

ALBERTA ENVIRONMENTAL APPEALS BOARD

Decision

Date of Decision – November 16, 2004

IN THE MATTER OF sections 91, 92, and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF appeals filed by Barrie Nault and Victoria Mitchell with respect to *Water Act* Approval No. 00206657-00-00 issued to the Town of Canmore by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: Intervenor Decision: *Nault and Mitchell v. Director, Southern Region, Regional Services, Alberta Environment re: Town of Canmore* (16 November 2004), Appeal Nos. 04-019 and 04-020-ID2 (A.E.A.B.).

BEFORE:

Dr. Frederick C. Fisher, Q.C., Chair.

SUBMISSIONS:

Appellants:

Dr. Barrie Nault and Dr. Victoria Mitchell.

Director:

Ms. May Mah-Paulsen, Director, Southern Region, Regional Services, Alberta Environment, represented by Ms. Charlene Graham and Mr. Mark Greene, Alberta Justice.

Approval Holder:

Town of Canmore, represented by Mr. Brian Evans, Q.C. and Mr. Craig J. Tomalty, Miller Thomson LLP.

Intervenor Requests:

Ms. Brenda and Mr. Brian MacNeill; Ms. Janet Ewens, represented by Mr. Doug Ewens; Mr. Liam and Ms. Mary Christie; Mr. Elmer and Ms. Charlene Doell; Mr. Ken and Ms. Josie Bruce; Mr. Robert and Ms. Susan Iverach; Mr. Clark and Ms. Cathie Zentner; Mr. Gerald and Ms. Alison Hankins; Ms. Margo Pickard; Mr. Garth and Ms. Maureen Mitchell; Mr. Mike Fuller; Ms. Linda Hammell and Mr. Alistair Justason; Mr. James and Ms. Josephine Emmett; Mr. Graham and Ms. Linda McFarlane; Mr. Mike Ryer; Mr. David and Ms. Susan Schaus; Mr. Al and Ms. Nancy Bellstedt; BowKan Birders, represented by Mr. Cliff Hansen; Drs. John and Jean Parboosingh; Mr. James H. Pissot; Defenders of Wildlife Canada, represented by Mr. James H. Pissot; Mr. Mel Youngberg; Ms. Shelley Youngberg; Mr. Jack and Ms. Maureen Fair; Ms. Jeannette Bearss; Rundle Estate Corporation, represented by Mr. Gordon R. Meurin, Field Law, and Mr. Donald Bester; Ms. Stacy Williams; Ms. Judith Maxwell; Ms. Deanna and Mr. D.L. Monod; Mr. Cy and Ms. Carolann Johnson; Ms. Nancy Palmer, represented by Exploron Corporation; Dr. Jeffrey Yates; Mrs. Maia Egerton; Dr. Ray Egerton; Mr. Clifford and Ms. Patricia Anger; Mr. Jim and Ms. Wendy Anton; Mr. Gary Jennings; Dr. Paul Forster; Mr. Frank and Ms. Sharon Thirkettle; Mr. Doug and Ms. Donna McKown, Mr. Tim, Ms. Sherrill, Ms. Meaghan and Mr. Trevor McGuire; Mr. Alan Hobson; Dr. Ian and Ms. Robin Beddis; Ms. Barbara and Mr. Frank Dyrgas; and Dr. Donald and Ms. Mary Collinson.

EXECUTIVE SUMMARY

Alberta Environment issued an Approval under the *Water Act* to the Town of Canmore for the construction of a boat launch on the Bow River in the Town of Canmore.

The Environmental Appeals Board received Notices of Appeal from Dr. Barrie Nault and Dr. Virginia Mitchell. Dr. Nault also requested a Stay pending the hearing of the appeals. The Board granted the Stay, and it remained in place until the Minister released his decision.

In response to the notice of the hearing, the Board received 45 intervenor requests (from 69 individuals and 3 organizations). The Board received submissions regarding the admissibility of the intervenor requests. Many of the issues raised by the intervenors were not within the Board's jurisdiction. However, the Board allowed 54 individual intervenors and the 3 organizations to provide written submissions, as all of them reside in or are based out of Canmore. The remaining intervenor requests (from 15 individuals) were denied as they did not live in the Canmore area or the requests were filed late.

TABLE OF CONTENTS

I.	BACKGROUND	1
II.	SUBMISSIONS	2
A.	Intervenors	2
B.	Appellants	4
1.	Dr. Barrie Nault.....	4
2.	Dr. Victoria Mitchell	4
C.	Approval Holder	5
D.	Director	5
III.	ANALYSIS.....	6
A.	Legislation.....	6
B.	Discussion	8
1.	Intervenor Requests Accepted	8
2.	Not Directly Affected.....	10
3.	Late Filed Intervenor Requests.....	10
IV.	CONCLUSION.....	11

I. BACKGROUND

[1] On June 9, 2004, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00206657-00-00 (the “Approval”) under the *Water Act*, R.S.A. 2000, c. W-3, to the Town of Canmore (the “Approval Holder”) authorizing the construction of a boat launch on the Bow River in the Town of Canmore, Alberta.

[2] On June 16, 2004, the Environmental Appeals Board (the “Board”) received Notices of Appeal from Dr. Barrie Nault and Dr. Victoria Mitchell, (the “Appellants”) appealing the Approval. Dr. Nault also requested a Stay of the Approval pending the resolution of the appeals.

[3] On June 16, 2004, the Board wrote to the Appellants, the Approval Holder, and the Director (collectively the “Parties”) acknowledging receipt of the Notices of Appeal and notifying the Approval Holder and the Director of the appeals and the Stay request. The Board also requested that the Director provide the Board with a copy of the records (the “Record”) relating to these appeals.

[4] 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.

[5] On July 11, 2004, the Board wrote to the Parties stating that it had concluded the Appellants were directly affected and the Board would hear their appeals. The Board also decided to grant a Stay of the Approval until the conclusion of the appeals or unless otherwise directed by the Board. The Board scheduled the Hearing for July 23, 2004. On July 13, 2004, in response to requests from the Parties, the Board rescheduled the Hearing for July 26, 2004.

[6] In response to the Board’s notice of hearing, the Board received 41 intervenor requests from 62 individuals and 3 organizations on July 19, 2004. Two additional requests were received on July 20, 2004, an additional request was received on July 21, 2004, and a further request was received on July 22, 2004. (These additional four intervenor requests dealt with 7

individuals.) The Appellants and Director provided submissions regarding the intervenor requests on July 20 and 21, 2004.

[7] On July 21, 2004, the Board notified the Parties of the status of the intervenors, and those granted Intervenor status would be permitted to participate by filing written submissions.

II. SUBMISSIONS

A. Intervenors

[8] The following is a summary of the Intervenors: Ms. Brenda and Mr. Brian MacNeill; Ms. Janet Ewens, represented by Mr. Doug Ewens; Mr. Liam and Ms. Mary Christie; Mr. Elmer and Ms. Charlene Doell; Mr. Ken and Ms. Josie Bruce; Mr. Robert and Ms. Susan Iverach; Mr. Clark and Ms. Cathie Zentner; Mr. Gerald and Ms. Alison Hankins; Ms. Margo Pickard; Mr. Garth and Ms. Maureen Mitchell; Mr. Mike Fuller; Ms. Linda Hammell and Mr. Alistair Justason; Mr. James and Ms. Josephine Emmett; Mr. Graham and Ms. Linda McFarlane; Mr. Mike Ryer; Mr. David and Ms. Susan Schaus; Mr. Al and Ms. Nancy Bellstedt; BowKan Birders, represented by Ms. Cliff Hansen; Drs. John and Jean Parboosingh; Mr. James H. Pissot; Defenders of Wildlife Canada, represented by Mr. James H. Pissot; Mr. Mel Youngberg; Ms. Shelley Youngberg; Mr. Jack and Ms. Maureen Fair; Ms. Jeannette Bearss; Rundle Estate Corporation, represented by Mr. Gordon R. Meurin, Field Law, and Mr. Donald Bester; Ms. Stacy Williams; Ms. Judith Maxwell; Ms. Deanna and Mr. D.L. Monod; Mr. Cy and Ms. Carolann Johnson; Ms. Nancy Palmer, represented by Exploron Corporation; Dr. Jeffrey Yates; Mrs. Maia Egerton; Dr. Ray Egerton; Mr. Clifford and Ms. Patricia Anger; Mr. Jim and Ms. Wendy Anton; and Mr. Gary Jennings.¹

¹ Mr. Jennings' original request to the Board was received on July 15, 2004. In his request, Mr. Jennings indicated he and his family had a cabin at Gull Lake, Alberta. There was no indication that he was a resident of Canmore, Alberta. Based on this submission, the Board could not grant Mr. Jennings intervenor status. However, Mr. Jennings contacted the Board asking the Board to reconsider its decision regarding his intervenor standing. Mr. Jennings indicated he lives on River Road in Canmore. This information was not available to the Board at the time of its original decision. Based on this additional information, the Board granted Mr. Jennings intervenor standing. See: Mr. Jennings' letters, dated July 15 and 21, 2004.

[9] All of these Intervenors explained they are residents of Canmore and live in close proximity to the site of the proposed boat launch.

[10] The Intervenors provided submissions with similar concerns and issues. Essentially, the Intervenors were concerned with the effect of motorized watercraft on the Bow River and the increased potential for water pollution and noise pollution. Most of the Intervenors explained they live in Canmore for the natural surroundings and tranquil setting. They stated allowing motorized boats on the Bow River would affect their peaceful enjoyment of their property, and they stated the increased noise would have a detrimental affect on the wildlife as well as people who live and visit the area.

[11] Some of the Intervenors explained they use the Bow River for recreational activities, such as canoeing and flyfishing, and these activities would be affected by the increased motorized watercraft.

[12] Many of these Intervenors stated they use the area adjacent to the Bow River, including the site of the proposed boat launch, for recreational activities, including walks, observing nature, and bicycling. They expressed concerns the boat launch would result in increased traffic and increased risk to public safety.

[13] Some of these Intervenors identified the access to the site as a concern, and alternate sites should have been considered and assessed. They stated increased traffic in the area, both vehicular and human, would affect the wildlife in the area and potentially increase the risk for erosion and siltation.

[14] Many of these Intervenors were concerned the removal of the trees for the parking lot would have a detrimental affect on the wildlife that use the area and affect the aesthetics in the area.

[15] Some of the Intervenors stated they were not opposed to a boat launch, but the scale of the proposed boat launch was too large.

[16] The Intervenors raised concerns about their property values being affected by the construction of the boat launch, due to increased noise and loss of the aesthetic value of the area. They stated their quality of life would be affected.

[17] Some of the Intervenors stated there could be an increased risk of damage to adjacent properties and trash around the launch site.

[18] One of the Intervenors expressed concern that no environmental impact study was completed.

B. Appellants

1. Dr. Barrie Nault

[19] Dr. Nault stated all of those who filed submissions should have the opportunity to be heard. He submitted the various intervenor requests came from those with knowledge in law, wildlife in the area, impacts of jet skis, environmental impacts, real estate matters, medicine and public health, and how their quiet enjoyment and use of the area will be affected.

2. Dr. Victoria Mitchell

[20] Dr. Mitchell suggested all those who filed intervenor requests should be heard in order for the Board to understand the environmental impacts resulting from the construction of the proposed project.

[21] She submitted those persons who have observed wildlife and waterfowl utilizing the river and with knowledge on the environmental impacts on the river inhabitants and animals using the river should be allowed to address the Board. The Appellant stated those intervenors with knowledge on how the boat launch will impact birds and animals using the river and other sensitive species should be allowed to provide the information to the Board.

[22] Dr. Mitchell stated persons offering knowledge on pollution hazards resulting from the boat launch and knowledge on the how the boat launch will affect vegetation, the aquatic environment, and the bed, bank, and shore should be allowed to inform the Board.

[23] The Appellant argued the intervenors should be allowed to present information regarding the impacts on humans, including effects on human health, public safety, the recreational environment, ecotourism, property values, and their quiet enjoyment of their property and use of the river.

[24] Dr. Mitchell also stated the Board should allow those with information regarding the type and volume of commercial activity and the impacts on the environment to provide that information to the Board.

[25] The Appellant submitted the family from Cochrane (Mr. Tim, Ms. Sherrill, Ms. Meaghan and Mr. Trevor McGuire) appears to have relevant experience with jet boats and the couple from Banff (Mr. Doug and Ms. Donna McKown) are knowledgeable about wildlife, particularly the Harlequin ducks, and have had experience with jet boats.²

[26] The Appellant submitted the Board should hear all who wished to be heard, as many of the intervenors have greater knowledge on the environmental impacts than her.

C. Approval Holder

[27] The Board did not receive any submissions from the Approval Holder regarding the intervenor requests.

D. Director

[28] The Director argued all of the intervenors' concerns were either outside the jurisdiction of the Director under the *Water Act* or were already thoroughly addressed by the Appellants. According to the Director, "...any evidence or argument submitted by such intervenors will not materially assist the Board in deciding the appeals."³ He recommended that, should the Board allow some or all of the individuals to be intervenors, their submissions should be restricted to written submissions only.

² See: Dr. Victoria Mitchell's submissions, dated July 20 and 21, 2004.

³ Director's submission, dated July 21, 2004.

[29] In response to the issues raised in the intervenor requests, the Director argued: concerns regarding boat traffic are the jurisdiction of the Federal Government and therefore, any submission on this concern would not assist the Board in adjudicating the matter as it is outside the jurisdiction of the *Water Act*; concerns regarding vehicular traffic are municipal issues and the Board ruled it would not hear matters relating to municipal issues; concern over the destruction of the “natural space” has been thoroughly brought forward by the Appellants and any further evidence would be duplicitous; concerns over the elevated risk of forest fire is a Sustainable Resources Development issue and not a *Water Act* issue, and any submissions on the matter will not assist the Board in deciding the issue.⁴

III. ANALYSIS

A. Legislation

[30] Under section 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Act” or “EPEA”) the Board can determine who can make representations before it. Section 95(6) states:

“Subject to subsection (4) and (5), the Board shall, consistent with the principles of natural justice, give the opportunity to make representations on the matter before the Board to any persons who the Board considers should be allowed to make representations.”

[31] Pursuant to sections 7 and 9 of the *Environmental Appeal Board Regulation*, Alta. Reg. 114/93 (the “Regulation”), the Board must determine whether a person submitting a request to make submissions should be allowed to do so at the hearing. Section 7 of the Regulation states:

“7(2) A published notice referred to in subsection (1)(a)(ii) or (b)(ii) must contain the following:

- (a) the date, time and place of the hearing, in a case where an oral hearing is to be held;

⁴ See: Director’s submission, dated July 21, 2004.

- (b) a summary of the subject matter of the notice of appeal;
- (c) a statement that any person who is not a party to the appeal and wishes to make representations on the subject matter of the notice of appeal must submit a request in writing to the Board;
- (d) the deadline for submitting a request in writing under clause (c);
- (e) the mailing address of the Board;
- (f) the location and time at which filed material with the Board will be available for examination by interested persons.”

[32] Section 9 of the Regulation provides:

- “(1) A request in writing referred to in section 7(2)(c) shall
- (a) contain the name, address and telephone number of the person submitting the request,
 - (b) indicate whether the person submitting the request intends to be represented by a lawyer or other agent and, if so the name of the lawyer or other agent,
 - (c) contain a summary of the nature of the person’s interest in the subject matter of the notice of appeal, and
 - (d) be signed by the person submitting the request.
- (2) Where the Board receives a request in writing in accordance with section 7(2)(c) and subsection (1), the Board shall determine whether the person submitting the request should be allowed to make representations in respect of the subject of the notice of appeal and shall give the person written notice of that decision.
- (3) In a notice under subsection (2) the Board shall specify whether the person submitting the request may make the representations orally or by means of a written submission.”

[33] In the Regulation, it also states the Board can determine who will be a party to an appeal. Section 1(f)(iii) of the Regulation states:

“In this Regulation... ‘party’ means any other person the Board decides should be a party to the appeal.”

[34] The test for determining intervenor status is stated in the Board’s Rules of Practice. Rule 14 states:

“As a general rule, those persons or groups wishing to intervene must meet the following tests:

- their participation will materially assist the Board in deciding the appeal by providing testimony, cross-examining witnesses, or offering argument or other evidence directly relevant to the appeal; the intervenor has a tangible interest in the subject matter of the appeal; the intervention will not unnecessarily delay the appeal;
- the intervenor in the appeal is substantially supporting or opposing the appeal so that the Board may know the designation of the intervenor as a proposed appellant or respondent;
- the intervention will not repeat or duplicate evidence presented by other parties....”

B. Discussion

1. Intervenor Requests Accepted

[35] The Board assesses intervenor requests based on the requirements as stated above. One of the major points the Board will consider is whether the participation of the intervenors will provide the Board with additional relevant evidence.

[36] In the intervenor requests received by the Board in these appeals, many of the issues raised were not within the Board’s jurisdiction and were not issues that would be heard at the hearing. For example, the issue of motorized watercraft on the Bow River is not an issue for this Board, nor are the issues of property values and municipal land use.

[37] What the Board does note is the number of individuals who filed intervenor requests in these appeals. It is obviously a contentious issue with Canmore residents. The Board strives to provide recommendations to the Minister of Environment that are based on the best available evidence. Most of the individuals requesting intervenor standing had legitimate concerns regarding the project, and as the proposed project has a considerable public interest element, the Board will allow the intervenor requests provided the intervenor lives in Canmore and is directly affected in some manner by the project.

[38] Therefore, the following individuals are granted Intervenor standing for these appeals: Ms. Brenda and Mr. Brian MacNeill; Ms. Janet Ewens, represented by Mr. Doug Ewens; Mr. Liam and Ms. Mary Christie; Mr. Elmer and Ms. Charlene Doell; Mr. Ken and Ms. Josie Bruce; Mr. Robert and Ms. Susan Iverach; Mr. Clark and Ms. Cathie Zentner; Mr. Gerald

and Ms. Alison Hankins; Ms. Margo Pickard; Mr. Garth and Ms. Maureen Mitchell; Mr. Mike Fuller; Ms. Linda Hammell and Mr. Alistair Justason; Mr. James and Ms. Josephine Emmett; Mr. Graham and Ms. Linda McFarlane; Mr. Mike Ryer; Mr. David and Ms. Susan Schaus; Mr. Al and Ms. Nancy Bellstedt; BowKan Birders, represented by Ms. Cliff Hansen; Drs. John and Jean Parboosingh; Mr. James H. Pissot; Defenders of Wildlife Canada, represented by Mr. James H. Pissot; Mr. Mel Youngberg; Ms. Shelley Youngberg; Mr. Jack and Ms. Maureen Fair; Ms. Jeannette Bearss; Rundle Estate Corporation, represented by Mr. Gordon R. Meurin, Field Law, and Mr. Donald Bester; Ms. Stacy Williams; Ms. Judith Maxwell; Ms. Deanna and Mr. D.L. Monod; Mr. Cy and Ms. Carolann Johnson; Ms. Nancy Palmer, represented by Exploron Corporation; Dr. Jeffrey Yates; Mrs. Maia Egerton; Dr. Ray Egerton; Mr. Clifford and Ms. Patricia Anger; Mr. Jim and Ms. Wendy Anton; and Mr. Gary Jennings⁵ (collectively, the “Intervenors”).

[39] All of these Intervenors filed their requests prior to the deadline and all of them live in Canmore.

[40] The Board notes the wide public interest in the proposed boat launch facility as evidenced by the great number of intervenor requests. As a public element is an important element in any Board decision, the Board decided that residents of Canmore should have the opportunity to make representations to the Board regarding the Approval.

[41] The intervention should not repeat or duplicate evidence presented by other parties. Although the concerns raised by the Intervenors were very similar to those brought forward by the Appellants, the Board notes the public interest generated by the proposed project and these appeals warrants hearing from all of the people and organizations who are directly affected and requested the opportunity to participate in the proceedings.

⁵ Mr. Jennings’ original request to the Board was received on July 15, 2004. In his request, Mr. Jennings indicated he and his family had a cabin at Gull Lake, Alberta. There was no indication that he was a resident of Canmore, Alberta. Based on this submission, the Board could not grant Mr. Jennings intervenor status. However, Mr. Jennings contacted the Board asking the Board to reconsider its decision regarding his intervenor standing. Mr. Jennings indicated he lives on River Road in Canmore. This information was not available to the Board at the time of its original decision. Based on this additional information, the Board granted Mr. Jennings intervenor standing. See: Mr. Jennings’ letters, dated July 15 and 21, 2004.

[42] Therefore, to prevent undue delay in the hearing process, the Board will allow the Intervenor to participate through written submissions only.

2. Not Directly Affected

[43] The Board received intervenor requests from the following individuals: Dr. Paul Forster; Mr. Frank and Ms. Sharon Thirkettle; Mr. Doug and Ms. Donna McKown; and Mr. Tim, Ms. Sherrill, Ms. Meaghan and Mr. Trevor McGuire.

[44] These individuals do not reside in Canmore. Dr. Forster lives in Hong Kong; Mr. and Ms. Thirkettle live in Calgary; Mr. and Ms. McKown live in Banff; and the McGuires live in Cochrane.

[45] While the Board notes that some of these individuals live in centers close to Canmore, their resident communities are separate and distinct from Canmore. They did not demonstrate how their interest in the area is more than other Albertans who occasionally use the area. Although these Intervenor demonstrated an interest in the area surrounding the proposed boat launch, they must be able to demonstrate they possess an interest over and above most other Albertans.

[46] The Board notes the concerns expressed by these individuals are similar to those expressed by the Intervenor, specifically motorized watercraft and the environmental effects on the wildlife and birds in the area. Therefore, their concerns will be brought forward and dealt with through the Appellants' and Intervenor's submissions.

[47] In this case, the Board cannot extend intervenor status to those individuals who are not directly affected by the Director's decision or who cannot provide evidence beyond what the Appellants can provide. Therefore, the Board denies these Intervenor requests.

3. Late Filed Intervenor Requests

[48] Between July 20 and 22, 2004, the Board received intervenor requests from Mr. Alan Hobson, Dr. Ian and Ms. Robin Beddis, Dr. Donald and Ms. Mary Collinson, and Mr. Frank and Ms. Barbara Dyrigas.

[49] The Board had indicated to all parties that intervenor requests were to be filed by July 19, 2004. In the case of the individuals named above, intervenor requests were filed after the July 19, 2004 deadline. Consequently, the Board denies their requests.

[50] The Board's process must be fair to all parties appearing before it, and an important aspect of the process is certainty. The deadline for receiving intervenor requests was July 19, 2004. Even though there was a short time frame in which to file intervenor requests, 54 individuals did submit their requests on time.

[51] However, these individuals did not file their requests in time and did not provide sufficient reason to allow an extension of time to file their request. The Board's process requires certainty; it is only in exceptional circumstances that the Board will allow an extension. These exceptional circumstances were not demonstrated by these individuals in this case. Therefore, the Board must deny their intervenor requests.

IV. CONCLUSION

[52] Therefore, pursuant to section 95 of the *Environmental Protection and Enhancement Act*, and based on the above, the Board grants intervenor standing to the following:

Ms. Brenda and Mr. Brian MacNeill; Ms. Janet Ewens, represented by Mr. Doug Ewens; Mr. Liam and Ms. Mary Christie; Mr. Elmer and Ms. Charlene Doell; Mr. Ken and Ms. Josie Bruce; Mr. Robert and Ms. Susan Iverach; Mr. Clark and Ms. Cathie Zentner; Mr. Gerald and Ms. Alison Hankins; Ms. Margo Pickard; Mr. Garth and Ms. Maureen Mitchell; Mr. Mike Fuller; Ms. Linda Hammell and Mr. Alistair Justason; Mr. James and Ms. Josephine Emmett; Mr. Graham and Ms. Linda McFarlane; Mr. Mike Ryer; Mr. David and Ms. Susan Schaus; Mr. Al and Ms. Nancy Bellstedt; BowKan Birders, represented by Ms. Cliff Hansen; Drs. John and Jean Parboosingh; Mr. James H. Pissot; Defenders of Wildlife Canada, represented by Mr. James H. Pissot; Mr. Mel Youngberg; Ms. Shelley Youngberg; Mr. Jack and Ms. Maureen Fair; Ms. Jeannette Bearss; Rundle Estate Corporation, represented by Mr. Gordon R. Meurin, Field Law, and Mr. Donald Bester; Ms. Stacy Williams; Ms. Judith Maxwell; Ms. Deanna and Mr. D.L. Monod; Mr. Cy and Ms. Carolann Johnson; Ms. Nancy Palmer, represented by

Exploron Corporation; Dr. Jeffrey Yates; Mrs. Maia Egerton; Dr. Ray Egerton; Mr. Clifford and Ms. Patricia Anger; Mr. Jim and Ms. Wendy Anton; and Mr. Gary Jennings.

[53] The Board denies the intervenor requests of Dr. Paul Forster; Mr. Frank and Ms. Sharon Thirkettle; Mr. Doug and Ms. Donna McKown; and Mr. Tim, Ms. Sherrill, Ms. Meaghan and Mr. Trevor McGuire, as they do not live in the area and are not directly affected by the proposed boat launch.

[54] The Board denies the intervenor requests of Mr. Alan Hobson, Ms. Robin and Dr. Ian Beddis, Dr. Donald and Ms. Mary Collinson, and Mr. Frank and Ms. Barbara Dyrigas, as they filed their intervenor requests past the time specified, and no special reasons were provided to warrant an extension of the time limit.

Dated on November 16, 2004, at Edmonton, Alberta.

Dr. Frederick C. Fisher, Q.C.
Chair