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VIA EMAIL

August 19, 2022

Patrice Bellerose
Director, Registrar and Secretariat Services
Canadian transportation Agency
15 Eddy Street
Gatineau, Quebec, Canada
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secretariat@otc-cta.gc.ca

Dear Ms. Bellerose:

RE: CN APPLICATION FOR APPROVAL TO CONSTRUCT A RAILWAY LINE TO SERVICE BHP CANADA INC. IN THE PROVINCE OF SASKATCHEWAN

On July 27, 2022, the Agency issued a letter in which CN is directed to provide additional information with respect to the application submitted on June 23, 2022 pursuant to Section 98 of the *Canada Transportation Act* (“**Application**”), for an order approving the construction of a spur to serve BHP Canada Inc. (“**BHP**”), near the Village of Jansen, in the province of Saskatchewan. CN submit as follows.

Item 1-Plan: CN hereby files an electronic version of a revised plan dated August 15, 2022 prepared by a qualified engineer showing road allowance dimensions for each crossing, crossing signage and signaling devices as **Annex 1**. The revised plan will be forwarded to the Agency under separate cover by courier. Additionally, CN hereby files as **Annex 2** maps showing the existing and future land-use and zoning around the site of the proposed rail infrastructure. The two Rural Municipalities in the area are primarily zoned agricultural. The land required for the proposed Line is agricultural and given the current use and the Saskatchewan territory, it is expected that the land will remain predominantly for agricultural purposes.

Item 2-Proposed Infrastructure: CN provides the following detailed description of the proposed infrastructure and ground alterations that will be required.

- **communication systems, signal systems and related facilities**
Please refer to paragraph 24 of CN’s Application.
- **bridges, tunnels and other infrastructure**
No bridges and tunnels are proposed for this construction.

- **compressors and testing equipment (e.g. brake testing, engine loading)**
This is not applicable as track is being design for travel between CN's existing mainline and the Joint Access Spur and not preparing trains for travel.
- **storm water drainage systems**
Please refer to paragraph 31 of CN's Application. Additionally, CN herby files as **Annex 3**, the culvert locations and details along the proposed Line.
- **spill and drip collection systems for fuelling and oiling stations**
This is not applicable as track is being designed for travel and not maintenance. There are no fueling stations along the proposed Line.
- **track configuration including curves, wyes and connections, branch lines, extensions, sidings, stations and other things connected with the railway line**
Please refer to paragraphs 8 and 11 of CN's Application. Additionally, please see Appendix 2 of CN's Application.
- **switches, frogs and other cross-overs**
The following switches, frogs and other cross-over infrastructure are proposed:
 - #12 Left Hand Switch with Rail Bound Manganese Frog – East Wye connection of the proposed Line to the existing CN Watrous Subdivision Mainline M102.46
 - #12 Right Hand Switch with Rail Bound Manganese Frog – West Wye connection of the proposed Line to the existing CN Watrous Subdivision Mainline M101.93
 - #12 Left Hand Switch with Rail Bound Manganese Frog – East Wye/West Wye connection on the Line M0.49
 - Rail Bound Manganese Diamond – crossing of the existing CP Sutherland Subdivision Mainline M24.12
 - #15 Right Hand Switch with Rail Bound Manganese Frog – connecting to the BHP Joint Access Spur at the northern limit of the Line
- **track materials, including ballast, ties, rail weight, continuous welded rail or jointed, fastening system, tie plates, high quality ballast and other required track materials**
The following track materials are proposed:
 - Continuously welded rail, welded utilizing Thermitite or Flash-Butt welding
 - Hardwood ties, with tie plates, spikes and anchors fixing the rails
 - Granular Rock Ballast to CN Spur track specification
 - Rail Bound Manganese Sampson Point Turnouts with Hardwood ties
 - Road crossing surfaces (planks and/or panels) at grade crossings

- **embankments, aqueducts, roads, conduits, drains, piers and arches**

The proposed Line crosses a total of 57 roads, including 17 existing/relocated public roads, and 40 private roads. Private accesses have been addressed via engagement and within the land acquisition agreements with local landowners to accommodate needs and reduce the impact of the project on the community's transportation needs, as per paragraph 9 of CN's Application.

The Line crosses four Rural Municipality (RM) roads that require to be realigned to meet Transport Canada Grade Crossing Standards to provide compliant crossing angles and sightlines. Realignment locations are shown in Appendix 2 of CN's Application (one realignment shown on each drawing 40001-RL-DWG-61257, -61258, -61261, and -61262).

Road/railway crossing safety assessments were performed to evaluate the safety of the proposed private and public road/railway crossings.

The proposed rail embankment follows the existing topography while maintaining minimum slope requirements for the rail. Additional considerations include existing road elevation at rail crossing, culvert crossing rail cover requirements, and existing mainline tie-in elevations. The embankment height varies along the alignment, reaching a maximum of 4.29 m fill height and a maximum 3.25 m cut depth.

- **noise and vibration mitigation infrastructure and measures**

No noise and vibration mitigation measures are required for the proposed Line as detailed in paragraphs 54 to 57 of CN's Application.

- **infrastructure necessary to allow the construction of a railway line across another railway line**

Please refer to paragraph 29 of CN's Application. The diamond crossing will be located at Mile 28.54 of the Line and at Mile 24.12 of CP's existing Sutherland subdivision.

- **infrastructure necessary to allow the construction of a railway line across a road that passes across, over or under a railway line, and includes a structure supporting or protecting that part of the road or facilitating the crossing**

N/A

- **infrastructure necessary to allow the construction of a railway line across a utility line that passes over or under a railway line and includes a structure supporting or protecting that part of the utility line or facilitating the crossing**

Please refer to paragraph 27 of CN's Application. Protection and/or relocation plans for these utility crossings are currently being determined by the project team and the respective utility companies.

- **any other infrastructure, not identified above, that is necessary for the operation of the railway line**

N/A

CN provides the following detailed description of modifications to lands, waterbodies and existing utilities.

- **cuts, fills, berms, ponds, channels, channel realignments, watercourses, canals or roads that adjoin or intersect the railway line**

The proposed Line crosses existing stormwater structures such as berms and channels and will interact with existing stream flow patterns to a certain degree. To maintain the existing drainage patterns that are affected by the proposed Line, ditches and culverts have been designed to maintain continuous flow paths using ditches and culverts. Culverts were sized to convey the 100-year flood flows while limiting the culvert headwater elevation to the toe of the sub-ballast of the track.

- **alterations to roads**

The Line crosses four Rural Municipality (RM) roads that require realignment to provide compliant crossing angles and crossing sightlines to meet Transport Canada's Grade Crossing Standards. To achieve compliant crossing angles, curves have been introduced into the existing grid roads. The curves result in a maximum allowable design speed less than the existing posted road speed. Consideration was taken to reduce the length of the realigned sections to limit overall impact on roadway uses. Additional signage has been included in the roadway realignments to minimize the risk to road users. Realignment locations are shown in Appendix 2 of CN's Application.

The Line crosses 17 existing/relocated public roads. Each existing road will be reprofiled to match the elevation of the proposed Line and will meet minimum requirements for road approaches to grade crossings as specified in Transport Canada's Grade Crossing Standards. The reprofiled sections of road will be surfaced with traffic gravel as outlined by the RM's guidance.

- **drains or conduits into, through or under land adjoining the railway line**

N/A

- **alterations to the position of a water pipe, gas pipe, sewer, drain, telegraph, telephone, electric line, wire or pole across or along the railway line**

Please refer to paragraph 27 of CN's Application

- **other relevant modifications to lands, waterbodies and utilities not otherwise identified above**

N/A

Item 3-Operation activities: CN does not anticipate idling on the proposed Line but may idle at BHP's site. As detailed in paragraph 23 of CN's Application, the current plan is to initially have up to four (4) unit trains per week powered by locomotives. Train lengths will vary but are expected to consist of up to 177 hopper cars. Under the current design, train speed will be posted at a maximum of 25 mph. The daily train volumes by time of day have not been established with certainty. CN intends to comply with the *Grade Crossing Regulations* with respect to obstruction of public grade crossings. Additionally, CN intends to comply with the *Canadian Rail Operating Rules* and will whistle at public crossings. There will be no lighting emitters. The current design does not include retarders, fencing and cameras.

Item 4-Railway services: The purpose of the proposed Line is intended to provide a new rail access to BHP, as detailed in paragraphs 10 and 13 of CN's Application. Letters of support have been filed with CN's Application as Appendix 10.

Item 5-Construction activities: CN provides the following detailed description of the proposed Line construction activities.

- **the phases of construction, including any preliminary works** (clearing, grubbing, demolition, pre-loading, etc.)

Construction is anticipated to broadly follow these main steps:

Clearing and Grubbing:

Removal and disposal of all trees, stumps, roots, logs, shrubs, grass, weeds, fallen timber and other surface litter occurring in the ROW, designated borrow pits/laydown areas, and site office(s)

Stripping:

Existing topsoil to be removed and stockpiled for future seeding use within the proposed ROW.

Develop Borrow Pits:

Develop borrow pits adjacent to the proposed alignment to provide required fill to the rail and road embankments. Borrow pits material salinity will be evaluated to ensure that borrow material will be similar salinity or lower salinity than the surrounding native soils in the destination fill location.

Embankment Construction:

Construct a linear engineered rail embankment with a typical 6.71 m (22') wide top sub-ballast surface. The proposed embankment varies in height from 1 m below existing ground surface (low cut) and 3 m above existing ground surface (low-moderate fill).

Where required, construct ditches on either side of the proposed rail embankment to convey overland water flow based on recommendations provided by the stormwater management review. Ditches have been designed such to prevent sub-ballast flooding during a major storm event.

As part of embankment construction, install culvert at locations where it has been determined that existing overland flow traverses the proposed alignment. Culverts will vary in size from 600 mm to 1500 mm depending on flow volumes, and available cover to the base of proposed rail.

Road Construction and Grade Crossings:

Proposed roads, road realignments, and existing road improvements will be constructed in tandem with the rail embankment.

As part of embankment construction, install culverts at locations where it has been determined that existing overland flow traverses the proposed alignment. Culverts will vary in size from 600 mm to 1200 mm depending on flow volumes.

Construct private and public road surfaces with granular, base, sub-base and/or traffic gravel as determined suitable for each location and in accordance with the requirements of the municipality or landowner.

Install crossing surfaces for all at-grade crossings. Install appropriate signage at each at-grade crossing to provide for safe train and vehicle interactions.

Track Construction:

Install the track on top of the completed embankment sub-ballast.

Install turnouts at the CN Wye to allow access east or west on the CN Watrous subdivision.

Install an at-grade diamond crossing to cross the existing CP Sutherland subdivision.

Install turnout on the Joint Access Spur to allow access north to the BHP Mine.

Signals Construction:

Install required signal infrastructure to allow for safe train movements at the CN Wye connection and the CP diamond connection. The majority of signal infrastructure (i.e. steel bungalows and signal masts) is anticipated to be located within 5 km of each end of the Line.

Reclamation/Site Shutdown:

Reclaim all construction disturbed lands and roadways.

Topsoil and seed decommissioned borrow pits, embankment, ditches, etc.

- **facilities for construction crews** (e.g., offices, washrooms, lunchrooms and parking)
Contractors will be responsible for establishing site office(s) with lunchrooms, washrooms, office, parking, and safety check in.
- **on-site/off-site staging for:**
 - equipment/machinery
Contractor site office and laydown areas will be established. Space will be provided to store all equipment when not on worksite. Exact location to be determined between contractor and CN based on available ROW lands and adjacent land parcels.

- bulk construction materials (concrete, fill, sand or wood, etc.) and forms
Borrow pit locations have been identified within the optioned land agreements and determined to be of suitable material for bulk fill.
 - other track construction materials (e.g., rail, track materials, ballast)
Track materials to be sourced and provided by contractor and/or CN as per future construction specifications.
 - excavated material
Excavated material can be stored at laydown areas, or otherwise within the RoW as agreed between CN and the contractor. The majority of excavated material is anticipated to be used in the construction of the new embankment, roadways, and associated infrastructure. A small proportion of excavated material may be deemed unsuitable for re-use, in which case it will be permanently stockpiled within the RoW and/or within excavated borrow pits.
 - **off-site disposal facilities or containment areas for excavated materials**
Wasted material will typically be stored within the RoW. Due to the previous rural/agricultural use of the land and previous soil testing, no significant amount of contaminated material is anticipated to require disposal or containment.
 - **temporary works** (dykes, berms, pumps, shoring, etc.)
Works involving working through wetlands and wet areas may require localized dewatering with dykes, berms, pumps and shoring. These works are likely to be small scale due to the relatively flat topography and minimal number of major overland channels. All such work will be executed according to applicable federal standards.
 - **security facilities, including security systems, and construction fencing required for site security and to prevent trespassing**
Contractor's site office will be protected at the desire of the contractor, including possible fencing and surveillance cameras.
 - **audible warning devices**
N/A
 - **traffic diversion / management plans**
CN commits to working with the two RMs in providing advance notice of the works and the necessary information to enable proper coordination.
 - **truck haul routes**
Truck haul routes will be developed by the contractor, in conjunction with CN and affected RMs, to ensure local traffic is not negatively impacted.
- All private and public roadways used during construction will be returned to the pre-construction conditions by the contractor.
- **pile driving**
N/A

- **blasting activities**
N/A

Item 6-Interest of localities: CN provides the following list of contact person for each locality and indigenous community it reached out to.

Locality	Contact person	Contact information
RM of LeRoy	Donna Tymiak, Administrator	rm339.1@sasktel.net or 306-286-3261
RM of Prairie Rose	Lorrie Champ, Acting Administrator or Tom Bergen, Councillor	rm309@jansen.ca or 306-364-2013; t.bergen@jansen.ca
RM of Mount Hope	Ashley Greenshields, Administrator	Rm279admin@sasktel.net 306-524-2055
RM of Osborne	Anna Rintoul, Administrator	rm310@sasktel.net 306-365-2924
RM of Wreford	Melanie Rich, Administrator	rm280@sasktel.net 306-528-2202
Village of Jansen	Lorrie Champ, Acting Administrator	rm309@jansen.ca or 306-364-2013;
Town of LeRoy	Glenda Hamilton, CAO	glenda.hamilton@leroy.ca 306-286-3288
City of Humboldt	Mayor Michael Behiel or Joe Day, CAO	michael.behiel@humboldt.ca ; joe.day@humboldt.ca 306-682-2525
Town of Lanigan	Kelli Timmerman, CAO	cao.lanigan@sasktel.net 306-364-2809
Town of Watson	Lani Best, CAO	town.watson@sasktel.net 306-287-3224
Town of Imperial	Joslin Freman, Administrator	town.imperial@sasktel.net 306-963- 2220
Town of Wynyard	Jason Chorneyko, Administrator	Administrator.wynyard@sasktel.net 306- 554-2123
Town of Nokomis	Tanya Zdunich, Administrator	townofnokomis@sasktel.net 306-528- 2010
Village of Drake	Pierrette Woynarski , Administrator	villageofdrake@sasktel.net 306-363- 2109
Village of Viscount	Cyla Quiring, Administrator	viscount.office@sasktel.net 306-944- 2199
MLA Melfort	Todd Goudy	goudymla@gmail.com 306-787-4300
MLA and Minister of Environment	Hon. Dana Skoropad	armriver.mla@gmail.com or env.minister@gov.sk.ca 306-787-0848
MLA Humboldt- Watrous and Minister of Finance	Hon. Donna Harpauer	humboldtwatrousmia@sasktel.net or fin.minister@gov.sk.ca 306-787-6059
MSMA	Celine Favreau, Executive Director	celine.msma@sasktel.net – 306-946- 9000
Humboldt Chamber	Brent Fitzpatrick, Executive Director	executivedirector@humboldtchamber.ca – 306-682-4990

Indigenous Community	Contact person	Contact Information
Day Star First Nation	Chief Lloyd Buffalo	lloydwbuffalo@gmail.com 306-835-7885
Kawacatoose First Nation	Chief Lee-Anne Kehler	chief.kehler@kawacatoose-fn.ca 306-519-5385
Fishing Lake First Nation	Chief Derek Sunshine	dereksunshine@hotmail.com 306-338-8781
Muskowekwan First Nation	Chief Jamie Wolfe	jamie7wolfe@gmail.com 639-275-7118
George Gordon First Nation	CEO Glen Pratt	glenpratt@ggdevelopments.com 306-526-9133
Beardy's and Okemasis' Cree Nation	Dennis Esperance	desperance@hotmail.com 306-280-5679

As for the summary of attendees, topics discussed, concerns raised, plans for addressing concerns, and any outstanding unaddressed concerns from meetings, we refer you to Appendix 4 of CN's application. A copy of the meeting minutes and the responses to the comments received during the April engagements can be found in Appendix 8 of CN's Application.

We take this opportunity to provide you with the tear sheets of the publications informing the public of the Application, as per paragraph 48 of CN's Application as **Annex 4**. We also enclose a copy of the only comment received during the Application public viewing and comment period as well as CN's answer addressing the concerns raised as **Annex 5**. Additionally, CN received two additional letters of support since it filed the Application, which CN files as **Annex 6**.

The annexes supplementing this letter have been uploaded to the Agency's secured portal.

We are available to the Agency should any additional information respecting this matter be required.

Yours truly,



Eric Harvey
Senior Counsel

cc: Mr. Luc Chamberland
Director, Rail and Marine Determinations
Canadian Transportation Agency
Luc.Chamberland@otc-cta.gc.ca