

**15-003 and 15-007****2015 ABEAB 17**

**Appellants** – Laura Peaire and Paula McGinnis, **Operator** – BURNCO Rock Products Ltd.,

**Location** – Duffield in Parkland County

Notices of Appeal were received from Ms. Laura Peaire and Ms. Paula McGinnis on May 25, 2015 with respect to the April 8, 2015 decisions of the Director, Red Deer-North Saskatchewan Region, Alberta Environment and Parks, to issue to BURNCO Rock Products Ltd.:

- *Water Act* Licence No. 00317655-00-00 to operate a works and to divert up to 99,000 cubic metres of water annually from the source of water for commercial purposes (aggregate washing);
- *Water Act* Approval No. 00317639-00-00 to construct and maintain 7 end pit water bodies;
- *Water Act* Approval No. 00317644-00-00 to operate a works and to drain up to 250,000 cubic metres of water annually at a maximum rate of diversion of 0.016 cubic metres per second from the recharge ponds and the release points to the Bellhouse Water Management Project and the tributary to Mink Creek for the purpose of drainage (dewatering); and
- *Water Act* Approval No. 00320022-00-00 to infill wetlands to accommodate the development of a sand and gravel extraction operation located at SE 21, SW 22, E½ 16 & N½ 15-053-03-W5M near Duffield in Parkland County.

As the normal time limit prescribed for filing an appeal of a *Water Act* approval is seven days, the filing of the Notices of Appeal appeared to be filed late because the Approvals were issued to BURNCO on April 8, 2015. The Appellants were requested to indicate to the Board the reasons for the extension of time to appeal, and provide an explanation as to why the appeals were filed outside of the seven day time limit.

In its letter of July 27, 2015, the Board dismissed the appeals of the three *Water Act* Approvals for being filed late but advised it would proceed with the *Water Act* Licence appeals. The Board issued its full decision on September 29, 2015.

Cite as: *Peaire and McGinnis v. Director, Red Deer-North Saskatchewan Region, Alberta Environment and Sustainable Resource Development, re: BURNCO Rock Products Ltd.* (29 September 2015), Appeal Nos. 15-003-010-ID1 (A.E.A.B.).

In consultation with the parties, a mediation meeting was held on October 8, 2015 in Edmonton regarding the appeals of the Licence. As a result of the resolution reached at the mediation, the appeals were withdrawn. On October 9, 2015, the Board discontinued its proceedings and closed its files in these matters.