

Ministry
of the
Environment

Ministère
de
l'Environnement

Office of the Minister

Bureau du ministre

135 St. Clair Ave. West
12th Floor
Toronto ON M4V 1P5
Tel (416) 314-8790
Fax (416) 314-6748

135, avenue St. Clair ouest
12^e étage
Toronto ON M4V 1P5
Tél (416) 314-8790
Téléc (416) 314-6748



JUN 16 2006

Ms. Michelle Swenarchuk
Executive Director and Counsel
Canadian Environmental Law Association
130 Spadina Avenue, Suite 301
Toronto ON M5V 2L4

Dear Ms. Swenarchuk

Thank you for your letter of December 13, 2005 in which you requested that the Integrated Power Supply Plan (IPSP) be made subject to the requirements of the *Environmental Assessment Act* (EAA) and your subsequent letter of February 28, 2006, enclosing a legal memorandum, prepared by the Canadian Environmental Law Association.

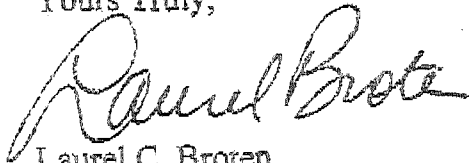
Since your letters, Cabinet has made a regulation that confirms that the IPSP is not subject to the EAA. The regulation designates and exempts the IPSP from the EAA. The IPSP was designated because it is not subject to the EAA. The *Electricity Act, 1998* specifically states that the Ontario Power Authority (the Authority) is not a Crown agent for any purpose therefore the activities of the Authority are not subject to the EAA. The exemption of the IPSP reflects the legislative framework for electricity in Ontario. The regulation also exempts government activities in relation to the IPSP from the EAA. This confirms the ministry's long standing position that government policy making is not subject to the EAA.

Specific projects which result from the IPSP, however, will be subject to all applicable EA requirements.

For your information, a copy of the regulation can be found through a link on the Environmental Bill of Rights Registry www.ene.gov.on.ca/envregistry/028017ex.htm and is also available on the Government of Ontario website for legislation and regulations (www.e-laws@gov.on.ca).

Thank you for bringing your concern to my attention.

Yours Truly,



Laurel C. Broten
Minister of the Environment

- c. Ms. Morag Carter
Director, Climate Change Program
David Suzuki Foundation
Suite 219, 2211 West 4th Avenue
Vancouver BC V6K 4S2