

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – September 14, 2006
Date of Discontinuance of Proceedings – September 22, 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 Ida Elliott and Irene Fralick with respect to *Water Act* Approval No. 002224381-00-00 issued to Enerplus Resources Corporation by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Elliott et al. v. Director, Central Region, Regional Services, Alberta Environment*
re: *Enerplus Resources Corporation* (22 September 2006), Appeal Nos. 06-053
& 06-054-DOP (A.E.A.B.).

I. BACKGROUND

[1] On June 9, 2006, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00224381-00-00 (the “Approval”) to Enerplus Resources Corporation (the “Approval Holder”) authorizing the operation of works and diversion of 7,600 cubic metres of water annually for the purpose of coalbed methane extraction near Alder Flats, Alberta

[2] On July 5 and 6, 2006, the Environmental Appeals Board (the “Board”) received Notices of Appeal from Ms. Ida Elliott and Ms. Irene Fralick (the “Appellants”) appealing the Approval.

[3] On July 5 and 11, 2006, the Board wrote to the Appellants, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notices of Appeal and notifying the Approval Holder and the Director of the appeals. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Participants 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 August 1, 2006, the Board received a copy of the Record from the Director, and on August 9, 2006, forwarded a copy to the Appellants and the Approval Holder.

[6] On August 31, 2006, in consultation with the Participants, the Board scheduled a mediation meeting for September 14, 2006, in Buck Lake, Alberta.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Buck Lake, Alberta on September 14, 2006, with Mr. Ron Peiluck as the presiding Board Member (the “Mediator”).

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

[9] Following productive and detailed discussions at the mediation meeting, the Appellants withdrew their appeals.

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 appeals by the Appellants, the Board hereby discontinues its proceedings in Appeal Nos. 06-053 and 06-054 and closes its file.

Dated on September 22, 2006, at Edmonton, Alberta.

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