

1998 ABEAB 24

May 22, 1998

**Via Fax**

Mr. Bill Lucey  
Leader, Confederation of Regions  
Political Party (Federal)  
803, 605 - 13 Ave. S.W.  
Calgary, Alberta, T2R 0K6

Dear Mr Lucey:

**Re: Husky Oil Operations Ltd - Approval No. 20883-00-00 - Our File: EAB 98-227  
Wild Rose Pipe Line Inc. - Approval No. 20842-00-00 - Our File: EAB 98-228**

This will acknowledge that the Environmental Appeal Board received your Notices of Objection on May 11, 1998, with respect to the above-noted.

Your submissions have been reviewed by me in my capacity as Registrar of Appeals, and I have decided to reject and return your Notices of Objection for the following reasons:

- (a) the concerns which you raise refer to a decision not plausibly within the scope of section 84 of the *Environmental Protection and Enhancement Act*;
- (b) you provide no evidence disclosing that you are plausibly directly affected by the decision in question;
- (c) you fail to comply with the Rules of Practice of the Board regarding the content of Notices of Appeal.

Your Notices of Objection which you filed with respect to the Director of Alberta Environmental Protection's Approval 20883-00-00 (Husky Oil Operations Ltd.) and 20842-00-00 (Wild Rose Pipe Line Inc.) are deficient in that:

- (a) they do not cite any provisions of the *Environmental Protection and Enhancement Act*,
- (b) the relief you request is not within the power of the Board to grant, and
- (c) you lack the necessary standing in that you fail to provide adequate evidence to demonstrate how either you or CORE are directly affected by the decisions.

Please be advised that **for these and all subsequent submissions** made by yourself to the Environmental Appeal Board, unless,

- (a) there is a corresponding approval or decision pursuant to the *Environmental Protection and Enhancement Act*, and
- (b) you can demonstrate that you are plausibly direct affected, and
- (c) you comply with the Board's Rules of Practice and Procedures,

your appeal will be rejected and returned for a lack of jurisdiction.<sup>1</sup> If I am wrong in any of the points I have raised in this letter, please advise by May 28, 1998, showing specific information to the contrary. Otherwise, your appeals will be returned the next day.

Please be advised that in the event a party were to request costs against a frivolous party, the Board has the discretionary power pursuant to s.88 of the Act to award such costs.

If you have any further questions do not hesitate to call. Thank you.

Yours truly,

Joanne Taylor-Weir  
Executive Director and  
Registrar of Appeals

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<sup>1</sup>

see Lucey v. Alberta Energy and Utilities Board #6, re: Canadian Western Gas Company - paragraph [10]. The Board has directed the Registrar of Appeals to “reject and return to Mr. Lucey any documents, which the office may receive from Mr. Lucey which do not on their face:

- (i) plausibly refer to a decision within the scope of section 84 of the Environment Protection and Enhancement Act
- (ii) disclose that Mr Lucey is plausibly directly affected by the decision in question, and
- (iii) demonstrate compliance with the Rules of Practice of the Environmental Appeal Board regarding the content of Notices of Appeal”