

July 18, 2019

Via E-Mail: ceaa.miltonlogisticshubpanel.acee@canada.ca

Natalie Rizkalla-Kamel
<contact information removed>

File no. T1001328

Lesley Griffiths, Panel Chair
Milton Logistics Hub Project Review Panel
c/o Canadian Environmental Assessment Agency
160 Elgin St. Ottawa ON K1A 0H3

Dear Ms. Griffiths / Members of the Review Panel:

Re: Milton Logistics Hub Project – CN’s Request to Exclude Appendix A

I am writing on behalf of the Halton Municipalities with respect to CN’s request in CEAR#977 to exclude Appendix A from Halton Municipalities’ closing remarks. The Halton Municipalities’ respectfully request that the Review Panel deny this request for the following reasons.

First of all, Mr. Reynolds’ reference to Mr. Gross’ submissions indicating that the Halton Municipalities would respect the Friday, 8:00pm deadline, was specifically related to the narrow issue of responses to three undertakings (Hearing Transcript p. 3480-3485, July 12).

Secondly, we would like to remind the Review Panel of the context to the Appendix A report from CIMA+ on traffic modelling. On July 9, 2019, the Halton Municipalities provided the Panel with written submissions from Dr. Hadeyeghi answering a question posed to all of the traffic modelling experts, when Dr. Hadeyeghi was not present to answer after on behalf of the Halton Municipalities. Then, at the last hour before the July 12th deadline, CN submitted their response from the BA Group to Dr. Hadeyeghi’s July 9th memorandum. The Halton Municipalities’ Appendix A is simply a response to issues raised by CN.

It is quite clear that the BA Group memorandum was submitted right before the July 12th deadline, to prevent the Halton Municipalities from responding, given that the date of the BA Group memorandum was one day before their actual submission to the Panel – July 11, 2019. CN also provided two other last-hour submissions on July 12th, also not providing the Halton Municipalities an opportunity to respond: i) a memorandum dated July 11, 2019 from the BA Group responding to Halton Municipalities’ slides that were presented 16 days earlier, on June 26th; and ii) a letter from Mr. Reynolds attacking Dr. Bercha’s opinion and analysis – something that clearly could have been done in closing submissions.

Given that CN provided three substantive responses right before the 8:00pm deadline on July 12th, that were not expected by the Panel or the participants, we respectfully request in the interests of fairness that if the Review Panel excludes Appendix A from the Halton Municipalities’ closing remarks, CN’s document # 964 should also be excluded.

Sincerely,

<Original signed by>

Natalie Rizkalla-Kamel

Gowling WLG (Canada) LLP
Suite 1600, 1 First Canadian Place
100 King Street West
Toronto ON M5X 1G5 Canada

T +1 416 862 7525
F +1 416 862 7661
gowlingwlg.com

Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at gowlingwlg.com/legal.