

ARRELL PLACE LAW LLP

(Established 1898 by Harrison Arrell, Q.C.)

BARRISTERS, SOLICITORS & NOTARIES

PAUL J. OSIER, B.A., LL.B.
W. PETER MURRAY, LL.B.
ELAINE ROSEWELL, B.A., LL.B.
AUBREY D. HILLIARD, B.A., LL.B.

TELEPHONE: (905) 765-5414
Mr. Paul Osier, Ext. #34
Bonnie Watson, Assistant, Ext.#30
FAX: (905) 765-5144

31 July 2007

Ministry of the Attorney General
Crown Law Office
720 Bay Street, 8th Floor
Toronto, Ontario M5G 2K1

Attn: Mr. Dennis W. Brown, Q.C.

Dear Sir:

Re: Nichols Gravel Limited: Court File No. 148/07, Cayuga

Please be advised, that under the Ontario Municipal Board Act, Section 86 (1), "Enforcement of Orders", supported by the court decisions of January 28, 2004, June 15, 2006 and March 12, 2007, which have confirmed that 23 specific per-operational conditions do not form part of Licence #103717, a Judgment Order has been filed with the Superior Court of Justice in order to enforce compliance to the Ministry of Natural Resources to Ontario Municipal Board Decision/Order 1194.

We further advise that any enforcement of charges related to any conditions which cannot be identified in OMB Decision/Order 1194 or the licence as signed by the Minister, March 25, 2003, or which do not comply explicitly with *The Aggregate Act* legislation will be considered to be contempt of court, which shall immediately provoke such charges to both the MNR and the Crown.

It is suggested, at this time, that all outstanding matters including damage claims should be resolved immediately as Mr. Nichols has been contacted by members of the Six Nations Confederacy, and it has been drawn to his attention that at least part of the quarry lies within the Six Nations Plank Road Treaty Land Claim, which extends one half mile either side of Highway # 6. Mr. Nichols has been requested to attend before the Six Nations Land Claims Committee to discuss this matter further, to which Mr. Nichols has agreed.

My client further advises that the quarry shall be reopened for business as of August 20, 2007, assuming a favourable court result on August 16, 2007. We are hopeful to avoid bringing contempt proceedings under the OMB Order as presently filed in court. As of further assistance I am enclosing a photocopy of the portion of the lands claimed by the Six Nations.

Yours truly,



ARRELL PLACE LAW LLP

Paul J. Osier
PJO/bw



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

August 22, 2007

Ministry of the Attorney General
Crown Law Office

ATTENTION: Mr. Dennis Brown Q.C.

Dear Sir:

Please be advised of certain developments of which you should be made aware, to which our Solicitor Mr. Osier has not been involved.

On July 25, 2007, the very same day that an article was published in the Regional News this Week regarding the problems with M.N.R. and our Hagersville Quarry, I was contacted by members of the Six Nations Confederacy and offered any assistance that they could provide to get the Quarry operational again.

I was directed to speak to Chief Leroy Hill, and the following week met with confederacy lawyer Mr. Aaron Detlor where we discussed a possible Lease from the Confederacy in recognition of their treaty rights to the land, to defer these rights for acceptable compensation to allow destruction of the land by quarry operation. In return the Confederacy would provide security to the Lease to prevent any future Aboriginal occupation of the land, or any obstruction or interference to the quarry operation by anyone including government. We expect to conclude these discussions when Mr. Detlor returns from holidays on August 28, 2007.

In respect to the fact that we have received no support from anyone regarding this illegal fraudulent enforcement on Licence 103717 by M.N.R., except now from the Six Nations Confederacy. In return I have prepared documentation for presentation to the Confederacy Council to assist them with their problems with government which I will provide to Mr. Detlor when we meet next Tuesday. When you have received this documentation and if these recommendations are adopted by the Confederacy, I am certain that you can appreciate the chaos that will impact construction in Ontario if these pits and quarries within the Haldimand Grant are occupied and shut down. This will be comparable to what our quarry experience has been over the past 4 years.

Now our problem could become someone else's problem with other pit operators, but mainly the government.

Please further be advised that Mr. Osier has been instructed to prepare and file contempt of court documents to M.N.R. and various officials under O.M.B. Legislation Section 86(1) as well as the Judgment order for enforcement of compliance filed with the Court July 27, 2007. and also M.N.R. contempt of court to the decision of Justice D. Reilly, June 15, 2006 and the exceptionally explicit declaration that "Pre Operational Conditions" do **not** form part of licence 103717.

And just a further reminder in reference to my letter of July 11, 2007 to the Ombudsman office, you can expect to see our trucks loaded in Toronto in protest unannounced any time after September 10, 2007.

Find documents enclosed and also copied to the undersigned.

Should you have any comment to make in this respect to anything in this letter of intent please contact our Solicitor Mr. Osier at 1-905-765-5414 **prior** to August 28, 2007 and **after** August 28, 2007 Mr. Aaron Detlor at 1-416-819-8583.

Yours sincerely,



Gary Nichols

c.c. Hon. Steven Harper
c.c. Hon. Chuck Strahl, Minister of Indian Affairs
c.c. Hon. Dalton McGuinty
c.c. Hon. David Ramsay

Item Number / N de l'article: **LT 221 523 493 CA 20070822**

GARY NICHOLS
BOX 172
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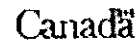
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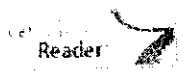
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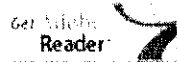
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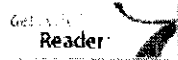
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Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1653
Fax (705) 755-1621

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water, C.P. 7000
Peterborough, ON K9J 8M5

August 20, 2007

Mr. Gary Nichols
President N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number: A-2007-00040

Dear Mr. Nichols:

I am responding to your July 26, 2007 request, made under the Freedom of Information and Protection of Privacy Act (the Act), for:

* "records for all costs of MNR staff time, MNR and Crown Law Office Lawyers time in preparation for prosecutions of charges and court appearances, OMB hearing of Sept 5/06, travel time and related expenses to the enforcement of 23 specific pre operational conditions on Nichols Quarry Lic 103717 from April 1, 2003 to this date July 18, 2007."

The Ministry does not have any records relating to the costs associated with the enforcement of "23 specific pre-operational conditions" on Nichols Quarry licence #103717.

However, if you are looking for records relating to the cost associated with the Ministry's efforts to ensure that the operation of Nichols Quarry was in compliance with licence #103717 and the requirements of the Aggregate Resources Act, then the Ministry does have records and I am issuing a fee estimate and interim decision because it would be unduly expensive to review the large volume of records in order to make a decision regarding disclosure.

In order to arrive at a fee estimate and interim decision, I have consulted with Ministry employees in the relevant branches regarding the nature, approximate volume and contents of the records you are requesting.

* Our preliminary estimate is that there are approximately 1,036 pages of records, which include electronic travel claim, purchasing card monthly statements, monthly vehicle diary and receipts. We expect the following exemptions may apply to some of this information:

Section 19 – Solicitor-client privilege
Section 21 – Personal Information

Section 57 of the Act, requires the charging of fees in connection with requests for access to government held information. The estimated fee for the records that may be released is \$1,553.20 calculated as follows:

Search time (43 hours x \$30.00 per hour)	\$1,290.00
Record preparation (3.20 hours x \$30.00 per hour)	\$96.00
Photocopies (836 pages x \$0.20 per page)	<u>\$167.20</u>
Total	\$1,553.20 *

Alternatively access to the records can be provided on CD-ROM at a cost of \$10.00 for the CD, thereby eliminating the photocopy cost. This will reduce the fee associated with processing your request to \$1,396.

The Act states that a government organization may require a requester to pay a deposit equal to 50 percent of the estimated fee. Your written acceptance of the fee and a deposit of \$776.60 or \$698.00 (for copies of the records on CD-ROM), payable to the Minister of Finance, is required before we can fully process your request. Please remit payment to the Information and Privacy Coordinator, Ministry of Natural Resources, P.O. Box 7000, 300 Water Street, Peterborough, Ontario K9J 8M5. VISA, Mastercard or American Express payments can be made by calling Kris Kannakko at 705-755-1653 and providing your account number and expiry date.

If you disagree with any aspect of the fee, or wish to revise your request in order to reduce the fee, please discuss the matter with Bernadette O'Neill at (705) 755-1625.

Please note that, according to the Act, there are certain circumstances in which a government organization is required to waive fees associated with a request. Should you wish to apply for a fee waiver, please provide me with a written application as soon as possible. Be sure to include your reasons, as well as copies of any documents that support your application.

Since this is only an interim decision you may not appeal the application of exemptions at this time. You may, however, ask for a review of the fee estimate within 30 days of receiving this letter by writing to the Information and Privacy Commissioner, Suite 1400, 2 Bloor Street East, Toronto, Ontario M4W 1A8, telephone 1-800-387-0073.

In the event that you wish to appeal the fee estimate to the Information and Privacy Commissioner, please provide the Commissioner's Office with:

MNR Reference Number A-2007-00040

Page 3

1. The request number assigned to your request
2. A copy of this decision letter
3. A copy of the original request for information which you sent to this institution

In addition, you must send an appeal fee of \$25.00 to the Commissioner's Office. Please include the fee with your letter of appeal, in the form of either a cheque or money order made payable to the Minister of Finance.

Sincerely,

Laura Lee May
Information and Privacy Coordinator



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

August 27, 2007

Ministry of Natural Resources

Information Access Section

ATTENTION: Laura Lee May, Information and Privacy Coordinator

M.N.R. Reference # A-2007-00040

Dear Madam:

In respect to your letter of August 20, 2007 with estimated fee to fulfill our request for information of July 26, 2007, please be advised that we accept the fee estimate for copies estimated at 1036 pages with 50% of estimated fee in the amount of \$776.60 enclosed for advance payment in order to proceed.

We further advise that we do not want or require copies of documents from our own files seized under Search Warrant dated January 9, 2007. We do however, require the cost of preparation by Ministry lawyers and staff as well as for the 29 government personnel involved in execution of the Search Warrant.

Thank you for your co operation in this matter.

Yours sincerely,

Gary Nichols

Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1653
Fax (705) 755-1631

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water, C.P. 7000
Peterborough, ON K9J 8M5

August 30, 2007

Mr. Gary Nichols
President N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number: A-2007-00040

Dear Mr. Nichols:

In reference to your access request received on July 26, 2007, under the Freedom of Information and Protection of Privacy Act. The time to process your request has been extended in accordance with section 27 of the Act for an additional 60 days to November 1, 2007. *

The reason for the extension is that the request necessitates a search through a large number of records, and meeting the time limit would unreasonably interfere with the operations of the institution.

You may request a review of this decision by the Information and Privacy Commissioner, Suite 1400, 2 Bloor Street East, Toronto, Ontario M4W 1A8, telephone 416-326-3333 or 1-800-387-0073. Please note that you have 30 days from receipt of this letter to request a review.

In the event that you wish to launch an appeal to the Information and Privacy Commissioner, please provide the Commissioner's office with:

1. The request number assigned to your request
2. A copy of this letter
3. A copy of the original request for information which you sent to this ministry

Please include the \$25.00 appeal fee in the form of a cheque or money order, payable to the Minister of Finance with your letter of appeal to the Commissioner's office.

Sincerely,

Laura Lee May
Information and Privacy Coordinator