



Nichols Gravel Limited
P.O. Box 172 - Delhi, Ontario N4B 2W9
Phone (519) 582-3354 Fax (519) 582-2143

PLEASE NOTE THE FOLLOWING FACT IN RESPECT TO LICENCE #103717
AS ISSUED MARCH 25 2003.

- ① THERE ARE NO PROVISIONS IN BILL 52 AGGREGATE ACT LEGISLATION WHICH ALLOW FOR "PRE" OPERATING CONDITIONS TO BE IMPOSED ON ANY LICENCE ISSUED BY THE MIN. OF NATURAL RESOURCES.
- ② THERE IS NO REFERENCE IN ONTARIO MUNICIPAL BOARD DECISION/ORDER 1194 IN RESPECT TO "PRE" OPERATIONAL CONDITIONS, REGARDING THE 55 CONDITIONS AS SUGGESTED TO THE BOARD FOR APPROVAL BY THE LAWYER AND CONSULTANT FOR NICHOLS GRAVEL LIMITED.
- ③ THERE IS NO REFERENCE IN OMB DECISION/ORDER 1194 TO SCHEDULE "A" AND "B", AS INDICATED ON THE LICENCE. THE O.M.B. DECISION/ORDER DIRECTED REFERENCE TO THE CONDITIONS OF ATTACHMENT "2", AND NOT 23 CHERRY PICKED CONDITIONS BY M.M.R. AND MADE INTO "PRE" OPERATING CONDITIONS TO EXTRACTION BY INSPECTOR CUTMORE AND HIS SUPERIORS.
- ④ AGGREGATE RESOURCES ACT SUBSECTION 11(15) PROVIDES THAT A DECISION/ORDER OF THE O.M.B. CANNOT BE REVIEWED UNDER SECTION 43 OF THE ONTARIO MUNICIPAL BOARD ACT OR SECTION 21.2 OF THE STATUTORY POWER PROCEDURE ACT. SEE O.M.B. LETTER OCT 10, 2002.
THEREFORE IN CONCLUSION, NO STAFF, INCLUDING THE MINISTER OF MNR, POSSESSED ANY LEGISLATED AUTHORITY TO REVIEW, ALTER, CHANGE OR RESTRUCTURE CONDITIONS AS IMPOSED BY ONTARIO MUNICIPAL BOARD DECISION ORDER 1194.

Dary Nichols