Report 2022

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



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

MHSTCI	Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
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	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, have applied the best available economically and technically feasible technologies to achieve continuous improvement and meet all engineering requirements for safe railway and facility operation.	January 2021	Throughout construction and operation as required by each condition
	Activities Planned to Fulfill Condition: CN has retained a team of qualified individuals, including from Stantec, 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.		

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
2.5	The Proponent shall, where consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and/or the Huron-Wendat Nation of how their views and information were considered by the Proponent.	November 2020	Throughout construction and operation
	Activities Planned to Fulfill Condition: CN will continue to engage with Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (SNGR) and the Huron-Wendat Nation (HWN). Targeted discussions with each community have been held to confirm the methods of notification / communication, the type of information, and the period of time to be provided when seeking input and will continue in the same manner identified on an ongoing basis when consultation is a requirement of a condition set out in the Decision Statement. CN will continue to engage with these communities during construction activities, and during operations to continue soliciting their views and information pertinent to the Project.		
Follow-Up and Adaptive Management (2.6 to 2.10)			
2.6 (and all sub-conditions 2.6.1 to 2.6.5)	The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information: • 2.6.1 - the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;	June 2020	March 1, 2022

Condition Number	Condition	Commencement	Estimated Completion
	• 2.6.2 - the scope, content and frequency of reporting of the results of the follow-up program, including whether the reporting of any result may, if disclosed, cause specific harm to the environment; • 2.6.3 - the frequency at which the follow-up program must be updated, unless otherwise required through the condition; • 2.6.4 - the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and • 2.6.5 - the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See Appendix 1 in 2022 Annual Report.		

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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
Annual Reporting (2.11 to 2.12)			
2.11 (and all sub-conditions 2.11.1 to 2.11.8)	The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year: • 2.11.1 - the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement; • 2.11.2 - how the Proponent complied with condition 2.1; • 2.11.3 - for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any view and information that the Proponent received during or as a result of the consultation; • 2.11.4 - the information referred to in conditions 2.6 and 2.7 for each follow-up program; • 2.11.5 - a summary of the results of the follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3; • 2.11.6 - for any plan that is a requirement of a condition set out in this Decision Statement, any update made to the plan; • 2.11.7 - any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and • 2.11.8 - any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.	March 31 2022	Annually

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: An annual report that sets out the activities undertaken to comply with each of the conditions set out in the Decision Statement will be prepared. The annual report will reference all relevant information required through the conditions.		
2.12	The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.	March 31 2022	Annually
	Activities Planned to Fulfill Condition: The annual report will include a plain language executive summary in both official languages and will be submitted to IAAC no later than March 31 following the reporting year to which the annual report applies.		

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

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

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

Section 3: Community Liaison Communication Process

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.4 (including all sub-conditions 3.2.1.4.1 to 3.2.1.4.5)	The information about the Designated Project that the Proponent shall share with potentially affected parties, which shall include the following information: • 3.2.1.4.1 - a summary of the results of all follow-up program requirements identified in conditions 4.5, 4.10, 4.21, 5.9, 5.10, 5.13, 6.3, 6.10, 7.12, 8.4, 8.10, 8.13, 8.21, 8.25, 8.28, 8.32, 9.1 and 9.3, including any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent; • 3.2.1.4.2 - the quarterly reports related to noise complaints referred to in condition 4.9.3; • 3.2.1.4.3 - the land use history, construction details and photographic record referred to in condition 11.2.2; • 3.2.1.4.4 - the results of the post-construction inspections referred to in condition 11.4; and • 3.2.1.4.5 - the results of the heritage impact assessment referred to in condition 11.6.	-	-
	Activities Planned to Fulfill Condition: The CLCP identifies the list of information and reports about the 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. Conditions 3.2.1.4.1 to 3.2.1.4.4 have been fulfilled. See 2021 Annual Report for details. Condition 3.2.1.4.5 will be completed during operations. See 2022 Annual Report for details.		

Condition Number	Condition	Commencement	Estimated Completion
3.2.1.5	How the requirements set out in conditions 3.2.1.1 to 3.2.1.3 may vary throughout any phase of the Designated Project, including during each phase of construction identified in the construction schedule referred to in condition 15.2, during the first year of operation and during the first year of operation at which the Designated Project operates at its full operational capacity;	-	-
	Activities Planned to Fulfill Condition: Condition Fulfilled. See 2021 Annual Report for details.		
3.2.2	Provide the community liaison communication process to the Agency prior to construction;	-	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. The CLCP was provided to IAAC on December 1, 2021.		
3.2.3 (including all sub-conditions 3.2.3.1 to 3.2.3.4)	As part of the implementation of the community liaison communication process: • 3.2.3.1 - implement the community liaison communication process according to the information determined pursuant to conditions 3.2.1.1 to 3.2.1.5; • 3.2.3.2 - respond to all feedback received through the community liaison communication process in a timely manner, including, if the Proponent determines that no mitigation measure and/or follow-up program requirement is required to address the feedback, by providing a rationale for that determination; • 3.2.3.3 - implement any mitigation measure and/or follow-up program requirement that the Proponent determined is required to address feedback received (including any modified or additional mitigation measure and/or 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
	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. 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.		

Section 4: Atmospheric Environment

Condition Number	Condition	Commencement	Estimated Completion
Light (4.1 to 4.5)			
4.1	The Proponent shall measure, prior to construction, baseline light trespass and glare at the eight sites identified by the Proponent in table 4.5 of the document entitled Technical Data Report Light (Appendix E.8) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).	June 2021	Completed
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
4.2 (including sub-conditions 4.2.1 and 4.2.2)	The Proponent shall manage, during all phases of the Designated Project, lighting within the Designated Project Development Area such that light trespass and glare from the Designated Project meet or surpass: • 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
	Activities Planned to Fulfill Condition: 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.		
4.3 (including all sub-conditions 4.3.1 to 4.3.4)	The Proponent shall develop, prior to construction, mitigation measures to control the direction, timing and intensity of lighting within the Designated Project Development Area to mitigate adverse environmental effects of the Designated Project (including on migratory birds), while meeting engineering requirements for safe railway and facility operation. The Proponent shall implement these measures during all phases of the Designated Project. The Proponent shall submit these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall: • 4.3.1 - direct light fixtures toward active construction areas during construction and toward the terminal during operation; • 4.3.2 - use down-cast light fixtures during operation; • 4.3.3 - install glare reduction technologies on individual light fixtures; and • 4.3.4 - require that all motor vehicles use low-beam headlights within the Designated Project Development Area.	January 2021	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details		

Condition Number	Condition	Commencement	Estimated Completion
4.4 (and sub-conditions 4.4.1 and 4.4.2)	The Proponent shall evaluate, prior to construction, the technical and economic feasibility of installing amber-coloured outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin within the Designated Project Development Area. The Proponent shall also evaluate, in consultation with relevant authorities, whether the use of amber lighting can reduce sky glow and glare from the Designated Project, is not harmful to wildlife and can meet all engineering requirements for safe railway and facility operation. In doing so, the Proponent shall: • 4.4.1 - provide the results of the evaluation to the Agency and relevant authorities prior to construction, including the sources of information and methodology used for the evaluation; and • 4.4.2 - install amber outdoor light fixtures with a Correlated Colour Temperature in the range of 3000 Kelvin and with no more than 2 percent of total emitted light with a wavelength of less than 500 nanometres within the Designated Project Development Area, unless the evaluation demonstrates that installing amber lighting is not technically or economically feasible or does not reduce sky glow and glare, is harmful to wildlife and/or does not meet all engineering requirements for safe railway and facility operation.	March 2020	Complete
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details		

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

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

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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
4.6.2	Install a temporary sound barrier around the temporary portable concrete plant for the duration of any paving activity conducted during construction;	-	-
	Activities Planned to Fulfill Condition: At this time, there are no plans to use a concrete plant during construction 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.		
4.6.3	Install a temporary sound barrier around the construction site for the Lower Base Line grade separation;	-	End of Construction
	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.		

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

Condition Number	Condition	Commencement	Estimated Completion
4.6.6	Enclose generators used during construction and manage their overall sound power levels in a manner that reduces noise.	-	End of Construction
	Activities Planned to Fulfill Condition: As part of the contractor agreement, the contractor is required to enclose generators used during construction and to only use generators with a sound power level of 107 dBA or less.		
4.7 (including all sub-conditions 4.7.1 to 4.7.3)	The Proponent shall develop, prior to construction and in consultation with potentially affected parties and the Town of Milton, a communication protocol to share information related to noise attributed to construction of the Designated Project. The Proponent shall implement the protocol during construction. The Proponent shall provide the protocol to the Agency, potentially affected parties and the Town of Milton prior to construction. The protocol shall include procedures, including timing and methods, for sharing the following information: • 4.7.1 - the schedule of construction activities, including construction activities that produce noise, and any update to that schedule; • 4.7.2 - how the Proponent will notify the local community if the Proponent must conduct construction activities at nighttime pursuant to condition 4.8; and • 4.7.3 - the details of the protocol for receiving complaints related to exposure to noise attributed to the Designated Project implemented pursuant to condition 4.9, including how to record a complaint.	May 2021	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on the CLCP and Noise Communication. The protocol will be implemented throughout construction.		

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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
Air Quality (4.11 to 4.25)			
4.11	The Proponent shall implement, during all phases of the Designated Project, measures to mitigate fugitive dust emissions attributed to the Designated Project, including by:	Start of construction	Ongoing
	Activities Planned to Fulfill Condition: Measures to mitigate fugitive dust emissions attributed to the Project are 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.		
4.11.1	Using dust suppressants with the least potential for adverse environmental effects when conducting any Designated Project activity that may generate dust;	-	-
	Activities Planned to Fulfill Condition: Dust suppressants with the least potential for adverse effects (i.e., water or other approved materials) to control fugitive dust emissions during construction, as outlined in the contractor's Air Quality Best Management Practice Plan are being used, as required, as construction continues. During operations, reliance on dust suppressants is not anticipated since all driving surfaces will be paved.		
4.11.2	Not handling non-enclosed granular materials during sustained high wind conditions;	-	-
	Activities Planned to Fulfill Condition: As part of the contractor agreement, the handling of granular materials 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.		

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

Condition Number	Condition	Commencement	Estimated Completion
4.12 (including all sub-conditions 4.12.1 to 4.12.3)	If the Proponent chooses to install a temporary portable concrete plant for the Designated Project, the Proponent shall include a bag house, and shall install and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions attributed to the operation of the concrete plant. In doing so, the Proponent shall: • 4.12.1 - store dry material only within designated material storage areas and control dust emissions when transferring and handling dry material; • 4.12.2 - enclose material transfer points, conveyors and mixing equipment within leak-proof structures; and • 4.12.3 - minimize drop height during truck loading and unloading activities to the lowest height that is technically feasible.	N/A	N/A
	Activities Planned to Fulfill Condition: At this time, there are no plans to use a concrete plant during construction of the terminal. In the event a concrete plant is proposed, the contractor would be required to install a bag house in conjunction with the portable concrete plant and operate the temporary portable concrete plant in a manner that mitigates fugitive dust emissions, as described in the sub-conditions.		
4.13	The Proponent shall implement measures to mitigate air emissions attributed to the Designated Project during all phase of the Designated Project, including by:	Start of construction	Ongoing
4.13.1	Implementing a no-idling policy for mobile equipment and road vehicles within the Designated Project Development Area and requiring that all persons abide by this policy, unless not feasible for health or safety reasons;	-	-
	Activities Planned to Fulfill Condition: A no-idling policy has been developed with the contractor and is being implemented for mobile equipment and road vehicles within the PDA. The contractor is monitoring and reporting to CN on compliance with the no idling policy.		

Condition Number	Condition	Commencement	Estimated Completion
4.13.2 (including all sub-conditions 4.13.2.1 to 4.13.2.5)	Giving preference, through the tender process, to third-party contractors to use zero-emission mobile and stationary off-road equipment for any physical activity undertaken in relation to the construction of the Designated Project or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and requiring third-party contractors to use equipment that: • 4.13.2.1 - uses diesel engines operating on diesel or low-carbon diesel fuel that meet Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and is equipped with verified diesel particulate filters and for which both the engines and the filters are maintained in accordance with maintenance instructions provided by the manufacturer; • 4.13.2.2 - uses low-carbon fuel, which may include natural gas, propane or hydrogen, while meeting Tier 4 emissions standards where technically and economically feasible or, at a minimum, Tier 3 emission standards and being maintained in accordance with maintenance instructions provided by the manufacturer; • 4.13.2.3 - during operation, using mobile and stationary off-road equipment that is zero-emission for any physical activity undertaken by the Proponent in relation to the Designated Project, including maintenance activities, or, if zero-emission equipment is not available or its use is not technically or economically feasible, providing a rationale for that determination and using equipment that meets the requirements referred to in condition 4.13.2.1 or 4.13.2.2; • 4.13.2.4 - reducing distance travelled on-site by outgoing vehicles and minimizing container handling turnaround time during operation; and	-	-

Condition Number	Condition	Commencement	Estimated Completion
	• 4.13.2.5 - ensuring emission control technologies are not removed from equipment and vehicles operated by the Proponent for the Designated Project, unless removal is necessary for repair and maintenance activities, after which the emission control technologies shall be reinstalled or replaced before the equipment and vehicles are operated again.		
	Activities Planned to Fulfill Condition: The contractor agreement includes the preferential use of zero-emission 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.		
4.14 (and sub-conditions 4.14.1 and 4.14.2)	The Proponent shall provide to the Agency, as part of the annual report referred to in condition 2.11, an update on the technical and economic feasibility of fully electrifying the Proponent-owned fleet of trucks that may serve the Designated Project. The Proponent shall provide that information annually until such time that the Proponent fully electrifies its truck fleet. In providing that information, the Proponent shall: • 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
	Activities Planned to Fulfill Condition: 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.		

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

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

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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
4.21.1	Update the 2015-2016 air quality baseline information provided by the Proponent as part of the environmental assessment by conducting pre-construction monitoring and/or by compiling publicly available data and revise, as required based on updated baseline information, maximum predicted ground-level concentrations of air quality contaminants of concern attributed to the Designated Project (including particulate matter, fine particulate matter, coarse particulate matter, ozone, nitrogen dioxide, sulphur dioxide, benzene, 1,3-butadiene, benzo(a)pyrene and carbon monoxide). The Proponent shall submit the updated baseline information and the revised predictions to the Agency prior to construction;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
4.21.2 (and all sub-conditions including 4.21.2.1 to 4.21.2.3)	During construction, monitor (at locations, based on prevailing winds, upwind of the Designated Project Development Area, at or near the Designated Project Development Area boundary, and downwind of the Designated Project Development Area, at or near the property line): • 4.21.2.1 - particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.2.2 - benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.2.3 - meteorological conditions (including wind speed, wind direction, temperature and relative humidity).	-	-
	Activities Planned to Fulfill Condition: Two air quality monitoring stations, one based on prevailing winds upwind 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.		

Condition Number	Condition	Commencement	Estimated Completion
4.21.3 (and all sub-conditions including 4.21.3.1 to 4.21.3.3)	During the first five years of operation, or until the end of the third year during which the Designated Project operates at its full operational capacity, whichever comes later, monitor (at the same monitoring locations referred to in condition 4.21.2): • 4.21.3.1 - particulate matter, fine particulate matter and nitrogen dioxide continuously and report concentrations as hourly averages; • 4.21.3.2 - benzene and benzo(a)pyrene non-continuously with an air sample collected over a 24-hour period (midnight to midnight) once every six days; and • 4.21.3. - meteorological conditions (including wind speed, wind direction, temperature and relative humidity).	-	-
	Activities Planned to Fulfill Condition: During the first five years of operation, or until the end of the third year during full operational capacity, CN will monitor the air quality contaminants of concern required by the conditions (and sub-conditions) at locations upwind and downwind of the Project, as identified in the AQMAMP.		
4.21.4 (including sub-conditions 4.21.4.1 and 4.21.4.2)	Compare the results of the monitoring referred to in conditions 4.21.2 and 4.21.3 to: • 4.21.4.1 - the Canadian Council of Ministers of the Environment's Canadian Ambient Air Quality Standards or, in the absence of federal criteria, to the Ontario Ambient Air Quality Criteria; or • 4.21.4.2 - the revised maximum predicted ground-level concentrations of air quality contaminants referred to in condition 4.21.1 if the updated baseline information referred to in condition 4.21.1 already exceeds the air quality standards referred to in condition 4.21.4.1;	-	-

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

Section 5: Water

Condition Number	Condition	Commencement	Estimated Completion
Surface Water (5.1 to 5.10)			
5.1	The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and implement the Designated Project such that maximum and minimum flows of waterbodies affected by the Designated Project located outside of the Designated Project Development Area are maintained during all phases of the Designated Project, and that sufficient capacity exists to safely accommodate and convey the range of climate conditions that could be reasonably expected during the Designated Project's lifetime, including at least one regulatory storm event.	February 2020	Complete
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
5.2 (including all sub-conditions 5.2.1 to 5.2.4)	The Proponent shall design, in consultation with Conservation Halton, the Town of Milton, Environment and Climate Change Canada, Fisheries and Oceans Canada and other relevant authorities, and implement a stormwater management system to collect and treat all stormwater runoff from the Designated Project prior to release to Indian Creek and Tributary A. In doing so, the Proponent shall: • 5.2.1 - design the stormwater management system so that it can 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
	• 5.2.4 - implement end-of-pipe storage volumes that take into account Enhanced Protection requirements for long-term average suspended solids under Ontario's Stormwater Management Planning and Design Manual.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
5.3	The Proponent shall not use salt for de-icing or traction control purposes within the Designated Project Development Area during any phase of the Designated Project, unless other technically and economically feasible methods for de-icing or traction control purposes may result in unsafe construction conditions or unsafe railway or facility operation. If the Proponent must use salt, the Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate salt loading into the stormwater management system. The Proponent shall submit these measures to the Agency prior to implementing them and shall provide a rationale as to why other methods are not technically or economically feasible.	Start of construction	Ongoing
	Activities Planned to Fulfill Condition: Use of salt for de-icing or traction control purposes during construction will not be allowed. The contractor will identify other acceptable materials for de-icing and traction control, as necessary during construction. CN will consider alternatives to the use of salt for traction control during 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.		
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.		
	Activities Planned to Fulfill Condition: Erosion and sediment control (ESC) plans have been developed and included as part of the design packages for construction of the Project. Measures are specific to construction components and locations of work that could 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.		
5.5	The Proponent shall undertake equipment fueling and maintenance, store substances with the potential to cause harmful effects to the receiving environment and deposit water removed during dewatering at least 30 metres from any wetland or waterbody.	Start of construction	Ongoing
	Activities Planned to Fulfill Condition: Areas within the limits of construction to conduct equipment refueling, 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.		
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
	Activities Planned to Fulfill Condition: The contractor agreement requires the contractor to implement measures to prevent wet concrete or cement laden water from entering a wetland or waterbody. Monitoring of the contractor's implementation of measures to prevent wet concrete or cement laden water from entering a wetland or waterbody is being completed by the EM during construction of the Project.		
5.7	The Proponent shall collect and treat all wastewaters and wash waters, taking into account the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life, before discharging them in any wetland or waterbody.	Start of construction	End of construction
	Activities Planned to Fulfill Condition: The contractor agreement requires the contractor to collect and treat all wastewaters and wash waters per CCME guidelines prior to release. Contractor has developed and is implementing the plan indicating where and how wastewater is managed during construction. Monitoring of the contractor's implementation of wastewater management is being completed by the EM during construction of the Project.		
5.8	The Proponent shall develop, in consultation with Conservation Halton and other relevant authorities, and implement measures to mitigate the mobilization and transport of potential residual agricultural contaminants within the Designated Project Development Area towards waterbodies during all phases of the Designated Project, including measures to allow time for increased die-off of pathogenic organisms and volatilization of agricultural contaminants prior to soil disturbance and removal of nutrient compounds through plant harvesting.	June 2020	End of construction
	Activities Planned to Fulfill Condition: Measures to mitigate the mobilization and transport of potential residual 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.		

Condition Number	Condition	Commencement	Estimated Completion
5.9	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, the Town of Milton, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the stormwater management system. As part of the implementation of the follow-up program, the Proponent shall:	February 2020	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
5.9.1	Review, every five years following the end of construction, the performance of the stormwater management system in light of the most current climate change projections, including through the review of downstream hydrographs and floodlines; and	-	-
	Activities Planned to Fulfill Condition: SWM system performance will be reviewed every five years following the end of construction.		
5.9.2	Develop and implement modified or additional mitigation measures if any review conducted pursuant to condition 5.9.1 demonstrates that modified or additional mitigation measures are required to maintain downstream hydrographs and floodlines unaltered, unless otherwise directed or advised by Environment and Climate Change Canada in consultation with Conservation Halton.	-	-
	Activities Planned to Fulfill Condition: This condition will be implemented, if and as required, following the review(s) required by Condition 5.9.1.		

Condition Number	Condition	Commencement	Estimated Completion
5.10 (including all sub-conditions 5.10.1 to 5.10.5)	The Proponent shall develop, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to surface water quality and quantity attributed to the Designated Project. As part of the development of the follow-up program, the Proponent shall determine the water quality parameters to be monitored in order to support the comparison of measured parameters to the levels predicted during the environmental assessment. The water quality parameter shall include the effluent contaminants of concern identified by the Proponent in table 7.4-1 submitted in response to Information Request 7.4 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 680). As part of the implementation of the follow-up program, the Proponent shall: • 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
	• 5.10.4 - develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate adverse changes to surface water quality and quantity attributed to the Designated Project, including so that water discharged from the stormwater management system meets applicable water quality standards; and • 5.10.5 - determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring is required after the first five years following the end of construction.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the 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).		
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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
5.12	The Proponent shall estimate, prior to construction, the dewatering requirements of the Designated Project and shall provide that information to the Agency prior to construction. In the event that the Proponent determines that construction of the Designated Project	June 2020	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	requires dewatering in excess of 50,000 litres/day, the Proponent shall implement a dewatering system to dissipate the energy and reduce the sediment content of discharging water during construction.		
	Activities Planned to Fulfill Condition: A dewatering assessment was completed in 2020. The contractor is implementing measures to dissipate energy and reduce sediment content in discharging water from dewatering, as required. The Dewatering Assessment Report and preliminary Dewatering Plan were provided to IAAC on December 1, 2021.		
5.13	The Proponent shall develop, prior to construction and in consultation with Natural Resources Canada, Conservation Halton and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to groundwater quality and quantity attributed to the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:	February 2020	One year following the end of construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
5.13.1	Monitor, during construction and for a minimum of one year following the end of construction, groundwater levels and quality within the Designated Project Development Area and at private wells to which the Proponent is granted access located within the Local Assessment Area defined by the Proponent on figure 6 of the document entitled Technical Data Report Hydrogeology (Appendix E.6) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). In the event that the Proponent determines that construction dewatering is required pursuant to condition 5.12, the Proponent shall also monitor wells located within the projected dewatering cone of depression and to which the Proponent is granted access to determine the potential for drawdown interference; and	-	-

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

Section 6: Terrestrial Environment

Condition Number	Condition	Commencement	Estimated Completion
General (6.1 to 6.10)			
6.1	The Proponent shall design, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton, other relevant authorities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River, and maintain, throughout operation, 7.1 hectares of replacement online and offline wetlands within the Designated Project Development Area in a manner that supports the maintenance of ecological functions in the Bronte Creek watershed and that enhances wetland habitat for turtle and breeding opportunities for wetland-dependent birds. In doing so, the Proponent shall establish the constructed riparian wetlands with locally-occurring native emergent and riparian vegetation. The Proponent shall construct the replacement wetlands before removing the existing wetlands, unless not technically feasible.	August 2020	Ongoing
	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.		
6.1.1	If it is not technically feasible to construct the replacement wetlands before removing the existing wetlands, the Proponent shall provide a rationale for that determination and shall construct the replacement wetlands within three years of the start of construction.	-	-
	Activities Planned to Fulfill Condition: While wetlands will be removed prior to all replacement wetlands being 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.		

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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.2.1	Conduct, prior to construction and in consultation with Conservation Halton, a feature-based water balance analysis for all wetlands with drainage areas that may be affected by the Designated Project to understand the hydrological impacts of site alteration (including water inflows and outflows) on all wetlands located within the Designated Project Development Area and to mitigate the adverse changes to wetlands and wetland functions attributed to the Designated Project. As part of the consultation, the Proponent shall consult Conservation Halton regarding about the types, frequency and timing of measurements used when conducting the analysis;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.2.2	Take into account the results of the feature-based water balance analysis conducted pursuant to condition 6.2.1 to inform the design and maintenance of the replacement wetlands referred to in condition 6.1;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

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

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Monitoring for encroachment of invasive vegetation species and for the success of native vegetation planting at all retained and constructed wetlands located within the PDA will occur for at least five years following the end of construction of each area of wetland creation (i.e., Indian Creek realignment and Tributary A realignment).		
6.3.2	Monitor, for at least five years following the end of construction, water level fluctuations in all retained and constructed wetlands located within the Designated Project Development Area and compare monitoring results against baseline fluctuations;	-	-
	Activities Planned to Fulfill Condition: Water level fluctuations within both retained and created wetlands will be monitored. Water level monitoring will take place three times annually (spring, summer and fall) using photographs from standard locations to document water in the created wetlands for the monitoring period of five years post construction.		
6.3.3	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.3.1 or 6.3.2 demonstrate that modified or additional mitigation measures are required such that the total areal extent of wetlands within the Designated Project Development Area is maintained or increased over time and retained and constructed wetlands maintain their functions over time; and	-	-
	Activities Planned to Fulfill Condition: 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.		
6.3.4	Determine, in consultation with Environment and Climate Change Canada, Conservation Halton and other relevant authorities and based on the results of the monitoring referred to in conditions 6.3.1 and 6.3.2, if additional monitoring is required after the first five years following the	-	-

Condition Number	Condition	Commencement	Estimated Completion
	end of construction, including the duration of that additional monitoring.		
	Activities Planned to Fulfill Condition: Based on the results of the monitoring from the first five years post construction, as referred to in conditions 6.3.1 and 6.3.2, and in consultation with ECCC and CH, CN will determine if additional monitoring is required and for how long.		
6.4	The Proponent shall establish and maintain, during all phases of the Designated Project, a buffer of undisturbed vegetation around all retained and constructed wetlands and along riparian areas located within the Designated Project Development Area. In doing so, the Proponent shall:	May 2021	Ongoing
	Activities Planned to Fulfill Condition: Vegetation buffers have been identified and are included in the construction contract drawings to be maintained during construction and throughout operation of the Facility.		
6.4.1	Determine the width of the buffer(s) prior to construction, in consultation with relevant authorities, and shall provide that information to the Agency prior to construction; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
6.4.2	Conduct work or activity within the buffer only to the extent necessary to meet engineering requirements for safe railway and facility operation, to install and maintain erosion or sediment control measures and to conduct channel realignment, restoration and naturalization work.	-	-
	Activities Planned to Fulfill Condition: The limits of construction (i.e., area within which the contractor is permitted to operate) have been established to accommodate grading, construction, movement of vehicles, and other activities required to construct the Project while reducing the potential effects on natural features. The limits are based on establishing areas where no		

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

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

Condition Number	Condition	Commencement	Estimated Completion
6.9	The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project. The Proponent shall use native Ontario groundcover species and nurse crops when conducting progressive reclamation.	May 2021	End of construction
	Activities Planned to Fulfill Condition: The Progressive Reclamation Program was finalized and provided to IAAC on November 26, 2021. It includes details on implementation of progressive reclamation throughout construction.		
6.10	The Proponent shall develop, prior to construction and in consultation with Conservation Halton and other relevant authorities and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to progressive reclamation of the Designated Project Development Area conducted pursuant to condition 6.9, including the establishment of native Ontario groundcover species and nurse crops. As part of the development of the follow-up program, the Proponent shall identify objectives that shall be used by the Proponent to evaluate the effectiveness of the progressive reclamation. The Proponent shall implement the follow-up program once progressive reclamation is completed and shall continue to implement the follow-up program until the Proponent has determined, in consultation with Conservation Halton and other relevant authorities, that the objectives have been met.	May 2021	End of construction FUP was finalized December 2021.
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		

Section 7: Fish and Fish Habitat

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

Condition Number	Condition	Commencement	Estimated Completion
7.2 (including all sub-conditions 7.2.1 to 7.2.3)	The Proponent shall have a qualified individual, who is an aquatic biologist, salvage and relocate fish prior to conducting any Designated Project activity requiring the removal of fish habitat, including dewatering, culvert installations, channel realignment or any construction work undertaken by a contractor associated with the Designated Project, in a manner that is consistent with any authorization issued under the Fisheries Act and its regulations. In doing so, the Proponent shall: • 7.2.1 - salvage and relocate fish to the satisfaction of Fisheries 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
	Activities Planned to Fulfill Condition: 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.		

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

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

Condition Number	Condition	Commencement	Estimated Completion
7.5.2	Describe how created habitat will meet the requirements of life stages for fish species likely to be affected by the Designated Project.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.6	The Proponent shall advise the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and Conservation Halton on how the views and information they provided to the Proponent as part of the development of the offsetting plan referred to in condition 7.5 have been considered by the Proponent, including a rationale for why the views and information have, or have not, been integrated, prior to submitting the final offsetting plan to Fisheries and Oceans Canada for approval. The Proponent shall submit that rationale to the Agency prior to implementing the approved offsetting plan.	November 2020	Start of construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		

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

Condition Number	Condition	Commencement	Estimated Completion
7.9.1	Do not excessively aggrade or degrade;	-	-
	Activities Planned to Fulfill Condition: The final design as presented in the channel realignment drawings is intended to address the required realignment of Indian Creek and Tributary A as part of the proposed terminal construction works while improving fish and riparian habitat diversity, providing fish passage, and providing a geomorphically stable channel (avoiding excessive aggradation or degradation).		
7.9.2	Convey baseline flow levels;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.3	Maintain baseline bankfull frequency;	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.4	Do not alter downstream channel morphology; and	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.9.5	Provide fish habitat features and allow for fish migration and passage.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
7.10	The Proponent shall realign Indian Creek and Tributary A in a manner that minimizes the extent and duration of flow diversions in existing channels, including by:	Channel realignment detailed design drawings and construction schedule as per condition 15.2.	End of construction

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Channel realignment construction planning has been completed to minimize the extent and duration of flow diversions in existing channels. Monitoring of the construction for realignment of Indian Creek and Tributary A is being completed by the contractor and EM to follow recommendations of the design.		
7.10.1	Constructing the realigned channels offline;	-	-
	Activities Planned to Fulfill Condition: 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.		
7.10.2	Siting the realigned channels predominantly outside of the existing channels;	-	-
	Activities Planned to Fulfill Condition: The new channels that will be realigned are predominantly located outside of the existing channels (except for where they connect), as indicated in the channel realignment drawings and discussed through the EA process.		
7.10.3	Not commissioning each realigned channel or channel segment until such time that all realignment works in that channel or channel segment are completed; and	-	-
	Activities Planned to Fulfill Condition: 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.		

Condition Number	Condition	Commencement	Estimated Completion
7.10.4	Leaving earthen plugs in the connection points with the existing channels until such time that the realigned channels are vegetated and the Proponent commissions the realigned channels or channel segments pursuant to condition 7.10.3.	-	-
	Activities Planned to Fulfill Condition: 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.		
7.11	The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada and Conservation Halton, and implement, during operation, measures to mitigate increased temperature in water discharged from the stormwater management system such that collected overland runoff flows at a temperature no higher than baseline conditions, taking into account Ontario's Stormwater Management Planning and Design Manual. As part of these measures, the Proponent shall:	September 2020	End of construction
	Activities Planned to Fulfill Condition: The final SWM Report includes measures to mitigate increased temperature in water discharged from the SWM system, including below-grade pipes within the terminal, vegetated grassed swales, and SWM ponds that are vegetated and incorporate bottom draw outlets. DFO and CH were consulted on the report and views and information received were considered in the finalization. The final SWM Report and associated design drawings for SWM Ponds were provided to IAAC on December 1, 2021. Once construction of the SWM system is complete and operating at the site, monitoring to confirm mitigation measures for water temperature discharged from the system will be at a temperature no higher than baseline conditions, as part of the SWQQ FUP.		

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

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	Monitor the effectiveness of the offsetting measures implemented as part of the approved offsetting plan(s) referred to in condition 7.5;	-	-
	Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, the effectiveness of offsetting measures will be monitored.		
7.12.2 (including sub-conditions 7.12.2.1 and 7.12.2.2)	Monitor channel stability throughout the Designated Project Development Area, including channel cross-sections, bed substrate, bed morphology and detailed longitudinal profiles, to track channel migration. In doing so, the Proponent shall: • 7.12.2.1 - conduct spring monitoring of in-stream structures through visual assessment and photo documentation; and • 7.12.2.2 - conduct fall monitoring of stream characteristics (including profile, pattern, dimensions and pebble counts);	-	-
	Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, in-stream structures will be monitored during the spring post construction through visual assessment and photo documentation. In addition, stream characteristics will be monitored in the fall post construction.		
7.12.3	Monitor water temperature of the overland runoff flows from the stormwater management system;	-	-
	Activities Planned to Fulfill Condition: As part of the Fish and Fish Habitat FUP, in conjunction with SWQQ FUP (as described in condition 5.10), water temperature of the overland runoff flows from the SWM pond outlets will be monitored post construction.		
7.12.4	Develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.12.1, 7.12.2 or 7.12.3 demonstrate that modified or additional mitigation measures are required to mitigate adverse environmental effects on fish and fish habitat attributed to the Designated Project, including fish and fish	-	-

Condition Number	Condition	Commencement	Estimated Completion
	habitat downstream of the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Fish and Fish Habitat (Appendix E.4) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57); and		
	Activities Planned to Fulfill Condition: If the monitoring results referred to in conditions 7.12.1, 7.12.2 or 7.12.3 demonstrate that additional mitigation measures are required, modified or additional mitigation measures will be developed and implemented.		
7.12.5	Before the end of the fifth year of operation, determine, in consultation with Fisheries and Oceans Canada and Conservation Halton and based on the results of the monitoring referred to in conditions 7.12.1, 7.12.2 and 7.12.3, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.	-	-
	Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with DFO and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.		

Section 8: Wildlife

Condition Number	Condition	Commencement	Estimated Completion
Migratory Birds (8.1 to 8.4)			
8.1	The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's Avoidance Guidelines to reduce risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall be in compliance with the Migratory Birds Convention Act, 1994, the Migratory Birds Regulations and with the Species at Risk Act.	Ongoing	End of construction
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to 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.		
8.2	The Proponent shall ensure that vegetation in migratory bird habitat located within the Designated Project Development Area remains undisturbed during the breeding season for migratory birds. In doing so, the Proponent shall:	Start of construction	End of construction
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to 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.		

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

Condition Number	Condition	Commencement	Estimated Completion
8.4	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests, including the mitigation measures implemented pursuant to conditions 8.1 to 8.3, 8.12 and 8.23. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:	June 2020	End of Follow up Program
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
8.4.1	Develop and implement modified or additional mitigation measures if the results of the monitoring conducted as part of the follow-up program demonstrate that modified or additional mitigation measures are required to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and nests; and	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented.		

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

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

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
	Activities Planned to Fulfill Condition: 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.		
8.6.1	Determine the dates of the breeding season, based on ambient temperatures and in consultation with Environment and Climate Change Canada, for any year that construction shall occur; and	-	-
	Activities Planned to Fulfill Condition: Based on consultation with ECCC, the breeding season dates for WCF for the Project will vary in any given year of construction between the end of February and beginning of April based on ambient temperature for the area. Once exclusion fencing is installed, it will remain until construction is completed between Britannia Rd and Louis St. Laurent Ave.		
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
	Activities Planned to Fulfill Condition: 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.		
8.7	The Proponent shall install, prior to construction and before the breeding season determined for that year pursuant to condition 8.6.1, exclusion fencing between the railway tracks located within the Designated Project Development Area and breeding and hibernating sites (residences) for western chorus frog identified through the surveys conducted pursuant to condition 8.5. The Proponent shall design the exclusion fencing in consultation with Environment and Climate Change Canada and shall maintain it during construction.	May 2020	End of construction
	Activities Planned to Fulfill Condition: 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.		
8.8	The Proponent shall only replace culverts located adjacent to breeding and hibernating sites (residences) for western chorus frog identified through the surveys conducted pursuant to condition 8.5 outside of the breeding season for western chorus frog determined pursuant to condition 8.6.1.	May 2020	Prior to construction in area of WCF
	Activities Planned to Fulfill Condition: 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.		
8.9	If any hibernating site (residence) for western chorus frog identified through the surveys conducted pursuant to condition 8.5 will be temporarily or permanently affected by any activity associated with the Designated Project, the Proponent shall replace the affected site	May 2020	Prior to construction in area of WCF

Condition Number	Condition	Commencement	Estimated Completion
	(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.		
	Activities Planned to Fulfill Condition: Habitat compensation for the replacement of any identified affected WCF hibernating sites (residences) is currently being determined.		
8.10	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Conservation Halton, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on western chorus frog attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.5 to 8.9. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:	May 2020	FUP to be finalized prior to the implementation of mitigation measures for Western Chorus Frog implement until at least the end of the fifth year of operation
	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).		
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
	8.10.1 or 8.10.2 if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.		
	Activities Planned to Fulfill Condition: Before the end of the fifth year of operation, it will be determined, in consultation with ECCC and CH and based on monitoring results, if additional monitoring is required. If required, the FUP will be updated as per condition 2.7.		
8.11	The Proponent shall conduct vegetation clearing outside of the breeding season for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) in areas identified by the Proponent as habitat for eastern meadowlark (Sturnella magna) and bobolink (Dolichonyx oryzivorus) on figure 5 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).	June 2020	End of construction
	Activities Planned to Fulfill Condition: Restricted activity periods for vegetation removal will be adhered to during construction, which will limit the disturbance to habitat areas for eastern meadowlark and bobolink that may be within the limits of construction. Restricted timing windows related to all Migratory Birds have been provided to the contractor in the EPP and the contractor agreement, after consultation with ECCC regarding the WMCP. Vegetation removal will be monitored by the EM and the IEM for compliance with the restricted timing windows.		
8.12	The Proponent shall cause to be established and maintained, during construction and operation, 40.7 hectares of suitable replacement grassland habitat (containing hay and meadow fields) in the Luther Marsh Wildlife Management Area to compensate for the loss of suitable habitat for eastern meadowlark (Sturnella magna), bobolink (Dolichonyx oryzivorus) and monarch butterfly (Danaus plexippus) within the Designated Project Development Area. The Proponent shall cause the suitable replacement grassland habitat to be established before removing the existing grassland habitat within the Designated Project Development Area.	Grassland habitat creation of the off-site lands began in 2019.	Habitat creation completed. Maintenance ongoing.

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

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

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Monitoring results for 20 years following the establishment of the replacement grassland habitat will be evaluated and if the analysis demonstrates that the habitat is not functioning as predicted during the EA as a replacement habitat for eastern meadowlark and bobolink, modified or additional mitigation measures and/or additional follow-up requirements will be developed and implemented in consultation with ECCC and other relevant authorities as per the adaptive management section of the FUP. Prior to implementation, any additional or modified mitigation measures and/or additional follow-up requirements will be submitted to IAAC.		
8.14	The Proponent shall identity, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, foraging, nesting and overwintering habitat for snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) within the Designated Project Development Area and within the Local Assessment Area, defined by the Proponent in section 3.2 of the document entitled Technical Data Report Terrestrial (Appendix E.16) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).	September 2020	Prior to Construction
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
8.15 (including sub-conditions 8.15.1 and 8.15.2)	The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, Conservation Halton and the Six Nations of the Grand River, habitat enhancement features (including nesting mounds) for snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) in Indian Creek and in ponds located within the Designated Project Development Area. In doing so, the Proponent shall: • 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
	Activities Planned to Fulfill Condition: Habitat enhancement features for turtles are identified in the WMCP and included in the detailed design drawings for the Channel Realignment including the location of nesting mounds and planned maintenance requirements. These documents have been provided to DFO, ECCC, CH, MCFN and SNGR for comment. Any feedback received from these parties has been considered for inclusion in the WMCP. Construction of these enhancement features has been completed by the contractor as part of phase one of construction.		
8.16	The Proponent shall conduct in-water construction activities outside of the overwintering period for snapping turtle (Chelydra serpentine) (October 1 to April 30), unless not technically feasible. If the Proponent must conduct in-water construction activities within the overwintering period, the Proponent shall have a qualified individual, who is a biologist, relocate snapping turtles (Chelydra serpentine) observed within in-water construction areas to an accredited facility for the duration of the overwintering period, prior to conducting any in-water construction activity.	September 2020	End of construction
	Activities Planned to Fulfill Condition: The methods for relocation of snapping turtles observed within in-water construction areas are provided in the WMCP, which was provided to IAAC on November 26, 2021.		

Condition Number	Condition	Commencement	Estimated Completion
8.17	The Proponent shall install, prior to construction, and maintain, throughout construction, exclusion fencing to prevent snapping turtle (Chelydra serpentine) from entering construction work areas. The Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14 when installing the exclusion fencing.	Prior to Construction	End of construction
	Activities Planned to Fulfill Condition: Exclusion fencing has been installed to isolate the active construction 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.		
8.18	The Proponent shall install, prior to operation, and maintain, throughout operation, exclusion fencing between the habitat enhancement features constructed pursuant to condition 8.15 and roads located within the Designated Project Development Area. In doing so, the Proponent shall take into account the location of the foraging, nesting and overwintering habitat identified pursuant to condition 8.14.	Prior to Operation	Construction to be completed prior to operation, maintenance ongoing throughout operation
	Activities Planned to Fulfill Condition: Permanent exclusion fencing will be installed once construction of the 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.		

Condition Number	Condition	Commencement	Estimated Completion
8.19 (including sub-conditions 8.19.1 and 8.19.2)	With respect to all exclusion fencing referred to in conditions 8.6, 8.7, 8.17 and 8.18, the Proponent shall: • 8.19.1 - install and maintain all exclusion fencing taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario; and • 8.19.2 - inspect all exclusion fencing at least monthly, or more frequently following a heavy rain event, if any construction activity associated with the Designated Project occurs in close proximity or if a previous inspection has detected an imminent breach and repair any damage promptly.	Start of Construction	Ongoing
	Activities Planned to Fulfill Condition: Methods for installation of exclusion fencing have followed and/or will follow the Species at Risk Branch Best Practices Technical Note: Reptile and Amphibian Exclusion Fencing (MNRF 2013). Temporary exclusion fencing referred to in conditions 8.6, 8.7, 8.17, and 8.18 has been inspected by a qualified biologist prior to initiating construction, as directed by the recommended guidance documents. Monitoring will be implemented during construction to confirm the temporary exclusion fence remains intact and functional by the EM, at least monthly or directly following a heavy rain event or during construction activities in close proximity to the fencing.		
8.20	The Proponent shall install and maintain, during all phases of the Designated Project, signs to notify drivers of the risk of turtle collisions along any temporary and permanent road located within the Designated Project Development Area. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibians and Reptile Species at Risk in Ontario when installing the signs.	Prior to Construction	Ongoing
	Activities Planned to Fulfill Condition: Signs along construction routes through the PDA and along roadways during operations have been installed and will be maintained to highlight the risk of turtle collisions.		

Condition Number	Condition	Commencement	Estimated Completion
8.21	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Conservation Halton and the Six Nations of the Grand River, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) attributed to the Designated Project, including mitigation measures implemented pursuant to conditions 8.15 to 8.20. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:	August 2020	Ongoing
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
8.21.1	Monitor, during the time that the Proponent shall maintain the exclusion fencing referred to in condition 8.17, the effectiveness of the fencing in preventing snapping turtle (Chelydra serpentine) and midland painted turtle (Chrysemys picta marginata) from entering in-water construction work areas;	-	-
	Activities Planned to Fulfill Condition: The effectiveness of exclusion fencing in preventing snapping turtle and 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.		

Condition Number	Condition	Commencement	Estimated Completion
8.21.2	Monitor, during all phases of the Designated Project, roads located within the Designated Project Development Area for turtle crossings and/or turtle collisions with vehicles; and	-	-
	Activities Planned to Fulfill Condition: A wildlife training program has been prepared for the contractor to be 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. 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.		
8.21.3	Develop and implement modified or additional mitigation measures, taking into account Ontario's Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.1. Species Technical Note and Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario, if the results of the monitoring referred to in condition 8.21.1 or 8.21.2, taking into account the indicators identified during the development of the follow-up program, demonstrate that modified or additional mitigation measures are required to mitigate the risk to turtles, including the risk of collisions with vehicles.	-	-
	Activities Planned to Fulfill Condition: If the monitoring results demonstrate that mitigation measures are required to mitigate the risk to turtles, modified or additional mitigation measures will be developed and implemented.		
8.22	The Proponent shall submit all sightings of turtles within the Designated Project Development Area during any phase of the Designated Project in a timely manner to the Natural Heritage Information Centre of Ontario Ministry of Natural Resources and Forestry.	Construction and Operation	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: A wildlife training program has been provided to the contractor and equipment operators to highlight protocol on identifying turtles, proper handling of turtles (should this be necessary) and the recording of turtle sightings during construction. During operations, turtle sightings will be recorded. Annual reporting of turtle sightings within the Terminal will be made to the Natural Heritage Information Centre of Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF).		
8.23 (including all sub-conditions 8.23.1 to 8.23.4)	The Proponent shall implement measures, during all phases of the Designated Project and in consultation with Environment and Climate Change Canada, to mitigate the adverse environmental effects on barn swallow (Hirundo rustica) and bank swallow (Riparia riparia) attributed to the Designated Project. As part of these measures, the Proponent shall: • 8.23.1 - maintain and keep accessible nesting habitat for barn swallow (Hirundo rustica) located in the barn identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939); • 8.23.2 - install artificial nesting structures in suitable habitat and open areas to replace the artificial nesting habitat for barn swallow (Hirundo rustica) located in the shed identified by the Proponent on figure U24-1 submitted in response to Undertaking 24 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 939). 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)	• 8.23.3 - manage stockpile slopes located within the Designated Project Development Area during construction in a manner that prevents bank swallow (Riparia riparia) from nesting in the stockpiles; and • 8.23.4 - establish and maintain buffer zones and setback distances if the Proponent encounters a barn swallow (Hirundo rustica) or bank swallow (Riparia riparia) nest during the removal of a culvert during any phase of the Designated Project. The Proponent shall maintain the buffer zones and setback distances at least until all young have visibly left the nest permanently.		
	Activities Planned to Fulfill Condition: Mitigation measures are identified in the EPP for barn swallow and bank swallow to implement during construction by the contractor. In addition to the mitigation measures, the heritage barn identified by CN on figure U24-1 in response to Undertaking 24 during the Panel Hearing process will remain, undisturbed by construction within the PDA, for use as nesting habitat for barn swallow. The barn will be surveyed annually for three years (duration of construction) to document nesting activity and use of the barn, starting in 2022. In each year of construction, one round of surveys will be completed by a qualified ecologist, occurring during the core breeding period for the species (i.e., June). Given the barn's low ceilings and high density of nests, the barn will not be entered during the surveys to avoid the risk of disturbance to barn swallows. In addition to the barn, two artificial nesting structures have been designed and included in the construction contract in the restoration area of Indian Creek, adjacent to the on-site wetlands. These are anticipated to provide ideal foraging habitat for barn swallows. These permanent nesting structures will be constructed prior to the removal of the shed. The contractor will be required (through the contract documents, including the EPP) to implement measures to discourage bank swallows from nesting in temporary banks during construction, including reducing slopes to 70 degrees or less from April 15th to July 15th or implementing exclusion techniques such as tarping of slopes. The EM will establish and maintain buffer zones and setback distances if, during construction, barn or bank swallow nests are identified during the removal of culverts.		

Condition Number	Condition	Commencement	Estimated Completion
8.24	The Proponent shall compensate for the loss of monarch butterfly (Danaus plexippus) habitat attributed to the Designated Project by establishing, in consultation with Environment and Climate Change Canada, 18.8 hectares of replacement open habitat within the Designated Project Development Area. The Proponent shall maintain the replacement habitat throughout operation. The Proponent shall incorporate vegetation species in the replacement habitat that provide breeding and nectaring functions for monarch butterfly (Danaus plexippus).	Prior to construction	Ongoing
	Activities Planned to Fulfill Condition: 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. 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.		
8.24.1	The Proponent shall limit the use of chemical herbicides and pesticides in the replacement habitat established pursuant to condition 8.24.	-	-
	Activities Planned to Fulfill Condition: The use of chemical herbicides and pesticides in the replacement habitat 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.		

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

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

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

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

Condition Number	Condition	Commencement	Estimated Completion
8.28	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on eastern milksnake (Lampropeltis Triangulum) attributed to the Designated Project, including the mitigation measures implemented pursuant to conditions 8.26 and 8.27. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and until at least the end of the fifth year of operation. As part of the implementation of the follow-up program, the Proponent shall:	August 2020	Development of the FUP is complete. Implementation of the FUP until at least the end of the fifth year of operation
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
8.28.1	Monitor sightings of eastern milksnake (Lampropeltis Triangulum) within the Designated Project Development Area during any phase of the Designated Project;	-	-
	Activities Planned to Fulfill Condition: Sightings of eastern milksnake within the PDA will be monitored by the 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.		

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

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

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
8.32	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects on habitat connectivity attributed to the Designated Project, including the effectiveness of ecopassages installed pursuant to condition 8.31. As part of the development of the follow-up program, the Proponent shall identify indicators that shall be used by the Proponent to determine the effectiveness of the mitigation measures. The Proponent shall take into account Ontario's Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario and Conservation Halton's Road Ecology Quick Reference Guide when developing the follow-up program. The Proponent shall implement the follow-up program until at least the end of the fifth year following the installation of all ecopassages. As part of the implementation of the follow-up program, the Proponent shall:	January 2021	Development of FUP is complete. Implementation of the FUP until the end of the fifth year following the installation of all ecopassages
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		

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

Condition Number	Condition	Commencement	Estimated Completion
8.33 (including all sub-conditions 8.33.1 to 8.33.6)	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Halton Region, Conservation Halton, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and other relevant authorities, a wildlife management and connectivity plan that takes into account the final detailed design of the Designated Project. The Proponent shall implement the plan according to the timelines established in the Plan. The plan shall include: • 8.33.1 - mapping of wildlife habitat, travel patterns and existing and planned wildlife corridors within the Regional Assessment 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	Development of the FUP is complete. Implementation of the FUP until the end of the fifth year following the installation of all ecopassages

Condition Number	Condition	Commencement	Estimated Completion
	• 8.33.4 - details on how the Proponent shall design and operate the Designated Project's truck entrance on Britannia Road to mitigate adverse environmental effects on Halton Region's Natural Heritage System; • 8.33.5 - all measures to be implemented by the Proponent to mitigate the adverse environmental effects of the Designated Project on wildlife during any phase of the Designated Project, including the mitigation measures set out in this Decision Statement as it pertains to listed species at risk and migratory birds. In doing so, the Proponent shall describe how these measures give preference to avoiding adverse environmental effects on wildlife over minimizing adverse environmental 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.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		

Section 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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
9.1.1	Monitor concentrations of benzo(a)pyrene in soils within the Local Assessment Area, as defined by the Proponent in figure 1 of the document entitled Technical Data Report Human Health Risk Assessment (Appendix E.7) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57), and compare monitoring results against modelling predictions estimated by the Proponent during the environmental assessment, as referred to by the Proponent in table IR8.3-1 submitted in response to Information Request 8.3 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 714); and	-	-
	Activities Planned to Fulfill Condition: Concentrations of B(a)P will be monitored in soils within the LAA and results will be compared to modeling predictions estimated during the EA, as outlined in the FUP.		

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

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
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details on creation of the FUP. Implementation of the FUP will occur as determined in the design of the program and reported as part of the annual reporting requirement (Condition 2.11).		
9.3.1	Monitor, for at least two years following the start of operation, nighttime noise events attributed to the Designated Project, at the same points of reception considered in the sleep disturbance analysis conducted pursuant to condition 9.2;	-	-
	Activities Planned to Fulfill Condition: Nighttime noise events attributed to the Project will be monitored at the same points of reception considered in the sleep disturbance analysis (per condition 9.2) for at least two years following the start of operation.		
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
	Activities Planned to Fulfill Condition: If the monitoring results referred to in condition 9.3.1 demonstrate that nighttime noise events attributed to the Designated Project exceed 60 dBA Lmax outdoors more than 15 times per night at any point of reception, modified or additional mitigation measures will be developed and implemented as outlined in the Adaptive Management section of the FUP.		
9.3.3	Compile the results of the monitoring referred to in condition 9.3.1 on a monthly basis and make these results available upon request; and	-	-
	Activities Planned to Fulfill Condition: Once operation begins and the FUP is implemented, monitoring results will be compiled on a monthly basis and made available to IAAC upon request.		
9.3.4	Before the end of the second year following the start of operation, determine, in consultation with Health Canada and based on the results of the monitoring conducted as part of the follow-up program, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.	-	-
	Activities Planned to Fulfill Condition: Once operation begins and the FUP is implemented, the results of this monitoring will be reviewed with Health Canada before the end of the second year to determine if any additional monitoring is required. If so, the FUP will be updated accordingly and implemented.		

Section 10: Socioeconomic Effects

Condition Number	Condition	Commencement	Estimated Completion
General (10.1)			
10.1	The Proponent shall provide additional agricultural lease opportunities or rehabilitate or improve agricultural lands under the care and control of the Proponent within properties adjacent to the Designated Project Development Area in consultation with Halton Region, the Town of Milton and representatives of local farmers and farming organizations, including the Halton Region Federation of Agriculture and until such time that the Proponent has determined other non-agricultural uses for these areas.	January 2021	Until such time as an alternate use for these lands are identified
	Activities Planned to Fulfill Condition: All agricultural lands outside of the PDA will be extended leases for 2023, and into the future. Moving forward, CN will continue to provide additional agricultural lease opportunities until such time as CN has determined an alternate use for these lands. These lands are already in production as agricultural lands and little opportunity exists to rehabilitate or improve these lands (i.e., creation of more agricultural land, improved drainage). Expansion of agricultural uses on CN owned properties adjacent to the PDA would require the conversion of natural areas into agricultural fields, which would be contrary to the protection of these natural areas.		

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

Condition Number	Condition	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 *Cultural Heritage Documentation: 5269 Tremaine Road, Milton, Ontario* (Stantec, 2020) provides a photographic record of the shed located at 5269 Tremaine Road, Milton. As part of the contractor agreement, the contractor was required to retain a salvage company to remove the shed and to prepare a detailed list of materials salvaged from the shed, which may include wood windows, original hardware, ventilators, lightning rods, and metal roofing.		

Condition Number	Condition	Commencement	Estimated Completion
11.2.2	Submit a report containing the land use history, construction details and photographic record made pursuant to condition 11.2.1 to the Agency and potentially affected parties. The Proponent shall also make the information available to a local library or museum.	-	-
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
11.3	The Proponent shall not carry out any construction activity associated with the Designated Project within 50 metres of any cultural heritage resource under the care and control of the Proponent referred to in condition 11.1, unless required for construction or to meet engineering requirements for safe railway and facility operation. If the Proponent must carry out any construction activity within 50 metres of a cultural heritage resource, the Proponent shall:	Prior to construction	End of construction
	Activities Planned to Fulfill Condition: As part of the contractor agreement, restrictions are in place to prevent construction activities within 50 metres of any cultural heritage resource under the care and control of CN unless required for construction. Where construction within 50 m of any cultural heritage resource is required, such as in association with SWM Pond #2, realignment of Tributary A or CN mainline work south of Lower Base Line, specific measures are included in the contractor agreement identifying mitigation measures and methods for protecting cultural heritage resource structures, including delineation of the 50 m setback, installation of barriers to protect the structures from direct damage / encroachment and monitoring.		
11.3.1	Determine, prior to carrying out any such construction activity, maximum acceptable vibration levels that shall not be exceeded to protect the resource;	-	Complete
	Activities Planned to Fulfill Condition: CN engaged qualified personnel to determine the maximum acceptable vibration levels that should not be exceeded to protect the resource. The results of this study have been provided to IAAC under separate cover. The maximum acceptable levels have also been communicated to the contractor and referenced during the vibration monitoring activities where construction occurs within 50 m of a cultural heritage resource.		

Condition Number	Condition	Commencement	Estimated Completion
11.3.2	Conduct continuous monitoring, during any such construction activity, of vibration levels at the resource; and	-	-
	Activities Planned to Fulfill Condition: Vibration monitoring has been set up onsite for continuous monitoring at the cultural heritage resources identified adjacent to construction work occurring on SWM Pond #2, realignment of Tributary A and Indian Creek, and the property adjacent to where CN mainline work south of Lower Base Line will occur.		
11.3.3	Develop and implement modified or additional mitigation measures, which may include temporarily ceasing any construction activity causing vibration for any given cultural heritage resource until modified or additional mitigation measures are implemented, if the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1 to ensure that vibration levels remain below acceptable levels. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented and the Proponent shall submit a detailed description of these measures to the Agency within 7 days of their implementation.	-	-
	Activities Planned to Fulfill Condition: Monitoring for vibration levels has commenced and is being compared to the maximum acceptable vibration levels identified pursuant to condition 11.3.1 to determine compliance. If the results of the monitoring referred to in condition 11.3.2 exceed the maximum acceptable vibration levels determined pursuant to condition 11.3.1, modified or additional mitigation measures will be developed and implemented to ensure that vibration levels remain below acceptable levels. IAAC will be notified within 24 hours of any modified or additional mitigation measure being implemented and a detailed description of these measures will be submitted to IAAC within 7 days of their implementation.		
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
	in the vicinity of each resource has ended. In doing so, the Proponent shall:		
	Activities Planned to Fulfill Condition: 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.		
11.4.1	Compare the condition of the resource before and after construction, based on the photographic records made pursuant to condition 11.1, to determine if any vibration-related damage has occurred as a result of construction;	-	-
	Activities Planned to Fulfill Condition: To determine if any vibration-related damage has occurred as a result of 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.		
11.4.2	Have a qualified individual make any repair necessary to maintain the heritage integrity of the damaged resource in a timely manner if an inspection demonstrates that vibration-related damage has occurred; and	-	-
	Activities Planned to Fulfill Condition: In the event that damages are encountered as a result of vibration-related damage, CN will retain a qualified contractor to implement the necessary repairs to maintain the heritage integrity of the damaged resource in a timely manner.		
11.4.3	Submit the results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, to the Agency and potentially affected parties within 30 days of the Proponent completing all inspections.	-	-

Condition Number	Condition	Commencement	Estimated Completion
	Activities Planned to Fulfill Condition: The results of all inspections, including a description of any damage that has occurred and of any repair that the Proponent has made or plans to make, will be submitted to IAAC and potentially affected parties within 30 days of the Proponent completing all inspections. It is anticipated that potentially affected parties would be limited to owners of the property in which damage has occurred, which are likely those already owned by CN.		
11.5	The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Town of Milton and potentially affected parties, a cultural heritage property maintenance and re-use plan in relation to each cultural heritage resource under the control of the Proponent referred to in condition 11.1. The Proponent shall implement the plan throughout all phases of the Designated Project for each resource, unless the Proponent determines pursuant to condition 11.6 that any given resource is to be relocated or demolished. As part the plan, the Proponent shall set out:	2020	Ongoing, or until such time as the cultural heritage resources are relocated or demolished
	Activities Planned to Fulfill Condition: CN retained Stantec to develop cultural heritage property maintenance and re-use plans for each cultural heritage resource (CHR) under the control of CN referred to in condition 11.1. These plans have been provided to MHSTCI and the Town of Milton for review, and any views or information provided in regard to the maintenance and re-use of these heritage structure has been considered. CN will implement the measures outlined in these plans throughout construction and operation, until such time as these structures are relocated or demolished in accordance with condition 11.6. These Cultural Heritage Property Maintenance and Re-use Plans (CHR-1 - 4393 Tremaine Road; CHR-3 - 5193 Tremaine Road; CHR-4 - 5269 Tremaine Road; CHR-5 - 5381 Tremaine Road) were provided to IAAC on November 26, 2021.		
11.5.1	How the Proponent shall preserve the heritage value of each cultural heritage resource;	-	-
	Activities Planned to Fulfill Condition: The cultural heritage property maintenance and re-use plan sets out how the heritage value of each cultural heritage resource will be preserved.		

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

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

Condition Number	Condition	Commencement	Estimated Completion
11.8 (including all sub-conditions 11.8.1 to 11.8.3.5)	The Proponent shall develop, prior to construction and in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, an archaeological and cultural resources protection plan to mitigate adverse environmental effects on any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the plan, the Proponent shall set out: • 11.8.1 - how the Proponent shall notify in advance the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation of any Designated Project construction activity (including any soil disturbance activity) that may result in the discovery of any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance within the Designated Project Development Area; • 11.8.2 - how the Proponent shall allow the participation of the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1;	October 2020	Ongoing

Condition Number	Condition	Commencement	Estimated Completion

	• 11.8.3 - how the Proponent will apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered within the Designated Project Development Area by the Proponent or brought to the attention of the Proponent by another party during any phase of the Designated Project. As part of the chance find procedure, the Proponent shall:
	  • 11.8.3.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery;
	  • 11.8.3.2 - delineate an area of at least 20 metres around the discovery as a no-work zone;
	  • 11.8.3.3 - inform the Agency, Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, 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
	• 11.8.3.5 - apply, in consultation with Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, Halton Region, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation, all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.		
	Activities Planned to Fulfill Condition: Condition fulfilled. See 2021 Annual Report for details.		
11.9 (including all sub-conditions 11.9.1 to 11.9.6)	The Proponent shall develop, prior to construction and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Huron-Wendat Nation and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, a procedure with respect to the discovery, handling, recognition, recording, transferring and safekeeping of any human remain (including any ossuary) discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the procedure, the Proponent shall: • 11.9.1 - immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the 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
	• 11.9.3 - inform appropriate local, municipal and provincial authorities as it pertains to the handling of human remains (including any authority that has a responsibility under Ontario's Funeral, Burial, and Cremation Services Act) as soon as possible, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and the Huron-Wendat Nation to monitor archaeological works at the location of the discovery; • 11.9.4 - have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act and who has education, experience and knowledge as it pertains to ossuaries, conduct an assessment at the location of the discovery, subject to the requirements of Ontario's Funeral, Burial, and Cremation Services Act. The Proponent shall choose the qualified individual in consultation with the Huron-Wendat Nation and the Six Nations of the Grand River; • 11.9.5 - in the event that there is any indication that the discovered human remains may be an ossuary, leave the area permanently undisturbed, unless an agreement is reached with the Huron-Wendat Nation and the Six Nations of the Grand River to take an alternative action; and • 11.9.6 - not recommence work within the no-work zone referred to in condition 11.9.2, unless authorized by relevant authorities and subject to the requirement of condition 11.9.4.		

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

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

Section 12: Effects of the Environment on the Designated Project

Condition Number	Condition	Commencement	Estimated Completion
General (12.1)			
12.1	The Proponent shall develop, prior to construction, and implement an infrastructure protection plan that describes how the Proponent shall maintain Designated Project infrastructures, keeping them secure and in good working order during all phases of the Designated Project and how the Proponent shall restore any damaged infrastructure and prevent future damages, including in the event of a flooding, freezing rain, ice storm or another extreme weather event and if erosion beyond acceptable levels occurs within the Designated Project Development Area, to mitigate adverse environmental effects of the environment on the Designated Project. As part the implementation of the plan, the Proponent shall:	Prior to construction.	Ongoing
	Activities Planned to Fulfill Condition: An infrastructure protection plan that meets these requirements has been developed and approved by CN and will be implemented by the contractor during construction. The Infrastructure Protection Plan for Phase 1 of construction was provided to IAAC on November 26, 2021. An updated Infrastructure Protection Plan will be prepared for future construction phases, as well as for operations.		
12.1.1	Monitor meteorological conditions, including by receiving advanced notice of flood-producing severe rainfall events;	-	-
	Activities Planned to Fulfill Condition: Meteorological conditions will be monitored by the contractor as specified 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.		

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

Section 13: Independent Environmental Monitor

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

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

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)	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: • 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.
	Activities Planned to Fulfill Condition: CN has prepared the Accident & Malfunction (A&M) Response Plan – Construction while the A&M Response Plan – Operation will be developed prior to operation. The plans will outline procedures, including design features, that include measures to prevent incidents from happening. The A&M Response Plan for construction will be implemented by the contractor via their contractual obligations. CN or a CN representative will be ensuring the A&M plan is being implemented appropriately by the contractor during construction. CN will develop and implement the A&M plan before operation begins. The A&M Operation Plan will include routine A&M prevention, inspection, and operation of the Designated Project. Designated areas will be identified for storage of hazardous material, bulk quantities of combustible and flammable materials, and spill kits. CN will communicate with shippers their expectations for safe loading of materials in storage containers. The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.		

Condition Number	Condition	Commencement	Estimated Completion
14.2	The Proponent shall consult, prior to construction, with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 14.1.	Prior to Construction	Throughout construction and operation.
	Activities Planned to Fulfill Condition: The measures to be implemented to prevent accidents and malfunctions during construction were specified in the A&M Response Plan - Construction, prepared pursuant to condition 14.3, which was developed by CN and the retained contractor(s). A draft version of the A&M Response Plan was provided to the MCFN, the SNGR, Town of Milton, and Halton Region for review. Any views or information provided were considered by CN in finalizing the A&M Response Plan. When the A&M Response Plan is updated for operations, consultation with the MCFN, the SNGR, Town of Milton and Halton Region will be completed. The A&M Response Plan – Construction was provided to IAAC on November 26, 2021.		
14.3 (including all sub-conditions from 14.3.1 to 14.3.4)	The Proponent shall develop, prior to each applicable phase of the Designated Project and in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, the Town of Milton, Halton Region and other relevant authorities, an accident and malfunction response plan in relation to each phase of the Designated Project. The accident and malfunction plan shall include: • 14.3.1 - a description of the types of accidents and malfunctions 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

	• 14.3.2 - Proponent in response to each type of accident and malfunction referred to in condition 14.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction. These measures shall include:
	  ○ 14.3.2.1 - measures to prevent or minimize containerized material spills from spreading over land surfaces and measures to recover spilled materials from waterbodies, as required;
	  ○ 14.3.2.2 - measures to manage the stormwater management system to prevent contaminated water from flowing downstream in case of a spill and, if a spill adversely affects a stormwater management pond, measures to deter birds from using the pond until water quality is restored;
	  ○ 14.3.2.3 - measures to identify any sensitive habitats where response efforts shall be prioritized; and
	  ○ 14.3.2.4 - measures to reduce fire hazard and enhance fire preparedness;
	• 14.3.3 - the locations of spill containment kits within the Designated Project Development Area; and
	• 14.3.4 - a description of how the Proponent will evacuate its property and participate in coordinated evacuation procedures with relevant authorities in the case of an accident or malfunction requiring evacuation.		

	Activities Planned to Fulfill Condition: An A&M Response Plan - Construction was developed by CN and the 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.		

Condition Number	Condition	Commencement	Estimated Completion
14.4	The Proponent shall maintain the accident and malfunction response plan referred to in condition 14.3 up-to-date during all phases of the Designated Project so that it remains consistent with the Proponent's Network Operations Emergency Response Plan. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to relevant authorities involved in its implementation within 30 days of the plan being updated.	March 2021	Ongoing
	Activities Planned to Fulfill Condition: The A&M Response Plans will be updated during construction and operation 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.		
14.5 (including all sub-conditions 14.5.1 through 14.5.5)	In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or malfunction referred to in 14.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any appropriate measure referred to in condition 14.3.2, and shall: • 14.5.1 - implement the communication plan referred to in condition 14.6 as it relates to accidents and malfunctions; • 14.5.2 - notify, as soon as possible and pursuant to the communication plan referred to in condition 14.6, the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying the Mississaugas of the Credit First Nation, the Six Nations of the Grand River, potentially affected parties and the Agency, the Proponent shall specify: ○ 14.5.2.1 - the date when and location where the accident or malfunction occurred;	March 2021	Ongoing

Condition Number	Condition	Commencement	Estimated Completion
	○ 14.5.2.2 - a summary description of the accident or malfunction; and ○ 14.5.2.3 - a list of any substance potentially released into the environment as a result of the accident or malfunction. • 14.5.3 - notify the Town of Milton, Halton Region and other relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislated and regulatory requirements and existing protocols; • 14.5.4 - submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include: ○ 14.5.4.1 - a detailed description of the accident or malfunction and of its adverse environmental effects; ○ 14.5.4.2 - a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects 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
	• 14.5.5 - submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 14.5.4. The report shall include all additional views from the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 14.5.4.3 were received by the Proponent.		
	Activities Planned to Fulfill Condition: 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. 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. 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. 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.		

Condition Number	Condition	Commencement	Estimated Completion
14.6 (including all sub-conditions 14.6.1 to 14.6.3)	The Proponent shall develop, in consultation with the Mississaugas of the Credit First Nation, the Six Nations of the Grand River and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project, including accidents and malfunctions occurring within the Designated Project Development Area which may affect area(s) outside of the Designated Project Development Area. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include: • 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
	Activities Planned to Fulfill Condition: 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. 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.		

Section 15: Schedules

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

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

Section 16: Record Keeping

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

APPENDIX 5
Updated Schedule - Condition 15.2

CN Milton Logistics Hub - IAAC Construction Schedule

ID	Task / Activity Name	Dec	2022 Jan	Feb	MaR	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	2023 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	2025 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	2026 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
P1	**Phase 1**																																																													
P1-A	Site preparation - mobilization/internal delination of work areas, access routes																																																													
P1-B	Select Phase 1 vegetation removal																																																												
P1-C	CN owned building removal and mitigation																																																												
P1-D	Installation of select mitigative earthern berms																																																												
P1-E	Excavation for storm water management (Pond 1)																																																												
P1-F	Excavation for storm water management (Pond 2)																																																												
P1-G	Habitat enhancements and new dry channel for Indian Creek																																																												
P1-H	Habitat enhancements and new dry channel for Tributary A																																																												
P1-I	Diversion of Indian Creek into new channel																																																											
P1-J	Diversion of Tributary A into new channel																																																											
P1-K	Installation of temporary track for existing mainline tracks																																																											
P1-M	Sun Canadian pipeline relocation																																																											
P2	**Phase 2**																																																											
P2-A	Select Phase 2 vegetation removal																																																											
P2-B	Grading, drainage, ditches for SWM systems and mainline culverts replacements																																																											
P2-C	Utility installation and connection																																																											
P2-D	Pole relocation																																																											
P2-E	Lower Base Line grade separation																																																											
P2-F	Onsite truck access road and overpass																																																											
P2-G	Installation of mainline tracks between Britannia Road and Derry Road																																																											
P2-H	Realignment of the mainline tracks between Lower Base Line and Britannia Road																																																											
P2-I	Construction of administration and maintenance garage (including charging stations)																																																											
P2-J	Installation of service tracks and pad tracks																																																											
P2-K	Installation of mainline turnouts and connecting to new mainline tracks																																																											
P3	**Phase 3**																																																											
P3-A	Connection of service tracks and pad tracks to mainline tracks																																																											
P3-B	Paving of terminal, employee parking, storage pad, and all connecting driveways																																																											
P3-C	Installation of gates, bollards, pavement markings, signage, and related works																																																											
P3-D	Activation of stormwater management ponds																																																											
P3-E	Demobilization																																																											
R	Restriction Windows																																																											
R-A	In-water works in Indian Creek, Tributary A and Tributary C																																																											
R-B	Vegetation clearing (Nesting birds / migratory bird habitat)																																																											
R-C	Flood light limitations (limitations on night-time use during migratory bird window)																																																											

APPENDIX 6A
Construction Photos Presented to Agencies

CN Milton Construction Photos
Presented on July 12, 2022

CN Milton Logistics Hub

Federal Regulator Update Call

July 12, 2022


May 2022 – Tributary A


June 2022 – Tributary A


May 2022 – SWM Pond #2

June 2022 – SWM Pond #2




May 2022 – Indian Creek


June 2022 – Indian Creek





Tributary A Realignment Construction Progress (June 22nd, 2022)



Tributary A Realignment – Topsoil Application and Vegetative Stabilization along New Channel Banks (June 29th, 2022)



Dust Management / Mitigation in Effect – Water Truck Applying Water to Haul Roads
(June 2nd, 2022)



Indian Creek Channel Realignment Excavation Continues (July 6th, 2022)



ESC Measures Remain Along Indian Creek – Repairs Completed (July 6th, 2022)





Coir Matting Installed Along Tributary B Stabilizing Channel Banks (June 14th, 2022)





Works to Remove the Beaver Dam on Indian Creek in Progress (July 4th, 2022)

CN Milton Construction Photos
Presented on September 13, 2022



July 19, 2022



August 19, 2022



Tributary A Off-Line Restoration and Culvert 2B Installation Area (August 19, 2022)



Tributary A Naturalization – looking downstream
(September 1, 2022)



Tributary A naturalization – channel, wetland pockets, habitat features (September 1, 2022)



Tributary A Naturalization – looking upstream at Culvert 2B (September 1, 2022)



Culvert 2B Installation – Looking Downstream (w/Water Truck) (September 9, 2022)



Culvert 2B Installation – Backfill Material Inside Culvert Segments (September 9, 2022)



Tributary A Coffer Dam #1 – Isolation of Agricultural Pond Area (September 1, 2022)



Indian Creek Off-Line Channel Restoration Area
(August 19, 2022)



Indian Creek Realignment – Topsoil Placement
(August 9, 2022)



Indian Creek Off-line Channel Restoration
(August 11 and 26, 2022)



Beaver Dam Removal – Bank Stabilization
(August 24, 2022)



Beaver Dam Removal – Bank Stabilization and In-Stream Natural Re-vegetation (September 1, 2022)

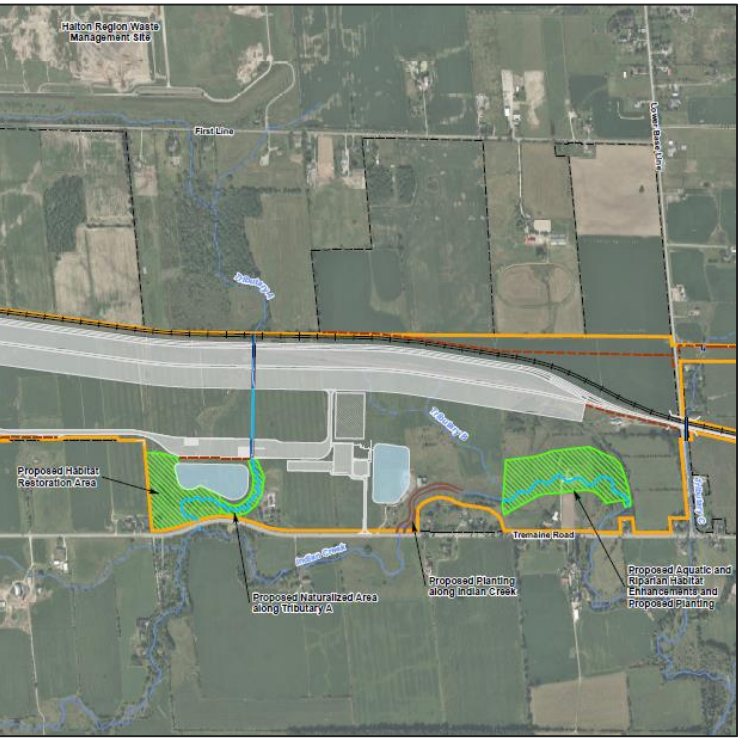
Site Meeting Presentation
Presented on October 12, 2022

CN Milton Logistics Hub

Wildlife Connectivity and Ecopassages

CN Milton

Wildlife Connectivity and Ecopassages



Condition 8.31

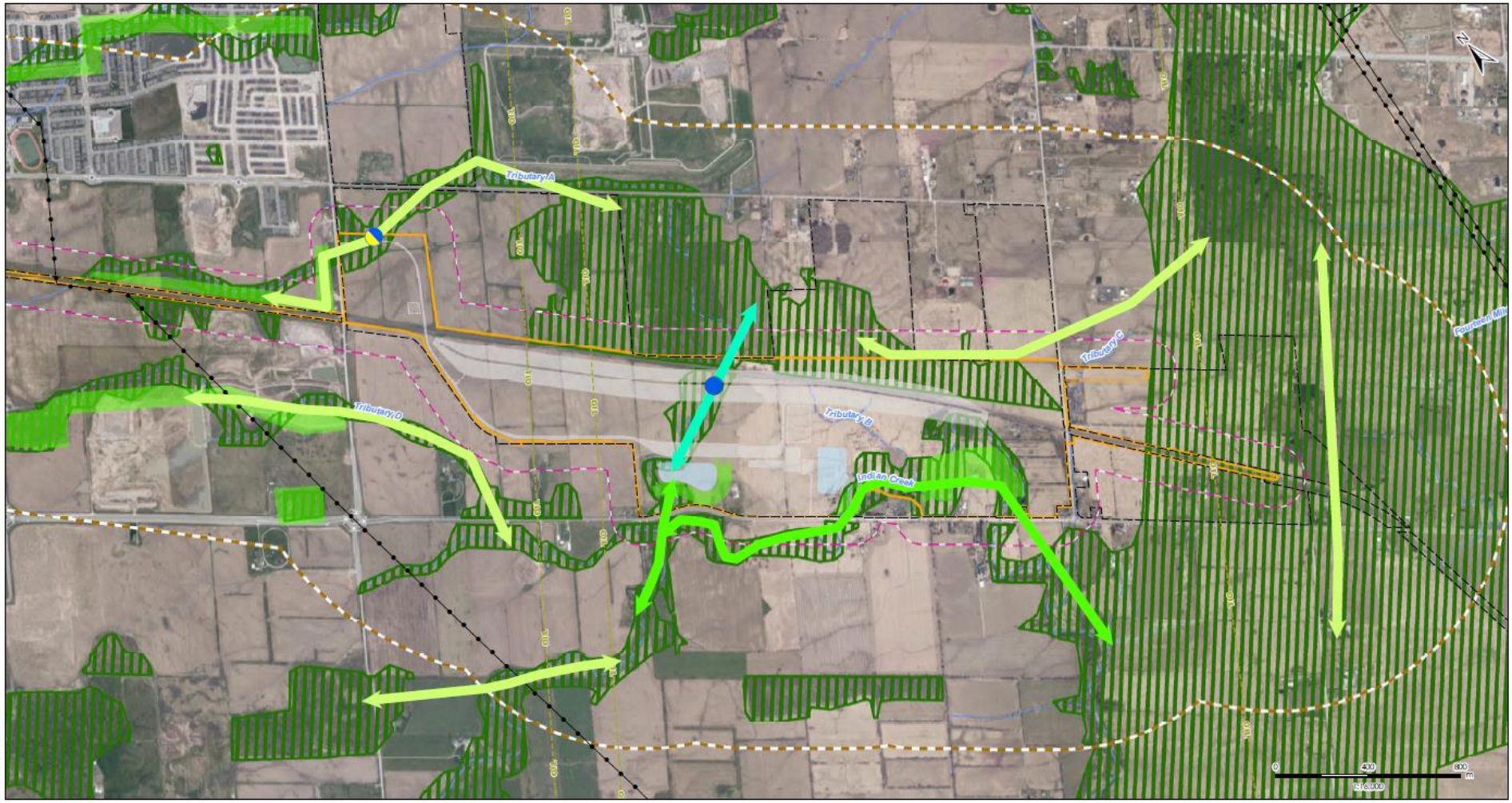
- design ecopassages to retain habitat connectivity for terrestrial and aquatic species

Condition 8.32

- develop FUP for habitat connectivity / effectiveness of ecopassages

Condition 8.33

- develop Wildlife Management and Connectivity Plan (WMCP)
- map wildlife habitat and travel patterns
- details on how to maintain connectivity
- mitigation measures



Stantec

Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2015. Site layout: July 10, 2015.
3. Orthoimagery © First Base Solutions, 2015. Imagery taken in 2019.
* The Key Features presented on this drawing represent a rough approximation of the Region of Halton's Natural Heritage System and should be considered approximate.

Legend

- Key Features (Region of Halton's Natural Heritage System)*
- Enhancement Area

Project Components

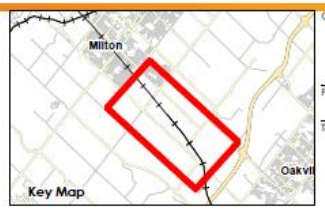
- Project Development Area
- Regional Assessment Area
- Local Assessment Area
- Existing Single Track Mainline
- Existing Double Track Mainline
- Double Track - Mainline
- Project Component
- CN-Owned Property
- SWM Pond

Existing Features

- Transmission Line
- Oil Pipeline
- Permanent Stream
- Intermittent Stream

Wildlife Corridors

- Wildlife Corridor- Retained (Aquatic)
- Wildlife Corridor- Enhanced
- Wildlife Corridor- Retained
- Proposed Ecopassage- Aquatic
- Proposed Ecopassage- Aquatic/ Terrestrial
- Proposed Ecopassage- Terrestrial



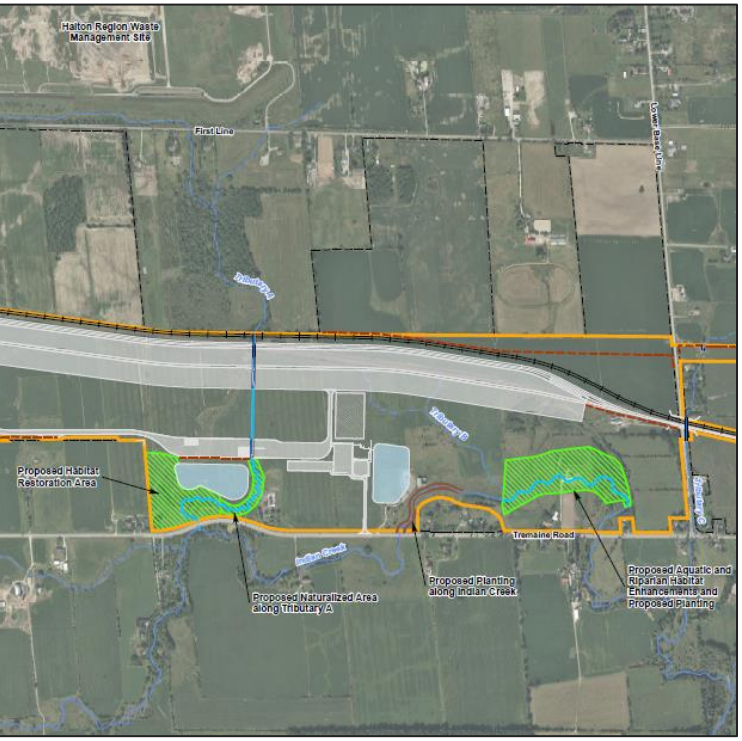
June 2021
160960844

Client/Project
Canadian National Railway
Milton Logistics Hub

Figure No.
8

Title
Wildlife Corridors and Ecopassages

Wildlife Management and Connectivity Plan



- Habitat Connectivity Assessment
  - large and small mammals
  - reptiles and amphibians
  - aquatic Species
  - birds, bats and insects
- Identifies wildlife management and mitigation measures
  - commitments and approval conditions
  - timing windows
  - phasing of connectivity / protection
- Identifies Follow-up and Monitoring Program
- Developed in consultation with ECCC, Conservation Halton, Indigenous Communities
- Incorporated into tender and design



June 2021
160960844

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Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry ©Queen's Printer for Ontario, 2021. Site layout: July 10, 2015.
3. Orthoimagery © First Base Solutions, 2021. Imagery taken in 2019.

Legend

Project Components
- Project Development Area
- Local Assessment Area
- Existing Single Track Mainline
- Existing Double Track Mainline
- Double Track - Mainline
- Project Component
- CN-Owned Property
- SWM Pond

Exclusion Fencing
- Temporary Fence during Construction (Phase 1)

Existing Turtle Habitat
- Foraging Habitat (Watercourse)
- Foraging Habitat (Pond)
- Foraging and Overwintering Habitat

Existing Features
- Permanent Stream
- Intermittent Stream
- Waterbody



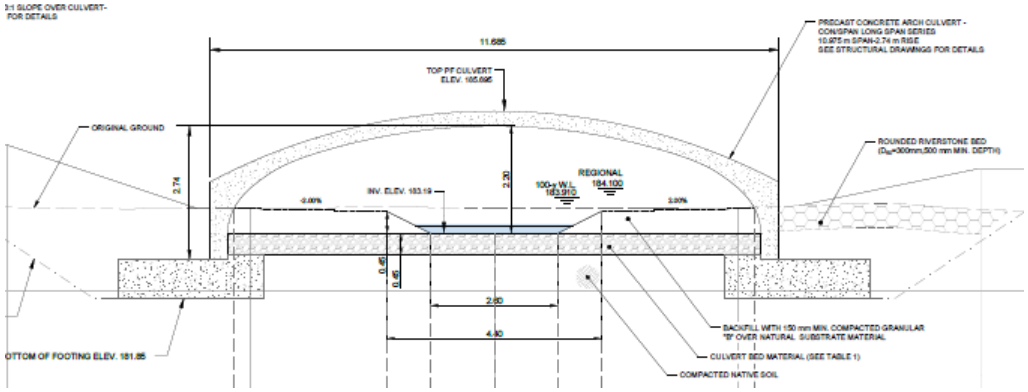
Client/Project
Canadian National Railway
Milton Logistics Hub

Figure No.
5

Title
Turtle Exclusion Fencing: Construction Phase 1

CN Milton

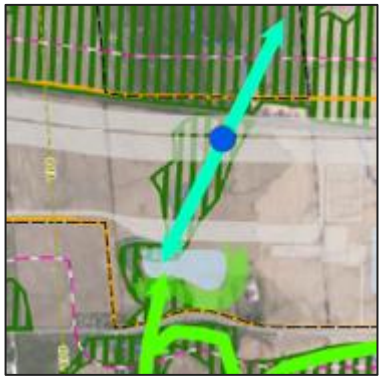
Wildlife Management and Connectivity Plan

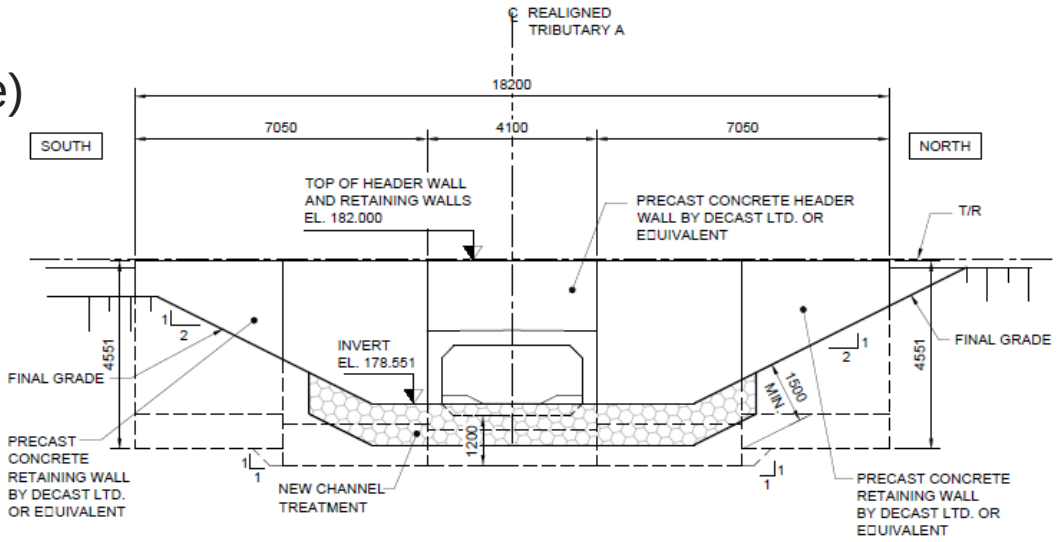


Culvert 1 – Tributary A (Access Road)



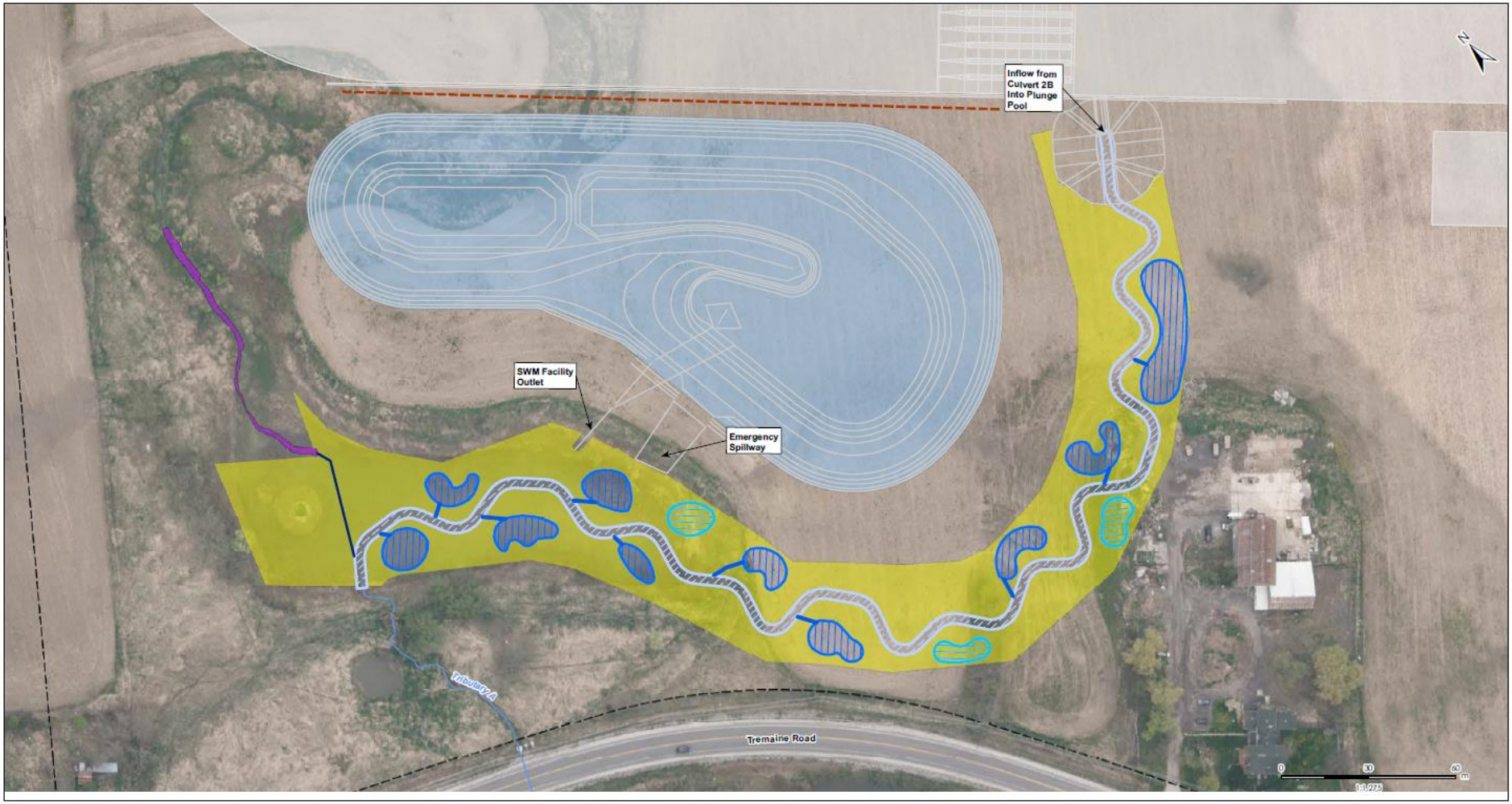
Culvert 2 – Tributary A (Terminal / Gate)





CN Milton Logistics Hub

Watercourse Realignment and Compensation



June 2021
160960844

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Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2021. Site layout: July 10, 2015.
3. Orthoimagery © First Base Solutions, 2021. Imagery taken in 2019.

Legend

- Outlet Channel
- Existing Watercourse (MNRF/ LIO)

Turtle Habitat Enhancements

- New Channel
- Disconnected Riparian Wetland
- Connected Riparian Wetland
- Riparian Meadow Marsh
- Retained Oxbow of Existing Channel

Project Components

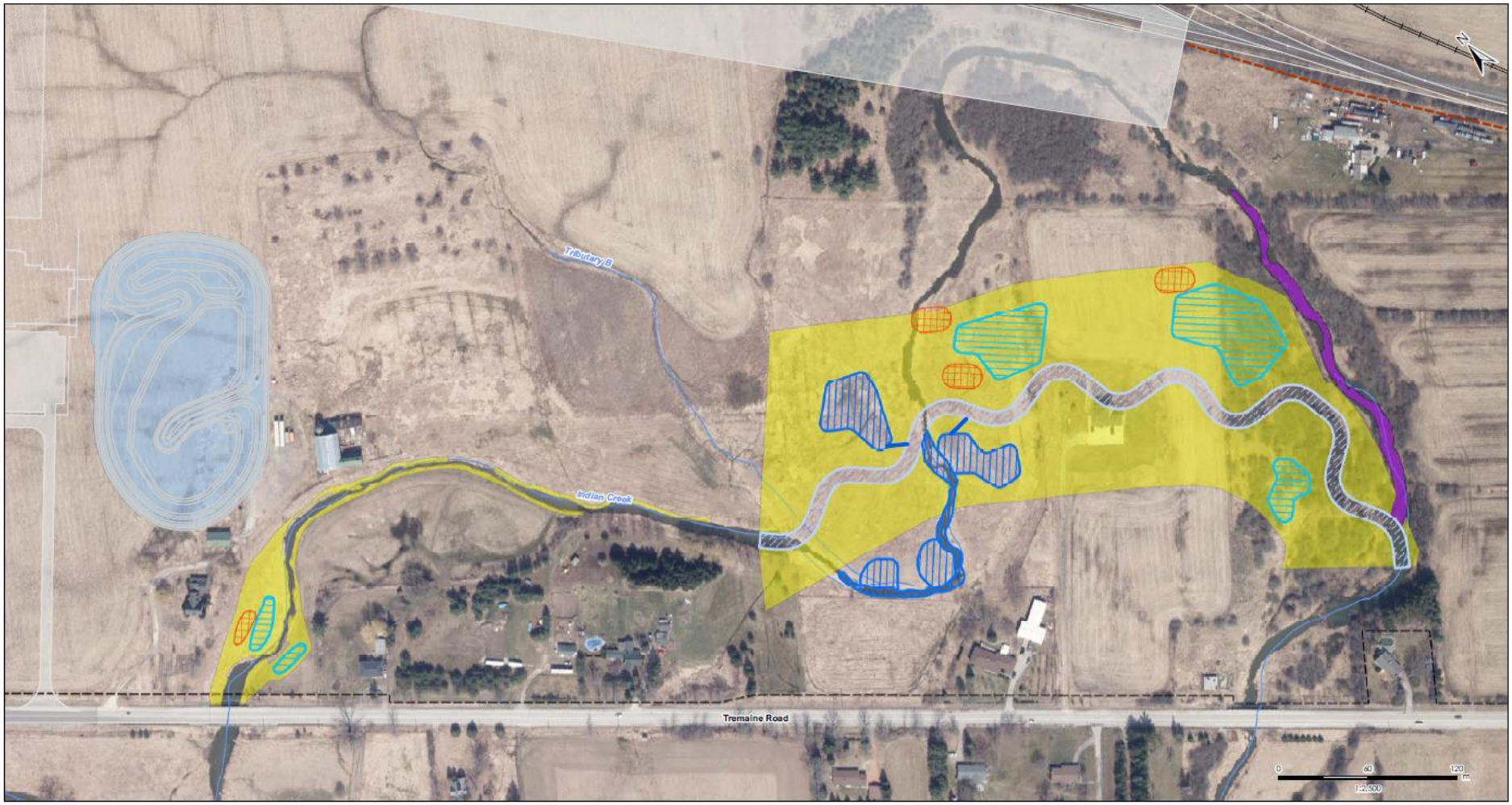
- Project Component
- CN-Owned Property
- Proposed Noise Berm
- Concrete Pad
- SWM Pond



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Canadian National Railway
Milton Logistics Hub

Figure No.
12-B

Title
Turtle Habitat Enhancements- Tributary A



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Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2021. Site layout: July 10, 2015.
3. Orthoimagery © First Base Solutions, 2021. Imagery taken in 2019.

Legend

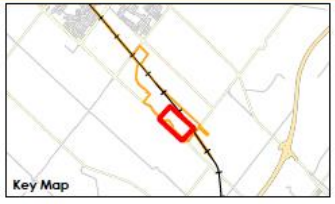
- Existing Watercourse (MNRF/ LIO)

Turtle Habitat Enhancements

- Turtle Nesting Mound
- New Channel
- Disconnected Riparian Wetland
- Connected Riparian Wetland
- Riparian Meadow Marsh
- Retained Oxbow of Existing Channel

Project Components

- Double Track - Mainline
- Project Component
- CN-Owned Property
- Proposed Noise Berm
- SWM Pond



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Canadian National Railway
Milton Logistics Hub

Figure No.
12-A

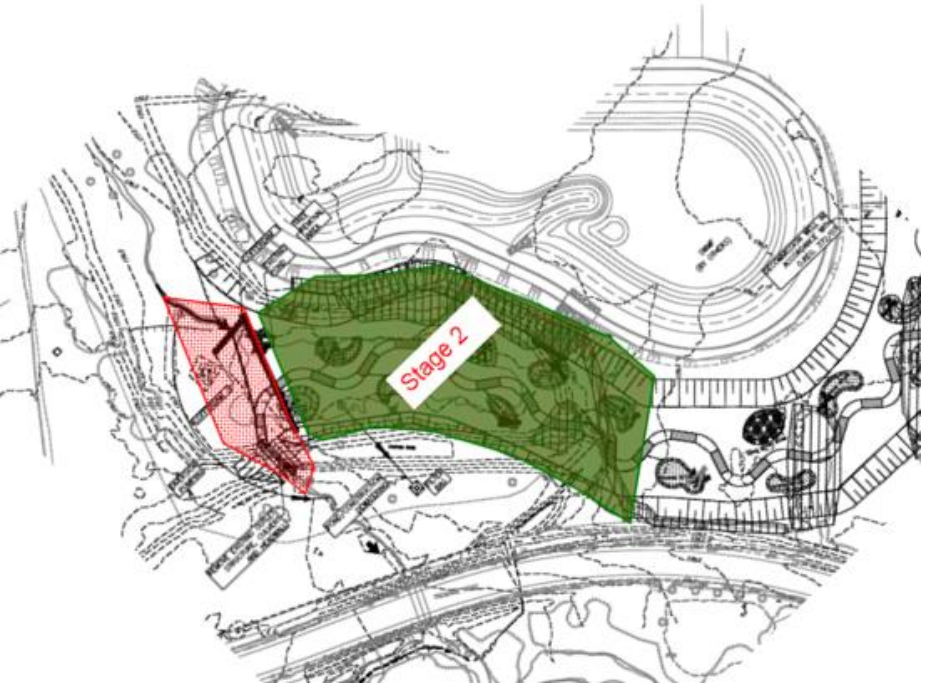
Title
Turtle Habitat Enhancements- Indian Creek

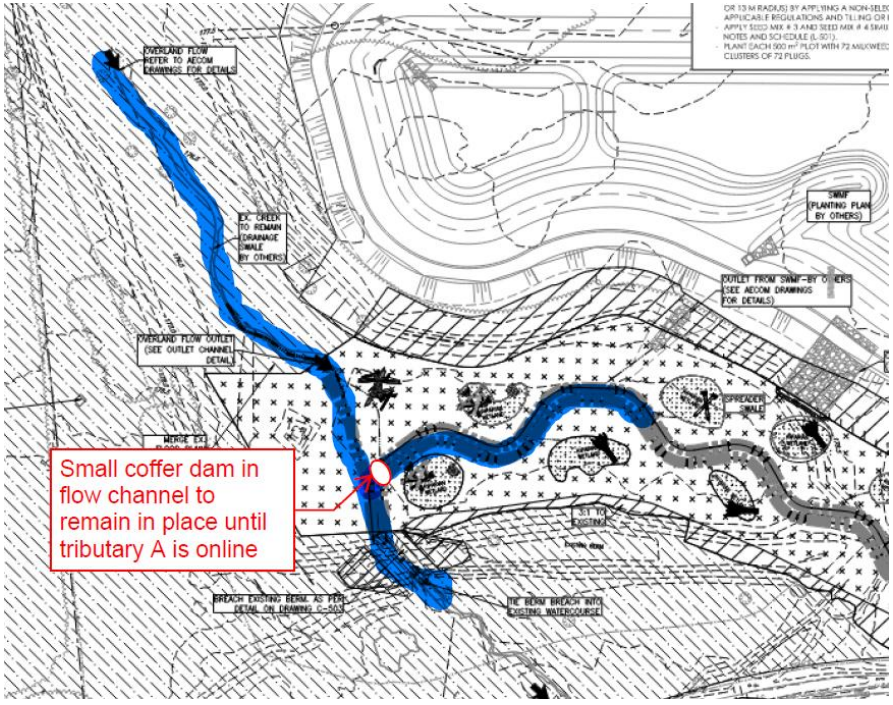
CN Milton Logistics Hub

Tributary A Channel Realignment Cut-Over

CN Milton

Tributary A Channel Realignment Cut-Over





Downstream Channel Connection

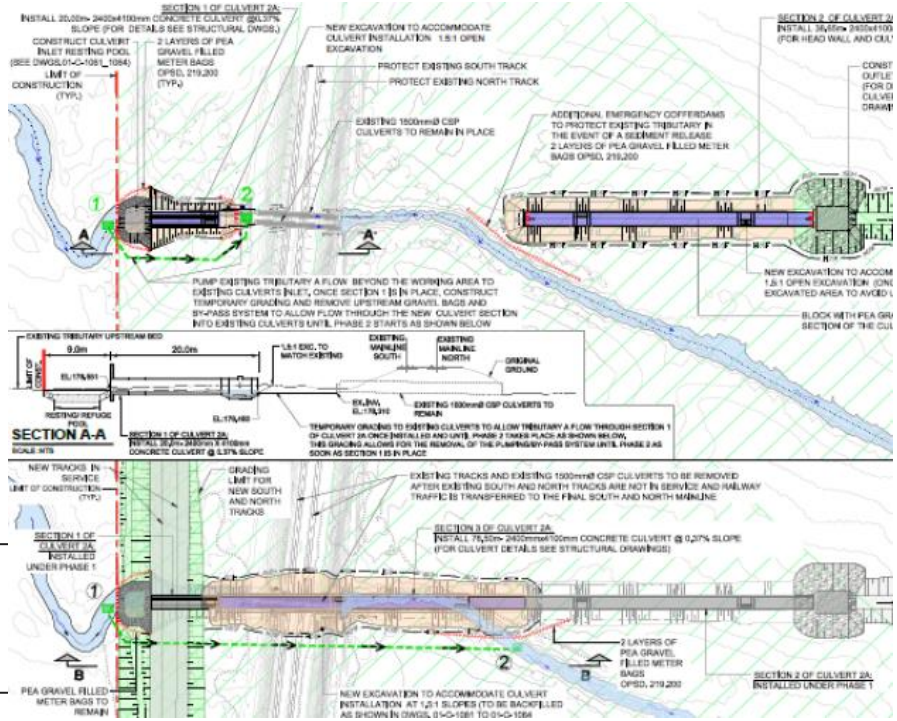
- Remove existing coffer dam
- Install coffer dam upstream
- Construct connecting channel
- Reduce footprint, preserve wetland

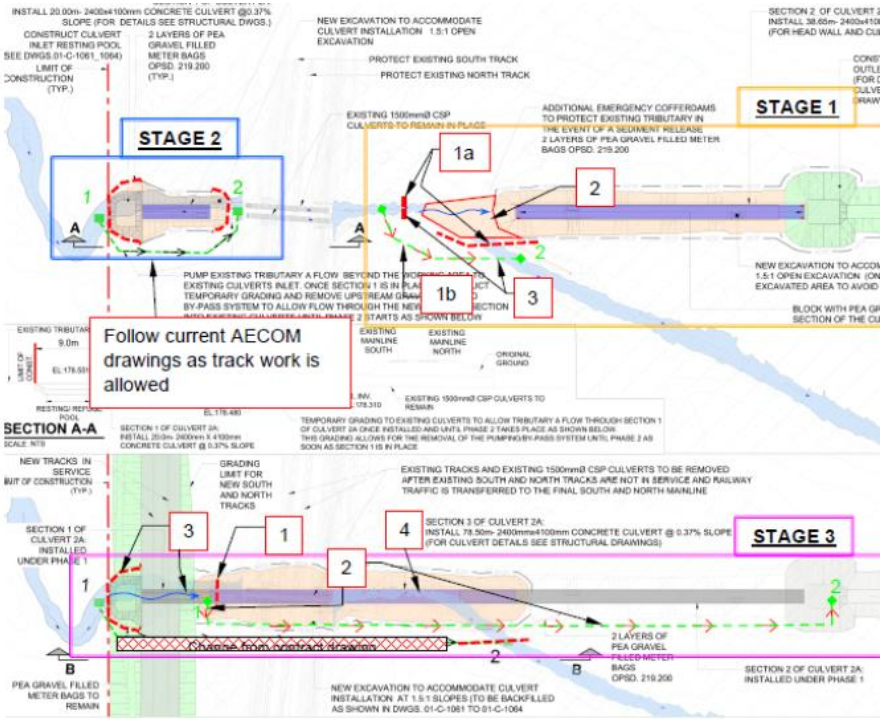
Downstream Tie-in

- Install small coffer dam ‘plug’
- Re-open Existing Tributary A to flow
- Awaiting completion of upstream tie-in

CN Milton

Tributary A Channel Realignment Cut-Over





Original Staging

- Activate new channel in Stage 3
- Plug remains until final Culvert 2A is installed

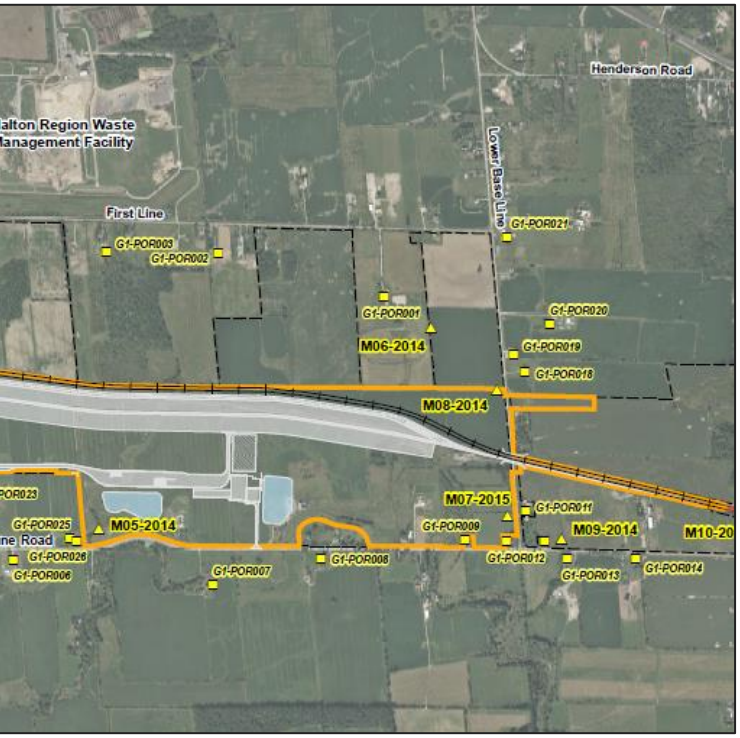
Proposed Staging

- Activate new channel in Stage 1
- Plug removed once new channel is vegetated
- Stage 2 deferred

CN Milton Logistics Hub

Noise Mitigation and Follow-up Monitoring

Noise Mitigation Measures



Condition 4.6

- Implement noise mitigation measures:
  - noise berms/barriers prior to operation (Phase 1 noise assessment)
  - temporary barrier around grade separation
  - use noise-dampening technologies on construction vehicles and equipment
  - abide by best practices for noise reduction (EPP, Noise Reduction Plan)
  - enclose generators during construction

Condition 4.7

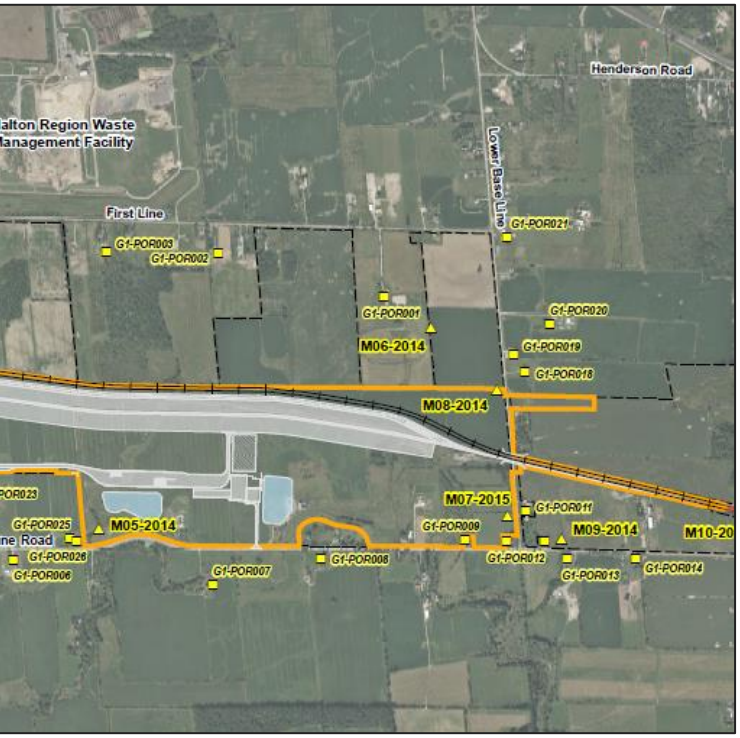
- developed noise communication protocol

Condition 4.8

- construction activities during daytime
- notification for night-time construction

CN Milton

Noise Mitigation Measures



Condition 4.9

- develop noise complaints protocol
  - acknowledge complaints in 48 hours
  - determine corrective action
  - quarterly reporting

Condition 4.10

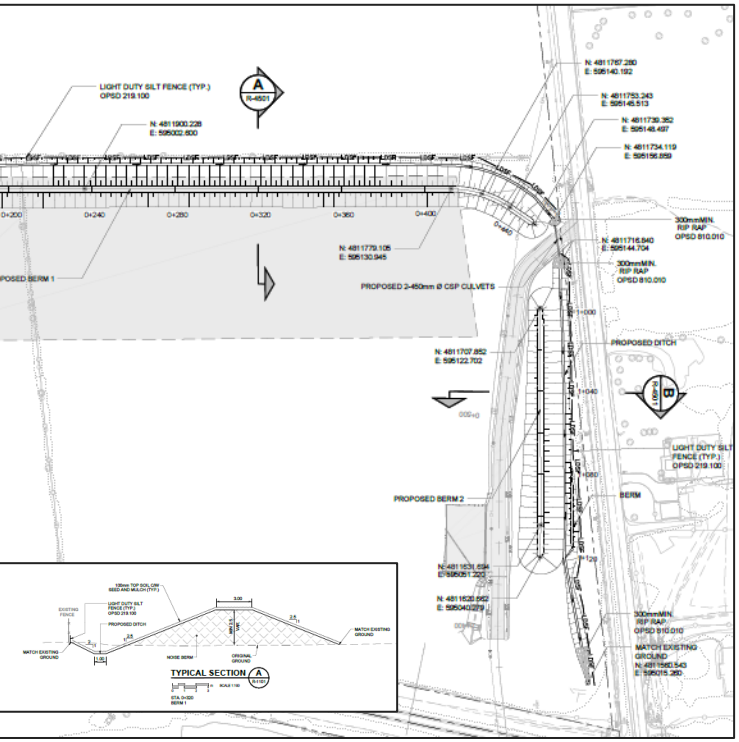
- Develop noise follow-up and monitoring program:
  - first 4 weeks / phase of construction
  - CN added additional 4 weeks / phase
  - first 4 weeks of operation
  - first 4 weeks at operational capacity

Condition 9.2

- completed sleep disturbance assessment for Phase 1

CN Milton

Noise Follow-up and Monitoring Program



Round 1, Phase 1 of Construction

- January 24 to February 18, 2022
- Measured L_{dn} Sound Levels
- Compared to US FTA and %HA
- Key construction activities:
  - operating equipment
  - vegetation clearing
  - stockpiling trees and brush
  - construction staging areas

Adaptive Management:

- Additional noise monitoring conducted
- Review construction methods / timing
- Investigated additional mitigation:
  - Construction activity was halted at M08
  - Interim noise berms constructed

Round 2 scheduled when activities restart

CN Milton Construction Photos
Presented on November 08, 2022

CN Milton - Regulators Call – November 8, 2022



September 20, 2022



October 19, 2022



Tributary A Off-Line Restoration Area (October 28, 2022)



Downstream End of Tributary A – Vegetated Channel (October 31, 2022)





Tributary A Coffer Dam #1 – Electrofishing In-Progress (October 19, 2022)



Tributary A – Fish Caught During Electrofishing (October 19, 2022)





Downstream End of Tributary A – Culvert and Berm Removal (October 20, 2022)



Connection to Tributary A – Plug In Place
(November 2, 2022)





Indian Creek Restoration – Mats and Silt Sock Installation (November 2/3, 2022)



Indian Creek Restoration – Coffer Dam Installation / Fish Screen (November 7, 2022)



Regional Bi-Pass Channel Rock Lined Outlet to Indian Creek (October 31, 2022)

SunCanadian Pipeline



SunCanadian Pipeline Installation – Existing and Proposed (November 2, 2022)

CN Milton Construction Photos
Presented on December 08, 2022

Milton Logistics Hub

Regulators Update Call

December 13, 2022



Construction Zone Delineation



Construction fencing installed to delineate access and work areas (April 4, 2022)



Correct construction fencing and erosion control measure installed (May 26th, 2022)

Tributary A Offline Channel Creation





Offline rough grading of the Tributary A realignment
(March 22, 2022)



Offline channel construction of Tributary A realignment (April 13th, 2022)



Offline rough grading for Tributary A realignment continues; fish rescued from site after rain event (May 12th, 2022)





Tributary A realignment construction progress.
(June 22nd, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank progressing, vegetation planting ongoing and slopes regraded with topsoil (July 28th, 2022)



Tributary A Pond Naturalization – looking downstream
(September 28, 2022)



Tributary A Naturalization – looking upstream at Culvert 2B (September 1, 2022)



Tributary A naturalization – channel, wetland pockets, SWM overflow (December 1, 2022)

Culvert 2A/2B Installation



Culvert 2B Installation – Looking Downstream (w/Water Truck) (September 9, 2022)



Culvert 2B Installation – Backfill Material Inside Culvert Segments (September 29, 2022)



Cast-in-Place Culvert 2A – Resting Pool Formation
(November 29, 2022)

Indian Creek Offline Channel Creation



Indian Creek Off-Line Channel Restoration Area (August 19, 2022)



Earthworks taking place at Indian Creek; minimal dust is generated due to appropriate management and wet soil conditions (July 12th, 2022)



Temporary bridge installation with appropriate ESC measures and wildlife fencing (May 20, 2022)



Indian Creek Realignment – Topsoil Placement (August 9, 2022)



Indian Creek Realignment – Pond Creation and Naturalization (September 28, 2022)



Indian Creek Off-Line Channel Restoration Area – Looking South (December 5, 2022)



Indian Creek Off-Line Channel Restoration Area
(September 27, 2022)



Indian Creek Off-Line Channel Restoration Area – Looking North (December 5, 2022)



Indian Creek Off-line Channel Restoration (August 11 and September 26, 2022)

Beaver Dam Removal





Works to remove the beaver dam on Indian Creek in progress (July 4th, 2022)



ESC measures in place for the restoration work to the removed beaver dam site on Indian Creek in progress (July 19th, 2022)



Beaver Dam Removal – Bank Stabilization (August 24, 2022)

Indian Creek Enhancements



Indian Creek Flume Setup
(November 25, 2022)



Indian Creek Toe Protection (temporary poly sheeting)
(December 8, 2022)

Mainline Relocation



Mainline Track Realignment - Grading and Diversion Channel (December 5, 2022)

APPENDIX 6B
Community Consultation Committee Presentations

Community Consultation Committee Presentations

Presented on June 22, 2022



Repairs to construction fencing that delineates access and work areas (May 18, 2022)



Correct construction fencing and erosion control measure installed (May 26th, 2022)



ESC measures correctly installed at low point along access road (May 16th, 2022)



Temporary Indian Creek crossing with pea gravel bags and abutment foundations (April 28, 2022)



Temporary bridge installation with erosion control / wildlife fencing in place (May 17, 2022)



Offline channel construction of Tributary A realignment (April 13th, 2022)



Temporary parking area and heritage barn protection (concrete barriers) (May 9, 2022)

Community Consultation Committee Presentations

Presented on July 12, 2022





Tributary A realignment construction progress.
(June 22nd, 2022)



Tributary A realignment progress continues with no issues; revegetation continues (June 24th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank is occurring. Slopes and valley bottom have topsoil applied. (June 29th, 2022)



Observed check dams and reinforced filter cloths as additional ESC measures at the Trib. B. Diversion Channel; revegetation occurring (June 22nd, 2022)



Vegetation returning to the area upstream of Trib. A rail crossing with ESC measures remain in good condition (June 23rd-28th, 2022)



Permanent dust management is evidenced around Indian Creek; water trucks have been constantly observed mitigating dust generation. (June 2nd, 2022)



Earth works taking place at Indian Creek; minimal dust due to appropriate management (July 6th, 2022)





Coir matting at Tributary B stabilizing channel banks. Monitor bed stability and seeding planned for stabilization (June 14th, 2022)



ESC measures (sediment fencing) in good standing protecting the work site (July 6th, 2022)





Works to remove the beaver dam on Indian Creek in progress (July 4th, 2022)



Final profile works in progress for the regional drain outlet into Indian Creek' ESC established and working correctly on-site (July 07th, 2022)

Community Consultation Committee Presentations

Presented on August 04, 2022



Offline rough grading for the Tributary A realignment commencing (April 4th, 2022)



Offline rough grading for Tributary A realignment continues; fish rescued from site after rain event (May 12th, 2022)





Tributary A realignment construction progress.
(June 22nd, 2022)



Tributary A realignment progress continues with no issues; revegetation continues (June 24th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank is occurring. Slopes and valley bottom have topsoil applied. (June 29th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank continues (July 07th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank progressing (July 14th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank progressing (July 14th, 2022)





Trib. A realignment; vegetation planting and slope seeding progressing (July 14th, 2022)



Trib. A realignment; vegetative stabilization at the new channel bank progressing, vegetation planting ongoing and slopes regraded with topsoil (July 28th, 2022)



Observed check dams and reinforced filter cloths as additional ESC measures at the Trib. B. Diversion Channel; revegetation occurring (June 22nd, 2022)



Vegetation returning to the area upstream of Trib. A rail crossing with ESC measures remain in good condition (June 23rd-28th, 2022)



Temporary bridge installation with appropriate ESC measures and wildlife fencing (May 20, 2022)



Permanent dust management is evidenced around Indian Creek; water trucks have been constantly observed mitigating dust generation. (June 2nd, 2022)



Earthworks taking place at Indian Creek; minimal dust due to appropriate management (July 6th, 2022)



Earthworks taking place at Indian Creek; minimal dust is generated due to appropriate management and wet soil conditions (July 12th, 2022)





Coir matting at Tributary B stabilizing channel banks. Monitor bed stability and seeding planned for stabilization (June 14th, 2022)



ESC measures (sediment fencing) in good standing protecting the work site (July 6th, 2022)





Coffer dam to isolate Trib. A work area from online portion of Trib. A; installed and observed in good standing (July 7th & 14th, 2022)



Coffer dam to isolate Trib. A work area from online portion of Trib. A; installed and observed in good standing (July 7th & 14th, 2022)



ESC measures (sediment fencing and coffer dam) remain in good standing isolating the Indian Creek work site (July 28th, 2022)





Works to remove the beaver dam on Indian Creek in progress (July 4th, 2022)



ESC measures in place for the restoration work to the removed beaver dam site on Indian Creek in progress (July 19th, 2022)



Final profile works in progress for the regional drain outlet into Indian Creek' ESC established and working correctly on-site (July 07th, 2022)





ESCs conditions and dust control measures are permanently monitored on-site (Left: Laydown Area 1 ditch; Right: Dust control on Trib. A realignment). (July 21st, 2022)

Community Consultation Committee Presentations

Presented on October 04, 2022



August 19, 2022



September 20, 2022



Tributary A Off-Line Restoration and Culvert 2B Installation Area (August 19, 2022)



Tributary A naturalization – channel, wetland pockets, habitat features (September 1, 2022)



Tributary A Naturalization – looking upstream at Culvert 2B (September 28, 2022)



Tributary A Pond Naturalization – looking downstream (September 28, 2022)



Culvert 2B Installation – Looking Downstream (w/Water Truck) (September 9, 2022)



Culvert 2B Installation – Backfill Material Inside Culvert Segments (September 29, 2022)



Tributary A Coffer Dam #1 – Isolation of Agricultural Pond Area (September 1 and 26, 2022)

Indian Creek



Indian Creek Off-Line Channel Restoration Area
(September 27, 2022)



Indian Creek Realignment – Pond Creation and Naturalization (September 28, 2022)



Indian Creek Off-line Channel Restoration
(August 11 and September 26, 2022)



Beaver Dam Removal – Bank Stabilization
(August 24, 2022)



Beaver Dam Removal – Bank Stabilization and In-Stream Natural Re-vegetation (September 1, 2022)

Community Consultation Committee Presentations

Presented on October 06, 2022

Milton Logistics Hub

Community Consultation Committee



Groundwater Follow-Up Monitoring Program

October 6, 2022

Preliminary Conclusions

Groundwater monitoring has been on-going at the PDA since 2015

- **No noticeable change in groundwater levels due to construction activities**
- **No noticeable changes in groundwater quality due to construction activities**

Groundwater Existing Environment

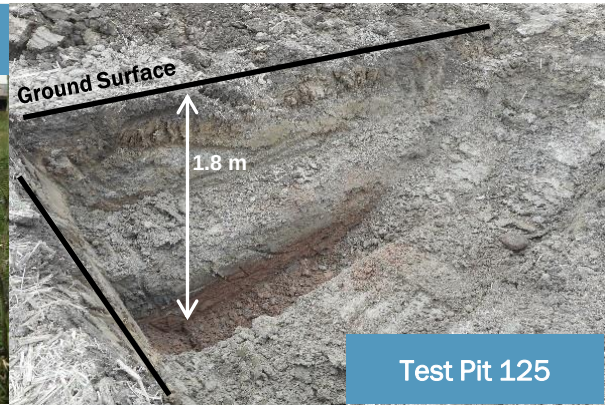
- Tightly-packed silt and clay soils restrict infiltration and the movement of water through the ground
- Soils form natural protective barrier for deeper groundwater systems
- Groundwater not a key source of maintaining surface water baseflow
- Limited construction dewatering anticipated

Low Infiltration Soils



Overland Flow Driven System





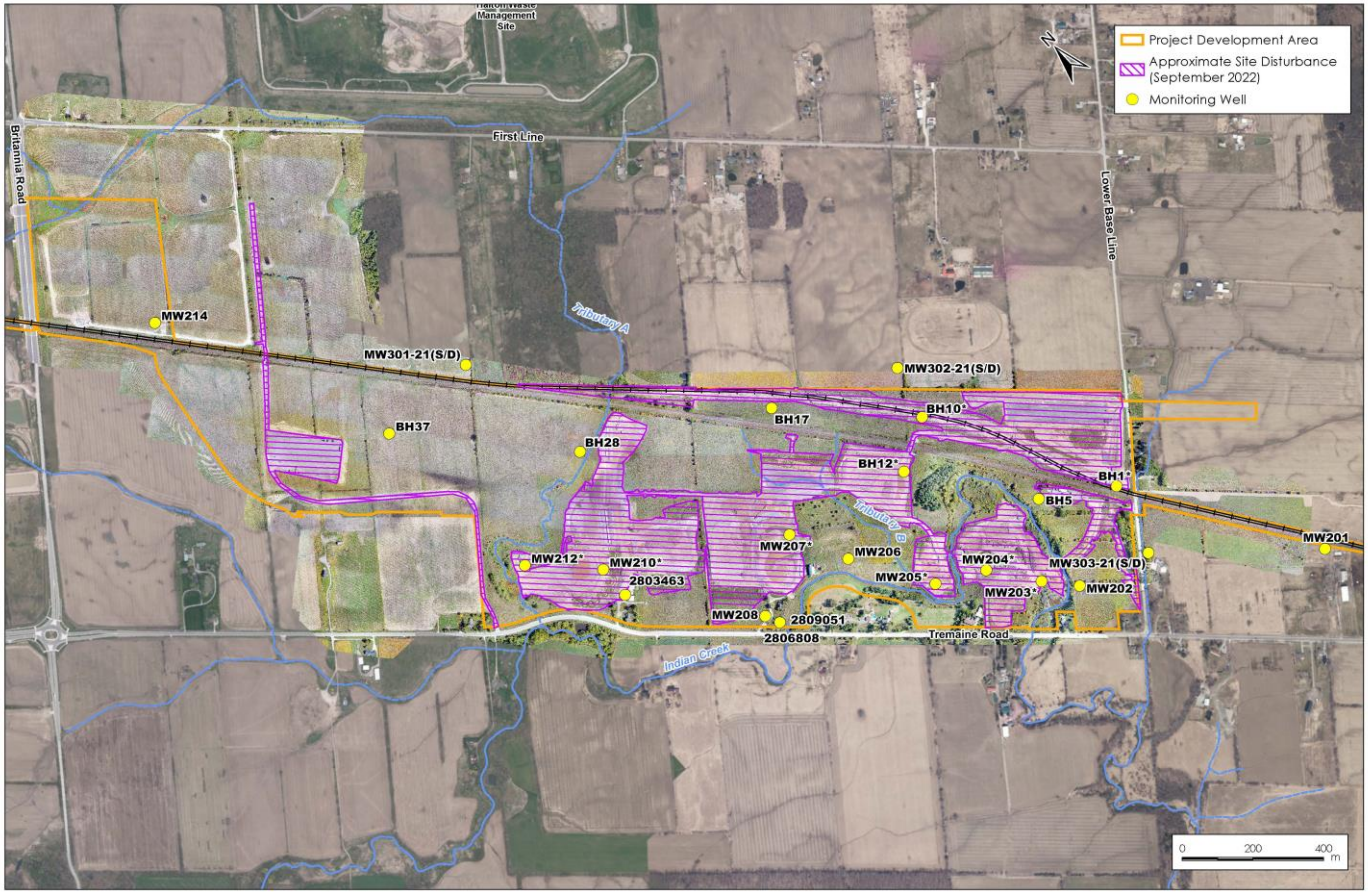
Groundwater Follow-Up Monitoring Program

- Purpose is to verify accuracy of the environmental assessment and determine effectiveness of proposed mitigation measures.
- Program developed in accordance with the information outlined in Condition 2.6 of the Decision Statement:
  - Monitoring of groundwater levels and quality adjacent to the Lower Base Line construction works (where deeper excavations proposed and groundwater dewatering anticipated).
  - Monitoring groundwater levels and quality at selected locations within and adjacent to the Project Development Area (PDA).

CN is committed to meeting the requirements of Condition 2.6

Groundwater

Monitoring Locations



Groundwater Monitoring Results

Quality

- Background (Pre-Construction) Groundwater Quality Conditions
  - Baseline Sampling Performed in June 2015
  - Elevated Concentrations (often above Canadian Drinking Quality Guidelines):
    - Total Dissolved Solids
    - Inorganics (Sulfate, Chloride)
    - Metals (Iron, Manganese, Sodium, Strontium, Uranium)
- During Construction Groundwater Quality Conditions
  - Sampling Performed in June 2022
  - No notable changes in concentrations compared to pre-construction results

Quantity (Groundwater Levels)

- Groundwater levels during construction have remained within historical range of pre-construction fluctuations.

Thank You



Community Consultation Committee Presentations

Presented on October 06, 2022

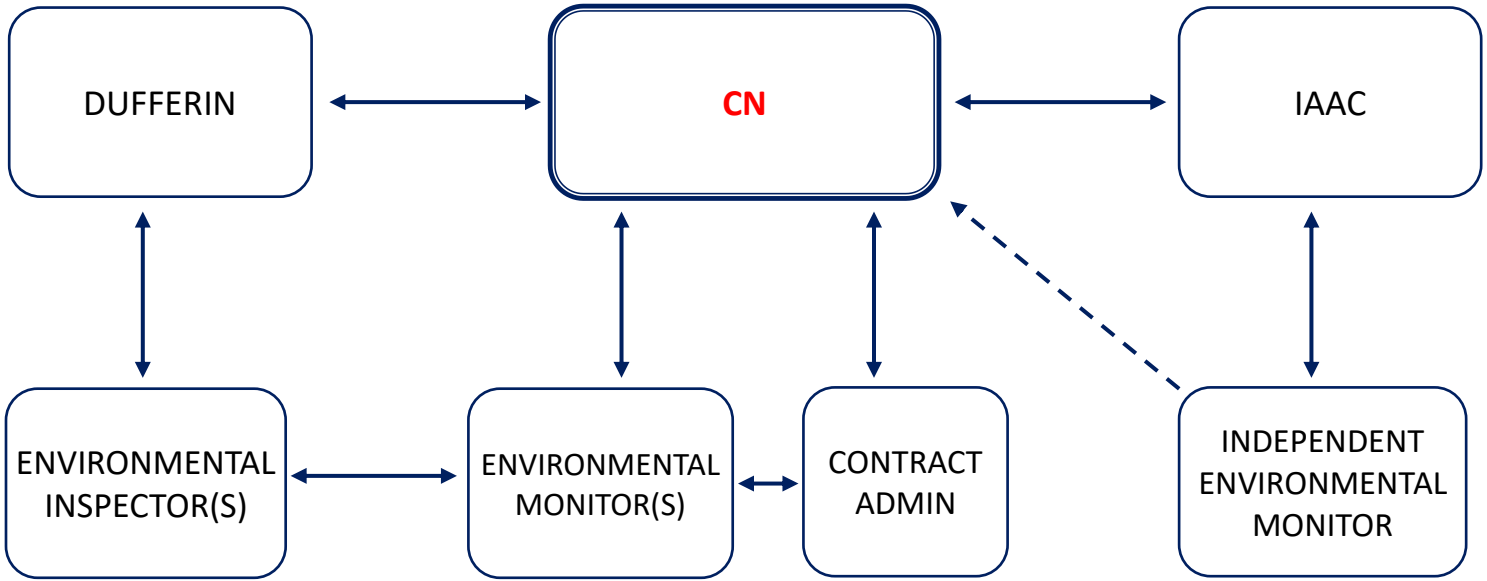


Milton Logistics Hub

Community Consultation Committee

October 6, 2022

Environmental Oversight



Environmental Oversight

Purpose of environmental oversight:

- Implementation of mitigation measures during construction
- Compliance with conditions of approval

On-site monitoring / reporting:

- Dufferin's Environmental Inspector on site regularly to inspect implementation of mitigation measures (daily / weekly reports)
- CN's Environmental Monitor on site regularly to monitoring compliance with conditions, and during sensitive work (weekly reports)
- Dufferin provides reports to CN on compliance with conditions of approval pertaining to construction (monthly)
- IAAC's Independent Environmental Monitor on site bi-monthly to review compliance with conditions (monthly reports)

Communication between parties:

- CN and Dufferin hold weekly meetings to review ESC measures, schedule, and compliance reports (weekly)
- IAAC and IEM review monthly reports of IEM observations regarding compliance with conditions (monthly)
- CN and IAAC meet bi-weekly to discuss progress, site issues, or any concerns (bi-weekly)
- CN, IAAC, and other regulators meet to update on progress, update on follow-up programs, and address any questions (monthly)
- CN, IAAC, and other regulators meet on site to review site condis and compliance with conditions of approval (quarterly)

Community Consultation Committee Presentations

Presented on November 30, 2022



CN Milton Logistics Hub

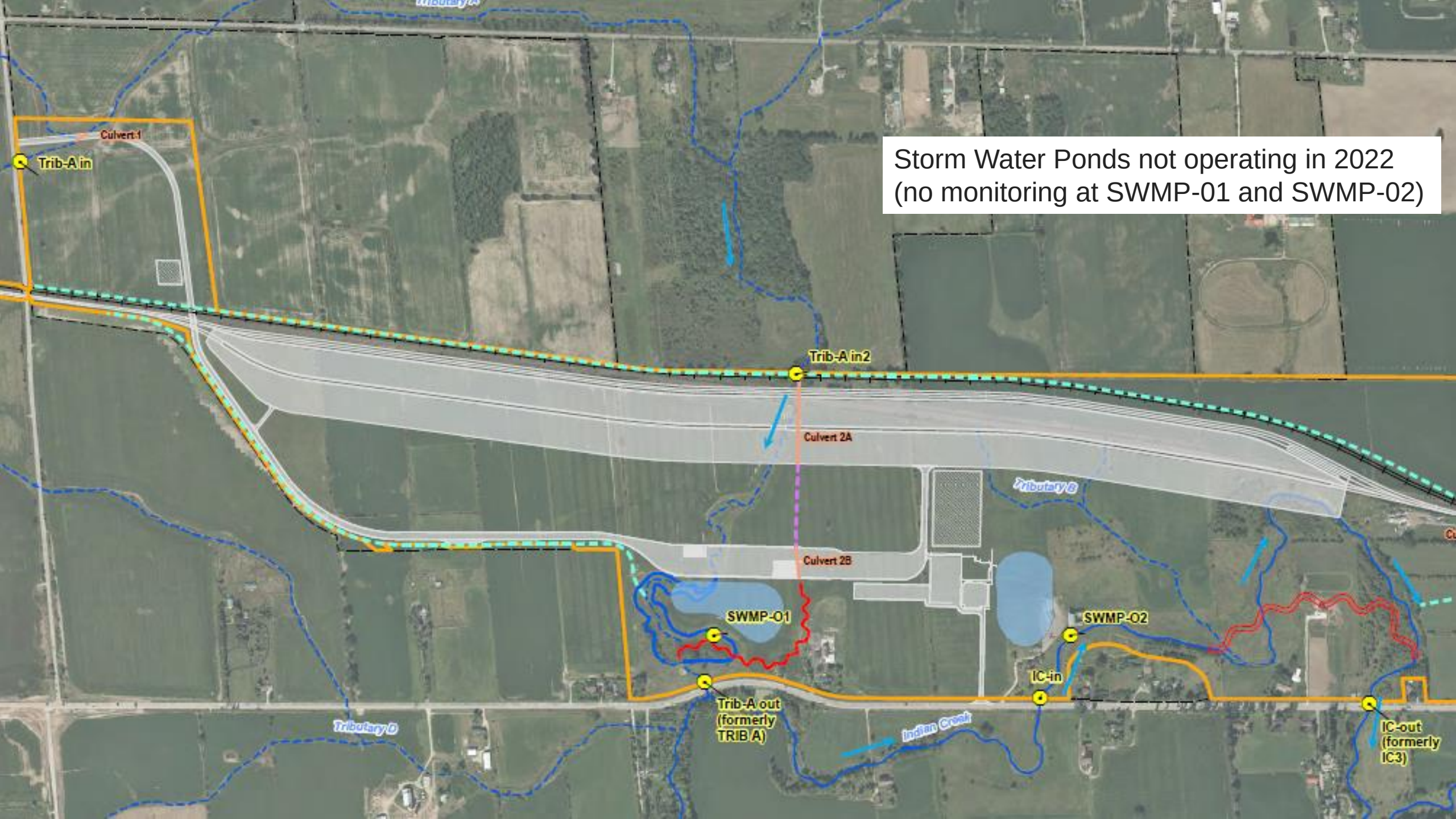
Surface Water Follow-Up Program Update

Stantec



Agenda

1. Monitoring Sites
2. Flow Monitoring
3. Water Quality Monitoring
4. Select Water Quality Results



Storm Water Ponds not operating in 2022
(no monitoring at SWMP-01 and SWMP-02)

Monitoring Sites

Tributary A







Monitoring Sites

Indian Creek





Flow

Continuous

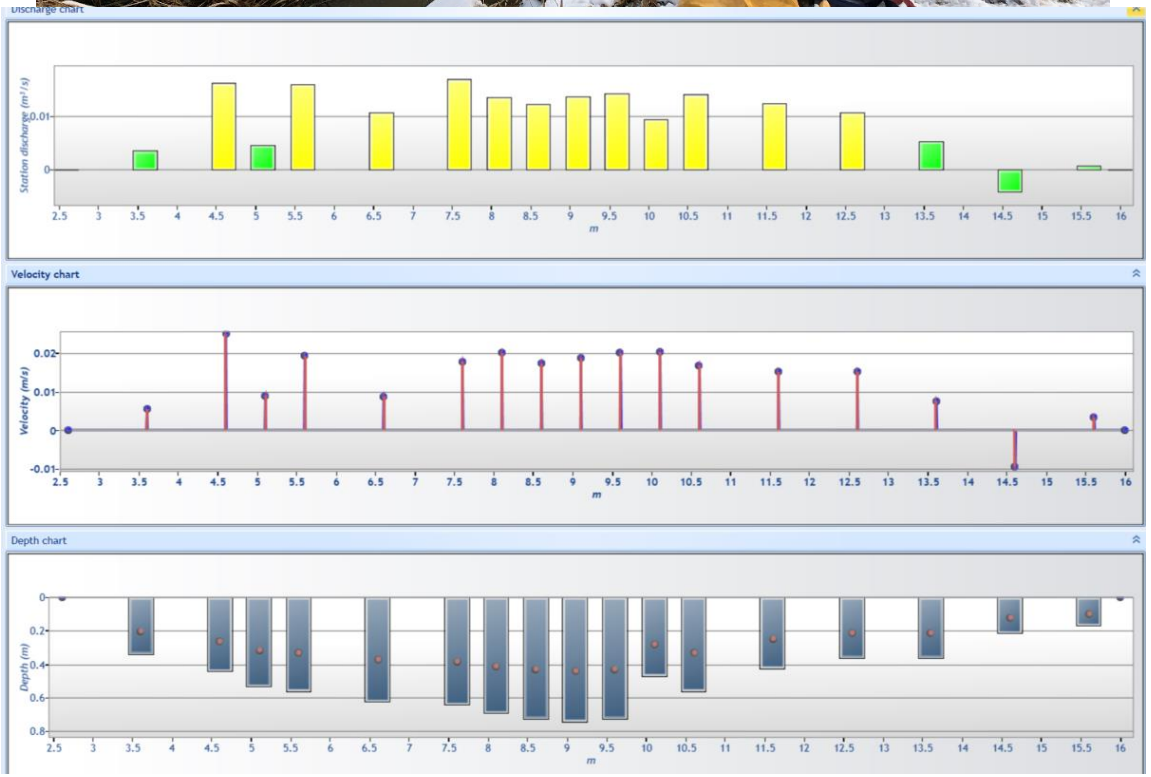
- Winterized leveloggers deployed in stilling wells
- 15 minute reading intervals
- Monthly downloads
- Barometric pressure correction
- Topographic benchmarking

Manual

- Monthly In-situ flow measurements
- FlowTracker2 portable flow meter
- 20+ velocity panels
- 2 passes for quality and accuracy
- 10% or less of flow rate within each panel

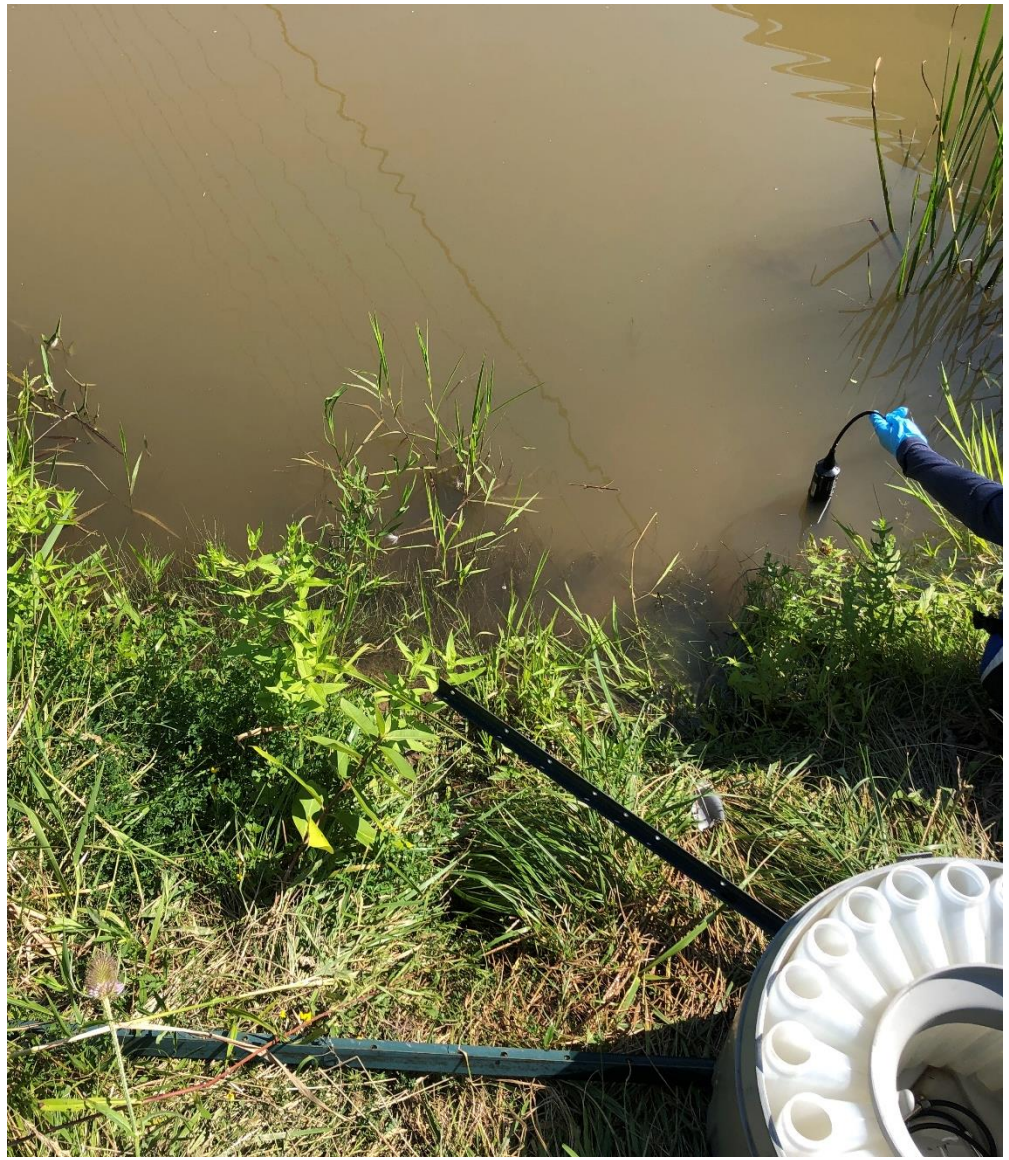
- Develop stage-discharge curve for each hydrometric site





Water Quality

- Monthly sample events; or
- Following significant rainfall events (35 mm)
  - No large storm events to date in 2022
- Calibrated water quality meter
  - Dissolved oxygen, temperature, pH, conductivity, turbidity
- Autosampler
  - Collect every 15 minutes for 2-3 hrs
  - Composite collected samples
- Typically, one duplicate per event
- Bureau Veritas analytical lab
- Except for Chlorpyrifos, submitted to ALS Global



Initial Results

Flow

- No flow observed at Tributary A sites for June, July, September, October and November monitoring events. Large rain event in August during monitoring week caused flow.

Water Quality Table 4-1 Parameters

- Related to construction and operation contaminants of potential concern
- Total phosphorus, chloride, TSS, DO, select metals and hydrocarbons

- No Tributary A or Indian Creek outlet non-compliance events

- Occasional elevated single or two event concentrations of
  total phosphorus, chloride, TSS, copper, lead, iron, zinc

  Typically, associated with elevated concentrations at the inlet sites

Initial Results

Water Quality Table 4-2 Parameters

- Agricultural activity parameters of potential concern due to soil disturbance activities
- Pesticides/herbicides
- Nitrogen compounds (total ammonia, nitrate and nitrite)
- Pathogens (*E.coli*/total coliforms)

- Pesticides/herbicides – consistently below Canadian Council of Ministers of the Environment Water Quality Guidelines for the Protection of Freshwater Aquatic Life, and for nearly all parameters below reportable detection limits

- Nitrogen compounds – similar concentrations or lower concentrations at outlet sites in comparison to inlet sites
- Pathogens
    - Tributary A higher or similar at inlet in comparison to outlet
    - Indian Creek slightly elevated at outlet prior to removal of beaver dam in July, similar since July



Questions?

Community Consultation Committee Presentations

Presented on December 08, 2022



September 20, 2022



November 19, 2022



Tributary A Off-Line Restoration Area
(November 19, 2022)



Tributary A Off-Line Restoration Area – Looking Downstream (December 1, 2022)



Tributary A Naturalization – Vegetation Growth in Channel and Floodplain (December 1, 2022)



Tributary A naturalization – channel, wetland pockets, SWM overflow (December 1, 2022)



Cast-in-Place Culvert 2A – Resting Pool Formation (November 29, 2022)



Indian Creek Off-Line Channel Restoration Area
(November 19, 2022)



Indian Creek Off-Line Channel Restoration Area – Looking South (December 5, 2022)



Indian Creek Off-Line Channel Restoration Area – Looking North (December 5, 2022)

Indian Creek Restoration



Habitat Creation and Bank Stabilization Coffer Dam Installation (November 19, 2022)



Indian Creek Stabilization and Flume – Installation of Toe Protection (December 1, 2022)

East of the Mainline



Mainline Track Realignment - Grading and Diversion Channel (December 5, 2022)