

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – June 12, 2002

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 Ms. Judy Fenton with respect to *Water Act* Approval No. 00152909-00-00 issued by the Director, Central Region, Regional Services, Alberta Environment to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins authorizing the exploration for groundwater at NE 15-044-09-W4, SE 23-044-09-W4 and SW 23-044-09-W4 near Irma, Alberta.

Cite as: *Fenton v. Director, Central Region, Regional Services, Alberta Environment re: Pasztor, Burden, MacKay and Perkins.*

EXECUTIVE SUMMARY

Alberta Environment issued an Approval under the *Water Act* to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins, which authorized them to explore for groundwater, for stock watering purposes, near Irma, Alberta.

The Board received a Notice of Appeal from Ms. Judy Fenton appealing the Approval.

The Board held a mediation meeting and settlement conference in Wainwright, Alberta, following which a resolution was reached by the parties and as a result the Appellant withdrew her appeal.

The Board therefore closes its file.

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I. BACKGROUND

[1] On March 28, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”) issued *Water Act* Approval No. 00152909-00-00 (the “Approval”) to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins (collectively the “Approval Holders”) authorizing them to explore for groundwater, for stock watering purposes, at NE 15-044-09-W4, SE 23-044-09-W4 and SW 23-044-09-W4 near Irma, Alberta.

[2] On April 11, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal dated April 10, 2002 from Ms. Judy Fenton (the “Appellant”).

[3] On April 18, 2002, the Board acknowledged the Notice of Appeal, notified the Director and the Approval Holders of the appeal and requested the Director provide the records related to the appeal (the “Record”) to the Board. The Board also requested all parties provide their available dates for a mediation meeting and settlement conference or hearing to the Board.

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

[5] On May 2, 2002, the Board received a copy of the Record from the Director and provided a copy to the Appellant and Approval Holders.

[6] On May 14, 2002, in consultation with the parties, the Board scheduled the mediation meeting and settlement conference for June 11, 2002, in Wainwright, Alberta.

II. THE MEDIATION MEETING AND SETTLEMENT CONFERENCE

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting and settlement conference in Wainwright, Alberta on June 11, 2002 with Mr. Ron V. Peiluck as the presiding Board Member (the “Mediator”).

[8] In conducting the mediation meeting, the Mediator reviewed the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participant's Agreement to Mediate. All Parties signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions, a resolution evolved at the June 11, 2002 mediation meeting and the Appellant withdrew her appeal.

III. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 02-004 and closes its file.

Dated on June 12, 2002, at Edmonton, Alberta

"original signed by"

William A. Tilleman, Q.C.

Chair