



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

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January 14, 2016

Mr. John Woodward
Senior Environmental Officer
15 Eddy Street
Gatineau, Quebec
K1A 0N9, Canada

Sent by email: john.woodward@otc-cta.gc.ca

RE: Request for Conformity Review of the Milton Logistics Hub Project Environmental Impact Statement. Your comments are requested by February 15, 2016.

Dear Mr. Woodward,

To support the federal review panel process the Canadian National Railway Company (the proponent) has submitted an Environmental Impact Statement (EIS) for the Milton Logistics Hub Project (the Project). The Canadian Environmental Assessment Agency (the Agency) intends to review the EIS in preparation for the establishment of the Review Panel for the Project and requests the specialist or expert knowledge of federal authorities – including those identified in your department response to the Agency's Federal Authority Advice Request for the Project – in accordance with section 20 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Please note that a formal public comment period is not being held during the pre-panel phase for this Project.

The objectives of this conformity review are to determine whether the information required by the EIS Guidelines is present in a manner that would allow for the review panel to begin its technical review of the potential environmental effects of the Project. All documents submitted by the federal review team (FRT) for the conformity review will be considered public and posted on the online public registry. The Agency requests that your department provide advice to the Agency by **February 15, 2016**.

Please send your comments to CEAA.LogisticsHub-PoleLogistique.ACEE@ceaa-acee.gc.ca or by mail to:
Canadian Environmental Assessment Agency
Milton Logistics Hub Project
Att. Panel Manager
160 Elgin Street, 22nd Floor
Place Bell Canada
Ottawa, Ontario K1A 0H3

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When reviewing the EIS, the following questions may be used as a guide to determine if the appropriate level of information is provided:

- Has the Proponent accurately described the exercise of any power, duty or function required by the federal government to permit the carrying out, in whole or part, of the Project?
- Are there any information gaps that would prevent parties from undertaking a technical review of the EIS?
- Is baseline information detailed enough to appropriately understand the proponent's predictions of the environmental effects of the project?
- Are concerns that were raised during Aboriginal or public consultations missing from the EIS without a rationale as to why?

Examples of comments indicating that additional information may be required by the Agency:

- A species at risk was not considered in the assessment without a rationale provided for its absence;
- Valued components suggested by an Aboriginal group are not included in the EIS without a rationale provided for their absence;
- Mitigation measures were not included for specific environmental effects of the Project; or
- The proponent did not consider some reasonably foreseeable future project(s) in its cumulative effects assessment without a rationale for their exclusion.

At this time, the Agency is **NOT** seeking a review of technical aspects of the proponent's information, whether the information is correct or whether or not you agree with the proponent's conclusions. These matters will be assessed after the review panel is appointed. Examples of comments that would be more appropriate for later in the process:

- Department agrees or disagrees with the proponent's conclusions on the significance of the Project's effects on a species, based on the information provided; and
- Department believes the proponent should have included additional or specific measures to mitigate environmental effects of the Project.

Supporting Tools

The proponent has provided a concordance table against the requirements of the EIS Guidelines, and the proponent's EIS. The concordance table can be found in section 1.7 of the EIS, which is available on the [Canadian Environmental Assessment Registry website](#).

The attached annexes (2) are provided to focus your conformity review of the EIS.

- **Annex 1: Advice to the Agency.** Provide advice for the Agency's consideration during the conformity review.
- **Annex 2: Advice to the proponent:** Provide any additional advice to the proponent, such as guidance or standard advice related to your departmental mandate or requests for regulatory information.

Kindly focus your questions, advice and recommendations on requirements of the EIS Guidelines and areas linked to your departmental mandate. To assist the Agency and ensure clear communication with the proponent (and to minimize changes by the Agency), we request that your input is concise, focused, and with a clear rationale.

If advice from another federal authority is necessary to enable your department to complete its review, please advise the Agency as early as possible so that the necessary collaboration can be facilitated prior to the February 15, 2016 deadline. You may also note areas where technical meetings with the proponent are recommended or where the Agency or the proponent should seek advice from expert outside of your department.

Sincerely,
<Original signed by>

David Haddon
Panel Manager

Attachments (2)

1. Annex 1: Advice to the Agency
2. Annex 2: Advice to the proponent

cc. (by email) Sheila Allan, Senior Coordinator
Sheryl Lusk, Environmental Assessment Officer

Technical Review: Information Requests and Provision of Expert Advice to the Canadian Environmental Assessment Agency
 Hardrock Gold Mine Project - January 2016

ANNEX 1: Advice to the Agency

The table below serves as a template to identify additional information required for the conformity review. As appropriate, reviewers are encouraged to provide advice to the Agency in the space below. If additional direction to the proponent is required to support the preparation of a response, please complete the table provided in Annex 2 to provide this advice.

EIS GUIDELINE REQUIREMENTS	SECTION OF EIS <i>Provide the specific volume(s), section(s) and page number(s) from the EIS.</i>	RATIONALE <i>Provide an explanation of the issue of concern or deficiency and provide a rationale for why the stated deficiency/issue is important for environmental assessment purpose.</i>	ADDITIONAL INFORMATION BEING REQUESTED	IS ADDITIONAL FIELD WORK REQUIRED?

<p>Example 1:</p> <p>6.3.1. Fish and Fish Habitat</p> <p>The identification of any potential serious harm to fish, including the calculations of any potential habitat loss (temporary or permanent) in terms of surface areas (e.g., spawning grounds, fry-rearing areas, feeding), and in relation to watershed availability and significance.</p> <p>The assessment will include a consideration of:</p> <ul style="list-style-type: none"> the modifications of hydrological and hydrometric conditions on fish habitat and on the fish species' life cycle activities 	<p>EIS, Section 6.1 – Fish and Fish Habitat, Pg. 23</p>	<p>The stream flow in several watercourses may be affected by the Project to different degrees. The information provided in the EIS is not adequate to assess the effects of water flow alterations on fish and fish habitat. Although some information was provided about potential changes in flow no assessment of the effect of these flow changes to fish was provided.</p>	<p>For each Project phase, assess the impacts of reduced or increased water flow will have on fish, fish habitat and fisheries, for Blairmore Creek and Gold Creek draining from the mine site down gradient to the point of discharge.</p>	
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<p>Example 2.</p> <p>6.1.6. Migratory Birds</p> <p>Based on the scope of Project the EIS will present baseline information in sufficient detail to enable the identification of how the Project could affect the VCs and an analysis of those effects. Should other VCs be identified during the conduct of the EA, the baseline condition for these components will also be described in the EIS. As a minimum, the EIS will include a description of:</p> <ul style="list-style-type: none"> migratory and non-migratory birds (including waterfowl, raptors, shorebirds, marsh birds, and other land birds) based on existing information and surveys, if existing information is insufficient. 	<p><i>EIS, Section 6.6.</i></p> <p><i>-Migratory Birds, Pg. 37-38</i></p>	<p>The EIS identifies migratory birds that occur or could potentially occur in the project area. This is somewhat misleading as baseline surveys were not conducted for each of the species identified. For example, two bird species (listed as “at risk”) are identified as not being observed however no bird surveys were conducted. In addition, in the case where surveys were done no methodology was described or a rationale provided why standard methodology was not used.</p>	<p>Provide a rationale for not conducting baseline surveys on identified migratory bird species and a description and/or rationale for the methodology used for surveys that were conducted.</p>	
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ANNEX 2:

ADVICE TO THE PROPONENT

Reference number	Reference to EIS	Context and Rationale	Advice to the Proponent
	Identify which section(s) of the EIS report and appendices are related to the comment (section, page number).	Provide the context of why you are providing the advice to the proponent.	Provide specific advice to the Proponent that would not be considered an information request to help determine the sufficiency of the EIS. This may include the request for regulatory information, guidance or standard advice related to your departmental mandate.