

March 12, 2018

Madame Mayor, councillors

My statement is in regard to Bill 1823, the Nelson Aggregate agreement

I just have a couple of comments to make with regards to the revised agreement.

The Nelson Aggregate site plan of November 2017, was substantially amended on the second last day of the OMB hearing. Does this newly created plan not have to be approved by “municipal governments, public agencies and commenting authorities”, as provincially required? The internal haul route was modified and moved to the centre of the property to allow for trucks to que inside rather than on Sideroad 5, and the processing area has now been fixed to phase 1. These don't seem like minor changes.

Also in regards to the Municipal Drain, which has gone back and forth over whether there is such a feature on this property. This drain is noted and shown in the Natural Environment Level 1 & 2 Technical Report for the Alliston Pit, dated November 2014. Why was this drain never shown on the 2015 and 2016 site plans, considering it was shown in the Technical Report? In this report we have the following three statements”

1. NVCA (March 31, 2015) also identified a municipal drain leaving the site between the Boyne and Tosorontio Creek
2. “A municipal drain is located between the Boyne River and Tosorontio Creek and exits the property along the east boundary. The NVCA identify this drain as “permanent cold/cool system with no sensitive fish habitat present”. C.C. Tatham is monitoring the municipal drain as it leaves the property.
3. The area of the municipal drain along the east boundary of the site will be the location of the emergency overflow for the proposed pit lake.

As well a map circa 1950 describes 6 drains in Adj/Tos, this being one of them. The Provincial Drainage Act of 1990 has jurisdiction regarding municipal drains. Owners along this 3km drain must also be consulted.

It was mentioned previously that Mr. Craig was asked at the OMB hearing if this was a municipal drain, to which he confirmed. So clearly there are clearly still questions that pertain to this municipal drain that need to be addressed before moving forward. As in certain circumstances under the Drainage Act the municipality can be held liable for damages for not maintaining these drains.

So until the township has it in writing that this is NOT a municipal drain, council should consider this point still open.

You should also confirm if there ever was a sign-off by Hydro considering their new site plan brings the haul route closer to the middle hydro tower.

Thank you for your time.

Tina