

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – February 1, 2007  
Date of Discontinuance of Proceedings – March 20, 2007

**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 County of  
Lethbridge with respect to *Environmental Protection and  
Enhancement Act* Approval No. 1657-01-00 issued to the County  
of Lethbridge, by the Director, Southern Region, Regional  
Services, Alberta Environment.

Cite as: *County of Lethbridge v. Director, Southern Region, Regional Services, Alberta  
Environment* (20 March 2007), Appeal No. 06-076-DOP (A.E.A.B.).

## **I. BACKGROUND**

[1] On September 26, 2006, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 1657-01-00 (the “Approval”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to the County of Lethbridge authorizing the construction, operation and reclamation of a waterworks system for the Mountain Meadows Estates in the County of Lethbridge, Alberta.

[2] On October 30, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from the County of Lethbridge (the “Appellant”) appealing two of the conditions of the Approval.

[3] On October 31, 2007, the Board wrote to the Appellant and the Director (collectively the “Participants”) 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 Participants provide available dates for a mediation meeting, preliminary 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 November 22, 2006, the Board received a copy of the Record from the Director, and on November 27, 2006, forwarded a copy to the Appellant.

[6] On November 30, 2006, in consultation with the Participants, the Board scheduled a mediation meeting for February 1, 2007, in Lethbridge, 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 Lethbridge, Alberta, on February 1, 2007 with Mr. Ron V. Peiluck, Vice-Chair, as the presiding mediator (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. He then circulated copies of the Participants' Agreement to Mediate. All Participants signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions at the mediation meeting, the Participants agreed to provide the Board with status reports on February 15, 2007 and March 15, 2007. On March 19, 2007, the Board received a letter dated March 12, 2007, from the Appellant withdrawing its appeal.

### **III. DECISION**

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 06-076, and closes its file.

Dated on March 20, 2007, at Edmonton, Alberta.

*“original signed by”*

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Dr. Steve E. Hruddy, FRSC, PEng  
Chair