

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – February 10, 2009
Date of Discontinuance of Proceedings – June 22, 2009

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 Gordon and Joyce Roe
with respect to *Water Act* Licence No. 00248178-00-00 and *Water
Act* Licence 0024818600-00 issued to the Hutterian Brethren
Church of Sky Light by the Director, Southern Region,
Environmental Management, Alberta Environment.

Cite as: *Roe v. Director, Southern Region, Environmental Management, Alberta
Environment, re: Hutterian Brethren Church of Sky Light* (22 June 2009), Appeal
Nos. 08-020 & 08-028-DOP (A.E.A.B.).

I. BACKGROUND

[1] On September 22, 2008, the Director, Southern Region, Environmental Management, Alberta Environment (the “Director”), issued Licence No. 00248178-00-00 and Licence No. 00248186-00-00 (the “Licences”) under the *Water Act*, R.S.A. 2000, c. W-3, to the Hutterian Brethren of Sky Light (the “Licence Holder”). Licence No. 00248178-00-00 is for the operation of a works and the diversion of up to 24,257 cubic meters of water annually for feedlot purposes. Licence No. 00248186-00-00 is for the operation of a works and the diversion of up to 3,982 cubic meters of water annually for municipal purposes (community water supply).

[2] On November 5, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal dated October 26, 2008, from Mr. Gordon and Ms. Joyce Roe (the “Appellants”) appealing the Licences.

[3] On November 6, 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 Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) in relation to this appeal, and that the Participants provide the Board with available dates for a mediation meeting, a preliminary motions hearing or a hearing, by November 17, 2008.

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

[5] On December 15, 2008, the Board received a copy of the Record from the Director and on December 22, 2008, forwarded a copy to the Appellants and the Licence Holder.

[6] On January 7, 2009, in consultation with the Participants, the Board scheduled the mediation meeting for February 10, 2009, in High River, 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 High River, Alberta, on February 10, 2009 with Dr. Alan Kennedy, Board member, 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 in attendance signed the agreement and discussions ensued. Following productive and detailed discussions at the mediation meeting, a resolution of the appeal was reached between the Participants.

[9] On May 20, 2009, the Board received a copy of a letter from the Director to the Appellants. On June 12, 2009 the Board acknowledged the letter and advised that as the appeal has been withdrawn the Board would issue a Discontinuance of Proceedings after June 19, 2009 and close its file. The Board did not receive a response from the Appellants and closed its file on June 22, 2009.

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 Appellant, the Board hereby discontinues its proceedings in Appeal Nos. 08-020 and 08-028, and closes its file.

Dated on June 22, 2009, at Edmonton, Alberta.

Dr. Steve E. Hrudey, FRSC, PEng
Chair