

10-025-026

Appellants – Trevor Warne, Christopher Wenslaw, John and Linda Overell, Jo Towers and Simon Weekley, **Operator** – Dave McDougall, **Location** – Bragg Creek, **Type of Appeal** – Discontinuance

Notices of Appeal and requests for a Stay of the Approval were received on October 22 and 25, 2010 from Trevor Warne, Christopher Wenslaw, John and Linda Overell, Jo Towers, and Simon Weekley with respect to the October 19, 2010 decision of Alberta Environment to issue *Water Act* Approval 00275343-00-00 to Dave McDougall for filling in 0.023 hectares of a wetland near Bragg Creek.

After receiving comments from the appellants, Alberta Environment and Mr. McDougall, on October 29, 2010 the Board determined that a temporary Stay would be granted. The project involved the removal of a portion of a wetland and the Board was of the view that such work, once undertaken, can not be undone in any meaningful way, such that irreparable harm would occur. The Board held a preliminary motions hearing on November 8 2010 in Calgary. The Board determined that of the five appellants, only Mr. Warne (10-025) and Mr. Wenslaw (10-026) were directly affected and the Stay would remain in place until the appeals were concluded or until the Board directed otherwise. The Board's reasons were issued on May 20, 2011.¹ A mediation meeting was held on November 25, 2010 in Calgary with respect to the appeals of Mr. Warne and Mr. Wenslaw, along with Alberta Environment and Mr. McDougall. The appeals of Mr. Warne and Mr. Wenslaw were held in abeyance, and the Stay remained in place, until the Approval expired on October 18, 2011. The Board closed its files on October 20, 2011.

¹ *Warne et al. v. Director, Southern Region, Environmental Management, Alberta Environment*, re: *Dave McDougall* (20 May 2011), Appeal Nos. 10-025-029-ID1 (A.E.A.B.).