
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date Discontinuance of Proceedings – July 18, 2000

IN THE MATTER OF s.84, 85, and 87 of the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3;

-and-

IN THE MATTER OF an appeal filed on May 10, 2000 by Ms. Michele E. Annich on behalf of Westlock County with respect to Approval No. 15084-01-00 issued to Lafarge Canada Inc. by the Director, Northern East Slopes Region, Alberta Environment.

Cite as: Westlock County v. Director, Northern East Slopes Region, Alberta Environment,
re: Lafarge Canada Inc.

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BACKGROUND

[1] On April 11, 2000, the Director, Northern East Slopes Region, Alberta Environment (Department) issued Approval No. 15084-01-00 to Lafarge Canada Inc. (Approval Holder) for the opening up, operation and reclamation of a sand pit on SE 18-59-23-W4.

[2] On May 10, 2000, the Environmental Appeal Board (Board) received a letter from Ms. Michelle E. Annich of Sharek Reay on behalf of Westlock County (Appellant), appealing the Approval.

[3] On May 11, 2000, the Board acknowledged receipt of the Appellant's letter of May 10, 2000 and asked if the Appellant wished to attend a mediation meeting/settlement conference with respect to the appeal. By copy of the same letter the Board requested the Department provide all background correspondence, documents and materials relating to the appeal.

[4] On May 11, 2000, the Board also wrote to the Department and the Approval Holder advising of the appeal and asking if they wished to attend a mediation meeting/settlement conference in this matter. The Board also requested that the Department and Approval Holder provide their available dates for a mediation meeting/settlement conference.

[5] According to standard practice, on May 11, 2000, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) asking whether this matter has been the subject of a hearing or review under their respective Boards' legislation. A reply was received from the NRCB on May 24, 2000 and the AEUB on June 12, 2000 stating that they did not hold any hearing or review under their legislation.

[6] On May 18 and 29, 2000, the Board received letters from legal counsel for the Appellant, requesting an extension, in order to seek the Appellant's advice with respect to a mediation meeting. The Board granted both requests.

[7] On June 15, 2000, the Department forwarded all relevant documents with respect to the appeal to the Board, and advised that the Department would wish to raise a preliminary jurisdictional challenge, regarding the standing of the County of Westlock, if the appeal were to proceed.

[8] On June 19, 2000, the Board acknowledged receipt of the Department's letter of June 15, 2000. The Board also acknowledged Ms. Annich's voice mail of June 16, 2000, requesting a further extension regarding a mediation meeting. In consultation with the parties, the Board granted Ms. Annich's request.

[9] On July 4, 2000, the Board received a letter from legal counsel for the Appellant, requesting a further extension. The letter stated:

"It is my understanding that the parties may soon be in a position to deal with this appeal by way of agreement, and that (if an agreement is reached) it would likely involve the withdrawal of the above-noted appeal."

[10] On July 5, 2000, the Board received a letter from the Approval Holder, advising the Board that a satisfactory arrangement had been reached between Westlock County and Lafarge Canada Inc

[11] On July 12, 2000, the Board received a letter from legal counsel for the Appellant stating:

"Further to our previous correspondence in this matter on behalf of Westlock County, we hereby request that the above noted appeal of Westlock County be withdrawn. We therefore trust that this concludes the above noted matter."

DECISION

[12] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Ms. Michelle E. Annich's letter on behalf of Westlock County of July 12, 2000, the Board hereby discontinues its proceedings in Appeal No. 00-028 and will be closing its file.

Dated July 18, 2000 at Edmonton, Alberta.

William A. Tilleman, Q.C.