

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – June 26, 2009
Date of Discontinuance of Proceedings – July 15, 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-

IN THE MATTER OF an appeal filed by Roxanne Walsh with
respect to *Environmental Protection and Enhancement Act*
Approval No. 1242-02-00 issued to the Town of Turner Valley by
the Director, Southern Region, Environmental Management,
Alberta Environment.

Cite as: *Walsh v. Director, Southern Region, Environmental Management, Alberta Environment, re: Town of Turner Valley* (15 July 2009), Appeal No. 08-019-DOP (A.E.A.B.).

I. BACKGROUND

[1] On September 30, 2008, the Director, Southern Region, Environmental Management, Alberta Environment (the “Director”), issued Approval No. 1241-02-00 (the “Approval”), under the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12, to the Town of Turner Valley (the “Approval Holder”) authorizing the construction, operation, and reclamation of a waterworks system for the Town of Turner Valley in Turner Valley, Alberta.

[2] On October 30, 2008 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Ms. Roxanne Walsh (the “Appellant”) appealing the Approval.

[3] On October 31, 2008, the Board wrote to the Appellant, the Approval Holder, and the Director (collectively the “Participants”) 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 the appeal, and that the Participants provide available dates for a mediation meeting, preliminary motions hearing, or hearing.

[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 November 26, 2008, the Director raised preliminary motions concerning standing, the validity of the Notice of Appeal, and the jurisdiction of the Board to grant the relief requested by the Appellant.

[6] On December 9, 2008, the Board received a copy of the Record from the Director, and on December 16, 2008, forwarded a copy to the Appellant and the Approval Holder.

[7] On January 28, 2009, the Board notified the Participants that it would not pursue the preliminary motions at this time and that it would consider mediation for this appeal.

[8] After consulting with the Participants and initial pre-mediation conference calls, the Board scheduled a mediation meeting for June 26, 2009, in Black Diamond.

II. MEDIATION MEETING

[9] Pursuant to section 11 of the *Environmental Appeal Board Regulation*, Alta. Reg. 114/93, the Board conducted a mediation meeting in Black Diamond, Alberta, on June 26, 2009 with Mr. Eric McAvity, Board member, as the presiding mediator (the “Mediator”).

[10] 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.

[11] On July 9, 2009, the Approval Holder ratified the Resolution with minor amendments. The Appellant accepted the amendments on July 14, 2009, and as a result the Appellant withdrew her appeal. The Participants agreed that the Resolution and subsequent Addendum could be made available to the public.

III. DECISION

[12] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant on July 14, 2009, the Board hereby discontinues its proceedings in Appeal No. 08-019 and closes its file.

Dated on July 15, 2009, at Edmonton, Alberta.

“original signed by”

Mr. Ron V. Peiluck
Acting Chair