

XCG Comments on "Draft Report for Environmental Screening under CEAA, Salmon River Railway Bridge Expansion". Letter from XCG to MBQ dated June 25, 2010.		
XCG Comment	Response	EA Reference
<p>1. The Draft EA Report indicates in Table 9-1 that project activities may have potential Valued Ecosystem Component (VEC) interactions. Several potential VEC project interactions were not considered potentially significant. XCG considers that possible interactions with potential VECs would also include most of the other VECs noted in the table. Further comments, details, and reasoning for the inclusion of these other interactions are provided below.</p>	<p>Valued Ecosystem Components (VECs) are environmental features that are considered locally important, and are used to estimate the impact of the Project on the subject component. Through data collection, research, field surveys, consultation and professional judgment, Stantec assessed the VECs for the Salmon River Bridge Expansion (Aquatic & Terrestrial Environment, Wildlife, Wetlands, Environmentally Sensitive Areas, Geophysical Environment, Socio-Economic Environment, Cultural and Archeological Resources, Acoustic Environment, Air Quality and Hydrogeology), and determined that the VECs that are expected to have an interaction with a project activity are Aquatic Environment and Wildlife (rationale and mitigation discussed in Section 11.2). The rationale for not selecting the other VECs initially considered is provided in Section 11.1. Significant environmental effects are those which are considered to be of sufficient magnitude, duration, frequency, geographic extent or irreversibility to cause a change in the VEC that would alter its status or integrity beyond an acceptable level. If the project did not have an interaction with a VEC that would alter its status or integrity beyond an acceptable level, it was not carried through to an impact assessment.</p>	<p>Section 8.1 – Assessment Methodology</p> <p>Section 10.1, 10.2 – Environmental Affects Assessment</p>
<p>2. Several provincially significant species-at-risk are listed in the Ontario Biodiversity regional checklists as listed by the Ontario Ministry of Natural Resources (MNR) and Royal Ontario Museum (ROM). Several bird, fish, invertebrate, and plant species are listed that have overlapping ranges with the subject site. No consideration has been given in the Draft EA Report of these provincially significant species-at-risk.</p>	<p>The proposed project is being undertaken by a federal Authority under the jurisdiction of the Canadian Environmental Assessment Act. The MNR database was used as a source for data collection purposes and was considered in determining the proposed mitigation measures for the project. These protection measures are designed to protect habitat for known species of concern in the project study area.</p> <p>The majority of the provincially listed species particular to the Salmon River Bridge Expansion Project are not protected by the Endangered Species Act – only those that are listed as Threatened and Endangered. Consultation with the MNR has confirmed that Blanding's Turtle and Gray Ratsnake are the only Threatened species that have been observed within 1 km of the study area since the 1900s. Mitigation measures for Blanding's Turtle is thoroughly outlined in the EA. Mitigation measures outlined within the EA for reptiles would also be suitable to mitigate for Gray Ratsnake. Correspondence from the NHIC (MNR) has been added to Appendix D.</p>	<p>Section 9.3 and 9.4 – Baseline Information</p> <p>Section 10.2.1.4 – Mitigation Measures</p> <p>Appendix D – Public Communication</p>

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<p>3. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Species at Risk Act (SARA) Registry (in addition to the provincial registry mentioned above) list one additional plant species not mentioned in the Draft EA Report, the Juniper Sedge (<i>Carex juniperorum</i>). SARA species range maps indicate that the Juniper Sedge would potentially be within the vicinity of the study site. However, there is no rationale for why this species was excluded from consideration in the Draft EA Report (see Table 10-1).</p>	<p>Juniper sedge has only been found in two places in North America (southern Ohio and northern Kentucky), and in the Salmon River Alvar in Ontario. The Salmon River Alvar is located approximately 1.3 km away from the Salmon River Bridge Expansion project, and is thus outside of the study area. A field survey was also conducted in March 2009 as a follow-up to desktop research, and did not suggest the presence of Juniper Sedge. Information on the results of this investigation has been incorporated into the EA.</p>	<p>Section 9.3.1 – Terrestrial Environment</p>
<p>4. According to the MNR Natural Heritage Information Centre, an Area of Natural and Scientific Interest (ANSI) is centred approximately two to three kilometers upstream along the Salmon River (the Salmon River North Alvar). The Draft EA Report indicates that the study area (using a radius of 500 m) included wooded, wetland, and riparian areas (see Figure 1-1), but did not evaluate whether these areas were considered part of the Salmon River North Alvar ANSI system. The presence of red cedar mixed forests along Old Highway 2 west of the railway crossing (part of the property to be acquired as part of the Right of Way (ROW) areas) may indicate potential for ecological corridors and/or similar conditions to the ANSI. The riparian areas (wooded and wetland) may also provide pathways for ecological similarity to the ANSI. The proximity of this ANSI and its significance to the subject site have not been included in the Draft EA Report.</p>	<p>The Shannonville Alvar Area of Natural and Scientific Interest (ANSI) and the Salmon River Alvar ANSI are located more than 1 km away from the Salmon River watercourse crossing, outside of the study area. The majority of Project construction would be limited to the existing RoW. Potential environmental effects to such habitats would generally be downstream. As the alvar habitats are located north of the study area, over 1 km upstream of the crossing, we do not believe that the Project will have an impact on alvar habitat. In addition, based on the Vascular Plant Indicators of Alvars, as listed in the 'Significant Wildlife Habitat: Technical Guide' compiled by the Ministry of Natural Resources, no alvar indicator plant species were observed during field surveys. Information on these two ANSIs has been incorporated into the EA.</p>	<p>Section 9.7 – Environmentally Sensitive Areas</p> <p>Section 10.1.7 – Environmental Effects Assessment</p>

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<p>5. As mentioned above, consideration of the ANSI and wooded and wetland areas were not included as potential VECs (i.e. terrestrial environment, wetlands, and environmental sensitive areas). Wetland-type vegetation (reed canary grass, cattails) were identified in the Draft EA Report (Figure 1-1 and Sections 10.2.1 and 10.3.3) but wetlands were not considered a potential VEC interaction. The project activities may have possible interactions with these VECs when considering the ROW areas to be acquired for the new track, in addition to construction considerations (mobilization, access, and earthworks). The Draft EA Report primarily focussed on fish habitat considerations as a direct result of the bridge expansion but did not consider the required ROW areas as potentially significant concerns when considering the above noted VECs (contrast with Sections 11.2.1.3- 4 describing only minor impacts and "selective clearing and grubbing of all vegetation within work area" and Section 11.1.3 states no wetland habitat "appeared to be within the immediate vicinity" when wetland species were observed and the potential for an alvar habitat exists with the nearby ANSI).</p>	<p>Wetlands are identified when more than 50% of the plant cover in a vegetation polygon is made up wetland-obligate species. Although wetland species were identified during field surveys, it is possible to have wetland species without having wetlands. No wetland habitat appeared to be within the immediate vicinity of the RoW boundary within the Salmon River Railway Bridge Expansion. Therefore, residual impacts are not anticipated from the Project, and 'wetlands' were not chosen as a VEC.</p> <p>As stated previously, the study area is not believed to exist within an alvar. Farming disturbance and tree cover negates alvar habitat near the site. In addition, based on the Vascular Plant Indicators of Alvars, as listed in the 'Significant Wildlife Habitat: Technical Guide' compiled by the Ministry of Natural Resources, no alvar indicator plant species were observed during field surveys.</p>	<p>Section 10.1.4 - Environmental Effects Assessment</p> <p>Section 9.7 - Environmentally Sensitive Areas</p>
<p>6. Similarly, the Loggerhead Shrike is a sensitive species potentially within two kilometres of the study area. Habitat includes transportation right-of-ways and cultivated croplands, as provided by riparian areas along the Salmon River north of the study area (acting as a potential habitat corridor). This species is not mentioned in Table 10-2, but mentioned in Section 11.2.1.3. Consideration of this species-at-risk should be clarified.</p>	<p>Loggerhead Shrike prefer short grass and show a strong preference for cattle pasture. Succession of trees and shrubs can degrade potential habitat if they become too dense, impeding line of sight for hunting. The Loggerhead Shrike has been excluded from Table 10-2, as this table lists bird species at risk within the Salmon River Bridge Expansion study area (500 m around the crossing). Loggerhead Shrike has been removed from 11.2.1.3 as it is not likely that the area is suitable habitat for the species. In addition, the existing mitigation measures provided for bird species at risk would be sufficient to also protect Loggerhead Shrike nests.</p>	<p>Section 10.2.1 - Environmental Effects Assessment</p>

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<p>7. No mention of benthic invertebrate impacts (other than related to the Rainbow Mussel) is included in the Draft EA Report. The project activities include direct interactions with the river bed areas and this aspect should be considered in the report.</p>	<p>Modifications to the Salmon River bridge structure will result in the loss of 265 m² of aquatic habitat as a result of the widening of the bridge piers. The loss of this area of river bottom will impact the benthic macroinvertebrate community by reducing the amount of invertebrate habitat available in the Salmon River. This habitat type is common throughout the project area and is not unique or limiting to invertebrate production in the Salmon River. Mitigation measures discussed in Section 11.2.2.7 will minimize impacts due to construction activities. Although construction activities will result in a permanent disturbance of 265 m² and a temporary disturbance of 230 m², the habitat associated with construction is abundant throughout the Salmon River north of the CN Bridge. The temporarily disturbed habitat will be restored following construction and it is anticipated that species inhabiting the areas surrounding the Salmon River Bridge will quickly re-colonize the disturbed habitat. As a result of the temporary disturbance of a limited area, and the proposed mitigation measures, the Salmon River Bridge Expansion Project is not anticipated to result in significant environmental impacts to the benthic macroinvertebrate community inhabiting the Salmon River in the vicinity of the bridge crossing. Potential impacts of the project on benthic invertebrates have been added to the EA.</p>	<p>Section 10.2.2.6 - Environmental Effects Assessment</p>
<p>8. Based on discussions with MBQ staff, there is anecdotal evidence that salmon and salmon spawning areas are present within the study area and/or upstream. Consideration should be given to this potential VEC including the timing of construction activities during spawning seasons.</p>	<p>Based upon background information provided by the Ministry of Natural Resources (MNR), the Salmon River does not have recent records for salmon species. These are likely historical records for the river. The MNR also considers the Salmon River to be a warmwater watercourse within the study area. If there were recent records for salmon spawning within the study area, it would be classified as a coldwater watercourse. Furthermore, many salmon species that inhabit Lake Ontario require shallow riffle zones for spawning. Habitat within the new pier footings and temporary access areas is not suitable for salmon spawning due to low flow velocities and large substrate materials. Suitable habitat is located approximately 80 m to 100 m downstream of the project site. While there is potential for salmon spawning within these areas, impacts from the project will be indirect effects such as silt and sediment transfer to downstream habitat. The proposed mitigation plan for the project will reduce these potential impacts. The EA has been updated to include Stantec's rationale on why salmon and salmon spawning areas are not present within the study area.</p>	<p>Section 9.4.3.1 – Fish Species Present</p>

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9. The construction schedule includes pile driving (Item 7 in Section 11.2.2.4). XCG discussed construction details with Mr. David Cook, who mentioned only the use of reinforcing rods would be used. Please confirm the construction-related details of pile driving.	The EA has been updated to clarify that no pile driving will occur during the construction phase of the project. Additional information on the proposed conservation techniques have been added to the EA.	Section 5.3.3, 5.4.1 – Public Communication Section 10.1.2 – Environmental Effects Assessment
10. The construction equipment and vehicles to be stored 30 m from the high water line are not indicated in site plans. Construction access from the west travelling east from Milltown Road (identified as "Township Road") would still be within flood line according to floodplain mapping (see attached), likely to be west of this road. The storage areas should be clearly indicated in site plans.	Note that temporary cofferdam elevations have been established based on flood protection from the 10 year flooding event. To reduce potential flooding effects, construction will be staged into eastern and western work phases. Construction laydown and staging areas will be located at the greater of 30 m from the watercourse or the temporary workzone cofferdam elevation to protect the environment and construction equipment and materials from flooding. The EA has been updated to reflect this information.	Section 10.2.2.5 – Environmental Effects Assessment
11. Flow modeling (Appendix E) indicates that the 100-year high water level was not modelled with respect to construction period flows. Existing and proposed bridge cross-sections are significantly different from construction-phase conditions and flow modelling should have also addressed construction-phase flooding risk. Cofferdam temporary structures are expected to be in place for the spring high flows and will likely significantly affect even the more frequent flow conditions. Potential for flooding and/or ice dams may be increased with bailey bridges in place during the construction phase. Flow modelling should address these construction-phase flooding risks and clearly indicate high water levels.	Due to concerns regarding potential flooding effects, bridge extension construction will be phased into eastern and western phases. Both phases retain the same bridge extension work zone isolation area as provided in original drawings, but separate the construction activities. The eastern phase would incorporate the isolation of the eastern bridge abutment and pier # 3, while the western phase would isolate the western abutment and piers #1 and 2. Flood modeling was conducted on the originally proposed single phase construction isolation works and also on the two-phased approach. Adopting the two-phased approach results in a general flooding level reduction of approximately 25% for the western phase and 90- 100% reduction for the eastern phase when compared to the single-phased approach. As noted in the previous comment response the 10 year flooding event water level elevations at the bridge are different for each phase. The EA has been updated to reflect this information.	Section 10.2.2.5 - Environmental Effects Assessment

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<p>12. Potential flood risks during construction activities may also result in associated construction-phase fish habitat effects. Confirmation of fish habitat areas including these potential flooded areas should be addressed. Construction-phase flows will also affect velocities; the fish swimming calculations in Section 10.3.2.2 should reevaluate with these velocities in mind, as well as for potential spawning salmon. Habitat compensation should include consideration of options to reflect these additional considerations.</p>	<p>Fish passage has been assessed under the two-phased construction staging approach. No fish passage issues arise due to proposed construction phase flow restrictions. Habitat compensation plans focus on the creation of high quality structural, spawning, nursery and foraging habitat and to the extent possible utilize areas temporarily disturbed by construction activities as habitat compensation zones. The EA has been updated with this information.</p>	<p>Section 10.2.2.6 - Environmental Effects Assessment</p>
<p>13. Construction-phase fugitive dust effects from construction activities, vehicular traffic, and earthworks have not been addressed adequately. Section 11.1.1.4 describes standard dust control measures, but no quantitative evaluation of fugitive dust has been completed. As fugitive dust can be not localized, it is imperative that this aspect be considered for potential sediment loading to the river.</p>	<p>Fugitive dust emissions from construction activities can vary substantially over short periods depending on meteorological conditions, the type and moisture content of earth disturbed, and the phase of construction. As such, emissions estimated for construction activities carry a high degree of uncertainty as quantification requires numerous assumptions and simplifications. Because of these uncertainties, the approach taken in this EA (consistent with that taken in other environmental assessments of similar scope), focuses on the mitigation of potential adverse effects rather than a quantitative analysis. Furthermore, it is unlikely that any mitigation measures beyond dust suppression would be identified based on the results of a quantitative analysis.</p> <p>As discussed in the EA, fugitive dust emissions from the planned construction activities are expected to be localized in extent. This is because fugitive dust emissions from these operations will primarily be composed of particles with larger diameters which will temporarily be suspended in air but then settle rapidly near the emission source. With appropriate dust control, it is anticipated that sediment loading into the river due to dust from intermittent construction activities would be small relative to existing loading from local traffic, agricultural tilling, and other background emission sources. Further clarification has been added to the EA.</p>	<p>Section 10.1.1.4 - Environmental Effects Assessment</p>

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<p>a) <i>Noise Impacts as a Result of Increased Rail Traffic</i> The Draft EA Report states that baseline railway noise consists of approximately 48 trains including 26 freight and 22 passenger trains. Increased rail traffic of approximately eight passenger trains per day is the anticipated source of additional noise sources to nearby receptors. While the Draft EA Report argues that, on a vibration and acoustic basis, the increase in rail traffic is "not expected to produce a significant residual adverse environmental effect on noise quality within the study area," there is no mention of the timing of the additional rail traffic and the noise quality at specific times of day. The Ontario Ministry of the Environment (MOE) noise-related publications provide guidance on noise impacts, noise impact assessments, and noise criteria for rail sources, based on time of day effects. The noise impacts as a result of the expected increase in rail traffic should be reviewed with applicable noise-related criteria (such as MOE publications) in order to appropriately determine whether noise impacts would be considered to be within acceptable noise limits.</p>	<p>This comment suggests that the Ontario Ministry of the Environment (MOE) criteria and guidance documents be applied to the project to assess the potential increase in sound levels related to the eight additional passenger trains per day expected as part of the project. This increase represents an increase of about 35% in passenger trains and about 16% in total trains (relative to 26 existing freight and 22 existing passenger trains). As CN and its facilities are federally-regulated, provincial requirements such as those of the MOE do not apply. Further, the MOE does not have guidelines or requirements that pertain to the development of rail transportation. Their guidelines relate to the assessment of stationary noise sources (NPC series documents), or land-use compatibility requirements (LU-131 et al).</p> <p>The applicable guidelines to this project would be the draft Health Canada requirements for noise for federal environmental assessments. These guidelines principally use day-night sound levels (DNL) between the existing and future scenarios to determine the predicted change in percent highly annoyed persons. If the change is greater than 6.5%, then impacts are considered significant and mitigation should be contemplated for the project. The predicted DNLs change by less than 1 dB due to the project, which is an imperceptible change for most people relative to existing conditions. This result occurs since the additional trains are the passenger trains and not louder freight trains, and since the additional passenger trains are confined to daytime hours and the DNL penalizes nighttime periods. The resulting change in DNLs results in a change in highly annoyed persons of less than 2% throughout the study area. As a result, mitigation or further investigation due to noise associated with the project is not necessary. The EA has been updated with this information.</p> <p>CN will incorporate noise monitoring into the general monitoring program planned for the Salmon River Railway Bridge Expansion.</p>	<p>Section 10.1.6 – Vibration & Acoustic Environment</p>

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<p><i>b) Salmon Spawning Habitat</i> Various salmon species are considered to use the Salmon River in the study area and/or upstream of the study area for spawning habitat. The salmon spawning period is noted to be in the fall when construction activities are proposed, but no salmon-related considerations are included in the Draft EA Report. Proposed expansion activities (both during and post-construction) are expected to potentially increase water levels, affect flooded areas, and increase velocity in the study area and have not been adequately addressed with respect to salmon in the Draft EA Report. The potential impacts to the salmon spawning period should be addressed.</p>	<p>As stated above, based upon background information provided by the MNR, the Salmon River does not have recent records for salmon species. These are likely historical records for the river. The MNR also considers the Salmon River to be a warmwater watercourse within the study area. If there were recent records for salmon spawning within the study area, it would be classified as a coldwater watercourse. Furthermore, many salmon species that inhabit Lake Ontario require shallow riffle zones for spawning. Habitat within the new pier footings and temporary access areas is not suitable for salmon spawning due to low flow velocities and large substrate materials. Suitable habitat is located approximately 80 m to 100 m downstream of the project site. While there is potential for salmon spawning within these areas, impacts from the project will be indirect effects such as silt and sediment transfer to downstream habitat. The proposed mitigation plan for the project will reduce these impacts. The EA has been updated to include Stantec's rationale on why salmon and salmon spawning areas are not present within the study area.</p>	<p>Section 9.4.3.1 – Fish Species Present</p>

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<p><i>c) Additional Wildlife Impacts</i> Additional impacts are expected to wildlife not described in detail in the Draft EA Report. These impacts include the noise-related concerns mentioned above in relation to wildlife in the vicinity of the proposed bridge expansion. Other impacts to wildlife habitat have not been clearly addressed, including migration patterns, non-nesting related avian activity, and other disruptive impacts to wildlife habitat. A species at risk not identified included the Loggerhead Shrike, which is only noted briefly in Section 11.2.1.3. These additional wildlife considerations should be addressed.</p>	<p>Research studies pertaining to the effects of noise on wildlife is limited. This is particularly true when considering annoyance factors or dose-response relationships as wildlife are unable to clearly communicate the effect of noise on them, unlike people. Wildlife behaviors have been shown to change under certain noise conditions. The available scientific literature suggests that these changes occur at significant sound levels above 65-70 dBA and include reactions such as startle responses, degradation in mating activity (including mating calls) amongst some species, and avoidance of noisy areas. This last response tends to have beneficial effects regarding wildlife safety as it decreases the risk of mortality or injury amongst wildlife when interacting with human activities such as trains, automobiles, or aircraft. Examples of some of the studied noise sources include aircraft over-flights including sonic booms, compressor stations, and highways. Generally, the 65 dBA and higher sound levels necessary to create adverse wildlife responses are predicted to occur within about 100 m of the track during train passbys. Such passby events generally would be limited to a few minutes duration (e.g., long freight train) or a few seconds (e.g., passenger train).</p> <p>The passby events will be brief, causing only temporary changes in the sound environment that may affect wildlife. As the project is only expected to increase the frequency of passby events during the daytime period and not appreciably alter the overall levels, no change in the rail line's influence on wildlife is anticipated. In this context, it is reasonable to conclude that the wildlife around the Salmon River rail crossing has already adapted and acclimatized to elevated levels of background noise associated with the rail line, and an increased level of the existing type of noise would not result in a significant adverse effect. The EA has been updated with this information.</p> <p>Loggerhead Shrike prefer short grass and show a strong preference for cattle pasture. Succession of trees and shrubs can degrade potential habitat if they become too dense, impeding line of sight for hunting. The Loggerhead Shrike has been excluded from Table 10-2, as this table lists bird species at risk within the Salmon River Bridge Expansion study area (500 m around the crossing). Loggerhead Shrike has been removed from 11.2.1.3 as it is not likely that the area is suitable habitat for the species. In addition, the existing mitigation measures provided for bird species at risk would be sufficient to also protect Loggerhead Shrike nests.</p>	<p>Section 10.2.1 - Environmental Effects Assessment</p>

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<p><i>d) Impacts to Recreational Uses</i> The Draft EA Report does not consider potential impacts to recreational uses of the river within the vicinity of the proposed bridge expansion. For example, community members use this section of the river to fish for pickerel and pike, and there is concern that the bridge expansion project could negatively impact this fishery.</p>	<p>The pier extensions will not affect recreational use of the area as they will be extensions of the current piers that currently do not impede recreational boat use of the area. Currently, access to the river for recreational anglers and boaters is via an open area located on the western banks, south of the CN tracks. As the bridge extension is proposed to be constructed on the north side of the bridge, this area will not be permanently affected by the bridge extension. However, as this area is owned by CN, it may be used as a laydown area during construction. While the use of this area as a laydown area will restrict access to the Salmon River at the bridge, this impact will be temporary, as the area will be returned to existing conditions following construction. Furthermore, there is a second access area located at the Milltown Dam approximately 80 m south of the CN bridge that will not be affected by construction. The proposed construction methods will maintain open channels through the bridge that may only be closed during short periods to allow machinery access to other piers for bridge construction.</p> <p>Angling opportunities within the vicinity of the bridge will likely be enhanced due to the proposed fish habitat compensation plan that has been developed to enhance habitat (especially spawning and nursery habitats) for Smallmouth Bass, Largemouth Bass, Yellow Perch, Walleye (pickerel) and Northern Pike. Increased productivity of these species will likely result in a benefit to the Walleye and Northern Pike present in the Salmon River as there will be increased feeding opportunities for these species. While extension of the bridge piers will result in a permanent loss of fish habitat, this habitat is abundant throughout the area and is not considered to be critical (i.e., spawning habitat) to the population of Walleye and Northern Pike that inhabit the Salmon River. The EA has been updated with this information.</p>	<p>Section 10.1.8 - Environmental Effects Assessment</p>

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<p><i>e) Archaeological Considerations</i> The Draft EA Report states that a Stage 2 archaeological investigation was completed in the study area. The archaeological study has not been provided for review. Other previous historical uses of the study area are not addressed in detail (other than that the Salmon River having been used "traditionally for fishing"). Downstream impacts resulting from proposed expansion activities, such as increase water levels, flooded areas, and velocity increases, related to traditional uses are not addressed. Please provide a copy of the referenced report for MBQ review.</p>	<p>The Stage 2 Archaeological Assessment Report for the Salmon River Bridge Expansion Project has been forwarded to the MBQ and will be appended to the EA.</p> <p>Hydraulic modeling of the Salmon River upstream and downstream of the bridge crossing indicate that the bridge pier extensions will have negligible effects on water levels and water velocities and therefore are not expected to affect traditional uses of the river.</p>	<p>Appendix F - Stage 2 Archaeological Assessment Report</p> <p>Section 10.1.8 - Environmental Effects (Socio-Economic Environment)</p>
<p><i>f) Construction-Phase Impacts</i> Construction-phase impacts may result due to material removal in support of the proposed bridge expansion activities. The construction activities should be clarified and confirmed to not significantly impact the Salmon River study area from a hydrogeology perspective and/or potential for sediment loading. Clarification is also requested regarding the duties of the "Environmental Monitor" with respect to pre-construction-phase biological conditions, as various considerations have not been fully addressed as mentioned above.</p>	<p>With appropriate dust control, it is anticipated that sediment loading into the river due to dust from intermittent construction activities would be small relative to existing loading from local traffic, agricultural tilling, and other background emission sources. The EA has been updated for clarification.</p> <p>VIA and CN have already agreed to discuss having a First Nation Environmental Monitor to be considered during construction. Roles will be determined through discussions between MBQ, VIA and CN. Details have been added to the EA.</p>	<p>Section 10.1.1.4 - Environmental Effects Assessment</p> <p>Section 16.1 – Other Monitoring</p>
<p><i>g) Maintenance, Health, and Safety Considerations</i> The effect of the proposed bridge and rail expansion on the safety of the Wyman's Road crossing has not been addressed. Potential costs related to maintenance of the signaling/barrier system at any crossing should be clarified.</p>	<p>Wyman's Road is not within the study area, and was not included in the assessment. The Wyman's Road crossing is planned to be updated with relocation and improvements to signals, and installation of new technology for crossing protection in accordance with applicable guidelines.</p>	<p>N/A</p>

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<p><i>h) Identification of Study Area and Discussion of MBQ Land</i></p> <p>The Draft EA Report notes that the study area is located within the County of Hastings. The Draft EA Report does not consider potential for impacts further downstream of the study area and beyond (e.g. Bay of Quinte). MBQ notes that potential and pending land claims include the study area. MBQ also notes that the "riverbed" has not been traditionally considered conceded in historic land treaties. These aspects should be included in the consideration of the project description, study area, and associated sections pertaining to the "property ownership" of the study area.</p> <p>Only a brief survey of Tyendinaga and the MBQ territory has been provided through online sources. A complete discussion should be included of MBQ traditional territories, current and future land claims, use of the study area by MBQ members, and the Salmon River and Bay of Quinte fisheries.</p> <p>The total fish habitat areas affected by the project should be clearly identified in the construction plans to support the calculated areas (both temporary and permanent) in Table 19-1.</p>	<p>CN and VIA understand that it is the position of the MBQ that Treaty 3 ½ granted to them had not only an interest in all lands within the territory, but also an interest in the beds of all waterways included within the boundaries of the original Mohawk Tract, including the Salmon River. Hydraulic modeling of the Salmon River upstream and downstream of the bridge crossing indicate that the bridge pier extensions will have negligible effects on water levels and water velocities and therefore are not expected to affect traditional uses of the river. HADD Authorization requirements indicate that only permanent and specific displacement needs to be calculated. Impacts downstream are not expected. Potential impact would be limited to minimal silt and sedimentation, and would be short-term in duration and localized in extent. The EA has been updated to include this information.</p> <p>In addition to online sources, Stantec researched and collected information on the MBQ at the County of Lennox and Addington Public Library in October 2009 (see Reference List in EA for documents consulted). Additional details on traditional land use have been added to the EA.</p>	<p>Section 9.8 – Baseline Conditions (Socio-Economic Environment)</p> <p>Section 10.1.8 – Environmental Effects (Socio-Economic Environment)</p> <p>Section 20 - References</p>

MBQ Council & Community Comments on "Draft Report for Environmental Screening under CEEA, Salmon River Railway Bridge Expansion". Letter from MBQ to VIA dated July 7, 2010.		
XCG Comment	Response	EA Reference
<p><i>i) Future Liability</i> A post-construction monitoring program is described in Section 17.2 of the Draft EA Report as occurring for a minimum of one year. MBQ considers a five-year period post-construction reasonable for VIA Rail Canada Inc. to be liable for any future damage caused as a result of the project to the Salmon River habitat, fishery, and other downstream impacts. With respect to future impacts, MBQ is particularly concerned that the construction project as well as increased rail traffic in the future increases the risk of a derailment and/or spill occurring. Such a spill could have a major negative impact on surface water quality and groundwater quality in the area. There are many water supply wells in the vicinity of, and downstream of, this project that are classified as GUDI (groundwater under the direct influence of surface water) wells and could potentially be impacted by a contaminant spill into surface water.</p>	<p>Section 17 of the EA provides an overview of a follow-up program for the project during and post construction. The Responsible Authorities (DFO and VIA) will determine an appropriate monitoring program specific to the project. CN will undertake required construction monitoring. CN and VIA have committed to include an MBQ representative during construction monitoring, and will report back to the community regarding upcoming construction activities, as outlined in the letter from the MBQ to VIA dated July 7, 2010.</p>	<p>Section 16 – Other Monitoring Appendix D – Public Communication</p>
<p><i>j) Other Comments</i> It is noted that Ms. Kristin Maracle's name is mentioned in the Draft EA Report. MBQ requests that her name be removed from the Draft EA Report (Section 4.1).</p>	<p>Comment noted and Kristin Maracle's name has been removed.</p>	<p>Section 5.4.1 – Public Communication</p>

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Record of Concordance & Accommodations
July 20, 2010

Concerns Raised at Community Meeting July 16, 2010. Letter from MBQ to VIA dated July 20, 2010.		
MBQ Comment	Response	EA Reference
A) How will the walleye be impacted?	The proposed fish habitat compensation plan has been developed to enhance habitat (especially spawning and nursery habitats) for Smallmouth Bass, Largemouth Bass and Yellow Perch. Increased productivity of these species will likely result in a benefit to the Walleye and Northern Pike present in the Salmon River as there will be increased feeding opportunities for these species. While extension of the bridge piers will result in a permanent loss of fish habitat, this habitat is abundant throughout the area and is not considered to be critical (i.e., spawning habitat) to the population of Walleye and Northern Pike that inhabit the Salmon River.	Section 10.1.8 - Environmental Effects Assessment
B) Will the spring fishing be affected during and after construction?	During construction, fishing activities beyond the immediate construction areas should not be affected. After construction, spring fishing should not be affected.	n/a
C) Difficult to imagine harming the environment and coming in to fix it later. We can't tolerate the destruction of habitat at all. When we try to fix it, it's never quite right.	Comment noted.	n/a
D) Concerned that there isn't Salmon in the Salmon River anymore. Why is that? (some community members disagree, however, that there is currently Salmon in the Salmon River)	Comment noted.	n/a
E) What studies and scientific proof is there the mitigation and rehabilitation efforts will work? Want empirical statistical modelling of hydraulics. We can't comment without seeing data.	Existing and construction phase hydraulics were addressed in two separate hydraulics reports in the EA.	Appendix E
F) Significant concern over how Mud Creek Project was dealt with	Construction phase staging plans and flood mitigation are informed by lessons learned at Mud Creek.	n/a
G) Undertake a cultural scientific Native study to assess the site – have trained Mohawk scientists complete it.	Comment noted.	n/a
H) CN should have a permit from MBQ to start project	Comment noted.	n/a

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