

---

ALBERTA  
ENVIRONMENTAL APPEAL BOARD  
DECISION

---

Date of Decision - December 1, 1997

**IN THE MATTER OF** Section 84 of the *Environmental Protection and Enhancement Act*, (S.A. 1992, ch. E-13.3 as amended);

**-and-**

**IN THE MATTER OF** an appeal filed by Mr. Bill Lucey, Confederation of Regions Political Party (Federal) with respect to Application No. 001-20842 from Wild Rose Pipe Line Inc. being processed by the Director of Land Reclamation Division, Alberta Environmental Protection for the Athabasca Pipeline Project.

Cite as: Lucey v. Director of Land Reclamation #2, re: Wild Rose Pipe Line Inc.

## TABLE OF CONTENTS

<b>BACKGROUND .....</b>	<b>3</b>
<b>DECISION OF THE BOARD.....</b>	<b>5</b>
<b>CONCLUSION .....</b>	<b>5</b>

## BACKGROUND

[1] On November 5, 1997, Mr. Bill Lucey, Leader of the Confederation of Regions Political Party (Federal) [CORE], filed a Notice of Appeal with the Environmental Appeal Board [Board] dated October 30, 1997. Mr. Lucey objected to Application No. 001-20842 being processed by the Director of Land Reclamation, Alberta Environmental Protection for Wild Rose Pipe Line Inc, for the Athabasca Pipeline Project. Mr. Lucey's Notice of Appeal contained the following information:

“Please accept this letter as our “Cores”, Notice of Appeal, to app. No. 001-20842 % [sic] E.U.B, Envionmental [sic] Protection Branch, (Edmonton), L.K. Brocke - director.

This is an Amendment to “Sucors”[sic] original application No. 1007088 to the E.U.B on Friday Aug. 15/97. We are also appealing this application. (ATTACHED)

We “Core”, demand a two year halt on this project so that we might.

- (a) do our own research on CO<sub>2</sub> emmissions [sic] from “bogs” muskeg areas this application will pass trough [sic].
- (b) contact Alberta Justice in Edmonton (Envionmental [sic] Law Section), about why we, “Core”, were not included in disscussions [sic]. (Exhibit A.)”

[2] The Board acknowledged Mr. Lucey's appeal in a letter dated November 6, 1997, and requested the Department of Environmental Protection [Department] provide copies of all related correspondence, documents and materials.

[3] On November 12, 1997, the Board received a letter from Mr. Sprague of the Environmental Law Section, Alberta Justice. The letter stated:

- “a) The documents sent to the Board does not contain the grounds of appeal nor description of any relief which is within the mandate of the Board, contrary to section 5 of the Environmental Appeal Board Regulation and section 5 of the

Board's Rules of Practice.

- b) The Director of Land Reclamation did not accept Mr. Lucey the [sic] person who was directly affected by the application and did not accept his initial letter and statement of concern. Therefore, Mr. Lucey will not have status to appeal any decision to issue an approval: section 84(1)(iv) EPEA.
- c) I am advised by the Manager of the Regulatory Approvals Centre that no approval has been issued with respect to Application No. 001-20842 has yet been made [sic]. I enclose a copy of the memorandum from the Manager in this regard.<sup>1</sup>

Based on the foregoing, I request that the Board review the documents sent by Mr. Lucey in this matter and dismiss the appeal on the basis of want of jurisdiction as no decision has been made by a Director pursuant to section 84 which would permit the filing of an appeal and on the basis that Mr. Lucey has failed to comply with the Board's practice and legislation."

[4] On November 18, 1997, the Board sent a letter to Mr. Lucey requesting that he provide the Board with responses to the issues raised in the Department's letter.

[5] On November 20, 1997, Mr. Lucey responded as follows:

"We, "Core", have been very discouraged by the condescending [sic] attitude of the lawyers in "Alberta Justice" and the lawyers of the law dept. of the applicants, (energy companys [sic]). (comments contained as attachments to your letter of Nov. 18/97).

It seems to us from a "laymens" [sic], point of view that every time some item of

---

<sup>1</sup> Memorandum from Mr. Dennis Eriksen, Manager, Regulatory Approvals Centre, Alberta Environmental Protection to Mr. Grant Sprague, Environmental Law Section, dated November 12, 1997 stating:

"The Environmental Appeal Board has requested copies of all related documents pertaining to this pipeline project.

The Department has not completed reviewing that application that the proponent submitted pursuant to the Environmental Protection and Enhancement Act.

Mr. Bill Lucey's statement of concern has been rejected by the Director of the Land Reclamation Division."

“concern”, comes up they, (the lawyers mostly) quote from (Exhib [sic] A) page three attached. This (exhibit A) is becomeing [sic] very famous on local, “TV” and newspaper reports in Alberta.

For variety we, “Core”, would suggest these Alberta lawyers quote some of their other one-hundred thousand Alberta made laws, that they have asked for over the years. (Albertans are the most regulated people on “Earth”.

During the process of these applications, we “Core”, have asked for “mediation, which is our legal democratic wright [sic], only to be told by “mainly” lawyers, “Core” is unreasonable in their demands and mediation would be a waste of time, (lawyers love to bill clients at hundreds of dollars per hour). and accomplish nothing.

We, “Core”, would like to caution, that if we cannot obtain mediation on these applications and this letter is rejected, That [sic] by the serious nature of these applications to our Envionment [sic], and by the fact we feel that the political-envionmental [sic], “winds of change” are blowing in Alberta. We “Core”, will in the next two weeks be asking for funding and legal defence [sic] lawyers from the Govt [sic] of Alberta.

So that we might ask the Chief Justice of the Appeals Court of Alberta, that we might “take leave”, of these applications with your departments of the Govt [sic] of Alberta, and have these applications heard in different levels of our, \*Canadian Court Systems, starting at the Appeals Court of Alberta.

In closeing [sic], we “Core”, would like to note that if these applications cannot be resolved now, we see grave financial harm to the “Alta” economy, as these applications “work there [sic] way through” Canadian Courts for years to come, layoffs, bankruptsys [sic], ...”

## **DECISION OF THE BOARD**

[6] The Board agrees with the Department that Mr. Lucey’s appeal is premature as no decision has been made by the Director pursuant to section 84, which would permit the filing of an appeal. The Board, accordingly, does not have jurisdiction to proceed with this appeal.

## **CONCLUSION**

[7] This appeal is, therefore, dismissed.

Dated on December 1, 1997 at Edmonton, Alberta.

---

Dr. William A. Tilleman