

Theresa McClenaghan

From: "Theresa McClenaghan" <mcclenaghan@execulink.com>
To: "Dave Martin" <dave.martin@yto.greenpeace.org>
Cc: <muldoonp@lao.on.ca>; <r.lindgren@sympatico.ca>; "Charlene Rogers" <charlene@lao.on.ca>; <shawn.patrick.stensil@yto.greenpeace.org>
Sent: Wednesday, November 02, 2005 1:02 PM
Subject: Re: Request for Legal Opinion

How timely, Dave. We had a legal priorities meeting of our board last night and another request we've had is to consider whether Bruce refurbishment should have been subject to provincial EA. The board supports having CELA explore a major challenge on this front but notes we can probably only tackle one judicial review case given resources. What we decided to do is to convene a meeting with you, Mark Winfield, and some of the CELA lawyers, namely me, Paul Muldoon and Rick Lindgren, to explore strategically which would be the best one to go after. We also need to do some background legal work for such a discussion. I will be asking my assistant Charlene to coordinate all of our schedules and set up a meeting time, if that's ok with you. Theresa

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From: Dave Martin
To: mcclenaghan@execulink.com
Cc: shawn.patrick.stensil@yto.greenpeace.org
Sent: Wednesday, November 02, 2005 12:46 PM
Subject: Request for Legal Opinion

Memo - November 2, 2005

To: Theresa McClenaghan, CELA

From: Dave Martin, Energy Coordinator, Greenpeace Canada

Re: Request for Opinion on the Necessity of an Environmental Assessment on the OPA's IPSP

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2. This raises several questions: (a) is the OPA and its plans exempt from the Ontario environmental Assessment Act? and (b) is the Ontario Energy Board capable of evaluating the IPSP on environmental grounds, since its mandate is primarily cost and efficiency?

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David H. Martin, Energy Co-ordinator, Greenpeace Canada
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<dave.martin@yto.greenpeace.org>
Sent: Wednesday, November 02, 2005 1:29 PM
Subject: Re: Request for Legal Opinion

Shawn-Patrick, can you also participate in this stratgic discussion? I'll ask Charlene to do so. Theresa

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From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "Theresa McClenaghan" <mcclenaghan@execulink.com>; <muldoonp@lao.on.ca>;
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Sent: Wednesday, November 02, 2005 1:22 PM
Subject: Re: Request for Legal Opinion

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I'm monitoring the CNSC on the Bruce restart so I'm happy to assist or advice.

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On 2 Nov 2005 at 13:02, Theresa McClenaghan wrote:

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Subject: Re: Request for Legal Opinion
Date sent: Wed, 2 Nov 2005 13:02:25 -0500
Organization: Canadian Environmental Law Association

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Shawn-Patrick Stensil  
Energy Campaigner/Responsable de la campagne énergie  
Greenpeace Canada  
Tel: 416-597-8408 ex 3013 Cell: 416-884-7053  
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**Theresa McClenaghan**

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<shawn.patrick.stensil@yto.greenpeace.org>,  
"Dave Martin" <dave.martin@yto.greenpeace.org>  
Date: Wed, 02 Nov 2005 13:22:21 -0500  
Subject: Re: Request for Legal Opinion  
Priority: normal  
Content-description: Mail message body

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<muldoonp@lao.on.ca>, "Mark Winfield" <markw@pembina.org>,  
<dave.martin@yto.greenpeace.org>  
**Subject:** meeting to set up  
**Date:** Wed, 2 Nov 2005 13:20:47 -0500  
**Organization:** Canadian Environmental Law Association

Charlene, as you will see on the note I just sent back to David Martin, Further to our Board's legal and priorities committee meeting last evening I wonder if you can canvass schedules of Rick, Paul, myself, Mark Winfield and Dave Martin and set up a meeting over the next couple of weeks to discuss: potential Judicial Review of Ontario's energy supply decisions / nuclear plants decisions/ other. The purpose is to canvass the upcoming opportunities for such a challenge and the strategic benefits of one versus the other; as well as the possibility that there would be one or more organizations wanting to take on this challenge as applicant.

To start the discussion, my availability is:

Nov. 14th am, Nov. 15th am, Nov. 17th am, Nov. 21 any time, Nov. 22 pm,  
Nov. 28 any time, Nov. 29th am or early pm,

Thanks Theresa

Theresa McClenaghan, Counsel,  
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Home office email mcclenaghan@execulink.com  
<mailto:mcclenaghan@execulink.com>

Cell phone: 519-755-7579

CELA's Library website: [www.ecolawinfo.org](http://www.ecolawinfo.org) <<http://www.ecolawinfo.org>>  
< <http://www.ecolawinfo.org> <<http://www.ecolawinfo.org>> >

Confidentiality Note: This message may be subject to solicitor - client privilege.  
If you have received this message in error, please let me know by reply email, and delete your copy. Thank you.

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