

Milton Logistics Hub Project | REVIEW PANEL

Joint process established under the Canadian Environmental Assessment Act, 2012, and the Canada Transportation Act

April 5, 2017

Normand Pellerin
Assistant Vice President, Environment and Sustainability
Canadian National Railway Company
<email address removed>

Subject: Information Request Package 1 - Milton Logistics Hub Project Review Panel

Dear Mr. Pellerin,

The Review Panel established for the joint process for the review of the Milton Logistics Hub Project (the Panel) is reviewing the information submitted by the Canadian National Railway Company (CN) and the comments received during the public comment period between December 20, 2016 and March 13, 2017.

The Panel has identified additional information required before proceeding to the public hearing stage in accordance with its Terms of Reference. CN may have to undertake fieldwork starting as early as April 2017 to obtain this additional information. Due to the time-sensitive nature of the fieldwork, the Panel is issuing these requests to CN in advance of other information requests to be provided at a later date.

CN's response to these information requests will be made available to participants on the public registry. For consistency the Panel asks CN to use metric units in its information request responses.

Please inform the Panel of the anticipated response date as soon as practicable. If you have any questions or concerns, please contact Joseph Ronzio, Panel Manager at (613) 948-1784 or MiltonHubPanel@ceaa.gc.ca

Sincerely,
<Original signed by>

Lesley Griffiths
Panel Chair

c.c. William G. McMurray, Review Panel Member
Isobel Heathcote, Review Panel Member

c/o Canadian Environmental Assessment Agency 160 Elgin St. Ottawa ON K1A 0H3

MiltonHubPanel@ceaa.gc.ca

CEAR registry 80100

IR 1.1

Rationale:

In Section 5.1.2 of Appendix E.4 of the EIS, CN defined a headwater feature as “typically a low-lying depression with no defined channel, often cultivated, that does not provide direct or indirect habitat values for fish, but might convey flow seasonally or following precipitation events”.

CN stated in Appendix E.4 (Technical Data Report Fish and Fish Habitat) that headwater feature investigations were undertaken in July and August, 2013. The table ‘Headwater channel dimensions and characteristics’ in Appendix D of Appendix E.4 indicated that headwater tributaries were assessed at eight locations and the results of these investigations indicate that flow was dry at all eight locations.

CN’s adopted methodology for mapping headwater features, *Evaluation, Classification and Management of Headwater Drainage Features: Interim Guidelines 2009* (CVC and TRCA, 2009), indicated that field investigations for headwater drainage features should be undertaken during three assessment periods: spring freshet/rain events, late April-May and July-August. These guidelines also stated that fieldwork should be conducted in late spring (e.g. decline in spring freshet of April, May, and June) under clear conditions to capture seasonal fish use. Unless the drainage feature is dry in April, May, and June, fish should be sampled using nets, electrofishing or minnow traps at various points along the reach to be examined.

Since CN’s sampling was conducted in July and August, it is unclear whether water would have been present in April, May, and June. To determine the need for fish sampling, it is necessary to conduct headwater feature investigations to determine if water is present in April, May, and June.

Information request:

1. Provide information on whether water is normally present in the eight headwater feature locations in April, May, and June. If water is present during those months, indicate the habitat quality and indicate whether fish are present. If this information is not available, conduct additional field investigations.

IR 1.2

Rationale:

CN stated that monitoring of surface water was conducted for six weeks starting June 3, 2015 to September 1, 2015.

In Section 4.3 of Appendix E.15 of the EIS, CN indicated that the surface water assessment included both a regional and a local hydrological assessment. In conducting these assessments, CN indicated that it selected an Environment and Climate Change Canada monitoring station at a nearby and analogous stream (Sixteen Mile Creek) that has approximately 58 years of data.

Halton Municipalities suggested that a six week period of monitoring should not be used as a basis to estimate or characterize runoff responses and thereby establish criteria for managing impacts from flooding and erosion. Halton Municipalities recommended a minimum monitoring period of three seasons in order to obtain valid data to predict runoff.

CN used Environment and Climate Change Canada HYDAT data from the 02HB004 hydrometric station at Sixteen Mile Creek as a proxy to calculate flows for Indian Creek. However, the choice of proxy stream needs to be clearly justified, in particular with regards to its similarities in size, proximity and expected flow regime for all ungauged streams where proxy data is used. Furthermore, flow measurements from the ungauged stream should be used to confirm the appropriateness and accuracy of the proxy stream hydrograph. These flow measurements should include a broad range of flow conditions over at least three seasons, and should include freshet if possible.

The rating curves in Appendix E of Appendix E.15 are based on a limited number of flow measurements. Few, and in some cases none, of the flow measurements were measured at high flow as indicated by the level logger results. As a result, the rating curves cannot be accurately assessed for high flow.

Information request:

1. Provide flow measurements and continuous water level / calculated flow for a period of three consecutive seasons (e.g., spring, summer and fall in a given year, including freshet if possible) for Indian Creek and Tributary A. Flow measurements should include high flow values (e.g. $> 1.0 \text{ m}^3/\text{s}$ for Indian Creek). If this information is not available, collect it.
2. Refine the rating curves and hydrographs for monitoring stations IC2, IC3, and Trib A using the additional flow measurements including measurements obtained at high flow levels and measurements obtained during freshet, if possible.
3. Provide justification for the use of HYDAT station 02HB004, Sixteen Mile Creek, for estimating flows in Indian Creek. Confirm the appropriateness of 02HB004 using measured flow characteristics and hydrograph from Indian Creek and comparison of these to the HYDAT station flows.

IR 1.3

Rationale:

CN stated in Appendix E.16 of the EIS (Technical Data Report Terrestrial) that calling amphibian surveys were conducted following the protocols identified in the Marsh Monitoring Program (MMP) Manual. Table 5.3 (Amphibian Calling Survey Results) of Appendix E.16 indicated that Western Chorus Frog were not found during the surveys.

Environment and Climate Change Canada raised concerns regarding the effectiveness and appropriateness of the survey methods employed to detect the Western Chorus Frog. Environment and Climate Change Canada stated that the survey methodology must be specifically targeted and designed for the Western Chorus Frog and be sensitive enough to detect new populations.

Halton Municipalities noted that the locations of the amphibian call survey stations might have missed potentially suitable habitat for Western Chorus Frog, and the surveys might not have been conducted at the appropriate time of year or day.

It is unclear whether and to what extent the Western Chorus Frog, listed as Threatened on Schedule 1 of the *Species at Risk Act*, may be present in the local assessment area.

Information request:

1. Provide additional survey information on the number of Western Chorus Frogs that may be present in the project area. If this information is not currently available, conduct targeted surveys for Western Chorus Frog. These surveys should take place in the spring in the project development area and nearby areas, including the wetland-woodland complex at the southern edge of the local assessment area. It is recommended that survey methodologies and count locations be identified and developed in consultation with Environment and Climate Change Canada. If Western Chorus Frog are identified within the project development area, update the assessment based on the results.

IR 1.4

Rationale:

CN stated in Section 4.6 of Appendix E.16 of the EIS (Technical Data Report Terrestrial) that three surveys to scan for basking turtles were conducted between May 14 and June 16, 2015. Two species of turtle were observed within the local assessment area and project development area including Snapping Turtle, which is listed as Special Concern on Schedule 1 of the *Species at Risk Act*.

Halton Municipalities stated that turtle basking surveys are most effective immediately after turtles emerge from hibernation, as this provides important information on overwintering sites. Basking turtle surveys should have been conducted in April and early May when basking activity is highest. Halton Municipalities stated that five surveys under ideal conditions are needed in order to provide reliable results but only three were conducted.

Due to the timing of the surveys, the number of turtles present may have been underestimated. In order to better understand how turtles, including the Snapping Turtle and their habitat may be affected by the project, the Panel requires additional information.

Information request:

1. Provide additional information on the number of turtles that are present in the project area in April and early May. If this information is not available, conduct at least five additional basking turtle surveys in April and May. Update the assessment for turtles based on the results, as necessary.

IR 1.5

Rationale:

CN stated in Section 5.6 of Appendix E.16 of the EIS (Technical Data Report Terrestrial) that a thorough search of the local assessment area was conducted to identify potential bat maternity colony habitat. A candidate maternity roost habitat was identified for further acoustic surveys. Subsequent acoustic surveys identified the presence of Little Brown Myotis, which is listed as Endangered on Schedule 1 of the *Species at Risk Act*.

Halton Municipalities stated that maternity habitat in trees may be difficult to detect if the visual inspections are done when the trees are in leaf. It is unclear when the search for habitat was conducted and whether it included the entire local assessment area.

The number of potential bat maternity colony habitat sites, and subsequently the number of bats, may have been underestimated. In order to better understand how these species and their habitat may be affected by the project, the Panel requires additional information.

Information request:

1. Confirm the timing of the area search conducted to identify candidate maternity roost habitat and whether this search included the entire local assessment area. If the search did not include the entire local assessment area, or was conducted when the trees were in leaf, conduct additional surveys when the trees are not in leaf to identify candidate maternity roost habitat. Update the assessment of bats based on the results, as necessary.

IR 1.6

Rationale:

CN stated in Section 4.8 of Appendix E.16 of the EIS (Technical Data Report Terrestrial) that potential snake habitat within the local assessment area was searched using walking transects on June 6, 2014. While no Eastern Milksnake were observed during surveys, CN noted that they are likely present. In Section 5.7 of Appendix E.16, CN stated that no specialized snake habitat components were observed.

Halton Municipalities and Environment and Climate Change Canada raised concerns regarding the appropriateness of the timing of the surveys and the methodology used to observe Eastern Milksnake and identify potential nesting sites. Environment and Climate Change Canada noted that Eastern Milksnake are very secretive and not likely to be observed unless surveys are conducted at appropriate times with efforts to attract snakes to locations where they may be more easily observed such as by placing cover boards in strategic locations prior to conducting the search.

Environment and Climate Change Canada also stated that Eastern Milksnake will hibernate in a variety of locations that are likely to be present in the project development area, including: mammal burrows, hollow logs, gravel or dirt banks, old wells, and old building foundations.

Due to the timing and methodology of the surveys, the presence and number of Eastern Milksnake may have been underestimated. In order to better understand how the Eastern Milksnake, listed as Special Concern on Schedule 1 of the *Species at Risk Act*, and its habitat may be affected by the project, the Panel requires additional information.

Information request:

1. Provide further details and rationale for the timing and methodology used by CN when conducting area searches for specialized snake habitat features and individuals of Eastern Milksnake.
2. Provide additional information on the number of Eastern Milksnake that may be present in the project area. If this information is not available, conduct additional snake surveys during the spring and fall using an appropriate methodology that addresses Environment and Climate Change Canada's concerns. Update the assessment for Eastern Milksnake based on the results, as necessary.