



Ontario

Ministry
of the
Environment

135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

June 17, 1981

Mr. Jim King
Hydro Consumers Association
R.R. #4
Perth, Ontario
K7H 3C6

Dear Mr. King:

Enclosed please find a copy of the government review on the Eastern Ontario Plan Stage Environmental Assessment as well as a copy of Ontario Hydro's Eastern Ontario Plan Stage Environmental Assessment, as you requested. For your information, I have also included some back-ground material on The Environmental Assessment Act and some related Ministry of the Environment submissions to the Royal Commission on Electric Power Planning on land use and electrical transmission, electrical generation and energy use, and electric demand.

In response to your question on the availability of intervenor funding for participation at Environmental Assessment Board hearings, assistance is provided to groups who wish to participate in hearings in that they may request of the Environmental Assessment Board that certain witnesses appear to add additional information and expertise to that already presented. Funds are made available to the Board so that they may pay the costs of such witnesses.

On April 17, 1980, the Minister of the Environment made a statement to the Legislature with respect to financial assistance for participants in Environmental Assessment Board hearings. The entire statement is quoted below:

"Mr. Speaker, I would like to outline to the honourable members of the House certain arrangements to ensure the availability of all testimony needed to enable the Environmental Assessment Board to reach well-informed conclusions on matters before it.

To achieve this, we are putting into place funding arrangements which will enable panels of the Board to bring before hearings such expert testimony as is seemed to be appropriate at their discretion. This will apply to all hearings in progress and future hearings under The Environmental Protection Act and The Ontario Water Resources Act.

Although the Environmental Assessment Board is an independent body and not subject to my direction, I have advised them through my Deputy Minister that the Ministry is willing to accept the cost incurred by these arrangements.

In making such determinations with respect to the calling of expert testimony before it, we expect the Board will invite representations from the parties involved in the hearings."

This funding policy was later elaborated upon by the Minister during review of the Ministry of the Environment's Estimates before the Standing Committee on Resources Development on May 28, 1980.

The Minister indicated that he would see the funding policy applying to matters under The Environmental Assessment Act as well as those under the Acts mentioned in the statement. The policy would allow the Environmental Assessment Board to consider submissions from any party who was dissatisfied with the nature of any expert evidence given or the lack of expert evidence on a material issue. If as a result of such submissions or on its own the Board felt it was necessary, it would call one or more additional witnesses to get further evidence.

When making a submission, a party could suggest particular experts who might be able to give evidence, but the Board would decide whether any such evidence was necessary and the appropriateness of any witness suggested by a party.

A party who wished to make submissions could do so after all the parties had presented their evidence or, if it did not interrupt the hearing and the Board permitted, could make a submission after an expert called by one of the parties had given related evidence or at any other convenient time.

In appropriate cases, the witness might be made available for consultations with any party prior to giving evidence to allow the witness to be adequately prepared to give evidence on the matters of concern to the party.

The Minister has cautioned that any parties to a hearing and especially the proponent must be aware that the Board will make its own decision on the calling of witnesses and the proponent should not fail to present its case fully in expectation that the Board will complete the evidence by calling one or more witnesses.

Given your concerns related to intervenor finding, you may wish to express them to the Minister or the Environmental Assessment Board.

If I can be of further assistance, please feel free to write me or call at 965-4139.

Yours sincerely,

Judith Simon

Judith Simon
Environmental Planner
Environmental Assessment Section
Environmental Approvals Branch

JS/mca

Enclosure

cc: D. J. Birnbaum