



Canadian National

Darren Reynolds
Project Director

61 James Snow Parkway
Milton, Ontario Canada
L9E 0H1

Julie Mailloux
Manager, Decision Statements
Impact Assessment Agency of Canada
160 Elgin Street, 22 Floor
Ottawa, ON, K1A 0H3

August 21, 2020

Dear Ms. Mailloux

Re: Milton Logistics Hub Project

The Canadian National Railway Co. (CN) is pleased to provide this submission for consideration by the Impact Assessment Agency of Canada (IAAC) and the Minister of Environment and Climate Change in decision-making regarding CN's proposed Milton Logistics Hub Project (the Project).

Our submission comprises the following:

Annex 1: Comments on the Draft Potential Conditions

For ease in review, we have formatted our comments on the draft potential conditions in a table comprising three columns. The first column reproduces the draft potential condition verbatim. The middle column summarizes our comments on the potential condition as drafted and presents our rationale for suggested revisions. The third and last column reproduces the draft potential condition with our suggested revisions highlighted in *italicized blue text*. In a few cases, we include draft potential conditions on which we have no specific comment, but which provide context to our comments on other related conditions; in those cases, the contextual conditions are shaded in grey. We hope this format will facilitate both your understanding of our intent and your consideration of our suggested revisions. As much as possible, where we suggest revisions, we have used language consistent with the language used elsewhere in the draft conditions. In addition, we have strived to limit our suggested revisions to changes we consider are necessary to provide greater clarity and certainty and ensure feasibility, while remaining true to the underlying intent of the condition.

In the table we include only the draft potential conditions on which we have comments and/or suggested revisions. You will see we have comments only on about a quarter of the total draft potential conditions and sub-conditions. Most comments are relatively minor and pertain to clarification of requirements and improving consistency across conditions.

Our comments on the draft potential conditions reflect our understanding of the intent and purpose of the conditions, which has been informed by the clarifications provided by IAAC during our verbal discussions with you during the public comment period. If any of our comments or suggested revisions is in any way unclear, we would be pleased to provide any clarification you may require.

We would like to take this opportunity to note that we are confident the suite of draft potential conditions (with revisions suggested in this submission), including the additional conditions that go above and beyond the Panel recommendations in key areas, in combination with the broad suite of mitigation, management, and follow-up and monitoring commitments made by CN, some of which also go beyond what the conditions would require¹, will ensure that potential adverse effects of the Project are avoided and minimized.

This outcome is a reflection of the comprehensive environmental assessment that has been undertaken over the last five years, which has involved careful and precautionary consideration of the potential environmental, socio-economic, and human health effects of the Project, and which has led directly to improvements in the Project. That is the goal of environmental assessment.

Annex 2: Summary of Discrepancies in the Description of the Designated Project

The proposed definition of the Designated Project (Condition 1.8) relies on the description of the Project provided by the Joint Review Panel in its report. As you will see in Annex 1, we note there are discrepancies in that description of the Project compared to what was proposed and assessed during the environmental assessment (EA). Annex 2 summarizes these discrepancies as an aid to understanding CN's rationale for suggested revisions to the definition of the Designated Project for the purpose of the Decision Statement.

Annex 3: Response to IAAC's Requests for Additional Information

On July 2, 2020, at the same time IAAC provided the draft potential conditions to CN for review and comment, IAAC also requested that CN provide additional information on three matters related to municipal interests, specifically:

1. CN's views on the impacts that the Project may have on the regional planning frameworks that are currently in place and possible measures to mitigate these impacts;
2. CN's views on the impact that the Project may have on municipal development charges and possible measures that CN could take to mitigate these impacts; and
3. CN's plans for future Project expansions and use of lands surrounding the Project development area.

Annex 3 provides CN's response to these three requests. We understand this additional information will be used to inform decision-making on the Project. CN takes these matters very seriously and you will see that our response outlines further commitments and work undertaken by CN to address issues of interest to the municipalities and the community at large. We are

¹ In this regard, we note that the information included in CN's *Updated Consolidated Table of Mitigation Measures and Proponent Commitments* (Canadian Impact Assessment Registry Reference Number 80100, Document Number 799) may also be a useful reference for IAAC and federal decision-makers when reaching conclusions about the potential for the Project to cause adverse environmental effects.

confident that our continued efforts in this regard, and our willingness to engage constructively and collaboratively with the Town of Milton and Halton Region, will help to ensure the economic, environmental, and health benefits made possible by the Project are realized and that CN can continue to contribute in a positive way to the achievement of the municipalities' goals.

Closure

We trust you will find our submission helpful. CN appreciates the opportunity to submit comments on the draft potential conditions and is pleased to provide the additional information requested. We also thank you for extending the public comment period to provide additional time to us and other EA participants and other measures you have taken to accommodate the constraints imposed by the COVID-19 pandemic.

We would also like to take this opportunity to thank the Mississaugas of the Credit First Nation, The Six Nations of the Grand River, and the Huron-Wendat Nation for their participation and assistance in the EA.

If, as you review these submissions, you require any additional information or clarification, please don't hesitate to contact me; we remain committed to constructively participating in the EA process.

Sincerely,

<Original signed by>

Darren Reynolds
Project Director

Cc:
Sean Finn, Executive Vice President Corporate Services & Chief Legal Officer
Mark Lerner, VP Marketing & Business Development
Luanne Patterson, Senior Manager Environment Systems
Sarah Devin, Manager, Decision Statements