

KEN PHILLIPS

R.R.#6, Shelburne
ONT, L0N 1S9

Emergency number: 237064 Con 4 OS, Melancthon Twp

April 24, 2011

TO:

Ministry of Natural Resources
2284 Nursery Road
Midhurst, Ontario
L0L 1X0

AND TO:

Highland Companies
P.O. Box 377
Shelburne, ON L0N 1S0

TO WHOM IT MAY CONCERN:

**RE: Application by 3191574 Nova Scotia Company, cob The Highland Companies
for a Category 2, Class A License:**

Part of Lots 18-23, Concession 1 OS

Part of Lots 18 and 19, Concession 2 OS

Part of Lots 17-21, Concession 3 OS

Part of Original Road Allowance between Lots 20 and 21, Concession 3 OS and

Part of Lots 16-19, Concession 4 OS

Township of Melancthon, County of Dufferin

EBR Registration No. 011-2864

I am submitting my letter of opposition to the Highland application for an aggregate license.

OBJECTION: The application is premature.

BASIS: After the application for a license was filed, the proponent was still beginning test drilling on wells. An individual cannot comment on a moving target. Once all reports and tests have been completed, and submitted as part of the process the application can be applied for. Anything else is an abuse of the process.

REQUIRED TO MEET THE OBJECTION: Drilling dates, locations and findings of all test wells that have been and will be submitted as part of this application.

OBJECTION: The "public process" was not met and there was no opportunity for the public to have meaningful input to the process.

BASIS: Highlands held a “public meeting” in the summer of 2009. The application submitted is substantially and fundamentally different than the information that was provided at the April 2011 meeting. The “public meeting” that was held in April 2011 by Highlands was in a venue that had no handicapped parking, no seating for individuals requiring accommodation, the noise was such that anyone with a hearing impediment was not able to take in the meeting and the building itself was not accessible with numerous stairs outside and inside the building. Most questions were answered by a “subject matter expert” advising people to check the website for information. In fact most of the area in Melancthon cannot access high speed internet which makes viewing Highlands application on-line impossible. Additionally the venue was too small. In fact many people signed a petition stating they were unable to access the meeting.

REQUIRED TO MEET THE OBJECTION: A second public meeting in an accessible venue, with handicapped parking, proper seating, size and sound issues resolved. Additionally, provide a complete paper copy of the application to all individuals who request one. And start the commenting period over again within 20 days of the TRUE public meeting.

OBJECTION: The proponent compares their water “management” system of 600 million litres of water a day for 365 days a year 24/7 as that to the system in place in the Holland Marsh.

Highlands Application provides: *“For comparative purposes, a water management system for the agricultural lands known as the Holland Marsh, located in Bradford-West Gwillimbury, Ontario is operated to maintain dry land conditions below the water table. The system consists of five pumping stations, with the main pumping station comprised of four pumps; one primary pump and three secondary, staged pumps. The primary pump has a capacity of about 52,000 m³/day and the three secondary pumps have capacities of about 142,000 m³/day at each pumping station or a total of 2,390,000 m³/day”*

BASIS: The Holland Marsh Drainage Superintendent disputes all claims made by Highlands in their application. He states:

“we have the ‘ability’ to pump up to 100,000 gpm. This may happen for a period of approximately 6 hours through the course of a year. This would be only happening during the spring freshet, and even then pumps are often manually turned off as it has a negative impact to the river. The pumps often sit idle from June to September.”

“Vegetable crops may not do very well in a 200’ deep hole as temperatures will be lower and will have impact on growth rates. One of the keys to the Marsh is the black soil, this actually increases soil temperatures early in the year allowing them to get on the land sooner and in the dry months it helps to create a ‘mini’ climate

where most of the major storms are diverted around the basin due to the warm air rising and impacting weather patterns in the immediate area. This is more of a local phenomenon. Based on that, I would find it hard to believe that any high land farmer would find it economically beneficial to support any type of pumping operation which would be required to maintain the water tables.”

Additionally the Holland Marsh system deals only with surface water NOT groundwater.

REQUIRED TO MEET THE OBJECTION: Withdraw all comparisons to the Holland Marsh with respect to this proposal.

OBJECTION: The dust study done does not have any information or an impact statement on local crops and animals. Nor does it talk about the health impact from particulate matter.

BASIS: Melancthon Township, with prevailing winds carries a lot of dust. Crops cannot grow, nor animals thrive with limestone dust and nitrogen from the blasting. Asthma rates are rising in both children and adults at an alarming rate. Excessive amounts of limestone dust on surrounding fields can change the PH balance thus rendering the land useless for growing crops or raising livestock.

REQUIRED TO MEET THE OBJECTION: Provide a dust analysis on local crops and livestock as well as the health impacts of particulate matter on the population and local farming economy.

OBJECTION: The proponent provides information on the economic benefit to THEIR operation in terms of jobs, however there is no corresponding study on the negative impact on the surrounding farming operations or business models in the area, particularly businesses on County Road 124 and the Town of Shelburne which will be impacted by the proposed 3,600 loaded trucks and 3,600 unloaded trucks a day 24/7. Nor is there any analysis of the impact on dust, blasting and noise on agricultural operations. There is also no mention of the economic impact on the Toronto economy due to the potential loss of a local potato source in the thriving food processing industry. The ski and sea industry in Collingwood will suffer a major economic impact.

REQUIRED TO MEET THE OBJECTION: A comprehensive economic impact analysis statement for Ontario on the effect of this 2,300 acre 200 foot below the water table 24/7 mining operation.

OBJECTION: The “water management system” as proposed by Highlands is not proven and is in fact an experiment.

BASIS: Highlands proposes to “manage” 600 million litres of water a day, 365 days a year 24 hours a day for 7 days a week. In fact their entire model is built on this “management” system.

In fact the water will sit in pooling ponds for up to two days and be exposed to salt, air pollution, oil, nitrogen from blasting and other air exposed contaminants.

Their model does not provide for how the exposed water will be treated prior to re-injecting it into the wells/aquifer.

REQUIRED TO MEET THE OBJECTION: A clear proven plan for treating the water prior to reintroducing it into the drinking water of up to 1 million Ontarians including a water treatment facility that meets all provincial guidelines.

OBJECTION: The “water management system” as proposed by Highlands is not proven and is in fact an experiment.

BASIS: Highlands proposes to “manage” 600 million litres of water a day, 365 days a year 24 hours a day for 7 days a week. In fact their entire model is built on this “management” system. Highlands’s material states categorically that no one’s water will be impacted. This statement is made on the basis that experts have reviewed the studies and “concluded that....” In fact nowhere else in the world is this type of management used on this scale. Additionally all conclusions and proposed outcomes are based on a best case scenario, there are no worst case contingent plans.

REQUIRED TO MEET THE OBJECTION: A \$550 million fund that ratepayers can access should they find themselves suffering damages due to Highland’s actions. The fund would be for legal fees for individuals who must take action in a court of law.

Also a personal written guarantee, binding on heirs and assigns signed by all principals of the Highland Companies that should any ratepayer suffer damages as a result of Highlands actions and practices that the principal shall ensure that compensation is paid by them personally.

Clear, concrete and proven studies showing that this scale and type of system will work, not one that has been viewed on a computer model and studied and concluded that it will work.

OBJECTION: The traffic Study is incomplete.

BASIS: There is no mention of the impact to Honda in Alliston who will have to compete with 7,200 trucks a day on the road to meet their just in time shipping requirements for inventory. Additionally Chapman’s Ice Cream located out of Markdale, who ships to Toronto via Hwy 89 and 10 must deal with this increased traffic. All roads north, south, east and west from the proposed site on County Road 124 are 2 lane highways. The traffic study does not show any analysis past

Primrose. What happens to all of these trucks at that point, do they disappear off the face of the earth?

County Road 124 is a major road in all seasons, skiing in the winter and golfing and boating in the summer. Additionally school bus's use this route. How can children riding these buses be transported safely with that type of traffic on the small County Road? The Study only talks about their trucks hauling the aggregate, it does not account for service vehicles, employee vehicles, heavy equipment, and other local traffic.

The traffic study also does not incorporate the winter closures on County Road 124, the impact of all of those trucks stopped on the road due to weather conditions, nor the impact of farming equipment including planters and harvesters travelling that corridor.

REQUIRED TO MEET THE OBJECTION: A full and comprehensive traffic study addressing all the above issues.

OBJECTION: First Nations Consultation is non-existent.

REQUIRED TO MEET THE OBJECTION; Full First Nations Consultation.

OBJECTION: The plans call for rehabilitation to agriculture but the plans are not clearly stated.

BASIS: The proponent make vague promises of rehabilitation, however there is no legal requirement for them to do so once they have dug below the water table. In fact the only way it can be done is to continue to pump 600 million litres of water a day to the end of time. There is no clear financing in place for this, nor a clear farm management plan. At the 2009 public meeting Highland's experts advised that tender fruit trees could be grown. At the 2011 public meeting they were even more vague, stating only that hardy crops would be grown. There is no analysis as to growing crops 200 feet below the water table in terms of frost, snow, slower growing season, etc. There is no costing per acre to continue to maintain and run the pumps should someone wish to farm at the bottom of the hole, nor to maintain the access roads to the bottom of the pit.

REQUIRED TO MEET THE OBJECTION: A full analysis and feasibility study, including financial, on growing crops at the bottom of the mine.

OBJECTION: Environmental damage will not be recoverable.

BASIS: Once water of 600 million litres per day is forced through a pipe and reintroduced into the aquifer, the temperature will change. Even a slight

temperature change will change the ecology of the area that has developed naturally over eons.

REQUIRED TO MEET THE OBJECTION: Evidence that the Department of Fisheries and Oceans have been consulted and they have approved the “plan”.

Conclusive and proven evidence that this “plan” will have no impact on the ecology, NOT experts that “conclude” it will have no impact on the ecology.

OBJECTION: Noise and blasting, on paper, meet the guidelines.

REQUIRED TO MEET THE OBJECTION: The Highland Companies be financially responsible for qualified and trained experts, hired and employed by the Township of Melancthon, to be working at all times when blasting is occurring.

OBJECTION: With respect to all of the above noted objections, all lands in Melancthon be moved into the Environmental Assessment Area and a full environmental assessment be completed and the land.

BASIS: Highlands continually assures us their 2,300 acre, 200 foot below the water table mine, with 7,200 hundred trucks per day, blasting except on Stat holidays will have absolutely no impact on anyone, particularly water. They should therefore have no objections to meeting this requirement. Cost should not prohibit this. As recently as April 24, 2011 a renowned writer for hedgefund companies indicated that the Baupost Group, led by Seth Klarman has spent approximately \$80 million to acquire the land, but is expecting to make at least \$120 BILLION from the mine. (link to article attached: <http://www.gurufocus.com/news/129627/seth-klarman-buys-land-worth-120-billion-for-80-million>)

REQUIRED TO MEET THE OBJECTION: That all lands in Melancthon be moved into the Environmental Assessment Area and a full environmental assessment be completed on the subject and adjacent land with all costs to be borne by the proponent.

OBJECTION: Highlands has not met the provisions of the Provincial policy statement.

BASIS: The provincial policy statement provides that

Prime agricultural areas shall be protected for long-term use for agriculture.

Mineral extraction will be considered provided that:

a. other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is

feasible. Where no other alternatives are found, prime *agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3;

REQUIRED TO MEET THE OBJECTION: Evidence of other areas that were considered by Highlands including test drilling and boring.

In closing on Saturday April 23, 2011 at a roadside stream located at the 3rd line and 15 sideroad in Melancthon, a baby beaver eating green grass shoots at streamside, while young trout darted in the fast flowing water. This stream, Marshall Brook, rises in a series of welling springs on the adjacent farm, Lot 16, Concession 3, Old Survey, Township of Melancthon.

Local knowledge and Highlands own studies show that these springs are fed by underground streams that flow through the proposed quarry site. This stream Marshall Brook is a direct feeder to the Pine River, a notable river for cold water fish.

As well, Campbell Creek, another service stream of the Pine River, flows through the proposed quarry.

At this time of year, Campbell Creek at 20 Sideroad in Melancthon flows through the culvert at thousands of gallons a minute and from the road 300 to 400 feet in you can see this flow disappear underground. Once underground it follows a natural course and rises above ground again as clear water just east of the 3rd line in Melancthon, where it continues flowing through farmland to cross County Road 124, joining other streams from the north. It then flows South into the Village of Hornings Mills and drops over a picturesque water fall finally joining the Pine River.

Highlands own submissions show they propose diverting this stream at 20 Sideroad in Melancthon and ditching it out to Count Road 124 and then South to rejoin its natural course.

I implore you to investigate, consider this unique natural feature that has evolved over eons. By diverting this stream from its natural below ground route where it is cleansed, dirty water will result in being poured into the Pine River.

Both the Campbell and Marshall have supported for untold years generations of wildlife and fish including beaver, foxes, muskrat, turtles, frogs, snakes and deer. With blasting, the tree cutting, diversion of natural streams and dirty water these will certainly be impacted if not disappear completely. Wildlife need natural coverage for travel corridors. Fish, turtles, frogs and snakes need a constant water flow of clean, cold water. The evidence of this is provided on the properties Highlands now own, on which they have clear cut thousands and thousands of trees. Deer do not travel across those wide open expansions anymore.

Highlands own claim that their operation will have no impact on anyone's water outside of their property line is outrageous, disingenuous and quite frankly insulting. One can not imagine what they have spent on consultants and "subject matter experts" but it would be astonishing to think that any serious expert would put their name to that claim.

How does any "expert" make that claim, when any farmer would know that by digging any hole in this area, 2,300 acres and 200 feet below the water table (larger than Niagara Falls), with a scheme that involves "managing" 600 million litres of water a day to the end of time, would have no impact on all the major watersheds and headwaters which service more than 1 million Ontarians.

At the Highlands own information meeting on April 2, 2011 held at Hornings Mills, their alleged subject matter experts looked uncomfortable when I mentioned some of these things to them. I received no definite assurances there would be no impact because of the unknowns. Rather I was told to go read Highlands application.

If they are wrong and there is an environmental disaster then what? I have no faith in Highlands to be prepared for such a disaster, nor care if they cause one. Money talks and that is their main concern. My government should care and I will trust that no bureaucrat or government would sign name to paper to approve this outrageous, questionable and quite frankly unproven scheme. Please advise where it states that anyone has the right to experiment with anyone else's water?

It would seem the only thing to be done is to not approve any part of Highlands application for any amount of open pit mine in this area. Should a smaller operation of 300 acres be approved, it would not be long before they apply for expansion after expansion. There really is no other option.

Yours truly

Ken Phillips