

September 15, 2009



Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Toronto, ON M4P 1E4

File number: EB-2009-0242

Dear Ontario Energy Board,

**RE: York Energy Centre LP Electricity Generation License Application EB-2009-0242**

I am writing in regard to the York Energy Centre LP Electricity Generation License Application EB-2009-0242. It is Ontario Nature's view that there are a number of serious, unresolved issues that relate to the York Energy Centre project. Ontario Nature respectfully requests that no electricity generation license be granted to York Energy Centre LP.

Ontario Nature is the owner of the 270-acre Cawthra Mulock Nature Reserve in King Township, located between Bathurst Street and Dufferin Street, north of Green Lane. The Ontario Heritage Trust holds a heritage conservation easement agreement over the entire nature reserve property, which states specifically what activities can and cannot be carried out on the property.

The proposed York Energy Centre LP site is located just north of the Cawthra Mulock Nature Reserve, with one privately-owned property separating the reserve from the power plant site.

It is Ontario Nature's understanding that a connection to the Ontario Power Authority's defined "B" connection point to permit "islanding" was fundamental to York Energy Centre LP's winning bid in the procurement process. To achieve the "B" connection York Energy Centre LP represented to the Ontario Power Authority that it had the ability to connect to the power grid (Holland Junction Transformer Station) using an existing Hydro One right-of-way located on Ontario Nature's Cawthra Mulock Nature Reserve property.

Ontario Nature has obtained the opinion of a legal professional regarding York Energy Centre LP's use of the hydro right-of-way. The rights-of-way that cross the nature reserve (granted in the 1940s to the Hydro-Electric Power Commission of Ontario) do not specifically allow for the use of the lands by another party. Therefore, a new agreement between Ontario Nature and York

Energy would need to be created before the right-of-way could be used by York Energy Centre LP.

As of the date of this letter, Ontario Nature has received no formal request from Pristine Power or York Energy Centre LP regarding York Energy's use of the right-of-way across the nature reserve.

Furthermore, Ontario Nature wishes it to be known that to allow such a connection across its reserve would be in conflict with Ontario Nature's intentions for the nature reserve, and would go against Ontario Nature's policies and mission.

Also, we wish to point out that paragraphs 4.1 (a) (b) and (c) of the heritage conservation easement agreement, which is held by the Ontario Heritage Trust and pertains to the entire nature reserve property, state the following:

“4.1 The Owner shall not use the Lands or permit any use of the Lands which will damage or destroy the natural features of the Lands or prevent their restoration or enhancement. Without limiting the generality of the foregoing, the Owner expressly covenants and agrees that except with the prior written approval of the [then] Foundation [now the Ontario Heritage Trust], it shall not

- (a) grant any easement in, over, on, under or through the Lands except for the grant of a government or public authority having the power to expropriate land and interests in land;...
- (b) sever or subdivide the Lands;
- (c) construct, erect or maintain or allow the construction, erection or maintenance of any building or structure on the Lands...”

Because York Energy Centre LP is a private sector company, the written approval of the Ontario Heritage Trust is required in order for Ontario Nature to grant any hydro transmission easements.

In addition to the outstanding issues regarding the use of the right-of-way across our nature reserve, Ontario Nature also has serious concerns about the environmental review process associated with this project. In the Ministry of Environment's letter of September 10<sup>th</sup>, 2009, confirming that a full environmental assessment is not required for this project, it is stated that York Energy Centre LP can implement the project *subject to any other permits or approvals that are required*. A letter dated September 11, 2009 (and an amendment letter dated September 14<sup>th</sup>), from the Lake Simcoe Region Conservation Authority to the Township of King, includes a long list of outstanding issues that have not been addressed in the applicant's site plan development application. On the basis of these unaddressed issues, the Lake Simcoe Region Conservation Authority recommends that the application be

denied. In our role as environmental advocates, Ontario Nature is adamant that any development project fully comply with all relevant environmental regulations.

As stated, it is Ontario Nature's position that serious issues remain to be addressed, and we request that no electricity generation license be granted to York Energy Centre LP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Carabetta', with a long horizontal flourish extending to the right.

Mark Carabetta  
Conservation Science Manager  
Ontario Nature  
366 Adelaide Street West, Suite 201  
Toronto, ON M5V 1R9  
[markc@ontarionature.org](mailto:markc@ontarionature.org)  
Tel: 416-444-8419 ext. 264  
Fax: 416-444-9866

**Applicant:**

Arie D. Van Driel  
Director, Asset Management  
York Energy Centre LP  
Suite 2250 350 - 7th Ave. S.W.  
Calgary, AL T2P 3N9  
Tel: (403) 218-3746  
Fax: (403) 444-6784  
Email: [dvandriel@pristinepower.ca](mailto:dvandriel@pristinepower.ca)

**Interested Parties:**

Harvey Tenenbaum  
Harten Consulting  
1232 Kingston Rd.  
Toronto, ON M1N 1P3  
Tel: (416) 691-4167  
Fax: (416) 691-8112  
Email: [harten2000@hotmail.com](mailto:harten2000@hotmail.com)

Debbie Schaefer  
Concerned Citizens of King Township Inc.  
P.O. Box 875  
King City, ON L7B 1A9  
Email: [cckt@kingtoday.ca](mailto:cckt@kingtoday.ca)

Scott Somerville  
Chief Administrative Officer  
Township of King  
Municipal Offices  
2075 King Road  
King City, ON L7B 1A1  
Tel: (905) 833-5321  
Fax: (905) 833-2300  
Email: [ssomerville@king.ca](mailto:ssomerville@king.ca)

Richard D. Johnson  
37 October Lane  
Aurora, ON L4G 6Z9  
Email: [Richard\\_johnson@telus.com](mailto:Richard_johnson@telus.com)

**CC:** Barbara Heidenreich, Natural Heritage Coordinator, Ontario Heritage Trust