ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – February 8, 2006
Date of Discontinuance of Proceedings – February 24, 2006

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 Stonebridge Farms Ltd. with respect to *Water Act* Approval No. 00183682-00-00, *Water Act* Amending Approval No. 00183682-00-01 and *Water Act* Amending Approval No. 00183682-00-02 issued to Stonebridge Farms Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Stonebridge Farms Ltd.* v. *Director, Central Region, Regional Services, Alberta Environment* (24 February 2006), Appeal Nos. 05-050-052-DOP (A.E.A.B.).

I. BACKGROUND

[1] The Director, Central Region, Regional Services, Alberta Environment (the "Director"), issued Approval No. 00183682-00-00 on January 21, 2005, Amending Approval 00183682-00-01 on June 30, 2005, and Amending Approval No. 00183682-00-02 on November 1, 2005 (collectively the "Approvals"), under the *Water Act*, R.S.A. 2000, c. W-3, to Stonebridge Farms Ltd. The Approval authorize the construction and maintenance of a berm in an unnamed water body and maintenance of the existing drainage ditch in NW 34-40-14-W4M, near Galahad, Alberta, while the Amending Approvals amend the completion dates of the berm.

[2] On December 12, 2005, the Environmental Appeals Board (the "Board") received a Notice of Appeal from Mr. H. Grant Jackson, Stonebridge Farms Ltd. (the "Appellant") appealing the Approvals.

[3] On December 15, 2005, the Board wrote to the Appellant, and the Director (collectively the "Parties") acknowledging receipt of the Notice of Appeal and notifying the Director of the appeals. As it appeared that the appeals were filed outside of the time limit prescribed in the *Water Act*, the Board requested the Appellant provide the Board with further information as to why the appeals were filed late. The Board also requested the Director provide the Board with a copy of the records (the "Record") relating to these appeals and that the Parties provide available dates for a mediation meeting, preliminary 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 December 30, 2005, the Board received information from the Appellant regarding his late filed appeals. The Board acknowledged the Appellant's letter and advised that it would like to proceed with a mediation meeting.

[6] On January 6, 2006, the Board received a copy of the Record from the Director, and on January 11, 2006, forwarded a copy to the Appellant. In the same letter, the Director advised the Board that Mr. Leonard and Mrs. Jean Keichinger should be included in the

mediation meeting as they had submitted a statement of concern during the application review process that led to the issuance of the original Approval. On January 11, 2006, in consultation with the Parties, the Board also advised the Parties that a mediation meeting had been scheduled for February 8, 2006, in Stettler. On January 11, 2006, the Appellant provided names of those persons that may have an interest in the appeal and the Board notified that person on January 20, 2006.

[7] On January 11, 2006, the Board wrote to Mr. and Mrs. Keichinger advising that the Director had indicated they should be included mediation meeting which, had been scheduled for February 8, 2006, in Stettler. The Board received a letter dated January 16, 2006, from Mrs. Keichinger advising that they would be attending the mediation meeting on February 8, 2006.

II. MEDIATION MEETING

[8] Pursuant to section 11 of the *Environmental Appeal Board Regulation*, Alta. Reg. 114/93, the Board conducted a mediation meeting in Stettler, Alberta on February 8, 2006 with Mr. Ron V. Peiluck, Vice-Chair, as the presiding mediator (the "Mediator").

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

[10] Following discussions at the mediation meeting, the Appellant agreed to advise the Board by February15, 2006, whether he would withdraw the appeals. The Board received a letter dated February 15, 2006 from the Appellant withdrawing the appeals.

III. DECISION

[11] 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 appeals by the Appellant, the Board hereby discontinues its proceedings in Appeal Nos. 05-050, 05-051, and 05-052 and closes its file.

Dated on February 24, 2006, at Edmonton, Alberta.

"*original signed by*"

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Steve E. Hrudey, D.Sc. (Eng.), P.Eng.
Chair