



ALBERTA
ENVIRONMENTAL APPEALS BOARD

February 24, 2014

Via E-Mail & Courier

Mr. Kevin Gaucher
Fort McMurray, AB T9H 4R4

Mr. Howard Gitzel, Executive Director
Christian and Missionary Alliance
(Western District)
Camp Nakamun
R.R. 1
Busby, AB T0G 0H0

Ms. Vivienne Ball
Alberta Justice and Solicitor General
Environmental Law Section
8th Floor, Oxbridge Place
9820 – 106 Street
Edmonton, AB T5K 2J6

Dear Gentlemen and Ms. Ball:

**Re: Christian and Missionary Alliance - Western District/EPEA Amending Approval
No. 208165-00-03/Our File No.: EAB 13-018**

As stated in the Board's letter dated February 14, 2014, the Environmental Appeals Board (the "Board") has dismissed the appeal of Mr. Kevin Gaucher (the "Appellant"). These are the Board's reasons.

On October 29, 2013, the Director, Northern Region, Operations Division, Alberta Environment and Sustainable Resource Development (the "Director"), issued Amending Approval No. 208165-00-03 (the "Approval") under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 ("EPEA") to the Christian and Missionary Alliance – Western District for the construction, operation, and reclamation of a wastewater system for Camp Nakamun in the County of Lac Ste Anne. The Board received a Notice of Appeal from the Appellant on December 24, 2013, appealing the Approval.

The Board acknowledged the Appellant's Notice of Appeal on December 31, 2013. In this letter, the Board noted the Notice of Appeal appeared to have been filed past the legislated time limit and requested the Appellant to provide reasons why the Board should allow an extension of time to appeal. The Board requested the information be provided by January 17, 2014. In this letter the Board notified the Appellant that failure to respond to the Board in a timely manner may result in the dismissal of the appeal.

The Board did not receive a response from the Appellant even though courier records indicated the Appellant received the Board's letter on January 11, 2014. The Board sent a second

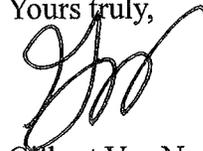
letter to the Appellant on January 21, 2014, again asking for information on the late filed appeal, and again telling the Appellant that failure to respond may result in the dismissal of the appeal. The Appellant was asked to provide a response by February 3, 2014. Courier records indicate the Appellant received this letter on February 2, 2014. The Appellant did not respond to the letter by the deadline and, to date, there have been no other attempts by the Appellant to contact the Board.

Under section 95(5)(a)(iv) of EPEA, the Board has the authority to dismiss an appeal if a party fails to respond in a timely manner.¹ The Board provided the Appellant with two opportunities to respond to the Board's request for additional information, and he was warned on both occasions that failure to respond in a timely manner may result in the dismissal of the appeal. The Appellant chose not to respond to the Board's request for additional information to explain why the appeal was filed past the legislated time limit.

Therefore, the Board dismisses the appeal of Mr. Kevin Gaucher.

Please do not hesitate to contact the Board if you have any questions. You may call toll-free by first dialling 310-0000, followed by 780-427-6207, or e-mail gilbert.vannes@gov.ab.ca.

Yours truly,



Gilbert Van Nes
General Counsel and
Settlement Officer

¹ Section 95(5)(a)(iv) of EPEA provides:
"The Board

- (a) may dismiss a notice of appeal if
- (iv) the person who submitted the notice of appeal fails to comply with a written notice under section 92...."

Section 92 of EPEA states:

"Where the Board receives a notice of appeal, it may by written notice given to the person who submitted the notice of appeal require the submission of additional information specified in the written notice by the time specified in the written notice."