

ENVIRONMENTAL APPEALS BOARD

Business Plan 2025-28
March 31, 2025

Updated - May 30, 2025

Accountability Statement

The business plan of the Environmental Appeals Board (EAB) for the three years commencing April 1, 2025, was prepared under my direction in accordance with the *Environmental Protection and Enhancement Act* (EPEA), the *Water Act*, the *Government Organization Act* (GOA), and the *Emissions Management and Climate Resilience Act* (EMCRA).

The plan is consistent with the government's strategic priorities for the Ministry of Environment and Protected Areas (EPA), the Premier's Mandate Letter to the Minister of EPA, EPA's 2025-28 Business Plan, and core businesses as set out in the Government of Alberta (GoA) Strategic Plan.

The EAB is responsible for the validity and reliability of the information included in the plan. All significant assumptions, policy decisions, events and identified risks, as of March 2025, have been considered in preparing the business plan.

The performance measures presented are consistent with the EPEA, the EAB's mandate and focus on aspects critical to the organization's performance.

The targets in this plan have been determined based on an assessment of EAB's operating environment, forecast conditions, risk assessment and past performance.

"original signed by"

Barbara Johnston, Chair
March 31, 2025

Purpose

The EAB is an independent quasi-judicial tribunal that reports to the Minister of EPA (the Minister). It is a specialized appeal tribunal that hears appeals of certain decisions made by EPA. Decisions can be appealed by regulated industry, as well as Albertans who are directly affected by EPA's decision.

The EAB only deals with non-energy related projects¹ and examples of decisions that can be appealed to the EAB include:

- approvals under the EPEA;
- approvals and licences under the *Water Act*; and
- enforcement decisions under the EPEA, the *Water Act*, the GOA, and the EMCRA.

The legislative framework for these appeals is principally determined by the EPEA, which establishes the EAB.

The EAB's preferred method of resolving appeals is through mediation. Where mediation is unsuccessful, and the EAB proceeds to a hearing of the appeal, its processes are governed by the principles of natural justice and procedural fairness. In almost all cases, upon hearing the merits of an appeal, the EAB provides a report and recommendations to the Minister, who makes the final decision regarding the appeal.²

Vision Statement

The EAB's vision is to promote a high quality of life in Alberta by providing a fair, independent and accessible tribunal to Albertans to resolve environmental regulatory disputes on a timely basis.

Mission

The EAB's mission is to advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

Role

The EAB carries out this mission through its core activities, including mediation, adjudication, and advice and recommendations to the Minister on appeals, within its jurisdiction.

¹ Appeals of energy related projects are managed by the Alberta Energy Regulator.

² The EAB makes three types of "decisions." It issues preliminary (non-final, procedural) decisions during the processing of an appeal. Following a mediation or hearing, it typically issues a report and recommendations to the Minister, who makes the final decision by Ministerial Order. In a small number of cases, following a mediation or hearing, the EAB issues a final decision (for example, with respect to administrative penalties). When discussing these three types of "decisions," the Business Plan refers to "decisions and reports and recommendations."

Relationship Between the EAB and EPA

The EAB and EPA operate in the same regulatory system but have different roles and responsibilities.

EPA is responsible for a comprehensive and effective regulatory system that enables development while ensuring environmental standards are maintained. While many of the regulatory decisions made by EPA are appealable to the EAB, EPA remains responsible for the legislative, regulatory, and policy framework.

The EAB is part of the Ministry of EPA, and the EAB staff are GoA employees, both the EAB and EPA recognize that adjudicative decisions must be made impartially and independently.

Core Values

The EAB's core values include:

- a. applying the highest possible standards when addressing conflict of interest issues;
- b. providing fair, impartial, and efficient resolution of all matters that come before it;
- c. governing by the principles of natural justice and procedural fairness;
- d. ensuring all persons who appear before the EAB or have dealings with the EAB are treated equally and with respect and courtesy;
- e. ensuring processes are governed by the right of a person involved in an appeal to know the case that must be met and the right of that person to provide input into any decision that is made regarding the appeal; and
- f. applying consensus-based decision-making (mediation) as the preferred way of dealing with matters that come before the EAB.

Guiding Principles

The EAB's guiding principles include:

- a. **Ecosystem Sustainability:** Aligning with the legislation, a healthy environment is essential to the integrity of ecosystems and human health and the well-being of Albertans.
- b. **Public Involvement:** Ensuring information about the EAB's mandate, rules and legislation is freely accessible and providing Albertans with the opportunity to become participants in appeals through mediations and hearings.
- c. **Mediation as Preferred Dispute Resolution:** Promoting open and collaborative discussions between participants and encouraging individuals to come up with their own solutions. Mediations can help increase communication, develop a better understanding of the participants' concerns, and offer win-win solutions.
- d. **Informed Findings:** Ensuring appeal hearings and processes are based on relevant scientific, technological, socioeconomic, and environmental information to make fully informed findings.
- e. **Public Service:** Striving to provide excellent service to Albertans.
- f. **Healthy and Supportive Work Environment:** Valuing employees and members, and striving to provide a working environment where open, honest, and respectful communication is encouraged.

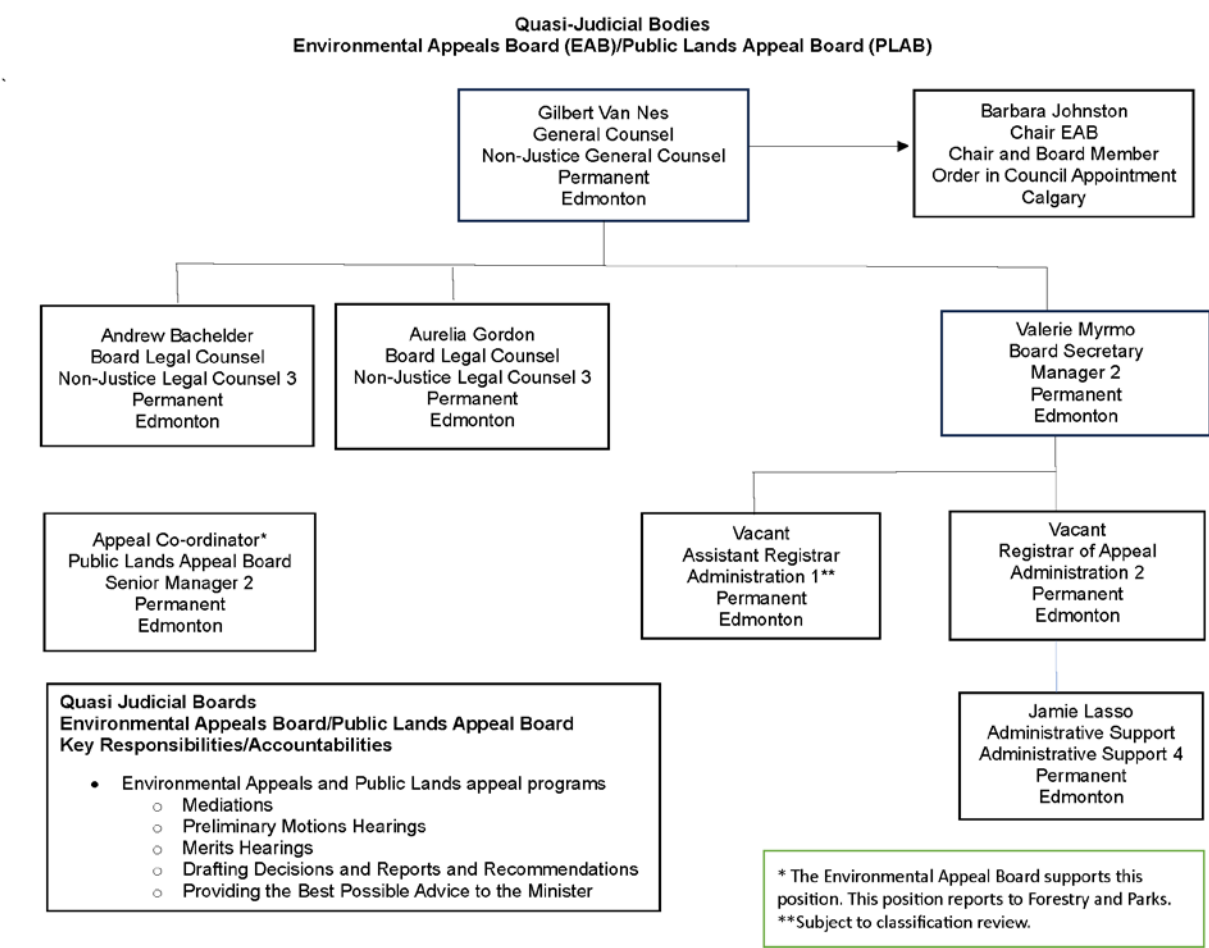
Organization and Structure of the EAB

The EAB is composed of two parts: the governing board members and the board staff. The board members are appointed by the Lieutenant Governor in Council (the Cabinet) based on the recommendation of the Minister. The governing board is led by the Chair, and as of March 2025, there were 12 board members (including the Chair).³

The Chair is accountable to the Minister and is responsible for the overall operation of the governing board.

The board members, all of whom are part-time, are responsible for conducting mediations, making decisions on preliminary matters, and making reports and recommendations to the Minister following the hearing of appeals on their merits. (There are a small number of cases where the board members also make final decisions following a hearing.)

The EAB has seven (full-time equivalents) staff members, who are GoA employees.



March 14, 2025

³ Current board members are Ms. Barbara Johnston (Board Chair), Ms. Angela Aalbers, Dr. James Armstrong, Mr. Kurtis Averill, Mr. Lee Deibert, Mr. Kyle Fawcett, Ms. Line Lacasse, Mr. Paul McLauchlin, Mr. Chris Powter, Ms. Elizabeth Quarshie, Ms. Jo-Ann Riddell, and Ms. Allison Rippen-Armstrong.

The EAB staff support the board members by undertaking the day-to-day processing of appeals under the direction of the board members and carrying out the governing board's business functions.

The EAB staff also support the functions of the Public Lands Appeal Board (PLAB). The PLAB Chair and Appeals Coordinator is co-located with the EAB's staff. The EAB board members are cross appointed to the PLAB, except for the EAB Chair. The EAB board members and the EAB staff fulfill the same functions for the EAB and PLAB.

For much of the past fiscal year, because of retirements and reclassification work, two of the EAB's staff positions have been vacant. The EAB is currently recruiting to one of these positions (the Registrar of Appeals) and the other position remains vacant to ensure that the EAB can remain within its budget allocation.

Strategic Direction and Alignment with EPA and Government Priorities

Minister's Mandate Letter, July 10, 2023

Reviewing Alberta's water management strategy to increase the availability of water and water licences to Alberta municipalities, businesses and agricultural producers while maintaining the highest standards of water conservation and treatment.

The EAB supports this provision of the Minister's mandate letter by ensuring the fair, impartial, and efficient resolution of appeals under the *Water Act*, especially as related to water licences.

Promoting Alberta's leading-edge regulatory and cumulative effects management systems, including climate and environmental policies for air, land, water, biodiversity and waste.

The EAB supports this provision of the Minister's mandate letter by ensuring the fair, impartial, and efficient resolution of appeals under EPEA and the *Water Act*.

EPA Business Plan 2025-28

Outcome 1 - Environment and ecosystem health and integrity supports the well-being and safety of Albertans.

The EAB supports this provision of the EPA's business plan by ensuring the fair, impartial, and efficient resolution of appeals under EPEA and the *Water Act*, with a focus on environment and ecosystem health and integrity to support the well-being and safety of Albertans. This includes, for example, considering cumulative effects within decisions and reports and recommendations.

Outcome 2 - Sustainable economic development is achieved within environmental capacity.

The EAB supports this provision of the EPA's business plan by ensuring the fair, impartial, and efficient resolution of appeals under EPEA and the *Water Act*, with a focus on sustainable economic development and environmental capacity. This includes, for example, considering

the appropriate application of the precautionary principle within decisions and reports and recommendations.

GoA Strategic Plan 2025-2028

Priority One – Maintaining Alberta’s Advantage

Objective Three - Strengthening economic activity and attracting investment

Securing Alberta’s position as a leader in regulatory assurance by streamlining environmental approval processing times and addressing water and land use application backlogs. Alberta is supporting community and economic development while maintaining high-quality environmental health through efficient regulatory processes, taking an impartial, transparent, and agile outcomes-based approaches to decisions.

The EAB supports this provision of the GoA Strategic Plan by ensuring the fair, impartial, and efficient resolution of appeals under EPEA and the *Water Act*. The EAB is working to support Alberta’s position as a leader in regulatory assurance by streamlining environmental approval processing times, including the appeal portion of the environmental approval process.

Priority One – Maintaining Alberta’s Advantage

Objective Five - Ensuring the health and integrity of Alberta’s environment and ecosystem

Reviewing Alberta’s water management strategy to find opportunities to increase water availability, which supports community and economic growth. Increasing the availability of water and water licences to Alberta municipalities, businesses, and agricultural producers while maintaining the highest standards of water conservation and treatment. The review will ensure the water management system in Alberta effectively allocates and supplies water to maximize the value of this resource to Albertans, while managing the impacts of human activities on aquatic ecosystems.

The EAB supports this provision of the GoA Strategic Plan by ensuring the fair, impartial, and efficient resolution of appeals under the *Water Act*, especially as related to water licences and the impact on other water users.

Applying cumulative effects and integrated land management approaches, which consider all activities on Alberta’s landscapes and the diverse values and perspectives of Albertans. Industry, key stakeholders, Indigenous communities, and the public are engaged in the development and implementation of land use plans and related strategies that support achievement of desired social, economic, and environmental goals.

The EAB supports this provision of the GoA Strategic Plan by ensuring the fair, impartial, and efficient resolution of appeals under EPEA and the *Water Act*. This includes, for example, considering cumulative effects and integrated land management approaches within decisions and reports and recommendations.

Core Business, Goals, and Strategies

The EAB's **core business** is providing fair, impartial, and efficient resolution of all matters before it, which includes providing decisions and reports and recommendations in a timely manner.

The EAB's primary **goal** is to promote confidence in the appeal process.

Providing fair, impartial, and efficient resolution of the appeals that come before the EAB, including providing decisions and reports and recommendations in a timely manner, promotes confidence in the appeal process, which in turn supports the overall regulatory process.

The EAB's **strategies** to improve the timeliness of issuing decisions and reports and recommendations include:

1. **Realignment of responsibility for writing decisions and reports and recommendations**

The EAB's goal is to reduce the time required to issue decisions and reports and recommendations by ensuring accountability for drafting these documents with the board members. In fiscal 2023-2024, the EAB changed its practice to require that board members lead the writing of decisions and reports and recommendations with the support of EAB's legal counsel. Previously, the EAB's legal counsel took the lead in writing decisions and reports and recommendations, based on the instructions of the board members, who were writing only the technical portions of these documents.

2. **Realignment of EAB staff**

The goal is to focus the EAB's resources on the timely issuance of decisions and reports and recommendations. The EAB has realigned staff and their work to ensure this occurs. Operational work has been moved from senior staff to support staff, allowing senior staff to focus on supporting the EAB members to write decisions and reports and recommendations. This realignment will be complete with the onboarding of a new Registrar of Appeals.

3. **Implementation of performance measures**

The EAB added three performance measures focused on timely issuance of decisions and reports and recommendations. The existing performance measures focused on the legislated timeframes for decisions and reports and recommendations following mediations (15 days) and decisions and reports and recommendation following hearings (30 days). The EAB added performance measures with respect to stay decisions (30 days), decisions regarding preliminary motions (45 days), and costs decisions (60 days).

4. **Development of style guide and decision template**

The goal is to focus the EAB's resources on the timely issuance of decisions and reports and recommendations. To support this, the EAB developed a style guide and decision template to facilitate efficient drafting of decisions and reports and recommendations by EAB members, which will reduce the review period and ensure these documents can be issued in a more timely manner. Development of the style guide and decision template are complete, however the style guide and decision template are "living documents" that continue to be refined over time.

5. Development of decision guidance documents

The goal is to focus the EAB's resources on the timely issuance of decisions and reports and recommendations. To support this, the EAB is developing decision guidance documents that provide lists of key precedents and quotations for specific types of decisions and report and recommendations issues. These decision guidance documents will reduce the time required for research and assist EAB members in developing decisions and reports and recommendations in a more timely manner. Some decision guidance documents are complete, but other decision guidance documents are still in development. The decision guidance documents are "living documents" that will continue to be refined over time.

6. Development of a decision tracking system

The EAB developed a decision tracking system, which supports its performance measures, and monitors the time to issue decisions and reports and recommendations. The decision tracking system will start tracking decisions and reports and recommendations as of April 1, 2025.⁴ The decision tracking system will be added to the Board's website so that it is available to the public.⁵ It will be updated monthly.

7. Maintaining and enhancing the appeal status table

The EAB's status of appeal page on its website provides a narrative of the status of the appeals. The EAB will add a short form status of appeals table, which provides additional information.

8. EAB Rules of Practice review

In the 2025-26 fiscal year, the EAB will undertake a review of its Rules of Practice. The purpose of this review process will be to streamline the appeal process to reduce the length of time to process an appeal from receipt of the appeal to closing of the file. As part of this process, the EAB will explore ways to prepare decisions and reports and recommendations in a more timely manner.

⁴ The EAB applied to Treasury Board for funding of the Appeal Modernization Project. This project is an online portal to facilitate filing documents and tracking the status of appeals in real time. Funding for this project is not currently available, and other options are being explored.

⁵ The decision tracking system will be added to the Board's website by June 1, 2025.

Performance Metrics

GOAL ONE: Effective resolution of appeals through mediations

What it means: Many appeals that come before the EAB are resolved through mediation, a consensus-based approach to resolving the issues appealed. Mediation is a voluntary process and board members function as mediators. Participants work together to find a resolution satisfactory to all those in attendance. After attending mediation, all participants are sent a survey on the mediation process to provide feedback, which is used by the EAB to improve its mediation process.

Strategies

- 1.1 Use mediation to resolve appeals when appropriate.
- 1.2 Promote fairness in the mediation process.
- 1.3 Ensure participants to mediation are satisfied with the mediation process.

Performance Metric*	2023-24	2024-25	2025-26	2026-27	2027-28
Performance Indicator 1.a Percentage of valid appeals that go to mediation. ⁶	7/7	8/8			
Performance Indicator 1.b Percentage of appeals resolved through mediation. ⁷	4/6 ⁸	1/7 ⁹			

*Performance indicators do not have targets.

⁶ The EAB cannot control participation in mediation. While mediation is the preferred method of resolving appeals, it is a voluntary process.

⁷ The EAB cannot control the outcome of mediation. While many appeals are resolved through mediation, where an appeal is properly before it, participants retain the right to a hearing before the EAB, with a decision by the Minister, or in certain limited cases by the Board.

⁸ One mediation remains ongoing.

⁹ One mediation remains ongoing.

GOAL TWO: Efficient resolution of appeals

What it means: The EAB will process appeals in a timely manner and will abide by the applicable legislation and principles of natural justice and procedural fairness for all participants who appear before it.

- Strategies:**
- 2.1 Comply with legislated timeframes for decisions and reports and recommendations following mediations and hearings.
 - 2.2 Process appeals efficiently and in a timely manner.
 - 2.3 Track and report on the time that it takes to issue decisions and reports and recommendations.

Performance Metric	2023-24	2024-25	Target* 2025-26	Target* 2026-27	Target* 2027-28
Performance Measure 2.a Mediation decisions or mediation reports and recommendations are completed within legislated timeframes. (15 days)	100% (1/1)	0% (0/1)	100%	100%	100%
Performance Measure 2.b Hearing decisions are completed within legislated timeframes. (30 days)	N/A ¹⁰	N/A ¹¹	90%	90%	90%
Performance Measure 2.c Reports and recommendations following hearing are completed within legislative timeframes. (30 days)	50% (1/2)	33% (1/3) ¹²	80%	80%	80%

*There are decisions and reports and recommendations that are prepared follow complex and very complex appeal hearings where the Board does not expect to be able to meet the 30-day legislative timeframes. Section 99(2) of the EPEA provides: “The Minister may extend the 30-day period referred to in subsection (1) on application by the Board before or after the expiry of the period.” The Board may request that the Minister exercise this discretion in complex and very complex appeals.

¹⁰ No hearings occurred in fiscal 2023-24 where the EAB was the final decision-maker.

¹¹ No hearings occurred in fiscal 2024-25 where the EAB was the final decision-maker.

¹² Two hearings resulted in Reports and Recommendations that were very complex: *McMillan et al. v. Director, South Saskatchewan Region, Operations Division, Alberta Environment and Protected Areas*, re: *Badlands Recreation Development Corp.*, 2024 ABEAB 7 was a 7.5-day hearing resulting in a 208-page report and recommendations, and *Bright v. Director, Assurance Division South, Alberta Environment and Protected Areas*, re: *Ian MacGregor*, 2024 ABEAB 22 was a 2.5-day hearing resulting in a 102-page report and recommendations.

GOAL THREE: Timely issuance of decision

What it means: The EAB will issue decisions that do not have legislated timeframes in a timely manner. The EAB will abide by the principles of natural justice and procedural fairness for all participants who appear before it, and issue decisions and reports and recommendations in a timely manner.

- Strategies:**
- 3.1 Set performance measures for the timely issuance of decisions that are not subject to legislative timeframes.
 - 3.2 More efficient use of board members and EAB staff.
 - 3.3 Develop better tools to support issuing decisions and reports and recommendations in a more timely manner.

Performance Metric	2024-25	Target 2025-26	Target 2026-27	Target 2027-28
Performance Measure 3.a Issuance of preliminary decisions regarding stays. (30 days)	New Metric	70%	80%	80%
Performance Measure 3.b Issue of other preliminary decisions. (45 days)	New Metric	70%	80%	80%
Performance Measure 3.c Issue of final costs decision. (60 days)	New Metric	70%	80%	80%

GOAL FOUR: Processing appeals in a timely manner

What it means: The EAB will process appeals in as timely manner as possible based on available resources, and in accordance with the principles of natural justice and procedural fairness. While the EAB cannot control the total length of time it takes to process an appeal from the time the appeal is filed until the file is closed, the time it takes to process an appeal reflects the overall efficient of the appeal process.

- Strategies:**
- 4.1 The EAB will use mediation where appropriate.
 - 4.2 The EAB will issue decisions and reports and recommendations in a timely manner.
 - 4.3 The EAB will develop better tools for tracking the status of appeals.

Performance Metric*	2024-25	2025-26	2026-27	2027-28
Performance Indicator 4.a Length of time it takes to process an appeal from receipt of the appeal to closing the file. ¹³	New Metric			

*Performance indicators do not have targets.

¹³ The EAB cannot control the time required to process an appeal. For instance, an appeal may be held in abeyance while the parties are exploring mediation options. The complexity of appeals also varies; a complex appeal may require a multi-day hearing, extensive written submissions, and a lengthy report and recommendations.

EAB Statement of Finances¹⁴

	2023-24 Actual	2024-25 Actual	2025-26 Estimates	2026-27 Target	2027-28 Target
BUDGET	1,717,000	1,838,000	1,950,000	1,950,000	1,950,000
EXPENSES					
Manpower	1,102,337	1,196,216	1,535,000	1,535,000	1,535,000
Supplies and Services	578,491	539,188	415,000	415,000	415,000
Capital Expense					
EXPENSES	1,680,828	1,735,404	1,950,000	1,950,000	1,950,000

Requirement for the Business Plan

The EAB's January 2024 Mandate and Roles Document requires the business plan to include the organization's:

- vision statement (page 3);
- mission statement (page 3);
- summary of the structure and organization (pages 5 and 6);
- summary of the core business, identification of goals, strategies, and performance measures (pages 8 to 13); and
- summary of finances (page 14).

¹⁴ This information has been updated to reflect the number posted in May 2025.