

## Appendix B

Letter to Minister MacDonnel,  
Agriculture and Natural Resources

The Honourable John MacDonell  
Minister of Agriculture  
3<sup>rd</sup> Floor, 1741 Brunswick Street  
Halifax, Nova Scotia  
B3J 3C4

Minister of Natural Resources  
1701 Hollis Street  
Halifax, Nova Scotia  
B3J 3M8

Phone (902) 424-4388  
[MIN\\_DAG@gov.ns.ca](mailto:MIN_DAG@gov.ns.ca)

Phone (902) 424-4037  
[MIN\\_DNR@gov.ns.ca](mailto:MIN_DNR@gov.ns.ca)

12 November 2009

**Re: Miller's Creek mine**

Dear John:

Thank you for the opportunity to meet with you and Lawrence 10 November 2009. You'll recall Allen Shaw of Shawbrook Dairy Farm and Alan Palmer of Avonview Farm joined us. I respect that this was an informal meeting at Lisa's Café but I thought it might be helpful to remind you of matters raised in our meeting pertaining to your portfolios. I hope you don't mind I've copied to your cabinet colleagues with relevant portfolios.

- The proponent has failed to acknowledge the presence of a known bat hibernaculum in the proposed footprint of the mine. The terms of reference (TOR) for the focus report require the proponent to address species-at-risk, including red and yellow listed species. Bats are yellow listed in Nova Scotia. The proponent has previously eliminated a major bat hibernaculum at the Miller's Creek site.
- The proponent has apparently failed to protect a population of Ramshead's orchids at the current Miller's Creek mine, an ongoing violation of the Endangered Species Act. The proponent has previously eliminated a population of Canadian Violets, the last known occurrence of this protected plant in Nova Scotia.
- The proponent has failed to provide options for mine development such that water resources of our agricultural watershed will be avoided and protected with vegetated buffers as required by the TOR. The proponent proposes to eliminate all of our headwater streams and most of our wetlands.
- The TOR specifically require detailed and well-defined protection plans for Shaw Brook. However the proponent has failed to delineate wetlands and hydrological connections critical to the integrity of species-at-risk habitat, Shaw Brook, and the water resources of Shawbrook Dairy Farm. These wetlands and connections would be eliminated.
- The objectivity of the report would seem to be compromised as its chief consultant represents the mining industry as president of the Mining Association of Nova Scotia.

- With respect to public concern, on 25 October 2006 the Hants Federation of Agriculture resolved to uphold our agricultural zoning and to support a moratorium on mining in the watershed. The HFA wrote to provincial Ministers re its concerns, and again to the Environment Minister in 2008. Over 5,000 Nova Scotians signed a petition to support a moratorium. These were delivered to the Premier and presented to the Legislature by MLA Steven McNeil. In addition to Federal and Provincial responses, the proponent's initial plan attracted some 80 written submissions from the public re deficiencies during the 14-day EA comment period in March 2008. Our website at [www.apwps.ca](http://www.apwps.ca) links to some 50 media items about the proposal.
- The proponent has failed to engage the community or respond to public concerns. With major lay-offs and a shutdown of the mine over the past year, failure to submit the report within the initial one-year deadline, and no communication with the community in over a year and a half, it was generally understood that the proponent had dropped the proposal. At a meeting with the Minerals Branch on 11 September 2009, staff questioned whether a report would be forthcoming. Now, suddenly, the public has less than 30 days to comment on a 700-page report.
- The approval of a mine on agricultural priority land would seem to be inconsistent with the Province's responsibilities under Section 196-197 of the Municipal Government Act, as we most recently set out in our letter of 28 October 2009 to Minister Jennex, Municipal Affairs, and at a meeting on November 3 with her, Deputy Minister Malloy and staff. We understand Minister Jennex will be taking this up with you as the lead department for agricultural land.

We understand that you will convey these concerns to your officials for consideration in their comments on the focus report to Minister Belliveau.

You'll recall the report indicates the mine has enough gypsum to operate another 10 years without the proposed expansion. The proponent, Chicago based USG, has recently emerged from Chapter 11 bankruptcy and is struggling with reduced demand for its product. What is the case for this proposal, which would put at risk the agricultural and natural assets of the Avon Peninsula—the Lady Slipper Capital of the Maritimes? Let's take the time to foster sustainable initiatives already underway here—with our orchards, farms, vineyards, winery, trails and orchids—and in surrounding communities.

As discussed at our meeting, the Department of Environment has yet to require an environmental assessment report for this proposal. Such a report would help the proponent address deficiencies such as those noted above, as well as provide a formal process for more adequate scientific oversight and public engagement. We understand you will be personally taking this up with Minister Belliveau and Deputy Minister Vanstone.

On behalf of our Board I thank you for meeting with us. I believe you said you'd get back to us on these matters by 20 November. As you know, the deadline for public comments on the report is November 23.

Sincerely,

Raymond Parker, M.A., M.E.S.

President, Avon Peninsula Watershed Preservation Society  
221 Avondale Road, Newport, Nova Scotia B0N 2A0  
Phone: (902) 792-0272 [apwps@xplornet.com](mailto:apwps@xplornet.com) [www.apwps.ca](http://www.apwps.ca)

Cc: The Hon. Darrell Dexter, Premier of Nova Scotia  
The Hon. Frank Corbett, Deputy Premier  
The Hon. Sterling Belliveau, Minister of Environment and Fisheries  
The Hon. Ramona Jennex, Minister of Service Nova Scotia and Municipal Relations  
Nancy Vanstone, Deputy Minister of Environment  
Kevin Malloy, Deputy Minister of Municipal Relations  
Joanne Cook, Executive Assistant to Minister Belliveau  
Lawrence Nason, Executive Assistant to Minister MacDonell  
Helen MacPhail, EA Branch, Department of Environment  
Allen Shaw, Shawbrook Dairy Farm  
Alan Palmer, Avonview Farm  
APWPS Board and Committees