

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings - August 30, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3 and section 115 of the *Water Act*, S.A. 1996, c.W-3.5;

-and-

IN THE MATTER OF an appeal filed by Mr. Robert H. Mann on behalf of Golden Nodding Acres Owners Association with respect to Approval 00151305-00-00 issued under the *Water Act* by the Director, Regional Support Northeast Boreal Region, Alberta Environment, to the Golden Nodding Acres Association for weed removal at NE 20-065-17-W4 of North Buck Lake.

Cite as: *Golden Nodding Acres Owners Association v. Director, Regional Support, Northeast Boreal Region, Alberta Environment.*

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Golden Nodding Acres Owners Association for the removal of weeds and rototilling of the sand on the shore of North Buck Lake with certain conditions. The Board received a Notice of Appeal from the Golden Nodding Acres Owners Association appealing certain conditions within the Approval.

On July 24, 2001, in consultation with the parties, the Board scheduled a mediation meeting/settlement conference for August 29, 2001 in Athabasca to facilitate a resolution of the issues raised in the appeal. On August 24, 2001, Golden Nodding Acres Owners Association advised that their concerns had been addressed by Alberta Environment. The Board, therefore, will be closing its file in this matter.

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I. BACKGROUND

[1] On June 26, 2001, the Director, Regional Support, Northeast Boreal Region, Alberta Environment (the “Director”) issued Approval 00151305-00-00 (the “Approval”) under the *Water Act*, S.A. 1996 c. W-3.5, to Golden Nodding Acres Owners Association (the “Appellant”). The Approval authorizes the removal of weeds and rototilling of sand on the short of North Buck Lake in Plan 8022169, Block 2, Lot 78-ER (NE 20-065-17-W4) with certain terms and conditions.

[2] On July 12, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Robert Mann, President of the Golden Nodding Acres Owners Association, appealing the conditions of the Approval.

[3] On July 12, 2001, the Board acknowledged the Notice of Appeal, requested the Director provide a copy of the Record, and requested that the Appellant and Director provide dates for a mediation meeting/settlement conference or hearing for July or August 2001.

[4] According to standard practice, on July 13, 2001, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both boards responded in the negative.

[5] The Board received the initial Record from the Director and available dates from the Director and the Appellant for a mediation meeting/settlement conference or hearing. On July 20, 2001, the Board provided a copy of the initial Record to the Appellant and requested the parties hold the identified mutual dates until further notice.

[6] The Board advised the parties on July 24, 2001 that a mediation meeting/settlement conference would be held on August 29, 2001 in Athabasca, Alberta, with Mr. Ron Peiluck as the presiding Board member who would review with the parties whether or not there was any possibility of facilitating a resolution of the issues raised in the appeal. Enclosed for the information of the parties was a copy of the Participants’ Agreement to Mediate that would be signed by the parties on August 29, 2001 and a copy of the Notice of Mediation

Meeting/Settlement Conference that was published in the *Athabasca Advocate* on July 31, 2001 and the *Lac La Biche Post* on July 31, 2001 advising of the mediation meeting/settlement conference between the parties only.

[7] On July 26, 2001, the Board received the remainder of the Record from the Director and forwarded a copy to the Appellant.

[8] The Board received a request on August 17, 2001 from the County of Athabasca requesting they be permitted to attend the mediation meeting/settlement conference scheduled for August 29, 2001, and provide any information necessary.

[9] On August 24, 2001, the Board received an e-mail from the Appellant advising that they were able to resolve their concerns with the Director. On this same day, the Board acknowledged the Appellant's e-mail and advised that it would be closing its file. The Board also advised the County of Athabasca that the appeal had been resolved and, as a result, the mediation meeting/settlement conference was cancelled.

II. DECISION

[10] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E.13-3, and based on the Appellant's e-mail of August 24, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-064 and will be closing its file.

Dated on August 30, 2001, at Edmonton, Alberta.

William A. Tilleman, Q.C., Chairman