

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – July 6, 2004

Date of Discontinuance of Proceedings – July 7, 2004

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 an appeal filed by Dick Baker, filed on behalf of himself, William Wowniar, Dan McLean and Jamie Wilson, with respect to a *Water Act* Licence Application No. 000201894 that was denied by the Director, Northern Region, Regional Services, Alberta Environment.

Cite as: *Dick Baker et al. v. Director, Northern Region, Regional Services, Alberta Environment* (7 July 2004), Appeal No. 04-008-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE:

Dr. M. Anne Naeth, Board Member.

APPEARANCES:

Appellants:

Mr. Dick Baker, Mr. William Wowniar, Mr. Dan McLean, and Mr. Jamie Wilson.

Director:

Mr. Park Powell, Director, Northern Region, Regional Services, Alberta Environment, Mr. Dwayne Manchak, Alberta Environment, and Ms. Carmen de la Chevrotiere, Alberta Environment represented by Ms. Shannon Keehn, Alberta Justice.

Board Staff:

Ms. Lisa Awid Goltz, Projects Officer, Environmental Appeals Board.

EXECUTIVE SUMMARY

Alberta Environment refused to issue a *Water Act* Licence to Mr. Dick Baker, Mr. William Wowniar, Mr. Dan McLean and Mr. Jamie Wilson, to draw water from the Sturgeon River to water trees, gardens and lawns in the Casa Vista Estates, near Gibbons, Alberta.

On May 18, 2004 the Board received a Notice of Appeal from Mr. Dick Baker, filed on behalf of himself, Mr. William Wowniar, Mr. Dan McLean and Mr. Jamie Wilson dated May 16, 2004, appealing Alberta Environment's decision.

The Board held a mediation meeting in Edmonton, Alberta, on July 6, 2004. As a result of the mediation, the Appellants withdrew their appeal and the Board now closes its file.

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I. BACKGROUND

[1] On May 12, 2004, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), refused to issue a licence under the *Water Act*, R.S.A. 2000, c. W-3 (the “Licence”) to Mr. Dick Baker, Mr. William Wowniar, Mr. Dan McLean and Mr. Jamie Wilson to draw water from the Sturgeon River, at NW 6-56-22-W4M, to water trees, gardens and lawns in the Casa Vista Estates, near Gibbons, Alberta.

[2] On May 18, 2004 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Dick Baker, filed on behalf of himself, Mr. William Wowniar, Mr. Dan McLean and Mr. Jamie Wilson (the “Appellants”) appealing the Director’s decision.

[3] On May 20, 2004, the Board wrote to the Appellants and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Parties provide available dates for a mediation meeting 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. Both boards responded in the negative.

[5] On June 9, 2004, the Board received a copy of the Record from the Director, and on June 11, 2004, forwarded a copy to the Appellants.

[6] On June 14, 2004, in consultation with the Parties, the Board scheduled the mediation meeting for July 6, 2004, in Edmonton, Alberta.

II. THE MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on July 6, 2004 with Dr. M. Anne Naeth as the presiding Board Member (the “Mediator”).

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

[9] Following productive and detailed discussions at the mediation meeting, the Appellants withdrew their appeal.

III. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c W-3, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 04-008 and closes its file.

Dated on July 7, 2004 at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chairman