

ALBERTA ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – October 23, 2002
Date of Discontinuance of Proceedings - October 24, 2002

IN THE MATTER OF Sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12;

-and-

IN THE MATTER OF a Notice of Appeal filed by Mr. Ray
Holtsma and Ms. Celine Luchka (Holtsma) with respect to
Approval No. 155185-00-00, issued by the Director, Northern
Region, Regional Services, Alberta Environment to Ouellette
Packers 2000 Ltd.

Cite as: *Holtsma v. Director, Northern Region, Regional Services, Alberta Environment*
re: *Ouellette Packers 2000 Ltd.* (24 October 2002) Appeal No. 02-069-DOP
(A.E.A.B.).

MEDIATION MEETING BEFORE

Frederick C. Fisher, Q.C.

APPEARANCES

Appellants: Mr. Ray Holtsma and Ms. Celine Luchka
(Holtsma).

Department: Mr. Kem Singh, Director, Northern Region,
Regional Services, Alberta Environment, Mr.
Casey Chan, Industrial Engineer, Northern
Region, Regional Services, Alberta
Environment, Mr. Rob George, Hydrologist,
Water Management, Northern Region,
Regional Services, Alberta Environment,
represented by Ms. Michelle Williamson,
Alberta Justice.

Approval Holder: Mr. Dan Majeau, Mr. Kory Perrott, Ouellette
Packers 2000 Ltd.

Other Parties: His Worship Mayor Lawrence Kluthe,
Sturgeon County.

Board Staff: Ms. Lisa Awid, Project Officer.

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Ouellette Packers 2000 Ltd. authorizing the construction, operation and reclamation of the Riviere Qui Barre Red Meat Processing Plant in Sturgeon County, Alberta.

The Board received a Notice of Appeal from Mr. Ray Holtsma and Ms. Celine Luchka (Holtsma) appealing the Approval.

The Board held a mediation meeting in Edmonton, Alberta, following which, the Appellants agreed to withdraw their appeal. The Board is therefore closing its file in this matter.

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I. BACKGROUND

[1] On July 12, 2002, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”) issued Approval No. 155185-00-00 (the “Approval”) to Ouellette Packers 2000 Ltd. (the “Approval Holder”) authorizing the construction, operation and reclamation of the Riviere Qui Barre Red Meat Processing Plant (Hog Processing Plant) in Sturgeon County, Alberta.

[2] On August 21, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Ray Holtsma and Ms. Celine Luchka (Holtsma) (the “Appellants”) appealing the Approval. On August 22, 2002, the Board acknowledged receipt of the Notice of Appeal, notified the Director and the Approval Holder of the appeal and requested the Director provide the Board with a copy of the Record related to the appeal (the “Record”). The Board also requested the Appellants, Approval Holder and Director (collectively the “Parties”) provide available dates for a mediation meeting or hearing.

[3] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both Boards responded in the negative.

[4] On September 19, 2002, the Board received the Record from the Director, and on October 2, 2002 forwarded the Record to the Appellants and the Approval Holder.

[5] On September 27, 2002, in consultation with the parties, the Board scheduled a mediation meeting to be held at the Board’s office in Edmonton, Alberta on October 23, 2002.

II. THE MEDIATION MEETING

[6] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting on October 23, 2002, with Fredrick C. Fisher, Q.C., as the presiding Board Member (the “Mediator”).

[7] In conducting the mediation meeting, the Mediator reviewed the appeals and mediation process and explained the purpose of the mediation meeting by referring to the Participants' Agreement to Mediate. All Parties agreed with the terms and signed the agreement and discussions ensued.

[8] Following productive and detailed discussions, the Appellants agreed to withdraw their Notice of Appeal and submitted a letter dated October 23, 2002 to the Board stating:

“We want to say that we do not agree with the building of this plant on SW 1/4 -3-55-26-W4, and further, we do not agree that there has been adequate planning including environmental planning with respect to this location and with the valley as a whole.

Planning, including environmental planning, should take place before any developmental or environmental approval is granted, in relation to a project of this kind.

We only agree to withdraw our Notice of Appeal with respect to the specific Approval granted by the Director of Environment being Approval 155185-00-00”.

III. DECISION

[9] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 02-069 and closes its file.

Dated on October 24, 2002, at Edmonton, Alberta.

William A. Tilleman, Q.C., Chair