

ALBERTA ENVIRONMENTAL APPEALS BOARD

2023 ABEAB 20

Appeal Nos. 22-001, 002, 004, 011, 012, 019, 022,
024, 026, 027, 030 and 031

Cite: *Nesbitt et al. v. Director, Alberta Environment and Protected Areas, re: Canadian Carmelite Charitable Society Inc.* (13 December 2023), Appeal Nos. 22-001, 002, 004, 011, 012, 019, 022, 024, 026, 027, 030 and 031 (A.E.A.B.), 2023 ABEAB 20

Appellants – Debbie Stephenson Nesbitt and Bruce Nesbitt, Deborah Bloomer, Chickakoo Lake Area Stewardship Society (CLASS), Susanne Greenhowe-Weis (CLASS), Tyler Lawrence, Chickakoo Water Protection Group (CWPG), Melanie Silliphant (CWPG), Vern and Buffy Trimble (CWPG), Leah Vanderjagt (CWPG), Wendy Tiemer (CWPG), Tom Hughes (CWPG), Kate Polkovsky (CWPG), James Steven (CWPG), and Tim Wimbleton (CWPG), **Operator** – Canadian Carmelite Charitable Society Inc., **Location** – Parkland County, **Type of Decision and Date** – Discontinuance December 13, 2023

Notices of Appeal were received between April 5 and 7, 2022 from Debbie Stephenson Nesbitt and Bruce Nesbitt, Deborah Bloomer, Susanne Greenhowe-Weis, Tyler Lawrence, Melanie Silliphant, Vern and Buffy Trimble, Leah Vanderjagt, Wendy Tiemer, Tom Hughes, Kate Polkovsky, James Steven, and Tim Wimbleton. These appeals were with respect to the March 8, 2022 decision of the Director, Alberta Environment and Protected Areas, to issue Licence No. 00469305-00-00 under the *Water Act*, to the Canadian Carmelite Charitable Society Inc. for the Mount Carmel Spirituality Centre located in Parkland County. The Licence authorized the operation of a works and diversion of up to 6,355 cubic metres of water per year from the an aquifer accessed by production well GIC 1717000, point of diversion: Lot A Plan 4059TR (NW 27-053-01-W5M) and point of use: Lot A Plan 4059TR (NW 27-053-01-W5M).

The Board received several appeals of the Licence and received submissions on preliminary motions. Of the 38 Notices of Appeal filed, one appeal was not challenged. The Board found that 3 Appellants did not submit valid statements of concern with Alberta Environment and Protected Areas during the Licence application process which is a prerequisite to filing an appeal, and dismissed their appeals. The Board dismissed 23 Notices of Appeals stating the Appellants were not being directly affected by the Director's decision or the activities authorized by the Licence. The Board found 11 Appellants directly affected by the Director's decision or the activities authorized by the Licence.

Cite: Standing Decision: *Jeans-Moline et al. v. Director, North Region, Regulatory Assurance Division, Alberta Environment and Parks, re: Canadian Carmelite Charitable Society Inc.* (1 June 2023), Appeal Nos. 21-025-026 and 22-001-034, 036-037-IDI (A.E.A.B.), 2023 ABEAB 9.

The Board held a virtual mediation meeting on October 18, 2023 for the 12 Appellants, the Director and Carmelite. As a result of the resolutions reached at mediation, the appeals were withdrawn.

Based upon the withdrawal of the appeals, the Board discontinued its proceedings and closed its file on December 13, 2023.