

Milton Logistics Hub: 2022 Q4 Report

For the period October 1 to December 31, 2022

1.0 Project Overview

The Milton Logistics Hub (the “Project”) was the subject of a multi-year federal environmental assessment process, which culminated in a federal Decision Statement on January 21, 2021, Fisheries and Oceans Canada (DFO) Authorization on July 23, 2021, and a Canadian Transportation Agency (CTA) decision on November 22, 2021. It is subject to over 300 conditions designed to protect the community and the environment, including a requirement to produce reports on a quarterly basis that describe how CN has addressed feedback on the Project.

2.0 Summary of Construction Activities

Project construction commenced on January 17, 2022, with [Phase One activities](#) (See Construction Schedule 15.2). During the 2022 Q4 period, site activities have included: site grading and diversion channels work for the mainline track realignment; continued construction of stormwater management pond two and outlet structures; offline construction of the Tributary A realignment channel and associated habitat structures, as well as construction on culvert 2A and 2B. Work during this quarter has been concentrated in the Indian Creek area, including enhancements within Indian Creek and continued construction of the off-line channel, habitat features, and associated planting / stabilization measures. Work also continued in the northern section of Tributary A to complete the realigned channel, including installation of grass mats and riffles, removal of the existing berm and culverts that were associated with the existing agricultural pond, and completion of culverts 2A/2B. With the completion of that work, flows were redirected into the realigned portion of Tributary A, which occurred on December 22, 2022. The Sun Canadian pipeline work was completed and demobilized.

Noise sampling earlier in the year found some exceedances near Lower Base Line and construction was halted in the area. CN investigated the cause of the noise exceedances and how to mitigate the noise and determined the best course of action was to build additional noise mitigation berms (soil-based) along Lower Base Line and parallel to the main line, which were completed in Q3. This adaptive management was implemented and noise monitoring was conducted when construction activities associated with realignment of the mainline continued in Q4, as outlined in the associated follow-up plan.

Environmental monitoring and follow-up and monitoring programs continue, including those related to surface water, groundwater, air quality, wildlife, vegetation, and country food.

All activities are being carried out in accordance with the conditions outlined in the federal [Decision Statement](#).



2.1 Construction Site Photos

The following are images of various construction activities that have occurred during this reporting period.

2.1.1 Time-lapse Overhead Site View



Figure 1a – September 20, 2022



Figure 1b – November 19, 2022

2.1.2 Tributary A Off-Line Restoration Area



Figure 2 – November 19, 2022

2.1.3 Tributary A Off-Line Restoration Area Looking Downstream



Figure 3 – December 1, 2022

2.1.4 Tributary A Naturalization – Vegetation Growth in Channel and Floodplain



Figure 4 – December 1, 2022

2.1.5 Tributary A Naturalization – Channel, Wetland Pockets, Stormwater Management Overflow



Figure 5 – December 1, 2022

2.1.6 Indian Creek Off-Line Channel Restoration Area



Figure 6 – November 19, 2022

2.1.7 Indian Creek Off-Line Channel Restoration Area (Looking South)



Figure 7 – December 5, 2022

2.1.8 Cast-in-Place Culvert 2A – Resting Pool Formation



Figure 8 – November 29, 2022

2.1.9 Mainline Track Realignment – Grading and Diversion Channel



Figure 9 – December 5, 2022

2.2 Meetings with Regulatory Agencies

CN regularly meets in person or virtually with representatives from the relevant regulatory agencies: Impact Assessment Agency of Canada (IAAC), Fisheries and Oceans Canada (DFO), Health Canada, Canadian Transportation Agency (CTA), and Environment and Climate Change Canada (ECCC).

Meetings with regulatory agencies occurred on October 12, 2022, November 12, 2022, and December 13, 2022. When not meeting on site, participating agencies were provided with a virtual tour/photo log of the site. No areas of concern or non-compliance were identified by the agencies.

DFO visited the Project site on December 1 and 22, 2022. DFO was satisfied with vegetation growth in Tributary A during their site visit on December 1, 2022 and authorized CN's plan for the Tributary A cutover, which took place on December 22, 2022. DFO was present during the cutover.

3.0 Community Engagement

In 2021, CN announced the establishment of the Community Consultation Committee (the “Committee”) for the Milton Logistics Hub as part of its ongoing community communication and engagement related to the Project. CN elected to form the Committee as a component of the federally mandated [Community Liaison Communication Process](#) (See Project Documents). The Committee is led by independent third-party co-facilitators and its membership represents environmental, business, community, post-secondary education, and other interests in Milton and across Halton. The Community Consultation Committee serves as a community feedback forum to CN from Indigenous groups and local stakeholders prior to construction, throughout construction, and into operation of the Project.

Community Consultation Committee activity during Q4 included virtual and in-person meetings. The meetings were as follows:

Date	Activity	Format
October 6, 2022	Community Consultation Committee site tour	In person
October 6, 2022	Community Consultation Committee meeting	In person
December 8, 2022	Community Consultation Committee meeting	Virtual

3.1 Community Consultation Committee Meetings

Topics discussed during the October 6, 2022 and December 8, 2022 Community Consultation Committee meeting included: noise, including monitoring, mitigation initiatives, and adaptive management principals; environmental oversight process and on-site 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 of current status of legal proceedings and the Ontario Superior Court cost award ruling.

3.2 Cultural Heritage Sub-Committee Meetings

Committee member interest in the heritage buildings on the Project site identified in the [Heritage Maintenance and Reuse Reports](#) resulted in establishing a Cultural Heritage Sub-Committee to develop recommendations on potential future uses. The 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.

3.3 Committee Site Tour

On October 6, Community Consultation Committee members participated in a site tour of the Milton Project site. Informal discussions during the site tour included the noise mitigation berms, the magnitude of the realignment of Indian Creek, vegetation and habitat rehabilitation, stormwater management ponds, reuse planning for tree trunks from two large trees on Project site, and wildlife management.

3.4 Winter 2022 Update

On December 23, CN sent a Project update message to the Project Distribution List. The update provided a summary of construction activities on site and indicated that the 2022 Q1, Q2 and Q3 quarterly reports were available online at in the Project Documents section of the Project website cnmilton.ca. Two recipients replied to the email message: one recipient expressed general support for the Project and the other respondent indicated opposition to the Project.

4.0 Indigenous Consultation

CN continues to meet regularly with the Mississaugas of the Credit First Nation (MCFN) through a working group that was established to share project information, provide opportunities for members to participate in field programs, and to identify ongoing economic opportunities on the Project and within CN's operating area.

CN continues to engage with Six Nations of the Grand River (Six Nations) on the Project and provide opportunities for members to participate in field programs.

CN meets regularly with the Huron Wendat Nation (HWN) to share updates on the Project and provide opportunities for members to participate in field programs.

A representative of the HWN is a member of the Community Consultation Committee. MCFN and Six Nations of the Grand River 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.

5.0 CN Milton Website Postings

The following new document was posted to the CN website during this reporting quarter:

Annual Reports

- [2022 Q3 Quarterly Report](#)



6.0 Feedback and Consideration of Input

Per the Community Liaison Communication Plan, 2.2.2., the following methods were available to potentially affected parties and the wider community for providing feedback to CN:

- a) CN Public Inquiry Line
- b) Community Consultation Committee
- c) CNMilton.ca
- d) Emergency Line
- e) Project Information Centre
- f) Local Government Engagement
- g) Social Media
- h) Noise Complaints Protocol

In addition to these methods, feedback could also be submitted through additional methods, such as via email to individual CN employees, contractors, or other divisions within CN, particularly as part of direct correspondence on specific matters.

Below is a summary of input received in 2022 Q4 (October 1 to December 31 2022). The table below summarizes feedback from Potentially Affected Parties into key themes, citing the various sources of that feedback, and describes how CN has considered and addressed feedback. Per Condition 4.9.3, this includes noise complaints received (if any) and any corrective action taken during the reporting quarter relating to noise complaints.

6.1 CN's consideration of input from community and stakeholder engagement

TOPIC		
Summary of Topic	Source of Input	CN Consideration/Response
1. Project Site Activity <ul style="list-style-type: none"> • Interest in learning more about the environmental oversight process. • Interest in the reuse of trunks from two large trees cut down. 	Community Consultation Committee	<ul style="list-style-type: none"> • CN prepared and shared with the Committee an organizational diagram identifying various entities involved in environmental oversight, including an overview of communication between parties and reporting frequency (see Appendix A). • CN pursued suggestions put forth by Committee members of companies potentially interested in the material; interest was low. CN engaged a cabinet maker who

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<ul style="list-style-type: none"> Concerns about the safety of birds/wildlife landing on stormwater pond. 		<p>indicated it was likely the tree trucks had barbed wired embedded as was often the case with century-old tree trunks.</p> <ul style="list-style-type: none"> Stormwater ponds are designed not to attract birds/wildlife; temporary exclusion fencing is in place during construction and permanent barriers (fencing) will be in place to prevent attracting birds/wildlife; other habitat has been put in place elsewhere for birds/wildlife.
<p>2. Noise and Noise Mitigation</p> <ul style="list-style-type: none"> Interest in whether berms will be installed along the northern and western edges of the property. Concerns about noise from idling trains. Concerns about noise of construction vehicles. Interest in locations of noise monitoring stations and concerns about noise levels in areas beyond where noise monitoring stations are located. Request for CN to engage nearby residents directly to discuss noise concerns. 	Community Consultation Committee	<ul style="list-style-type: none"> The overpass provides a substantive barrier 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. The 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. CN will continue noise monitoring during construction and into operations. CN is continuing discussions with the contractor regarding the transition of back-up beeper alarms to a white noise back-up alarm. CN cannot necessarily guarantee sub-contractors will have quieter alarms on vehicles. Diagram of noise monitoring stations shared with Committee with general meeting materials. CN continues to make efforts to engage with the Committee member directly to discuss local concerns.
<p>3. Legal Matters and Stakeholder Relations</p> <ul style="list-style-type: none"> Interest in learning more about the judge's cost award decision in the Ontario Superior Court case. 	Community Consultation Committee	<ul style="list-style-type: none"> Copies of the judge's ruling and follow-up document were circulated via email by the Committee Co-Facilitators to the Committee on July 13, 2022.

TOPIC		
Summary of Topic	Source of Input	CN Consideration/Response
<ul style="list-style-type: none"> • Interest in Conservation Halton’s role with respect to environmental monitoring. • Interest in gaining an understanding of how the Milton project fits into CN’s broader strategy. 		<ul style="list-style-type: none"> • CN has attempted to engaged with Conservation Halton; carrying out the Conditions often require engagement; Halton Region’s legal activity and the court cases against CN have prevented productive dialogue with the Region/Town. • Committee Co-facilitators prepared a letter to the executive project team, which provided an overview of the Committee and a summary of the topics and interests explored in discussions.

Appendix A

