

# Milton Logistics Hub Project | REVIEW PANEL

Joint process established under the Canadian Environmental Assessment Act, 2012, and the Canada Transportation Act

May 24, 2017

## Milton Logistics Hub Project – Review Process Update

The Review Panel established for the joint process for the review of the proposed Milton Logistics Hub Project (the Review Panel) is providing a general update on the current status and next steps of the review process to all participants by way of a notice to its distribution list and posting this information on the public registry.

### Review of the Sufficiency of the EIS

The Review Panel is continuing its review of the information provided by the Canadian National Railway Company (CN) for its proposed Milton Logistics Hub Project (the Project) to determine whether the Environmental Impact Statement (EIS) contains sufficient information to proceed to a public hearing.

As stated at the beginning of the public comment period, the Review Panel is considering the information from the following CN documents:

- The Environmental Impact Statement (CEAR #[57](#));
- The Summary of the Environmental Impact Statement (CEAR #[58](#));
- Responses from CN to requirements for additional information (CEAR #[72](#), CEAR #[81](#), CEAR #[375](#));
- CN's section 98 application to the Canadian Transportation Agency and supporting documents (CEAR #[395](#)).

In addition, the Review Panel is also considering all comments received on the EIS, including those submitted during the public comment period between December 20, 2016 and March 13, 2017.

The Review Panel is organizing its information requests to CN in thematic packages:

- Package 1 – Time-sensitive matters
- Package 2 – Regulatory framework, purpose and alternative means of undertaking the Project, Project components and activities
- Package 3 – Environmental assessment methodology and the physical environment (air, water and terrestrial matters)
- Package 4 – Biological environment and socio-economic matters (for example physical and cultural heritage, wildlife including migratory birds and their habitat, species at risk, human health, truck traffic, acoustics, light and current use of lands and resources for traditional purposes)
- Package 5 – Accidents and malfunctions, cumulative effects, mitigation and follow-up programs

The Review Panel sent its first package of information requests (CEAR #[555](#)) related to specific time-sensitive matters on April 5, 2017. On April 21 CN provided a preliminary response (CEAR #[561](#)) to the

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Review Panel indicating that they expect to provide the results of the field work to the Review Panel in early June, 2017. The Review Panel is reviewing the information contained in that preliminary response.

On May 5, 2017 the Review Panel sent its second package to CN related to the regulatory framework, purpose of the Project, the alternative means of undertaking the Project, and the description of various project components and activities (CEAR #563).

The Review Panel anticipates all information request packages in the first round will be sent by early July 2017.

CN's responses to the information requests will be made available to participants on the public registry. In accordance with Section 5.8 of its Terms of Reference, the Review Panel will provide an opportunity for participants to review and comment on the additional information it receives from CN.

Participants are expected to review additional information as it becomes available and are encouraged to provide their comments to the Review Panel as soon as possible. Upon receipt of CN's final response to the Review Panel's first round of information requests, the Review Panel will provide 30 days for participants to submit any final comments before it determines whether any additional information is required or whether the Review Panel will end the sufficiency review comment period.

If, after reviewing CN's responses and any comments from participants on those responses, the Review Panel determines that it requires additional information, it will issue a subsequent round of information requests. This process will continue until the Review Panel is satisfied that sufficient information is available to proceed to a public hearing.

### **Public Hearing**

During the sufficiency review period, the Review Panel will provide a draft version of its public hearing procedures and invite participants to provide comments.

Once the Review Panel determines that the EIS contains sufficient information to proceed to a public hearing, it will schedule and announce the public hearing. The Review Panel will provide a minimum 60-day notice of the start of the public hearing, and at that time will make available the final procedures for the public hearing.

### **Submission Procedure**

On March 9, 2017 the Review Panel established a procedure for submissions (CEAR #523) to ensure the review process proceeds in a manner that is respectful and transparent for all participants, and to ensure that material accepted by the Panel is relevant to its mandate. The procedure applies to the submission of comments, proposed information requests, procedural motions, hearing submissions and any other type of submission participants may wish to make to the Review Panel.

### **Site Visit and Intermodal Facility Visits by the Review Panel**

On May 11, 2017 the Review Panel issued a notice to participants of its intention to undertake a tour of the proposed Project site in Milton, as well as existing CN intermodal facilities in Montreal and Calgary. This notice is available on the Review Panel's registry (CEAR #565).