
ALBERTA
ENVIRONMENTAL APPEAL BOARD
DECISION

Date of Decision - December 2, 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. 960861 issued by the Alberta Energy and Utilities Board to Engage Energy Canada, L.P.

Cite as: Lucey v. Alberta Energy and Utilities Board #7, re: Engage Energy Canada, L.P.

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BACKGROUND

[1] On November 25, 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]. Mr. Lucey objected to Application No. 960861 granted to Engage Energy Canada, L.P. by the Alberta Energy and Utilities Board [AEUB]. Mr. Lucey's Notice of Appeal contained the following information:

“Please accept this letter as our, “Notice of Appeal”, to app. No. 960861 (Engage) (exhibit A.)

We “Core” demand a two year halt on this export application so that we might;

- (a) do our own research on this application.
- (b) do research on Alberta sulphur markets (Exhibit) (B).
- (c) contact Environment [sic] Canada in Ottawa re: right to sue partner of Engage over pollution damage (exhibit C.)
- (d) have all “Engage”, gas suppliers, pipelines, gas plants, compressor stations ect. [sic], install electric driven motors on all natural gas compressors, to reduce, “Green House Gas” emission [sic] levels on this entire project.
- (e) have “Dr. David Suzuki, “Nature of Things” TV. program Van B.C. visit, Engage Energy Canada L.P. head office here in Calgary, and give a lecture series on our environment [sic].”

[2] The Board acknowledged Mr. Lucey's appeal in a letter dated November 25, 1997. The letter stated:

“Before asking the Director for the Department of Environmental Protection's records, we note from your attachment that this new appeal appears to deal exclusively with the Alberta Energy and Utilities Board's application No. 960861. If true, and unless there is a corresponding environmental approval or decision pursuant to the *Environmental Protection and Enhancement Act* (Act), your appeal is without jurisdiction.

Please confirm with this Board in writing that the decision you now submit is capable of appeal pursuant to s. 84 of the Act. Your response to this question must be received by close of business on November 28, 1997.”

[3] On November 26, 1997, Mr. Lucey responded as follows:

“Thanking you for your letter of Nov. 25/97, although your “time frame” is somewhat tight. (Nov. 25 - to Nov. 29). With the government postal strike on, we have very little time to do our research on this matter and mail a “hard copy,” reply to you.

Never the less [sic] we will do our best.

One of the many decisions we would like to submit that is capable of appeal to s 84 (1)iv of the act. (exhiit) [sic] (B)

- (a) as there is only so much breathing air that makes up our atomosphere, [sic] We [sic] “Core”, resent “Engage” and there [sic] gas suppliers polluting our atomosphere [sic] with to [sic] many, “Green-House Gas,” emmissions, [sic] these people breath this polluted air, and then [sic] us to breath this same air; this has to end through mediation and if not,
- (b) we “Core”, will be taking this application to the “Court of Appeals of Alberta, to have a Chief Justice decide if we “Core” are directly affected.”

DECISION OF THE BOARD

[4] Based on the foregoing, it is clear to the Board that Mr. Lucey’s Notice of Appeal involves the AEUB’s application, and not any corresponding environmental approval or decision pursuant to the Act. Accordingly, the Board has no jurisdiction to deal with the appeal.¹

¹ Section 84(1) of the Act states, in part, that “[a] notice of objection *may be submitted to the Board by the following persons in the following circumstances*”[emphasis added]. The section sets forth the criteria for persons who may submit a notice of objection to the Board, and the circumstances under which a notice of objection may be submitted to the Board. Unless the notice of objection reveals that the person making it and that the circumstances surrounding its submission meet the criteria set forth in section 84, the notice of objection may not be submitted to the Board.

In addition, section 84(6) of the Act requires that “a notice of objection must contain the information and be made in the manner provided for in the regulations. Section 5 of the Environmental Appeal

Board Regulations, and section 5 of the Rules of Practice, set forth the information required in a notice of objection submitted pursuant to section 84, or pursuant to any enactment other than section 84 of the Act.

The Registrar of Appeals for the Environmental Appeal Board, similar to registrars for other tribunals and for the courts, can reject those notices of objection that fail to meet the basic criteria necessary for submission to the Board.

CONCLUSION

[5] This appeal is, therefore, dismissed for want of jurisdiction but also without prejudice to Mr. Lucey to refile an appeal if he can submit that this appeal is somehow related to a corresponding environmental approval or decision pursuant to the Act.

Dated on December 2, 1997 at Edmonton, Alberta.

Dr. William A. Tilleman