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Ministry
of the
Environment

Ministère
de
l'Environnement

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April 27, 1987

OSLER, HOSKIN & HARCOURT
Barristers and Solicitors
Box 50, First Canadian Place
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ATTENTION: MR. THOMAS R. LEDERER

Dear Mr. Lederer

RE: HALTON HEARING - ORDER OF EVIDENCE

At the preliminary meeting on February 11, 1987, you proposed an order of evidence that had been discussed at the pre-meeting of counsel. I assume that the Board will formally deal with this matter at the opening of the hearing. I would like to advise you that the Ministry will propose that its evidence be called last in the hearing.

While we may take positions on various issues (e.g., the acceptability of the EA document) it is not our intention to take a formal position on the undertaking. Rather, we propose to put before the Board evidence of the government review of the EA document and of the MOE technical review of the Technical Study. The latter review is, by necessity, ongoing as more evidence comes forward.

In the past, the Environmental Assessment Board has expressed a desire to hear the evidence of the Ministry's experts after they have considered "both sides" of the evidence and taken it into account in forming their opinions. In this case, we have yet to receive the technical reports of the experts retained by other parties. We expect that new issues may be raised in those reports which the Board will expect to be considered by the Ministry's experts. In addition, new issues will undoubtedly be raised during the evidence throughout the hearing.

There are really only two choices in slotting the Ministry in the order of evidence: either directly after Halton or after all other parties. For the reasons set out above, we strongly favour calling our evidence last.

The above comments apply only to the calling of evidence. We will take no position on the order of cross-examination.

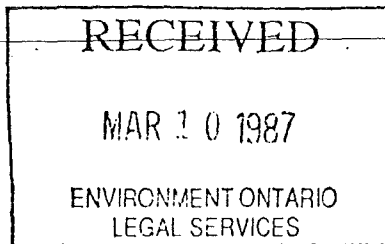
Yours truly

A handwritten signature in black ink, appearing to read "JR Tidball". The signature is stylized with a large, looped "J" and "R" followed by the name "Tidball" in a cursive script.

JOHN R. TIDBALL
Counsel
Legal Services Branch

JRT10/50/gg

cc: See Attachment



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