

Rick Lindgren

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Cc: <r.lindgren@sympatico.ca>
Sent: Thursday, April 20, 2006 9:05 AM
Subject: Re: request to share the CELA legal opinion

Yes - definitely - no problem. I know Joe and David well.

We should think collectively about strategy for the apparently imminent announcement. I doubt they will exempt from EA out of the starting gate. May be in our interests to hold off until there is an actual plan on the table from OPA, as that would be the time to pull the trigger on EA litigation.

Mark.

At 06:12 AM 4/20/2006, Dave Martin wrote:

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Hi Mark and Jose and Morag,

We initiated a discussion with "friendly" lawyers today, who might be willing to help with work on legal interventions relating to nuclear issues as well as the policy issues relating to provincial/federal jurisdiction on nuclear matters.

As you may have heard, there are some big changes at CELA, with Paul Muldoon being appointed to the environmental Review Tribunal, and Theresa McClenaghan now becoming a policy advisor to Ontario environment Minister Laurel Broten on the water brief. Michelle Swenarchuk is stepping again as ED, and Rick Lindgren will be filling in as well on our particular case.

Several of those in attendance (Joe Castrilli and David Poch) would like to see a copy of the full (and private) version of CELA's legal opinion on the application of the Ontario EA Act to the OPA plan. They of course would treat this as confidential. Joe has a long history of working on legal environmental issues, and David, as you know, acts for the Green Energy Coalition at the OEB.

Could you please confirm that this is OK?

I would also like to take this opportunity to remind you that we may have to make a fast decision when Cansfield issues her OPA directive(s). This may or may not exclude a EA, in which case there will only be 30 days to respond. We would have to ask the CELA lawyers to give us advice on how to proceed, and then make a decision.

If you have followed the news today, it seems as if the issuance of the directives may be delayed until May in the order to avoid the Chernobyl anniversary. I would not depend on this however... it may happen at any time. Never a dull moment!!

Cheers,

Dave Martin

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