

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – February 20, 2003
Date of Discontinuance of Proceedings – February 28, 2003

IN THE MATTER OF sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF appeals filed by Randy Long, Long's Hereford Ranch Ltd., Travis Long, Diana Long, Margo Long, Harry Long, Darcie Long, Bernice Long, Marion Allred, and Judy Fenton with respect to *Water Act* Licence Nos. 00189761-00-00, 00189787 and 00189788-00-00 issued to Lewisville Pork Farm Inc. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Long et al. v. Director, Central Region, Regional Services, Alberta Environment, re: Lewisville Pork Farm Inc.* (28 February 2003) Appeal Nos. 02-089, 091, 092, 095-101, 105-120, 123, 124, 132, and 133-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE: Mr. Ron V. Peiluck.

APPEARANCES: **Appellants:** Ms. Margo Long, Mr. Randy Long representing himself, Long's Hereford Ranch Ltd., Mr. Travis Long, Ms. Diana Long, Mr. Harry Long, Ms. Darcie Long and Ms. Bernice Long; Ms. Judy Fenton; and Ms. Marion Allred represented by Ms. Lana Love.

Department: Mr. David Helmer, Director, Central Region, Regional Services, Alberta Environment, and Mr. Steve Wallace, Alberta Environment, represented by Ms. Heather Veale, Alberta Justice.

Licence Holder: Mr. Bryan Perkins and Mr. Mervin MacKay, Lewisville Pork Farm Inc.

Board Staff: Ms. Marian Fluker, Senior Research Officer.

EXECUTIVE SUMMARY

Alberta Environment issued three licences under the *Water Act* to Lewisville Pork Farm Inc. authorizing the diversion and use of a total of 21,880 cubic metres of groundwater annually from wells in NE 15-044-09-W4M, SE 23-044-09-W4M and SW 23-044-09-W4M, near Irma, Alberta.

The Board received a total of 30 appeals from Mr. Randy Long, Long's Hereford Ranch Ltd., Mr. Travis Long, Ms. Diana Long, Ms. Margo Long, Mr. Harry Long, Ms. Darcie Long, Ms. Bernice Long, Ms. Marion Allred and Ms. Judy Fenton. Each Appellant has appealed each of the Licences.

The Board held a mediation meeting in Wainwright, Alberta, following which a resolution was reached by the parties. As a result of the resolution reached by the parties, the Appellants withdrew their appeals and the Board hereby closes its files.

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I. BACKGROUND

[1] On November 6, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”) issued Licence No. 00189761-00-00 authorizing the diversion of 8,480 cubic metres of water annually from the well in NE 15-044-09-W4M; Licence No. 00189787 authorizing the diversion of 10,500 cubic metres of water annually from the well in SE 23-044-09-W4M; and Licence No. 00189788-00-00 authorizing the diversion of 2,900 cubic metres of water annually from the well in SW 23-044-09-W4M (collectively the “Licences”), under the *Water Act*, R.S.A. 2000. c. W-3 to Lewisville Pork Farm Inc. (the “Licence Holder”) for the purpose of agriculture (feedlot), near Irma, Alberta.

[2] The Environmental Appeal Board (the “Board”) received Notices of Appeal from Long’s Hereford Ranch Ltd., Mr. Randy Long, Mr. Travis Long, Ms. Diana Long, Ms. Margo Long, Mr. Harry Long, Ms. Darcie Long, Ms. Bernice Long, Ms. Marion Allred and Ms. Judy Fenton (collectively the “Appellants”) appealing the Licences. On December 6, 13, 16 and 23, 2002, the Board wrote to the Appellants, the Licence Holder and the Director (collectively the “Parties”) acknowledging receipt of the appeals and notifying the Licence Holder and the Director of the appeals. In the same letters, the Board also requested the Director provide the Board with a copy of the records relating to the Licences (the “Record”) and requested the Parties provide their available dates for a mediation meeting or hearing.

[3] 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. Both Boards responded in the negative.

[4] On December 30, 2002, the Board acknowledged receipt of the letter dated December 23, 2002 from Mr. Randy Long advising of other persons who may have a potential interest in this matter. On January 2 and 8, 2003, the Board wrote to those persons and notified them of the appeals.

[5] On January 8, 2003, the Board acknowledged receipt of the letter dated December 23, 2002 and the Record from the Director and on the same date, forwarded a copy of the Record to the Appellants and Licence Holder.

[6] On January 23, 2003, in consultation with the Parties, the Board scheduled a mediation meeting to be held on February 20, 2003, in Wainwright, Alberta.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Wainwright, Alberta on February 20, 2003, with Mr. Ron V. Peiluck as presiding Board Member (the "Mediator").

[8] In conducting the mediation meeting, the Mediator reviewed the appeals and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All Parties signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions, a resolution evolved at the February 20, 2003, mediation meeting and the Appellants withdrew their appeals.

III. DECISION

[10] In accordance with section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and based on the withdrawal of the appeals, the Board hereby discontinues its proceedings in Appeal Nos. 02-089, 091, 092, 095-101, 105-120, 123, 124, 132 and 133 and will be closing its files.

Dated on February 28, 2003, at Edmonton, Alberta.

"original signed by"

William A. Tilleman, Q.C.
Chair