

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – March 1, 2007

Date of Discontinuance of Proceedings – March 6, 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 section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by 1030723 Alberta Ltd. and 1031940 Alberta Ltd., with respect to *Water Act* Approval No. 00229944-00-00 and a letter dated January 24, 2007, issued to 1030723 Alberta Ltd. and 1031940 Alberta Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *1030723 Alberta Ltd. and 1031940 Alberta Ltd. v. Director, Central Region, Regional Services, Alberta Environment* (06 March 2007), Appeal No. 06-082-DOP (A.E.A.B.)

I. BACKGROUND

[1] On November 3, 2006, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00229944-00-00 (the “Approval”) to 1030723 Alberta Ltd. and 1031940 Alberta Ltd. authorizing the construction and maintenance of a storm water management works located in NW 20-40-20-W4, near Stettler County, Alberta. On January 24, 2007, the Director issued a letter to WMN Engineering Ltd. on behalf of 1030723 Alberta Ltd. and 1031940 Alberta Ltd., advising that a further approval would be required for the project.

[2] On February 1, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from 1030723 Alberta Ltd. and 1031940 Alberta Ltd., (the “Appellants”) appealing the Director’s decisions.

[3] On February 5, 2007, the Board wrote to the Appellants 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 February 15, 2007, in consultation with the Participants, the Board scheduled a mediation meeting for March 1, 2007, in Red Deer, Alberta.

[6] On February 23, 2007, the Board received a copy of the Record from the Director, and on February 23, 2007, forwarded a copy to the Appellants.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeals Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Red Deer, Alberta on March 1, 2007 with Dr. Alan J. Kennedy 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. 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 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. 06-082 and closes its file.

Dated on March 6, 2007, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hruddy, FRSC, PEng
Chair