

November 18, 2019

Mr. Marko Dekovic  
Vice-President, Public Affairs  
Global Container Terminals Inc.

<contact information removed>

**Subject: Request to Open the Public Record to Include Additional Documents for the environmental assessment of the Roberts Bank Terminal 2 Project**

Dear Mr. Dekovic,

By email correspondence from you dated October 16, 2019 ([CEAR 2053](#)), Global Container Terminals Inc. (GCT) requested that the Review Panel (the Panel) include four documents (Additional Documents) in the public record for the Roberts Bank Terminal 2 Project (the Project). As noted in your email to the Panel Manager, the Additional Documents consist of correspondence between the Vancouver Fraser Port Authority (VFPA) and GCT from September 23, 2019 to October 8, 2019. As also noted in your email, the public record for the environmental assessment of the Project closed on August 27, 2019.

GCT submits that the Additional Documents contain information that is of material relevance to the Project's environmental assessment, including the factors the Panel must take into account under subsections 19(1) and 19(3) of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). In addition to requesting that the Additional Documents be accepted as part of the public record after the record has closed, GCT requests that the Panel consider whether VFPA has breached section 98 of CEAA 2012, which states:

“It is prohibited to knowingly make a false or misleading statement or knowingly provide false or misleading information in connection with any matter under this Act to any person who is exercising their powers or performing their duties and functions under this Act.”

After 14 rounds of Information Requests and a weeks-long public hearing, the Panel is satisfied that it has sufficient information to determine the environmental effects of the Project, including the factors set out in paragraph 19 of CEAA 2012. The Panel believes that the public hearing session on alternative means of carrying out the designated Project, a session added at the request of GCT, offered interested parties a fair and equitable opportunity to express their views to the Panel. The Panel is confident that it has adequate information to make informed conclusions and recommendations to the Minister of the Environment, including on the issue of

alternative means. More particularly, the Panel believes it understands very well the conflicting views of VFPA and GCT with respect to alternative means of carrying out the Project. As such the Panel will not allow additional information to be included in the public record at this very late stage of the review process.

With respect to your request that the Panel consider whether the Proponent has breached section 98 of CEAA 2012, the Panel regards this to be a serious allegation. The Panel notes that while GCT raises the allegation, it never pointed out any specific passage in any of the documents related to the VFPA on the Registry which it believes constituted a false or misleading statement. Nor has GCT provided to this date submissions on how such alleged false or misleading information was “knowingly” made before the closing of the public record. Given the seriousness of the allegation, the Panel considers that GCT has failed to provide persuasive evidence or argument establishing a breach by the Proponent of section 98 of CEAA 2012.

Sincerely,

<Original signed by>

Jocelyne Beaudet  
Panel Chair

Cc: David Levy  
Douw Steyn