

CN Milton Logistics Hub – Fish and Fish Habitat Offsetting Plan Feedback (Condition 7.6)

The purpose of this memorandum is to address Condition 7.6 of the Decision Statement issued by the Minister of the Environment on January 21, 2021, which states:

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.

Offsetting plans for fish and fish habitat were submitted to Fisheries and Oceans Canada (DFO) in December 2016 as part of the original Request for Authorization and supporting Letter of Intent (LOI). Subsequent to the Joint Review Panel EA Report released in January 2020, an updated version of the Letter of Intent and corresponding offsetting plan was prepared and submitted to DFO, Conservation Halton (CH), Mississaugas of the Credit First Nation (MCFN) and Six Nations of the Grand River (Six Nations) for review. The updated Letter of Intent included documentation of the changes made in response to comments received during the EA process relative to the conceptual design included in the EIS and submitted to DFO in 2016, as follows:

- changes to the design of the proposed culverts conveying Tributary A beneath the Terminal from a twin-cell to a single-cell design, and incorporation of a low flow channel and resting pools
- refinements to the design of Tributary A to reflect the design of Stormwater Management Pond #1
- refinements to the design of proposed riparian wetlands and oxbow / riparian enhancement features along Indian Creek
- revision to the location of the outlet for Stormwater Management Pond #2
- incorporation of the design drawings for the conveyance of Tributary C beneath the noise barrier, CN mainline and around the proposed Lower Base Line grade separation

Both MCFN and Six Nations have advised that they do not have any comments in regard to the proposed offsetting plan for fish and fish habitat, although wish to remain involved in the follow-up programs. CN has confirmed their participation in these programs and to share the results of the fish and fish habitat follow-up program with these communities. No comments were received from Conservation Halton in regard to the proposed offsetting plan. The Final Letter of Intent (dated May 18, 2021), along with copies of the detailed design drawings for the channel realignments, culverts, and fish habitat offsetting measures, were submitted to DFO in May 2021 and subsequently approved on July 28, 2021.

