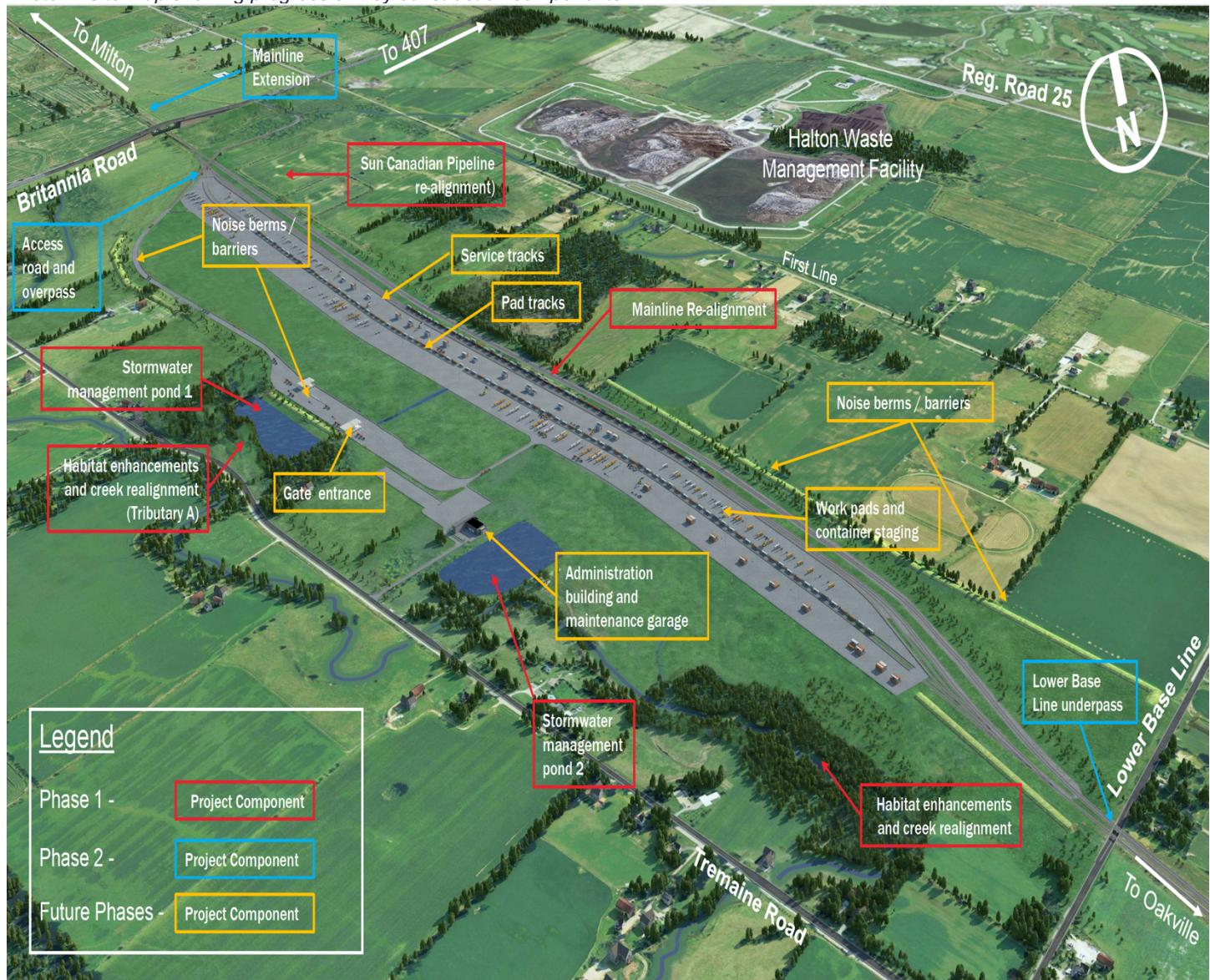


Photo 1: Site map showing progress on key construction components



COMMUNITY CONSULTATION COMMITTEE

2024 JANUARY-JUNE

CN MILTON LOGISTICS HUB PROJECT

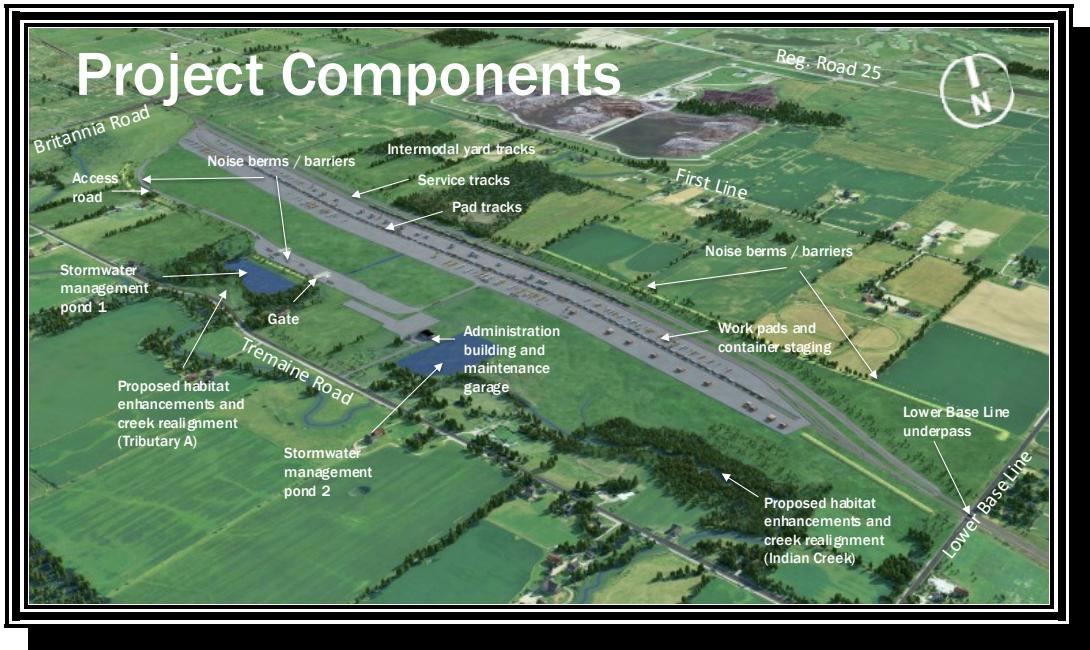


Photo 2. Concept diagram from Environmental Impact Statement, 2015

CONTEXT

CN has advised the committee that they are investing to build a new logistics hub to load and unload intermodal shipping containers in accordance with a federal approval. CN advises that consumer goods, including electronics, food products, household goods, car parts and health products, have been handled by an intermodal freight container from somewhere in the world. An "[intermodal freight container](#)" (sometimes informally called a "sea can") is a container designed to be moved from one mode of transport to another without unloading and reloading. The modes of transport of containers can be by water, rail and air.

The Milton Logistics Hub is at the centre of CN's network connecting ports on all three coasts with their 35,000km network across North America ([CN - Network Map \(geomapguide.ca\)](#)). [Population growth in the Greater Toronto-Hamilton Area](#) is increasing as is consumer demand so higher intermodal demand is expected.

COMMITTEE INFORMATION

CN has established a Community Consultation Committee ("CCC") as an advisory forum to provide information, exchange ideas, listen to feedback, and address concerns from the community, Indigenous communities and all levels of government and other stakeholders as the Milton Logistics Hub Project (MLH) progresses through construction and into operation. The CCC provides a forum for CN to listen to and consider community feedback regarding concerns that may be raised related to the construction and operation of the Milton Logistics Hub.

As of June 2024, the Committee has:

- Held 15 virtual meetings;
- Held 3 in-person meetings;
- Participated in 6 site tours; and
- Established an active sub-committee to propose onsite reuse solutions for the heritage buildings. One site tour was completed and two tours with parties interested in onsite re-use options.

COMMITTEE MEMBERS (JUNE 2024)

| NAME | ORGANIZATION | MEMBER SINCE |
|-------------------|--|--------------|
| Allan Ehrlick | Halton Region Federation of Agriculture | 2021 |
| Bianca Caramento | Milton Chamber of Commerce | 2023 |
| Danielle Havelka | Wilfrid Laurier University | 2024 |
| Marsha Smith | Halton Environmental Network | 2023 |
| Erin Caldwell | Conestoga College | 2023 |
| Kelly Voisin | Community Member | 2024 |
| Larry Chambers | Community Member | 2021 |
| Lukas Reale | Great Gulf | 2022 |
| Nancy Mott | Community Member | 2021 |
| Rita Vogel Post | Milton RAIL (Residents Affected by Intermodal Lines) | 2021 |
| Stephanie Carruth | Minds for Matter Inc. | 2021 |
| Wendy Roberts | Sustainable Milton | 2021 |
| Darren Reynolds | CN | 2021 |
| Luanne Patterson | CN | 2021 |
| Edie Thome | Co-Facilitator | 2021 |
| Terry Flynn | Co-Facilitator | 2021 |
| Elizabeth Young | Kirk & Co. (Committee Support) | 2021 |

The Committee would like to acknowledge some changes to the group.

Danielle Havelka will be joining the committee as the representative from Wilfrid Laurier University. Danielle is replacing **Carleen Carroll**, who was an active and valuable committee member. Carleen had a long history and deep knowledge of the project and her contributions to the committee were invaluable. We thank Carleen and welcome Danielle.

We would also like to welcome **Kelly Voisin**, a local community member, to the committee. Kelly has a background in land development, technical engineering and regulatory processes. Kelly is also a Milton resident where she is raising her young family near the project site.

COMMITTEE NEWS

Later this year the Committee will be launching its own, independent website to share information on the project with the community and create a means to gather information from the community. This website will be administered by the independent co-facilitators and will house information such as meeting minutes, copies of presentations and documents shared with the committee.

FEEDBACK AND OUTCOMES

Tracking Opportunities, Questions and Issues

The Milton Community Consultation Committee (CCC) uses a tracking document to log all suggestions and opportunities, questions, and outstanding issues. At every meeting a review of the document is conducted to ensure that input from the Committee is followed up on and a response is received. A copy of the tracking document is submitted by CN to the regulatory body – the Impact Assessment Agency of Canada (IAAC) – as part of their evidence of compliance with respect to community consultation.

| Current Tracker Items | Status |
|---|--|
| Traffic and traffic data | Presentation by Halton Region Transportation Planning and Mobility Department (Aug 2022). CN has provided memo to CCC regarding assumptions related to traffic calculations (June 2024). |
| Install signage to inform new residents of project | Under review by CN. |
| Consider reuse options for heritage buildings on site | Cultural Heritage Subcommittee established July 2022; nine meetings held to-date; move feasibility study and costs estimate completed, discussions ongoing with interested parties for re-use in situ. Asbestos study underway. Working with a local group to explore opportunities to use the house for a non-profit purpose. |
| Transparency of regulatory compliance | Presentation to Committee by the Impact Assessment Agency of Canada (IAAC) Compliance and Enforcement Office. Quarterly and Annual Reports which describe progress and adherence or variance (if any) to the Conditions are submitted to the regulators and are shared with the Committee. |
| Transparency of environmental performance | CCC requested that the Independent Environmental Monitors as well as the monitors from the First Nations speak at a future CCC meeting. CN has agreed. |
| Transparency of legal proceedings | CCC has asked for and has had two “on demand” meetings regarding regulatory proceedings and decisions. Information is shared and questions taken. |
| Information sharing with other groups | Where appropriate, CN representatives have met with groups such as the Federation of Agriculture and the Halton Chamber of Commerce. The co-facilitators are available to speak with groups that want to learn more about the CCC and its mandate and work. |
| Parking-Operational Issue | Interest in rest areas, access to facilities, and overflow parking for drivers to be incorporated into the terminal design. CN meeting with groups most impacted and knowledgeable on this topic. |
| Soil Quality and Testing | A presentation was given to the CCC in April. Additional data can be found here: Soil Chemical Analysis (Appendix E.13) https://www.ceaa-acee.gc.ca/050/evaluations/document/104605 |
| Provide further insight about the native plants that have medicinal purposes for animals. | CN has reached out to the Indigenous communities to see if there is a plant list they would like to suggest be considered for planting at the site. Waiting for feedback |

CONSTRUCTION STATUS:

Effective March 1, 2024, CN temporarily shut down construction activities in response to a decision by the Federal Court to re-evaluate the Minister of Environment's Decision Statement. Work that continued during this time included:

- Site stabilization and repairs to erosion control measures:
 - repair coir mat in ditch/mainline on Tributary C
 - silt fence repairs along Tributary B
 - replace strawbales
- Backfill stripped area and install drainage swale to Culvert 2A
- Grade slopes of stockpiles to deter bird nesting (bank swallows)
- Backfill open excavations
- Lower Base Line Grade Separation:
 - monitor track and piles at Lower Base Line
 - install protection guard rail for shoring wall
 - conduct sweep of the roadway
- Removal of equipment and materials from the site (security)
- Environmental monitoring activities will continue twice weekly
- Follow-up programs will continue as scheduled

On March 28th CN filed an appeal of the March 1st decision and filed a parallel Motion of Stay. The Stay was granted on May 2nd, 2024 with construction resuming shortly thereafter. The appeal hearing was set for June 18th, 2024 but has been delayed.

CN has advised the CCC that they expect to be able to maintain the current Construction Schedule. The Construction Schedule can be found here: [CN-MLH-Schedule-15-2-Update-20230331.pdf](https://www.ccc.ca/cn-mlh-schedule-15-2-update-20230331.pdf)

The Committee understands that CN is undertaking the project in three phases, with **Phase 1** having wrapped up. Work completed in this phase included:

- Site preparation including vegetation removal;
- Building of selective berms and storm water management areas;
- Habitat enhancements, new channel creation and diversion into new channels for two areas;
- Temporary track installation for existing mainline; and
- An existing pipeline relocation.

In the six site visits since the project began, the Committee observed primarily environmental work including tree removal and replanting/habitat enhancement work and culvert creation. In addition, a number of site visits pertaining to the reuse of the existing heritage properties have taken place both by the Heritage sub-committee as well as interested parties.

The Committee has been advised that **Phase 2** work began early in 2024 and work includes:

- Additional vegetation removal;
- Additional work to support the storm water management areas (culverts, ditches and grading);

- Lower Base Line grade separation work;
- Truck access road and overpass;
- Installation of mainline tracks between Britannia and Derry roads;
- Construction of administration building and maintenance garage;
- Installation of service tracks and pad tracks; and
- Installation of mainline turnouts and connecting to new mainline tracks.

The final phases of work are scheduled to begin mid 2026 and includes items such as connection of tracks, paving, installation of gates and signage and the activation of storm water management ponds.

LEGAL CHALLENGES STATUS:

Information provided to the CCC by CN related to the legal challenges is provided below.

Halton has filed three separate legal proceedings against the Project which are ongoing. The status of each is as follows:

(1) An application to the Ontario Superior Court in 2018, for declarations that CN was obligated on constitutional grounds to follow a variety of local laws (and apply for local approvals) for the Project. The court decided against Halton and ordered them to pay CN approximately \$2,000,000 in legal fees in the summer of 2023. Halton's appeal of that decision to the Ontario Court of Appeal (OCA) was dismissed in March of 2024. Because a final appeal from the OCA to the Supreme Court of Canada (SCC) is not by right, Halton filed a leave (permission) application on May 6, 2024 which won't be decided for several months. If Halton is granted leave, they will file full appeal materials, the parties will file responding materials, and the SCC will ultimately make the final determination after oral submissions. If Halton is not granted leave, the case is at an end.

(2) An appeal to the Federal Court of Appeal (FCA) in 2021, challenging the federal government's approval of the Project under Section 98 of the Canada Transportation Act, on the basis that legal errors were made in the decision-making process. This was argued before the FCA in June of 2023 and the court has not yet issued a decision.

(3) A judicial review of the Federal Court in 2021, challenging the federal government's approval of the Project under the Canadian Environmental Assessment Act, on the basis that legal errors were made in the decision-making process. The Federal Court agreed with Halton in part in a decision issued in March of 2024, which was subsequently appealed by the federal government and CN to the FCA. The lower court decision was put on hold (or "stayed") by the FCA in May of 2024, with the result that CN can continue construction while the FCA case proceeds. The current expectation is that the matter will be argued before the FCA in the second half of June of this year, with a decision to follow in the months thereafter.

The CCC is given regular updates on the status of the legal challenges in the CCC meetings. In addition, CN has accommodated "on demand" calls, as requested. To date, two of these calls have taken place.

COMPLIANCE AND ENFORCEMENT:

An area of interest to the Committee was how the regulators ensured compliance or in the event of non-compliance, undertook enforcement. The Committee requested a presentation by the Impact Assessment Agency (IAAC) to better understand their approach to the compliance and enforcement of the IAAC conditions that allow the project to proceed.

A presentation was given in January of 2022 and since that time, the committee also understands a number of agencies beyond IACC have oversight of their respective permits. The agencies include:

- Fisheries and Oceans Canada (DFO)
- Environment and Climate Change Canada (ECCC)
- Health Canada
- Canadian Transportation Agency (CTA)

The multitude of agencies conduct site visits, meetings and reports are completed to give evidence of compliance to the conditions set forth in both the IAAC Decision Statement ([Amended Decision Statement \(iaac-aeic.gc.ca\)](https://www.iaac-aeic.gc.ca/amended-decision-statement)) as well as subsequent permits.

Reports are filed by CN and can be found here: [Milton News, Documents and Resources | cn.ca](https://miltonnews.ca/documents-and-resources/cn.ca)

Inspection reports by IAAC can be found here: [Inspection Summaries \(iaac.gc.ca\)](https://www.iaac-aeic.gc.ca/inspection-summaries)

In addition to these agencies, CN has an environmental monitoring team that works alongside Indigenous monitors on a daily basis. Specific feedback from the Indigenous monitors has been shared with the committee in past meetings.

CN must also have Independent Environmental Monitors (IEM) that visits the site. These IEM report directly to IAAC Compliance and Enforcement team with any findings or non-compliances.

Questions on compliance and enforcement can be directed to: compliance-conformite@iacc-aeic.gc.ca
General information on IAAC Compliance Promotion and Enforcement Unit can be found at: www.canada.ca/en/impact-assessment-agency/corporate/compliance-promotion-enforcement.html

The committee has been advised that in 2023 a total of five multi-regulator site visits took place, the IEM was onsite a total of 36 times and that 10 multi-regulator meetings took place. CN reports that no major issues or violations have been found.

So far in 2024, three regulatory meetings (virtual) have taken place.



Photo 3: Regulators onsite at Indian Creek cutover.

JANUARY-JUNE 2024



Photo 5: Tremaine Access Road Culvert construction.



Photo 6: Culvert in operation-June 2024.



Photo 7: Looking south from Britannia Road-June 2024.

USEFUL LINKS AND CONTACTS

The Committee is made up of a broad spectrum of groups and individuals that ask questions of CN and make suggestions for the time during construction and into the operations of the MLH.

The Committee discussions are facilitated by independent facilitators (Terry Flynn and Edie Thome) who coordinate all meetings and tours, ensure a free flow of information, ensure conversations are documented and that suggestions are responded to in a timely manner.

The CCC is made up of committee members who work through their networks and associations to bring questions, concerns and comments back to the Committee for consideration and response from CN.

Should you or your group wish to have Terry and Edie speak about the Committee and its workings, please contact us to make arrangements. Attendance can be virtual or in person.

Input through committee members and/or the facilitators can be given via email and should you wish, can remain completely anonymous.

Committee Information:

Reach out to any committee member through their association.

Reach out to the committee via email: contactmiltonccc@gmail.com

Reach out to the independent facilitators via email:

- edithomemccc@gmail.com
- terryflynnmccc@gmail.com

Committee Documents:

Found at: [Engaging With the Community | Milton| cn.ca](https://EngagingWiththeCommunity.Milton.cn.ca)

1. Terms of Reference
2. CN appoints independent facilitations to lead community feedback forum
3. Community consultation committee established to further two-communication on the CN Milton Logistics Hub
4. Community Liaison Communication Process
5. 2021 Community Engagement Summary

Project Documents:

[Decision Statement \(Issued under the Canadian Environmental Assessment Act, 2012\)](#)

[Construction Fact Sheet](#)

[Construction Schedule 15.2](#)

Annual and Quarterly Reports: including (new) 2023 Annual Report, 2023 Q3 & Q4 Reports:

[Milton News, Documents and Resources | cn.ca](#)

Information:

Project website: cnmilton.ca

Project-specific enquiries: cnmilton@cn.ca or 1-800-216-9466

CN Information:

CN Public Inquiry Line: 1-888-888-5909

To report signal malfunctions or other safety concerns: 1-800-465-9239.