

STEVEN SHRYBMAN
Barrister and Solicitor
53 Gore Street East
Suite 301
Perth, Ontario

November 25, 1981

Mr. Keith C. Norton
Minister of the Environment
14th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Sir:

Re: Environmental Assessment
File No. 1-77-0007-0000
Re: Hearing before Joint Board
No. CH-81-01

Further to our Application of November 16, 1981, we thought it advisable to provide you with some projection as to the amount of funding that would be required to adequately prepare and present our position before the Joint Board.

Our reluctance to include such an estimate was based upon the following factors:

i) the Board has reserved its decision with respect to matters that will significantly influence the cost of research and preparation including: the date upon which the hearing will commence and whether witness statements and interrogatories will be ordered (as in the Association's view they should be).

ii) the Board has also reserved with respect to other matters that will influence the cost to the Association of acquiring the expert assistance necessary to adequately advance its position; these would include: the willingness

....2/

of the Board to retain as its experts those individuals nominated by the Association and the availability of Board funds to provide conduct money to witnesses who will be subpoenaed by the Association.

iii) the duration of the hearings which will, in turn, be influenced by the ability of the Association to participate in this process.

iv) the willingness of various ministry personnel (e.g. - Ministry of Energy, Natural Resources and the Ministry of the Environment) to give evidence under subpoena, thereby alleviating, to some degree, the financial burden of retaining independent experts.

v) the extent to which the Ontario Legal Aid Plan will provide funding, which we presume, will be based upon its willingness to assume responsibility for facilitating public participation in the environmental hearing process.

It is clear, therefore, that substantial uncertainty exists with regard to several issues that will significantly impact upon the expense to the Association of preparing and presenting its position before the Joint Board. This being said, however, it is our view that a "ball park" estimate is possible if the following assumptions are made:

i) the Board will order all parties to provide witness statements outlining the evidence that will be adduced during the hearing. Following upon this, interrogatories will be prepared and responses provided.

ii) the Board will state its willingness to liberally exercise its power to retain experts who will address issues with which the Association is concerned.

iii) the Board will provide the Association with funds to defray the costs associated with service of subpoenas.

iv) the Board will not make an Order as to costs in favour of the Association at the outset of hearing but will reserve pending submissions by the parties at the conclusion of the hearing.

v) the Board will provide the Association with a copy of the transcripts of the proceedings at no cost to the Association.

vi) the duration of the hearing will be approximately three to six weeks (with four hearing days per week).

Given the above noted parameters the following represents the anticipated costs of the Association:

(A) GENERAL RESEARCH AND PREPARATION

Research staff assisting with counsel before and during the course of the hearing with regard to technical matters - providing liason with Ontario Hydro, the Ministry of the Environment, Ministry of Energy and other provincial Government agencies, the Federal Department of Energy Conservation, the Department of Environmental studies at York - co-ordinating research activities with other intervening organizations.
(Eg. - Ontario Public Interest Research Group and Energy Probe, staff of one person who would also assist during the hearing.....\$4000.00

(B) LAWYERS FEES

Research, including consultations with research staff and experts with regard to the technical issues before the Board, including the preparation of witness statements and interrogatories..... 3000.00

Counsel fee during the course of the hearing - 12 to 24 days @ \$350.00 per day.....(\$4200.00 - 8400.00)

Disbursements, mileage and transportation costs, photocopying and telephone..... 500.00

....4/

(C) EXPERT WITNESSES

(Refer to Item "C" on page 10
of our Application).....\$10,000.00

(D) MISCELLANEOUS 1,000.00

TOTAL \$22,700.00 - 26,900.00

Further in this regard, it is the Association's hope that several of the variables that influence these projections will be resolved in the near future. We expect to receive the Board's order as to the above noted matters in the next few weeks. In addition, the Association is presently contacting a variety of individuals who may provide the expertise necessary to perform the functions outlined on pages ten and eleven of our application. It is expected that several of these individuals would be willing to assist for nominal fees and transportation costs, others will require fees at a consultant's scale. We are also obtaining from these individuals estimates as to the amount of work that will be required. We would hope therefore to soon be in a position to more accurately predict our anticipated expenses.

Finally, should you accede to our application, may we suggest that a sum of \$2,500.00 be placed at the Association's disposal pending a detailed budget of our projected costs.

Please do not hesitate to contact me in the event that you should have any further questions in this regard.

Sincerely,



STEVEN SHRYBMAN

SS/kd

STEVEN SHRYBMAN
Barrister and Solicitor
53 Gore Street East
Suite 301
Perth, Ontario

November 24, 1981

Mr. Bruce Campbell
Messrs. Tilley, Carson & Findlay
Barristers and Solicitors
44 King Street West
Toronto, Ontario
M5H 1G4

Dear Sir:

Re: Eastern Ontario Plan Stage
Environmental Assessment
Re: CH-81-01

Further to our conversation of November 19, 1981, please find enclosed a copy of our Application for funding to the Minister of the Environment.

Please do not hesitate to contact me in the event that you should have any further questions in this regard.

Sincerely,



STEVEN SHRYBMAN

Encl.

SS/kd