

Rodney Northey
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July 18, 2019

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

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

Dear Ms. Griffiths / Members of the Review Panel:

Re: Halton Municipalities

On behalf of the Halton Municipalities, I am responding to today's letter to the Review Panel from CN regarding Appendices A and B. My colleague, Ms. Rizcalla-Kamel, is responding to the CN letter regarding Appendix A. I am responding to the CN letter regarding Appendix B. We regard the issues in the two Appendices to be different and to merit different responses.

Regarding Appendix B, we begin by advising that Mr. Benson will be leading the closing remarks of the Halton Municipalities tomorrow. In the time available, we have not covered all aspects that may be relevant to our response, but we believe three references are relevant.

The first reference is in the May 29th Submissions of the Halton Municipalities. These submissions included a submission from Mr. Benson that sought to provide an opinion on the overall planning framework. On page 7 of that submission, Mr. Benson advised of his expectation of participating at the hearing, reviewing the evidence and providing a future planning opinion as part of the hearing process.

The second reference is from Day 4 of the hearing (June 26th). At pages 785-6, Mr. Benson responded to a question from the Chair to again speak to providing an opinion by the end of the hearing on a number of aspects of the hearing.

The third reference is an exchange between the Chair and Mr. Bernstein on June 28th. The context for this exchange was the CN's objection to Mr. Benson writing to the panel and seeking to file a letter that responded to one of the Chair's final questions to Mr. Benson on June 26th the day he presented to the panel in the technical session on land use. Excerpting the June 28th exchange:

Transcript June 28, 2019 page 1759 line 20

MR. BERNSTEIN: May I have 30 seconds

21 to say one thing?

22 THE CHAIRPERSON: Yes, Mr. Bernstein,
23 30 seconds, and then that really is it.

24 MR. BERNSTEIN: The law is the law.

25 You know, what Mr. Benson -- Halton can tell you what the law is in their closing submission, just as well
2 as Mr. Benson can tell you what the law is in the
3 letter. That's all.

On these bases, we respectfully ask that the CN objection be denied.

However, recognizing the lateness of the hour, our alternative response is that we rename Appendix B as "Closing Remarks of Halton Region's Chief Planning Official", remove any express reference within it to an opinion, and amend those aspects of the Halton Municipalities' Closing Remarks, including other Appendices, to reflect this change. We may also advise that we have these amended remarks ready to file now. For everyone's convenience, we would be pleased to make this filing as soon as requested.

Sincerely,

Gowling WLG (Canada) LLP

<Original signed by>

Rodney Northey

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Letter for Halton Municipalities to Review Panel
(July 18, 2019)

