

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – August 19, 2004

Date of Discontinuance of Proceedings – August 23, 2004

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 John Bergquist, Lou Anne Bergquist, Robert Bergquist, Allen Bergquist, Kelly Bergquist, Jenny Farthing, Travis Setter, Janice Setter, Margaret Hughes, Darrell Hughes, Wayne LeBlanc and Helen LeBlanc with respect to *Water Act* Licence No. 00204958-00-00 issued to Paragon Pork Management Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Bergquist et al v. Director, Central Region, Regional Services, Alberta Environment, re: Paragon Pork Management Ltd.* (23 August 2004), Appeal Nos. 04-021, 022, 023, 025 and 031-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE:

Mr. Ron V. Peiluck, Board Member

APPEARANCES:

Appellants: John Bergquist, Lou Anne Bergquist, Jenny Farthing, Janice Setter, Margaret Hughes, Darrell Hughes, Wayne LeBlanc and Helen LeBlanc.

Director: David Helmer, Director, Central Region, Regional Services, Alberta Environment and Grant Nielsen, Alberta Environment, represented by Michelle Williamson, Alberta Justice.

Approval Holder: Glenn Sharp, Paragon Pork Management Ltd., Dick Allen, Paragon Pork Management Ltd., Pat Monaghan, Paragon Pork Management Ltd. and Darren Lagrange, Paragon Pork Management Ltd.

Board Staff: Marian Fluker, Senior Research Officer.

EXECUTIVE SUMMARY

Alberta Environment issued Licence No. 00204958-00-00 to Paragon Pork Management Ltd. authorizing the diversion of 26,830 cubic metres of water annually from the well in NW 33-035-22-W4M for agricultural purposes (confined feeding operation) near Penhold, Alberta.

The Environmental Appeals Board received Notices of Appeal from John Bergquist, Lou Anne Bergquist, Robert Bergquist, Allen Bergquist, Kelly Bergquist, Jenny Farthing, Travis Setter, Janice Setter, Margaret Hughes, Darrell Hughes, Wayne LeBlanc and Helen LeBlanc appealing the Licence.

The Board held a mediation meeting on August 19, 2004 in Innisfail, Alberta. As a result of the mediation, the Appellants withdrew their appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On May 25, 2004, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00204958-00-00 (the “Licence”) to Paragon Pork Management Ltd. (the “Licence Holder”) authorizing the diversion of 26,830 cubic metres of water annually from the well in NW 33-035-22-W4M for agricultural purposes (confined feeding operation) near Penhold, Alberta.

[2] On June 24 and June 25, 2004 the Environmental Appeals Board (the “Board”) received Notices of Appeal from John Bergquist, Lou Anne Bergquist, Robert Bergquist, Allen Bergquist, Kelly Bergquist, Jenny Farthing, Travis Setter, Janice Setter, Margaret Hughes, Darrell Hughes, Wayne LeBlanc and Helen LeBlanc (collectively the “Appellants”) appealing the Licence.

[3] On June 25, 2004, the Board wrote to the Appellants, the Licence Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notices of Appeal and notifying the Licence Holder and the Director of the appeals. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Parties provide available dates for a mediation meeting or hearing.

[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 Board’s responded in the negative.

[5] On July 9, 2004, the Board received a copy of the Record from the Director, and on July 12, 2004, forwarded a copy to the Appellants and the Licence Holder.

[6] In consultation with the Parties, the Board scheduled a mediation meeting for August 19, 2004, in Innisfail, Alberta.

II. THE MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Innisfail, Alberta on August 19, 2004 with Mr. Ron V. Peiluck as the presiding Board Member (the “Mediator”).

[8] In conducting the mediation meeting, the Mediator reviewed the appeals and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants’ Agreement to Mediate. All parties signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions at the mediation meeting, the Appellants withdrew their appeal.

III. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c W-3, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal Nos. 04-021, 022, 023, 025 and 031, and closes its files.

Dated on August 23, 2004 at Edmonton, Alberta.

“*original signed by*”

William A. Tilleman, Q.C.
Chairman