

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

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Date of Mediation Meeting – February 17, 2005  
Date of Discontinuance of Proceedings – February 22, 2005

**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 Geoffrey and Dorothea Broadbent with respect to *Water Act* Licence No. 00191827-00-00 issued to Wolf Creek Golf Resort Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Broadbent v. Director, Central Region, Regional Services, Alberta Environment* re: *Wolf Creek Golf Resort Ltd* (22 February 2005), Appeal No. 04-072-DOP (A.E.A.B.).

**MEDIATION MEETING BEFORE:**

Mr. Ron V. Peiluck, Board Member.

**APPEARANCES:**

**Appellant:**

Mr. Geoffrey Broadbent, Ms. Dorothea Broadbent and Mr. William Avison, represented by Mr. Don Bester.

**Director:**

Mr. David Helmer, Director, Central Region, Regional Services, Alberta Environment, and Mr. Grant Nielson, Alberta Environment, represented by Ms. Michelle Williamson, Alberta Justice.

**Licence Holder:**

Mr. Ryan Vold, Wolf Creek Golf Resort Ltd., and Mr. Greg Haryett, Stantec.

**Board Staff:**

Ms. Marian Fluker, Senior Research Officer.

## **EXECUTIVE SUMMARY**

Alberta Environment issued a *Water Act* Licence to Wolf Creek Golf Resort Ltd., authorizing the diversion of 34,537 cubic metres of water annually from the well in SE 03-042-26-W4M for commercial purposes (golf course) near Ponoka Alberta.

The Environmental Appeals Board received a Notice of Appeal from Mr. Geoffrey and Ms. Dorothea Broadbent appealing the Licence.

The Board held a mediation meeting in Ponoka, Alberta on February 17, 2005. As a result of the mediation meeting a resolution was reached between the Parties and the Appellants withdrew their appeal. The Board therefore closes its file in this matter.

## TABLE OF CONTENTS

I. BACKGROUND .....	1
II. MEDIATION MEETING.....	1
III. DECISION.....	2

## **I. BACKGROUND**

[1] On November 4, 2004, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00191827-00-00 under the *Water Act*, R.S.A. 2000, c. W-3 (the “Licence”) to Wolf Creek Golf Resort Ltd. (the “Licence Holder”) authorizing the diversion of 34,537 cubic metres of water annually from the well in SE 03-042-26-W4M for commercial purposes (golf course), near Ponoka, Alberta.

[2] On November 25, 2004 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Geoffrey and Ms. Dorothea Broadbent (the “Appellants”) appealing the Licence.

[3] On December 1, 2004, the Board wrote to the Appellants, the Licence Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Licence Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, 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 boards responded in the negative.

[5] On December 21, 2004, the Board received a copy of the Record from the Director, and on December 29, 2004, forwarded a copy to the Appellants and the Licence Holder.

[6] On January 14, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for February 17, 2005, to be held in Ponoka, Alberta.

## **II. MEDIATION MEETING**

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Ponoka on February 17, 2005 with Mr. Ron V. Peiluck as the presiding Board Member (“the Mediator”).

[8] In conducting the mediation meeting the Mediator reviewed the appeal 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. E-12, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 04-072 and closes its file.

Dated on February 22, 2005, at Edmonton, Alberta.

*“original signed by”*

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Dr. William A. Tilleman, Q.C.  
Chair