

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – May 10, 2002

IN THE MATTER OF sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12;

-and-

IN THE MATTER OF an appeal filed by the Chipewyan Prairie
First Nation with respect to Approval 153497-00-00 issued on
December 7, 2001, under the *Environmental Protection and
Enhancement Act* by the Director, Bow Region, Regional Services,
Alberta Environment, to Enbridge Pipelines (Athabasca) Inc.

Cite as: *Chipewyan Prairie First Nation v. Director, Bow Region, Regional Services,
Alberta Environment re: Enbridge Pipelines (Athabasca) Inc.*

EXECUTIVE SUMMARY

The Board received a Notice of Appeal from the Chipewyan Prairie First Nation (CPFN) with respect to an Approval issued under the *Environmental Protection and Enhancement Act* to Enbridge Pipelines (Athabasca) Inc. for the construction and reclamation of a pipeline near Christina Lake, Alberta. CPFN asked for a Stay of the Approval pending the resolution of their appeal.

The Board issued a Decision on March 22, 2002 advising of its decision to adjourn the request for a Stay for 30 days to allow CPFN to commence an action in Court to enforce the rights that they were claiming, should they wish to do so. CPFN was requested to provide a status report to the Board within 30 days of the Decision being issued.

CPFN subsequently withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On December 7, 2001, the Director, Bow Region, Regional Services, Alberta Environment (the “Director”) issued Approval 153497-00-00 (the “Approval”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (“EPEA”)¹ to Enbridge Pipelines (Athabasca) Inc. (the “Approval Holder”) authorizing the construction and reclamation of a pipeline, being the Christina Lake Pipeline Project, near Christina Lake, Alberta.

[2] The Environmental Appeal Board (the “Board”) received a Notice of Appeal and an Application for a Stay dated December 21, 2001, from the Chipewyan Prairie First Nation (the “Appellants” or “CPFN”). The Appellants provided further information regarding the Notice of Appeal on December 27, 2001.

[3] The Board acknowledged the Notice of Appeal and the Application for a Stay on December 27 and 31, 2001, respectively, and requested that the Director provide the records (the “Records”) related to the appeal. The Parties to this appeal were requested to provide the Board with available dates for a mediation meeting and settlement conference or hearing.

[4] According to standard practice, 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. The Natural Resources Conservation Board responded in the negative. The Alberta Energy and Utilities Board wrote to the Board on January 17, 2002, and advised “...on July 3, 2001, the Board routinely issued a pipeline approval to Enbridge Pipelines (Athabasca) Inc. for the Christina Lake Pipeline Project. The Board held no public hearing or review into this matter.”

[5] In their notice of appeal, the Appellants requested that the Board grant a Stay of the Approval until the appeal is heard. The Board requested submissions from the parties regarding the Stay request and subsequently issued a Decision² advising of its decision to adjourn the request for a Stay for 30 days to allow CPFN to commence an action in Court to enforce the

¹ The *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, replaced the *Environmental Protection and Enhancement Act*, S.A. 1993, c. E-13.3 on January 1, 2002.

² Preliminary Motions re: *Chipewyan Prairie First Nation v. Director, Bow Region, Regional Services, Alberta Environment* re: *Enbridge Pipelines (Athabasca) Inc.*, EAB Appeal No. 01-110-D, March 22, 2002.

rights that they were claiming, should they wish to do so. The Appellants were requested to provide a status report to the Board within 30 days of the Decision being issued.

[6] The Board received a letter dated May 2, 2002 from the Appellants withdrawing their appeal.

II. DECISION

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the letter of May 2, 2002 from the Appellants, the Board discontinues its proceedings in Appeal 01-110 and closes its file.

Dated on May 10, 2002, at Edmonton, Alberta.

“original signed by”
William A. Tilleman, Q.C.
Chair