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April 10, 2019

Joseph Ronzio
Panel Manager, Milton Logistics Hub Project
c/o Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

Dear Mr. Ronzio:

Re: Environment and Climate Change Canada's review of Canadian National Railway Company's responses to Information Request Package 8, Milton Logistics Hub

This submission is in response to the March 25, 2019 notice on the Canadian Environmental Assessment Registry (CEAR) inviting additional comments on the Milton Logistics Hub Project. The notice advises that the Review Panel is seeking written comments on whether information submitted by the Canadian National Railway Company (CN) in response to Information Request packages 6, 7 and 8 is sufficient to proceed to the public hearing. Environment and Climate Change Canada (ECCC) has no comments on IR Package 6, and has already submitted comments on IR Package 7 (see Document no. 701 on the CEAR).

As such, ECCC only has comments on the sufficiency of CN's responses to the Review Panel's Information Request (IR) Package 8 and has reviewed the responses to IRs that relate to ECCC's mandate for air quality and terrestrial wildlife. ECCC's mandate and areas of expertise in relation to the project are described in Document no. 451 posted on the CEAR. Our comments on the responses are presented in detail in the attached table (Appendix A).

We trust these comments will assist the Review Panel in assessing the need for further information in advance of the public hearing.

Yours sincerely,
<Original signed by>

Mary Taylor
Director General, Environmental Protection Operations Directorate
Environmental Protection Branch

Attachments (1)

Appendix A: Comments on the Sufficiency of the Responses to IR Package 8

Air Quality

IR number / subtopic	Context	ECCC Comments on the Response
<p>8.2 b)</p> <p>Project site ambient air quality monitoring results</p>	<p>CN was to provide an updated assessment using the 2020 Canadian Ambient Air Quality Standards (CAAQS) for 1-hour NO₂ and annual NO₂, to identify whether there would be any exceedances, and discuss the implications of the new standards.</p> <p>Response:</p> <p>CN provided a comparison of the maximum predicted ground level NO₂ concentrations for 2021 and 2031 with the 2020 and 2025 CAAQS, respectively.</p> <p>For the year 2021, there are no predicted exceedances of the 2020 CAAQS for NO₂. For the year 2031, there are predicted exceedances for both the 1-hour and annual averaging periods of the 2025 CAAQS for NO₂.</p> <p>CN stated that the predicted NO₂ concentrations for the Project are based on conservative maximum emissions estimates from an operating scenario that is not expected to occur, and provided an example of a refined NO₂ emissions scenario based on a more realistic operational rationale.</p>	<p>While the IR is not related to a question submitted by ECCC, the Department has reviewed the response and has the following comment.</p> <p>ECCC notes that it is reasonable for CN to continue to assess the potential air quality effects of the project using the already-modelled, conservative maximum emissions estimates.</p>

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Terrestrial Wildlife

IR number / subtopic	Context	ECCC Comments on the Response
<p>8.20 a)</p> <p>Consideration of potential species at risk at the South Milton site</p>	<p>CN was to clarify whether and how the Town of Milton's 2014 and 2016 data, that documented the presence of Western Chorus Frog near the existing CN mainline tracks, was considered in CN's assessment of effects.</p> <p>CN was to discuss whether the information changes any of the effects predictions in the EIS, or whether additional mitigation would be necessary for Western Chorus Frog.</p> <p>Response:</p> <p>CN confirmed that the data from the Town of Milton pertain to observations adjacent to the mainline within the Local Assessment Area (LAA) for the Project.</p> <p>CN noted that disturbance to Western Chorus Frog and its habitat has the potential to occur during construction, but the implementation of already-proposed mitigation measures is expected to mitigate potential adverse effects on Western Chorus Frog.</p>	<p>While the IR is not related to a question submitted by ECCC, the Department has reviewed the response and has the following comment.</p> <p>In our March 13, 2017 letter to the Panel (Canadian Environmental Assessment Registry record 539), ECCC states on page 3 that "[w]here [Western Chorus Frog] individuals are confirmed or assumed to be present, we are recommending that CN consult with ECCC and other agencies to establish precautionary measures to protect any individuals from project activities."</p> <p>On page 22 of Appendix A of that letter, ECCC identified "mitigation measures such as physical avoidance, or timing, to prevent adverse effects on Western Chorus Frog."</p> <p>CN has stated that already-proposed mitigation measures (i.e., exclusion fencing, sediment and erosion control, timing windows) are expected to mitigate potential adverse effects to Western Chorus Frog.</p> <p>However, in order for ECCC to advise whether additional mitigation would be necessary, ECCC will need to review the 2014 and 2016 data.</p> <p>To this end, on February 28, 2019, ECCC contacted the Town of Milton to request a copy of the 2014 and 2016 Western Chorus Frog data. The Town of Milton has agreed to share this information as soon as ECCC agrees to the terms of the recently received "Undertaking of Confidentiality" document.</p>

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IR number / subtopic	Context	ECCC Comments on the Response
		<p>ECCC is not yet in possession of the 2014 and 2016 Western Chorus Frog data, and thus, is currently not in a position to provide advice on whether additional mitigation measures may be required. Once ECCC receives this information, ECCC will provide to the Panel its expert knowledge on whether the information changes any of the effects predictions in the EIS, or whether additional mitigation would be necessary for Western Chorus Frog.</p> <p>Specific information relating to the ecology of Western Chorus Frog - Great Lakes, St. Lawrence - Canadian Shield Population and a residence description can be found at https://wildlife-species.canada.ca/species-risk-registry/document/default_e.cfm?documentID=2963.</p>