

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – July 28, 2008
Date of Discontinuance of Proceedings – July 31, 2008

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 Ken and Joan Miller with respect to *Water Act* Licence No. 00207659-00-00 issued to 1320050 Alberta Ltd. by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Miller v. Director, Central Region, Environmental Management, Alberta Environment*, re: *1320050 Alberta Ltd.* (31 July 2008), Appeal No. 08-004-DOP (A.E.A.B.).

I. BACKGROUND

[1] On May 9, 2008, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Licence No. 00207659-00-00 under the *Water Act*, R.S.A. 2000, c.W-3 (the “Licence”), to 1320050 Alberta Ltd. (the “Licence Holder), authorizing the operation of a works and diversion up to 62,500 cubic metres of water annually at a maximum rate of diversion of 0.0505 cubic metres per second from the source of water for the Eagle Rock Golf Course, in Leduc County

[2] On May 26, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Ken and Ms. Joan Miller (the “Appellants”), appealing the Licence.

[3] On May 26, 2008, the Board wrote to the Appellants, the Licence Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Licence 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 the Participants provide available dates for a mediation meeting, preliminary motions hearing or a hearing.

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

[5] On June 23, 2008, the Board received a copy of the Record from the Director, and on June 25, 2008, forwarded a copy to the Appellants and the Licence Holder.

[6] On July 21, 2008, in consultation with the Participants, the Board scheduled the mediation meeting with respect to this appeal for July 28, 2008, in Edmonton, 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 Edmonton, Alberta on July 28, 2008, with Mr. Ron V. Peiluck, Vice-Chair, as the presiding mediator (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 Participants signed the Agreement and discussions ensued.

[9] Following detailed and productive discussions at the July 28, 2008 mediation meeting, the Appellants withdrew their appeal.

III. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 08-004 and closes its file.

Dated on July 31, 2008, at Edmonton, Alberta.

Dr. Steve E. Hrudey, FRSC, PEng
Chair