

**12-013**

**2016 ABEAB 20**

**Appellant** — Gerald Borgel, **Operator** — Prairie Mines and Royalty Ltd., **Location** — near Forestburg

A Notice of Appeal was received from Gerald Borgel on July 11, 2012 with respect to the June 6, 2012 decision of Alberta Environment and Parks (AEP) to issue *Water Act* Approval No. 00214629-00-00 to Prairie Mines and Royalty Ltd. for the Paintearth Mine Project near Forestburg.

The normal time limit prescribed in the *Water Act* for filing such an appeal is seven days. As the Approval was issued on June 6, 2012, Mr. Borgel was asked to indicate to the Board the reasons for the extension of time to appeal, and to provide an explanation as to why the appeal was filed outside of the seven day time limit. Mr. Borgel understood he had 30 days to file an appeal, and AEP had different opportunities, including at a meeting held within the appeal period, to explain the appeal period was seven days. Based on the explanations provided, comments received, and actions taken, the Board allowed the extension of time for Mr. Borgel to file his Notice of Appeal and on October 11, 2012 a decision was issued advising that an extension of time to file the appeal was granted.

Cite as: *Borgel v. Director, Central Region, Operations Division, Alberta Environment and Sustainable Resource Development, re: Prairie Mines and Royalty Ltd.* (11 October 2012), Appeal No. 12-013-ID1 (A.E.A.B.).

On October 11, 2012, the Board stated the appeal would proceed to a mediation meeting and requested the parties provide available dates for a mediation meeting. Due the parties' scheduling issues, on December 11, 2012 a site visit was scheduled for March 12, 2013 and a mediation meeting was scheduled for March 13, 2013. On February 27, 2013 the parties requested an adjournment of the mediation meeting and site visit because discussions resulted in an interim agreement being reached. The Board granted the adjournment on February 28, 2013 and requested regular status reports from the parties providing updates on their progress. On October 18, 2016 Mr. Borgel notified the Board the matter was resolved and withdrew his appeal. The Board closed the file on October 20, 2016.