

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting - December 8, 2004

Date of Discontinuance of Proceedings - December 9, 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 an appeal filed by Kevin Armitage with
respect to *Water Act* Approval No. 00210258-00-00 issued to
Don Armitage by the Director, Central Region, Regional
Services, Alberta Environment.

Cite as: *Kevin Armitage v. Director, Central Region, Regional Services, Alberta Environment re: Don Armitage* (9 December 2004), Appeal No. 04-056-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued a *Water Act* Approval to Mr. Don Armitage authorizing the drainage of groundwater from the gravel pit at NW 11-047-11-W4M near Kinsella, Alberta.

The Environmental Appeals Board received a Notice of Appeal from Mr. Kevin Armitage appealing the Approval.

The Board held a mediation meeting in Camrose, Alberta, on December 8, 2004. As a result of the mediation, the Appellant withdrew his appeal and the Board therefore closes its file.

MEDIATION MEETING BEFORE:

Mr. Dallas Miller, Q.C., Board Member.

APPEARANCES:

Appellant: Mr. Kevin Armitage.

Director: Mr. Tom Slater, Director, Central Region, Regional Services, Alberta Environment, and Mr. Guy Hancock, Alberta Environment, represented by Mr. Mark Greene, Alberta Justice.

Approval Holder: Mr. Don Armitage and Mr. Jeff Armitage.

Board Staff: Mr. Gilbert Van Nes, General Counsel and Settlement Officer.

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I. BACKGROUND

[1] On September 14, 2004, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00210258-00-00 (the “Approval”) to Don Armitage (the “Approval Holder”) authorizing the drainage of groundwater from the gravel pit at NW 11-047-11-W4M near Kinsella, Alberta.

[2] On September 27, 2004, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Kevin Armitage (the “Appellant”) appealing the Approval.

[3] On September 30, 2004, the Board wrote to the Appellant, the Approval Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Approval Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Parties provide available dates for a mediation meeting or hearing.

[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 November 28, 2004, the Board received a copy of the Record from the Director, and on December 9, 2004, forwarded a copy to the Appellant and the Approval Holder.

[6] On November 23, 2004, in consultation with the Parties, the Board scheduled a mediation meeting for December 8, 2004 in Camrose, Alberta.

II. THE MEDIATION MEETING,

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Camrose, Alberta on December 8, 2004, with Mr. Dallas Miller as the presiding Board Member (“the Mediator”).

[8] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All parties signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions at the mediation meeting, the Appellant withdrew his appeal.

III. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c W-3, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-056 and closes its file.

Dated on December 9, 2004, at Edmonton, Alberta.

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