

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – November 3, 2009

Date of Discontinuance of Proceedings – November 10, 2009

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 Fish Creek Ranch Inc., the Municipal District of Foothills No. 31, and Andrew Pearson, with respect to the July 7, 2009 decision of the Director, Southern Region, Environmental Management, Alberta Environment, to refuse to amend *Water Act* Preliminary Certificate No. 00193231-00-00 held by Fish Creek Ranch Inc.

Cite as: *Fish Creek Ranch Inc. et al v. Director, Southern Region, Environmental Management, Alberta Environment*, (10 November 2009), Appeal Nos. 09-013-015-DOP (A.E.A.B.).

I. BACKGROUND

[1] On July 7, 2009, the Director, Southern Region, Environmental Management, Alberta Environment, refused to amend *Water Act* Preliminary Certificate No. 00193231-00-00 held by Fish Creek Ranch Inc. to include the Municipal District of Foothills No. 31. The Preliminary Certificate promises, upon compliance with certain requirements, a diversion licence of 13,540 cubic metres of water annually at a maximum rate of 0.001 cubic metres per second from Fish Creek in NW 17-022-04-W5, near Bragg Creek, Alberta.

[2] On August 20 and 21, 2009, the Board received appeals from Mr. Doug Weston, Fish Creek, Mr. Tom Gilliss, Municipal District of Foothills No. 31, and Mr. Andrew Pearson.

[3] A mediation meeting was held on November 3, 2009 in Calgary Alberta, where a resolution was reached that included the Appellants withdrawing their appeals.

II. DECISION

[4] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeals by the Appellants, the Board hereby discontinues its proceedings in Appeal Nos. 09-013, 014, and 015, and closes its file.

Dated on November 10, 2009, at Edmonton, Alberta.

“original signed by”

D. W. Perras
Chair