

**Ministry of Heritage, Sport,
Tourism and Culture Industries**

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EMAIL ONLY

Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3
iaac.conditions.aeic@canada.ca

MHSTCI File : 0002708
Proponent : Canadian National Railway Company
Subject : Potential Environmental Assessment Conditions
Project : Milton Logistics Hub
Location : Town of Milton, Ontario

Dear sir or madam:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the draft potential conditions circulated July 2, 2020 for the above-referenced project. MHSTCI's interest in this Environmental Assessment (EA) project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

Background

MHSTCI has been involved in this environmental assessment project throughout its timeline, including review of the Environmental Impact Statement (EIS) and Information Request responses, and participation in the Review Panel's public hearings.

The Impact Assessment Agency of Canada has invited the public and Indigenous groups to comment on the potential environmental assessment conditions for the project. These potential conditions would become legally binding on the proponent if the Minister of Environment and Climate Change ultimately issues a decision statement indicating the project may proceed. The Canadian National Railway Company is proposing the construction and operation of a logistics hub, designed to transfer containers between trucks and railcars. The project would include a railway yard with more than 20 kilometres of track and would be located in Milton, Ontario, about 50 kilometres west of Toronto.

Comments

Given our mandate as noted above, these comments will be limited to the potential conditions within Section 11 (Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance) of the Draft Potential Conditions document.

These draft potential conditions are substantially consistent with the cultural heritage technical studies carried out in support of the project and with the advice MHSTCI has provided. As such, we agree with the content of these potential conditions, however we recommend minor suggestions and clarification related to language and terminology.

- Please note that the name of our ministry is the Ministry of Heritage, Sport, Tourism and Culture **Industries**. This can be corrected in potential conditions 11.5, 11.6, 11.7, 11.8, 11.8.1.3, 11.8.1.5, and 11.9.
- Potential condition 11.2 should specify who will determine that the documentation is done to an appropriate standard before the condition is deemed fulfilled.
- Potential condition 11.6 should include some language to the effect that MHSTCI will have the opportunity to review the Heritage Impact Assessment, and that it will be revised to MHSTCI's satisfaction, before the condition is deemed fulfilled. It should also specify removal or demolition will be considered as a last resort, if no other options are found to be feasible subject to the Heritage Impact Assessment.
- Potential condition 11.7 should be edited as follows: "The Proponent shall have an archaeologist (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~~ in accordance with the recommendations of previous archaeological assessment reports and with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists."
- Potential condition 11.8.1.4 should be edited as follows, for consistency with the *Ontario Heritage Act*: "have an ~~qualified individual, who is a registered~~ archaeologist licensed under the *Ontario Heritage Act*, conduct an assessment at the location of the discovery;"
- To ensure compliance with the *Funeral, Burial, and Cremation Services Act*, potential condition 11.9.3 should specify the provincial coroner and the Registrar of Cemeteries among the authorities to be contacted upon the discovery of human remains.
- Potential condition 11.9.4 should be edited as follows: "have an ~~qualified individual, as it pertains~~ archaeologist licensed under the Ontario Heritage Act, with qualifications relevant to ossuaries and chosen in consultation with the Huron-Wendat Nation, conduct an assessment at the location of the discovery after the coroner has had the opportunity to investigate;"

Thanks for the opportunity to review the draft potential conditions and for consulting MHSTCI on this project. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Dan Minkin
Heritage Planner
Dan.Minkin@Ontario.ca

c. James Hamilton, Manager, Heritage Planning Unit, MHSTCI