



Parker Mountain Aggregates
P.O. Box 97, Annapolis Royal, N.S.
B0S 1A0

Bus. 532-7844

Fax: 532-0925

March 15, 2004

Bob Petrie
N.S. Dept. of Environment & Labour
13 First St.
Yarmouth, N. S.
B5A 1S9

Re: Tiverton Quarry
Approval No. 2003-032388

I am in receipt of your fax which was sent to my office on Friday, March 12, 2004. I find your action unprecedented and disagree with the contents of your fax.

You are clearly mistaken when you say there is no bond in place. The original bond, which does not expire until March 17, 2004, was sent to Mr. Robert Balcolm of your Department, who was at the time looking after this Quarry. You will find a copy of that bond, together with confirmation of it being sent to Mr. Balcolm, the new bond which you will note is effective at the expiry of the existing one.

Likewise with regards to the rehabilitation plan, this was previously submitted to your Department. I assure you that if you review the file you will find this as well.

Ms. Cook wrote to me on November 10, 2003 requesting a survey/plot plan (copy of letter attached). Her letter did not mention the bond and likewise she did not mention the rehabilitation plan. The first time your Department has ever raised these issues is Ms. Cook's fax of March 12, 2004.

I responded to Ms. Cook's November 10, 2003 letter on November 27, 2003 by letter (copy attached) addressing the issue of a plot plan, by advising that I was looking into it. I subsequently followed up by telephone conversation with Ms. Cook advising that with winter weather setting in and the surveyor's schedule, it may be spring before this was done. At that time I advised that there had been no work in the Quarry since March 2003 and that no work would be occurring through the winter months, i.e., nothing would change over this period of time. At the time she was agreeable with this.

[Handwritten notes and signatures in the bottom right corner, including the word "No" and some illegible scribbles.]

Last week I entered into a contract which would see Spicer Construction obtain a substantial quantity of rock from this Quarry to build the new breakwater for the Harbour Development in Tiverton. It is Spicer's intention to begin work this week.

If I have no permit I find myself in breach of contract with Spicer and will likely face a considerable claim given that he has an approximate \$3,000,000.00 contract with Public Works and Government Services Canada. If this occurs, I will counter-claim against your Department for all my losses and in any event I will claim for my loss against your Department.

I strongly urge you to reconsider your actions regarding my permit. I feel your decision is based upon incorrect information, most of which you had never raised previously. Also, you have not given any notice or indication of your intention to take such severe action. The consequences and stakes are high. I urge you to work with me rather than forcing what I see as a long and expensive lawsuit.

Please contact me immediately at 615-889-1000, Room C1091 to discuss. I am out of the country waiting in a hotel room for your call. Please note that check out time is 11:00 a.m.

Yours truly,



Michael A. Lowe
MAL/kl
encs.