

## ENVIRONMENTAL APPEALS BOARD

2024-25  
Annual Report

June 30, 2025

Updated August 2025

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## **Preface**

Pursuant to the *Sustainable Fiscal Planning and Reporting Act* (the SFPRA), the Government of Alberta (GoA) and the Ministry of Environment and Protected Areas (the Ministry)<sup>1</sup> are required to prepare annual reports. In keeping with the intent of the SFPRA, in accordance with the principles of good governance, and in accordance with its Mandate and Roles Document (January 2024), the Environmental Appeals Board (the EAB) is also required to prepare its own annual report by June 30 of each calendar year.<sup>2</sup>

The 2024-25 Annual Report reflects the activities and accomplishments of the EAB during the 2024-25 fiscal year, which ended on March 31, 2025. It should be noted that the EAB did not publish a 2024-27 Business Plan. Instead, the information included in this Annual Report reflects the information of the 2025-28 Business Plan. The next Annual Report (2025-26) will report on the 2025-28 Business Plan in more detail.

The annual report contains the Chair's Accountability Statement, the EAB's Statement of Finances, and the EAB's Results Analysis. The annual report also includes:

- The EAB's vision statement (page 10);
- The EAB's mission statement (page 10);
- A summary of the EAB's core values (page 11);
- A summary of the EAB's structure and organization (pages 12 and 13);
- A summary of the EAB's mediation program (pages 14 and 15);
- A summary of the EAB's core business (page 16);
- A summary of the results of the EAB's business plan, including performance measures achieved (pages 17 to 27);
- A summary of the EAB's accomplishments (page 28);
- A summary of the appeals before the EAB, including information on the types of appeals; (pages 29 to 31); and
- A summary of the EAB's finances (page 35).

The EAB's annual report should be considered along with the Ministry's annual report and the GoA's annual report to provide a complete overview of the government's commitment to openness, accountability, and fiscal transparency.

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<sup>1</sup> The EAB is part of the Ministry and reports to the Minister of Environment and Protected Areas (the Minister) but is separate and apart from the Department of Environment and Protected Areas (the EPA). The EPA is headed by the Deputy Minister of Environment and Protected Areas (the Deputy Minister) and the EAB is headed by the Chair of the Environmental Appeals Board (the Chair).

<sup>2</sup> The Ministry's annual report includes a summary of the functions of the EAB and financial information about the EAB under the headings "Quasi-Judicial Bodies" and "Environmental and Public Lands Appeal Board," respectively.

## **Accountability Statement**

The EAB's annual report for the fiscal year ending March 31, 2025, was prepared under my direction in accordance with the principles of the SFPRA, the *Environmental Protection and Enhancement Act* (EPEA), the *Water Act*, the *Government Organization Act* (GOA), the *Emissions Management and Climate Resilience Act* (EMCRA), and the Mandate and Roles Document (January 2024) of the EAB.

The EAB is responsible for the validity and reliability of the information included in the EAB's annual report. All significant assumptions, policy decisions, events and identified risks, as of June 13, 2025, have been considered in preparing the annual report.

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Barbara Johnston, Chair  
Environmental Appeals Board  
June 30, 2025

## **Message from the Chair**

As Chair of the EAB, it is a privilege to serve the people of Alberta by providing an opportunity for regulated industry and Albertans to have a voice in environmental decision-making regarding matters that directly affect them. I am grateful for the support of the Honourable Rebecca Schulz, Minister, and Ms. Sherri Wilson, Deputy Minister.<sup>3</sup>

## **Board Members and Staff**

I am also grateful for the support of the board members (past and present) and the service they provide to Albertans in the mediations and hearings they undertake on behalf of the EAB. As well, I would like to recognize the diligent work of the dedicated staff of the EAB, without whom we could not function.

The 2024-25 fiscal year has been marked by change at the EAB. Two longtime employees of the EAB retired: the Board Secretary, Ms. Denise Black (28 years with the EAB) and the Financial Officer, Ms. Jennie Delaney (20 years with the EAB). The Chair and Appeals Co-ordinator of the Public Lands Appeal Board (the PLAB), Mr. Gordon McClure (13 years with the PLAB), also took a new position as the Chief Electoral Officer for Alberta. The PLAB Chair and Appeals Co-ordinator reports to the Minister of Forestry and Parks but is supported by the staff and members of the EAB.

Fortunately, the EAB's Registrar of Appeals, Ms. Valerie Myrmo, accepted the position of Board Secretary, and the EAB's Administrative Support Officer, Mr. Jamie Lasso, moved into the position of Finance Officer. The EAB has also recruited a new Registrar of Appeals, Ms. Tara Blake.

In June 2024, board members Ms. Angela Aalbers, Ms. Line Lacasse, and Mr. Chris Powter were reappointed. Further, new board members Mr. Lee Deibert, Mr. Kyle Fawcett, and Ms. Jo-Anne Riddell were appointed to the EAB. Along with the other board members (Mr. James Armstrong, Mr. Kurtis Averill, Mr. Paul McLauchlin, Ms. Elizabeth Quarshie, Ms. Allison Rippin-Armstrong, and myself), the EAB now has a full complement of board members.

## **Accomplishments**

The core focus of the EAB for fiscal year 2024-25 has been to continue to improve the timeliness in which the EAB provides its decisions and reports and recommendations. To achieve this goal, commencing in fiscal 2023-24, the EAB now provides board members with training in decision making and decision writing. This has allowed the EAB to transition the writing of decisions and reports and recommendations to the board members with the assistance of board counsel.<sup>4</sup>

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<sup>3</sup> Ms. Sherri Wilson was Deputy Minister until May 20, 2025. Ms. Stephanie Clarke became the Deputy Minister on May 21, 2025.

<sup>4</sup> The EAB makes three types of "decisions." It issues preliminary (non-final, procedural) decisions during the processing of an appeal. Following a mediation or hearing, it typically issues a report and recommendations to the Minister, who makes the final decision by Ministerial Order. In a small number of cases, following a mediation or hearing, the EAB issues a final decision (for example, with respect to administrative penalties). When discussing these three types of "decisions," the EAB's annual report refers to "decisions and reports and recommendations."

Further, in fiscal 2024-25, we have begun developing tools to support the board members in this work, including developing a style guide, decision template document, and decision guidance documents. The style guide and decision template document ensure decisions and reports and recommendations of the EAB have a consistent format and style, allowing the board members to focus on the substance of their decisions and reports and recommendations. The five decision guidance documents developed by the EAB provide the board members with background information and legal research to assist them in preparing decisions and reports and recommendations. As the EAB remains committed to improving the timeliness of its decisions and reports and recommendations, the style guide, decision template, and decision guidance documents are “living” documents that will continue to be refined over time.

As a result of the staff retirements, the EAB made the decision to realign the work of the EAB staff. We modified certain job descriptions and undertook the reclassification of some positions which allowed us to move more operational responsibilities from senior staff to support staff, so that the senior staff could focus on supporting the board members in preparing decisions and reports and recommendations. This remains a work in progress, as additional training is required for the support staff.

Fiscal 2024-25, also saw the development of new performance metrics. With the assistance of the Planning and Performance Section of the EPA, the EAB developed three new performance measures designed to improve the timeliness of issuing decisions. The EAB developed performance measures with respect to the issuance of stay decisions (30 days), decisions regarding preliminary motions (45 days), and costs decisions (60 days).<sup>5</sup> The EAB also developed a new performance indicator to track the amount of time it takes to process appeals. The results from these new performance metrics will be reported in the next annual report.

## ***Plans for the Upcoming Year***

### Development of a Decision Tracking System

The EAB is developing a decision tracking system, which supports its performance measures, and monitors the time to issue decisions and reports and recommendations. The decision tracking system started tracking decisions and reports and recommendations as of April 1, 2025. The decision tracking system will be added to the EAB’s website so that it is available to the public.

### Maintaining and Enhancing the Appeal Status Table

The EAB’s status of appeal page on its website provides a narrative of the status of the appeals. The EAB will add a short form status of appeals table, which provides additional information.

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<sup>5</sup> In this annual report, where “days” are referred to, it is calendar days.

## EAB Rules of Practice Review

In the 2025-26 fiscal year, the EAB will undertake a review of its Rules of Practice. The purpose of this review process will be to streamline the appeal process to reduce the length of time to process an appeal from receipt of the appeal to the closing of the file. As part of this process, the EAB will continue to explore ways to prepare decisions and reports and recommendations in a more timely manner.

## Reports and Recommendations Triage Process

As noted in this annual report, the EAB did not meet the 30-day deadline for two of its reports and recommendations.<sup>6</sup> This was due to the complexity of the issues in the appeals, the complexity of the appeal files (the amount of information filed), and the length of the hearings. The EAB's legislation recognizes that some reports and recommendations may not be provided to the Minister within the legislated 30-day deadline. Section 99(2) of EPEA provides: "The Minister may extend the 30-day period referred to in subsection (1) on application by the [EAB] before or after the expiry of the period."

In the past, the EAB has made this request when it provided its reports and recommendations to the Minister. Starting in the 2025-26 fiscal year, the EAB will "triage" its reports and recommendations once the hearing is complete. It will classify pending reports and recommendations as routine (to be completed in 30 days), complex (to be completed in 60 days), and very complex (to be completed in 90 days). The EAB will then make the request to the Minister for an extension at the start of the report and recommendations process. This will allow for better oversight of the EAB's decision-making process by the Minister and provide the parties who appear before the EAB with more certainty as to when they can expect the EAB to provide its report and recommendations to the Minister.

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Barbara Johnston, Chair  
Environmental Appeals Board

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<sup>6</sup> See: *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Protected Areas*, re: *Badlands Recreation Development Corp.*, 2024 ABEAB 7, which was a seven day hearing resulting in a 208-page report and recommendations, and *Bright v Director, Assurance Division South, Alberta Environment and Protected Areas*, re: *Ian MacGregor*, 2024 ABEAB 22, which was a two and a half day hearing resulting in a 102-page report and recommendations.

## **Management's Responsibility for Reporting**

The General Counsel<sup>7</sup> has the primary responsibility and accountability for the day-to-day operations of the EAB. The General Counsel ensures the EAB complies with all relevant legislation, regulations, and policies.

The EAB's business plans, annual reports, performance results, and the supporting management information are integral to the GoA's fiscal and strategic plan.

Responsibility for the integrity and objectivity of the EAB's financial information and performance results for the EAB rests with the Chair. Under the direction of the Chair, I oversee the preparation of the EAB's annual report, which includes the financial information and performance results on all objectives and initiatives identified in the EAB's business plan.

The financial information and performance results, out of necessity, include amounts that are based on estimates and judgments. The financial information is prepared using the government's stated accounting policies, which are based on Canadian public sector accounting standards. The performance measures are prepared in accordance with the following criteria:

- Reliable – Information used in applying performance measure methodologies agrees with the underlying source data for the current and prior years' results.
- Understandable – The performance measure methodologies and results are presented clearly.
- Comparable – The methodologies for performance measure preparation are applied consistently for the current and prior years' results.
- Complete – Outcomes, performance measures, and related targets match those included in the EAB's planning documents.<sup>8</sup>

As General Counsel, in addition to program responsibilities, I am responsible for the EAB's financial administration and reporting functions. The EAB maintains systems of financial management and internal controls which consider costs, benefits, and risks that are designed to:

- provide reasonable assurance that transactions are properly authorized, executed in accordance with prescribed legislation and regulations, and properly recorded to maintain accountability of public money;
- provide information to manage and report on performance;
- safeguard the assets and properties of the Province of Alberta under the EAB's administration;

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<sup>7</sup> The General Counsel holds an Executive Director position within the EPA and for that purpose reports to the Assistant Deputy Minister, Strategy and Integrated Services Division, Ms. Sarah Carr.

<sup>8</sup> The EAB did not have a 2024-27 Business Plan. This is discussed in further detail under Results Analysis.



- provide the Executive Council, the President of the Treasury Board and Minister of Finance, the Minister, and the Chair the information needed to fulfill their responsibilities; and
- facilitate preparation of the EAB's business plans and annual reports required under the SFPRA.

In fulfilling my responsibilities for the EAB, I have relied, as necessary, on the EAB's staff and the EPA's staff.

-original signed-

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Gilbert Van Nes  
General Counsel  
Environmental Appeals Board  
June 30, 2025

## **Purpose**

The EAB is an independent quasi-judicial tribunal that reports to the Minister. It is a specialized appeal tribunal that hears appeals of certain decisions made by the EPA. Decisions can be appealed by regulated industry, as well as Albertans who are directly affected by the EPA's decisions.

The EAB only deals with non-energy related projects.<sup>9</sup> Examples of decisions that can be appealed to the EAB include:

- approvals under EPEA;
- approvals and licences under the *Water Act*; and
- enforcement decisions under EPEA, the *Water Act*, the GOA, and the EMCRA.

See Summary of Appeals at page 29 for a more detailed description of the matters that can be appealed to the EAB.

The legislative framework for these appeals is principally determined by EPEA, which establishes the EAB.

The EAB's preferred method of resolving appeals is through mediation. Where there is no agreement reached in the mediation, and the EAB proceeds to a hearing of an appeal, its processes are governed by the principles of natural justice and procedural fairness. In almost all cases, upon hearing the merits of an appeal, the EAB provides a report and recommendations to the Minister, who makes the final decision regarding the appeal.

## **Vision Statement**

The EAB's vision is to promote a high quality of life in Alberta by providing a fair, independent and accessible tribunal to Albertans to resolve environmental regulatory disputes on a timely basis.

## **Mission Statement**

The EAB's mission is to advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

## **Role**

The EAB carries out this mission through its core activities, including mediation, adjudication (hearings), and advice and recommendations to the Minister on appeals, within its jurisdiction. The EAB's role is to provide the best possible advice to the Minister to resolve the appeal, as in most cases the Minister makes the final decision following substantive hearings on the appeal.

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<sup>9</sup> Appeals of energy related projects are managed by the Alberta Energy Regulator.

## **Relationship Between the EAB and the EPA**

The EAB and the EPA operate in the same regulatory system but have different roles and responsibilities.

EPA is responsible for a comprehensive and effective regulatory system that enables development while ensuring environmental standards are maintained. While many of the regulatory decisions made by the EPA are appealable to the EAB, the EPA remains responsible for the legislative, regulatory, and policy framework.

While the EAB is part of the Ministry, and the EAB staff are GoA employees, both the EAB and the EPA recognize that adjudicative decisions must be made impartially and independently.

## **Core Values**

The EAB's core values include:

- a. applying the highest possible standards when addressing conflict of interest issues;
- b. providing fair, impartial, and efficient resolution of all matters that come before it;
- c. governing by the principles of natural justice and procedural fairness;
- d. ensuring all persons who appear before the EAB or have dealings with the EAB are treated equally and with respect and courtesy;
- e. ensuring processes are governed by the right of a person involved in an appeal to know the case that must be met and the right of that person to provide input into any decision that is made regarding the appeal; and
- f. applying consensus-based decision-making (mediation) as the preferred way of dealing with matters that come before the EAB.

## **Guiding Principles**

The EAB's guiding principles include:

- a. **Ecosystem Sustainability:** Aligning with the legislation, a healthy environment is essential to the integrity of ecosystems and human health and the well-being of Albertans.
- b. **Public Involvement:** Ensuring information about the EAB's mandate, rules and legislation is freely accessible and providing Albertans with the opportunity to become participants in appeals through mediations and hearings.
- c. **Mediation as Preferred Dispute Resolution:** Promoting open and collaborative discussions between participants and encouraging individuals to come up with their own solutions. Mediations can help increase communication, develop a better understanding of the participants' concerns, and offer win-win solutions.
- d. **Informed Findings:** Ensuring appeal hearings and processes are based on relevant scientific, technological, socioeconomic, and environmental information to make fully informed findings.
- e. **Public Service:** Striving to provide excellent service to Albertans.
- f. **Healthy and Supportive Work Environment:** Valuing employees and board members, and striving to provide a working environment where open, honest, and respectful communication is encouraged. Education and training are actively supported.

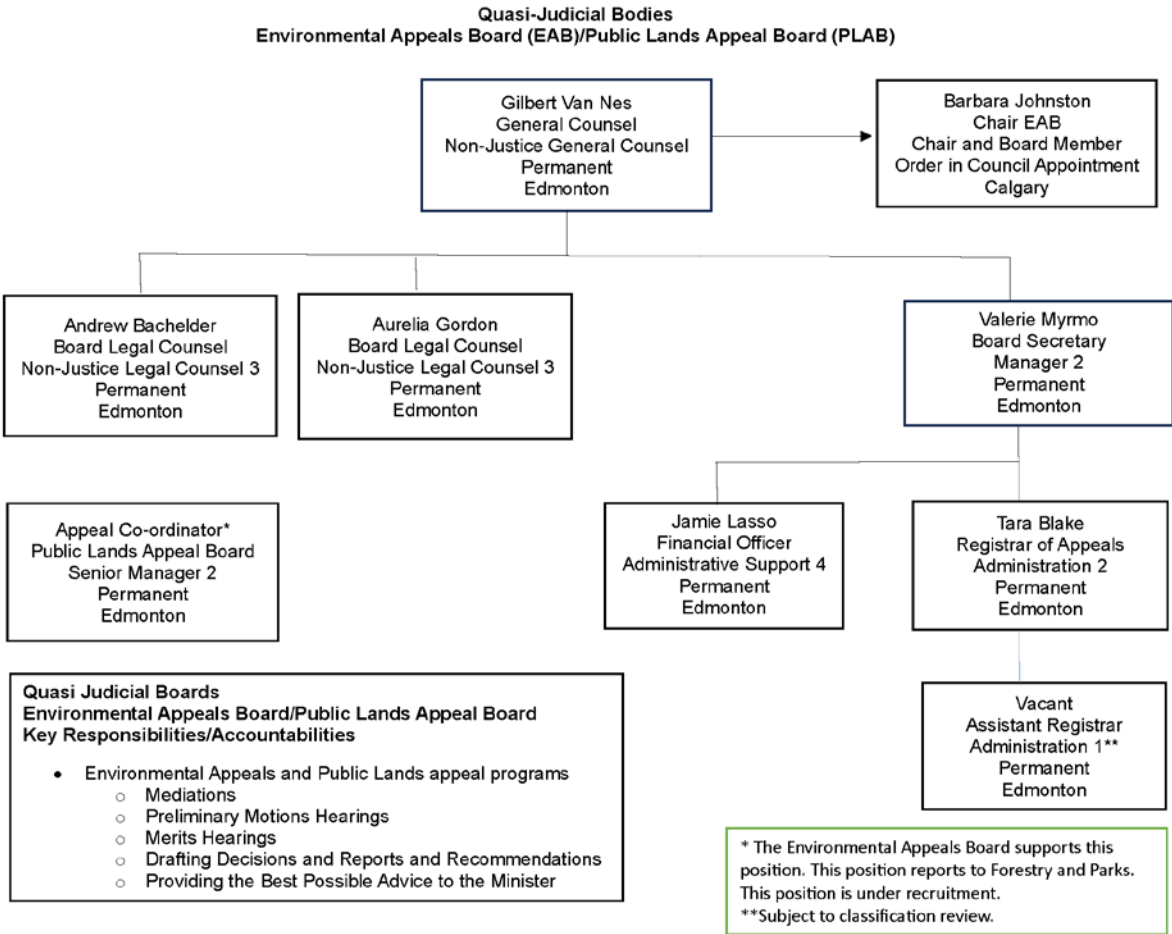
**Organization and Structure**

The EAB is composed of two parts: the governing board members and the board staff. The board members are appointed by the Lieutenant Governor in Council (the Cabinet) based on the recommendation of the Minister. The governing board is led by the Chair, and as of June 2025, there were 12 board members (including the Chair).<sup>10</sup>

The Chair is accountable to the Minister and is responsible for the overall operation of the governing board.

The board members, all of whom are part-time, are responsible for conducting mediations, making decisions on preliminary matters, and making reports and recommendations to the Minister following the hearing of appeals on their merits. (There are a small number of cases where the board members also make final decisions following a hearing.)

The EAB has seven (full-time equivalent) staff members, who are GoA employees.



May 23, 2025

<sup>10</sup> Current board members are Ms. Barbara Johnston (Board Chair), Ms. Angela Aalbers, Dr. James Armstrong, Mr. Kurtis Averill, Mr. Lee Deibert, Mr. Kyle Fawcett, Ms. Line Lacasse, Mr. Paul McLauchlin, Mr. Chris Powter, Ms. Elizabeth Quarshie, Ms. Jo-Ann Riddell, and Ms. Allison Rippen-Armstrong.

The EAB staff support the board members by undertaking the day-to-day processing of appeals under the direction of the board members and carrying out the governing board's business functions.

The EAB staff also support the functions of the PLAB. The PLAB Chair and Appeals Coordinator is co-located with the EAB's staff. The EAB board members are cross appointed to the PLAB, except for the EAB Chair. The EAB board members and the EAB staff fulfill the same functions for the EAB and PLAB. The PLAB and the PLAB Chair and Appeals Coordinator reports to the Minister of Forestry and Parks.

For much of the past fiscal year, due to retirements and reclassification work, two of the EAB's staff positions have been vacant. The EAB has now recruited one of these positions (the Registrar of Appeals) and the other position (the Assistant Registrar) remains vacant to ensure that the EAB can remain within its budget allocation.

## **Mediation Program**

Mediation is the EAB's preferred form of dispute resolution.

Mediation is a form of alternate dispute resolution that allows the participants (the parties to an appeal) to find a resolution of an appeal without going through the EAB's formal hearing process. The key elements of mediation are that it is entered into freely by all participants and is designed to assist participants in reaching a mutually agreeable solution. It is important that all participants who attend mediation do so in good faith and understand that since they will have a hand in shaping their own resolution, the result will be more meaningful in addressing their own needs.

The default is that the EAB sends all appeals to mediation unless there is a good reason not to undertake the mediation. As stated, while mediation is the preferred method of resolving appeals, it is a voluntary process. As a result, the EAB cannot force participants to participate in mediation. The refusal of parties to participate in mediation is the primary reason an appeal does not proceed to mediation.

Further, the EAB cannot control the outcome of mediation. While many appeals are resolved through mediation, where an appeal is properly before it, participants retain the right to a hearing before the EAB, with a final decision by the Minister, or in certain limited cases by the EAB.

During this fiscal year, a total of 81 appeals proceeded to mediation. The 81 appeals related to eight different projects:

1. contamination at a former drycleaner site in Calgary (3 appeals);
2. a gravel pit in Red Deer County (3 appeals);
3. a biodigester producing natural gas in Foothills County (12 appeals);
4. a gravel pit in Rocky View County (10 appeals);
5. a former gravel pit in the City of Edmonton (2 appeals);
6. a gravel pit in Red Deer County (37 appeals);
7. a gravel pit in Rocky View County (13 appeals); and
8. unauthorized work in a waterbody in Yellowhead County (1 appeal).

The fact that the appeals for all eight projects identified for mediation proceeded to mediation is due to the hard work of the Board Secretary. The Board Secretary, along with the mediators (the board member assigned to conduct the mediation), work with the parties to the mediation to build confidence in the mediation process.

Only one mediation, with one appeal, was successfully resolved in this fiscal year. As noted above, the EAB cannot control the outcome of the mediation process; that is up to the participants.

Sixty-three of the appeals that went to mediation were objecting to *Water Act* approvals allowing the development of four different gravel pits. (Two gravel pits in Red Deer County and two gravel pits in Rocky View County.)

Anecdotally, the EAB has noticed over the past number of years, that fewer appeals related to *Water Act* licences and *Water Act* approvals have settled in mediation. In the EAB's view, this is because water is an issue that more people are concerned about and are less likely to consider compromises in the mediation context.

Due to the confidentiality requirements of the mediation process, the EAB is not free to discuss the details of what happened in each mediation. However, where a mediation is successful, the regulatory document (for example a *Water Act* approval, *Water Act* licence, EPEA approval, or order) is frequently amended, and the changes to this regulatory document are made available to the public on request.<sup>11</sup> This was the case in the Patrick Gronlund appeal, which related to unauthorized work in a waterbody in Yellowhead County.

In the Patrick Gronlund (EAB 24-024) appeal, the participants agreed to amend the *Water Act* enforcement order that was issued to Mr. Gronlund to make it easier for him to comply with the essential elements of the enforcement order. The EPA also agreed to allow Mr. Gronlund to keep the water crossing he constructed to access his field but required the water crossing to be brought into compliance with the *Water Act*.

One of the issues identified with respect to some mediations, even where they are successful, is that they take a long time to bring to a conclusion. In many of these cases, the work under the Resolution (the agreement reached at mediation) may be ongoing and the appeal file remains open. This is usually because the participants want to ensure that the terms of the Resolution are successfully completed before they give up their appeal rights. They want to keep the appeal file open so that if the terms of the Resolution are not successfully completed the parties may wish to return to mediation or, alternatively, proceed to a hearing of the appeal. Examples of such appeal file from this fiscal year are EAB 24-023 Naheed Ali and EAB 24-024 Patrick Gronlund.

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<sup>11</sup> Pursuant to section 35(1)(b) of the EPEA and section 15(1)(b) of the Water (Ministerial) Regulation, Alta. Reg. 205/1998: approvals and orders under EPEA, and approval, licences, preliminary certificates, and orders under the *Water Act* must be disclosed to the public upon request.

## **Results Analysis**

The EAB did not produce a 2024-27 Business Plan, upon which to report. However, the EAB did produce a 2025-28 Business Plan. As a result, the information from the 2025-28 Business Plan is incorporated into this annual report. The effect of this is that the performance results from the 2025-28 Business Plan are largely repeated in the 2024-25 Annual Report. The EAB notes that this is not consistent with the normal approach of the business plan looking forward and the annual report looking backward. As the EAB moves forward with regular

The EAB will fully report on the 2025-28 Business Plan in the 2025-26 Annual Report.

The EAB's **core business** is providing fair, impartial, and efficient resolution of all matters before it. The EAB carries out this **core business** by conducting mediations, preliminary motions hearings, and substantive hearings. The corner stone of providing fair, impartial, and efficient resolution of all matters before is adherence to the principles of natural justice and procedural fairness. The most significant of these principles are:

- (1) ensuring that any person with respect to whom the EAB is making a decision has the right to participate in that decision making process;
- (2) ensuring that any person with respect to whom the EAB is making a decision has the right to access all the information that the EAB is considering in making the decision; and
- (3) ensure that the person making the decision is impartial and free from bias.

The EAB's primary **goal** is to promote confidence in the appeal process.

Providing fair, impartial, and efficient resolution of the appeals that come before the EAB, including providing decisions and reports and recommendations in a timely manner, promoting confidence in the appeal process, which in turn supports the overall regulatory process. Providing decisions and reports and recommendations in a timely manner is the EAB's key challenge and many of the **strategies** identified below directly address this challenge.

## **Methodology**

Tracking performance at the EAB is currently done manually.<sup>12</sup> Each of the performance measures is quantitatively tracked based on a review of the EAB's file management system. The 28 appeals files for this fiscal year and the 147 appeal files for the previous fiscal year were reviewed and the statistics were collected for the various performance measures identified below. Where appropriate, specific appeals files were discussed to understand the specific performance measures in that instance. In some cases, the EAB did not have the resources to collect result of some performance measures.

The quantitative performance measures were reported in percentages, with the total number of appeal files meeting the performance measure being reported in comparison to the total number of appeal files. For example, under the number of appeal matters sent to mediation in comparison to the number of appeal matters in total.

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<sup>12</sup> The EAB made application to Treasury Board to fund an electronic appeal management system, which included the automated tracking of performance measure. Unfortunately, the funding application was not approved.



**GOAL ONE:                    Effective resolution of appeals through mediation.**

**What it means:**        Many appeals that come before the EAB are resolved through mediation, a consensus-based approach to resolving the issues appealed. Mediation is a voluntary process and board members function as mediators. Participants work together to find a resolution satisfactory to all those in attendance. After attending mediation, all participants are sent a survey on the mediation process to provide feedback, which is used by the EAB to improve its mediation process.

Performance Metric*	2023-24	2024-25
Performance Indicator 1.a    Percentage of valid appeals that go to mediation. <sup>13</sup>	100% (7/7)	100% (8/8)
Performance Indicator 1.b    Percentage of appeals resolved through mediation. <sup>14</sup>	67% (4/6) <sup>15</sup>	14% (1/7) <sup>16</sup>

\*Performance indicators do not have targets.

**Strategy:                    1.1        Use mediation to resolve appeals when appropriate.**

The default is that the EAB sends all appeals to mediation unless there is a good reason not to undertake the mediation. Although mediation is the preferred method of resolving appeals, it is a voluntary process. The EAB cannot force participants to participate in mediation. The refusal of parties to participate in mediation is the primary reason an appeal does not proceed to mediation.

Further, the EAB cannot control the outcome of mediation. While many appeals are resolved through mediation, where an appeal is properly before it, participants retain the right to a hearing before the EAB, with a final decision by the Minister, or in certain limited cases by the EAB.

The EAB was successful in holding mediations with respect to all eight projects identified for mediation. This is thanks to the efforts of the Board Secretary and the mediators (the board members assigned to mediate the appeals) in working with the participants to inspire confidence in the mediation process.

<sup>13</sup> The EAB cannot control participation in mediation. Although mediation is the preferred method of resolving appeals, it is a voluntary process.

<sup>14</sup> The EAB cannot control the outcome of mediation. While many appeals are resolved through mediation, where an appeal is properly before it, participants retain the right to a hearing before the EAB, with a decision by the Minister, or in certain limited cases by the EAB.

<sup>15</sup> One mediation remains ongoing.

<sup>16</sup> One mediation remains ongoing.

Only one of the mediations was successful in this fiscal year. As noted, the EAB cannot control the outcome of the mediation process. In six other mediations no resolution was reached, and one is ongoing.

## Mediations

(April 1, 2024 to March 31, 2025)

Date	Appeal	Mediator
February 27, 2024 <sup>17</sup>	Strategic Group, Mamdani, and Capital Corp. (3 appeals) City of Calgary EAB 23-053-055 (No agreement reached.) EPEA Environmental Protection Order	Brenda Ballachey
April 17, 2024	Red Deer County – Gravel pit appeal. (3 appeals) Red Deer County EAB 23-114-116 (Ongoing.) Water Act Approval	Line Lacasse
May 30, 2024	Rimrock Renewables (12 appeals) Foothills County EAB 23-117-128 (No agreement reached.) EPEA Approval	Line Lacasse
October 30, 2024	Mountain Ash – Gravel pit appeal. (10 appeals) Rocky View County EAB 23-045-052, 056, 057 (No agreement reached.) Water Act Approval	Line Lacasse
November 20, 2024	Clover Bar Sand and Gravel and Robert Bruce Keltie (2 appeals) City of Edmonton EAB 24-016 and 017 (No agreement reached.) EPEA Enforcement Order	Line Lacasse
December 13, 2025	Howell's Excavating – Gravel pit appeal. (37 appeals) Red Deer County EAB 23-002-011 & 23-027-036 (No agreement reached.) Water Act Approval	Paul McLaughlin
September 26, 2024	Burnco Rock Products – Gravel pit appeal. (13 appeals) Rocky View County EAB 23-129-141 (No agreement reached.) Water Act Approval	Kurtis Averill
April 14, 2025 <sup>18</sup>	Patrick Gronlund (1 appeal) Yellowhead County EAB 24-024 (Successful.) Water Act Enforcement Order	Kyle Fawcett
Summary	8 projects (matters) 81 appeals 1 EPEA Approvals (12 appeals) 4 Water Act Approvals (63 appeals) 1 Water Act Enforcement Order (1 appeal) 1 EPEA Enforcement Order (2 appeals) 1 EPEA Environmental Protection Order (3 appeals)	

<sup>17</sup> This mediation was inadvertently included in the 2024-25 fiscal year.

<sup>18</sup> This mediation was inadvertently included in the 2024-25 fiscal year.

**Strategy: 1.2 Promote fairness in the mediation process.**

Due to resource limitations in 2024-25, the EAB did not conduct mediation surveys that addressed whether participants felt the process was fair. The EAB expects to return to collecting these mediation surveys in the future.

Notwithstanding that no mediation surveys were conducted, no complaints regarding the fairness of the mediation process were received in fiscal 2024-25.

However, historically (fiscal 1997-98 to fiscal 2023-24) approximately 66% of participants were satisfied with the mediation process. It is expected, that were participants were satisfied with the mediation process, participants felt the mediation process was fair.

As a result of the historical data, being unable to collect this data in the 2024-25 fiscal year did not negatively affect the EAB's business processes. The only thing that was effectively "lost" were the opportunities to learn from the outcome of the mediations

**Strategy: 1.3 Ensure participants to mediation are satisfied with the mediation process.**

Due to resource limitations in 2024-25, the EAB did not conduct mediation surveys that addressed whether participants were satisfied with the mediation process. The EAB expects to return to collecting these mediation surveys in the future.

However, historically (fiscal 1997-98 to fiscal 2023-24) approximately 66% of participants were satisfied with the mediation process.

As a result of the historical data, being unable to collect this data in the 2024-25 fiscal year did not negatively affect the EAB's business processes. The only thing that was effectively "lost" were the opportunities to learn from the outcome of the mediations

**Discussion**

The 100% success rate in having appeal matters go to mediation is consistent with past years. The EAB staff work with appeal participants to highlight the value of mediation and that participants have "nothing to lose" by going to mediation. The 100% success rate is a reflection of this hard work.

With respect to the outcome of mediation (4/6 and 1/7 being successful), it is important to recognize that the EAB cannot control the outcome of mediation. In examining the success rate of mediation for the 2024-25 fiscal year (1/7 being successful), three of the unsuccessful mediations related to *Water Act* appeals, specifically gravel pit appeals. This reflects the growing concern that Albertans have with protection their water resources. Mediation inherently requires compromises, and the low success rate of mediations with respect to *Water Act* appeals demonstrates that Albertans are unwilling to compromise with the protection of their water resources. Appeals that are not resolved in the mediation process proceed to the EAB's hearing process, where in most cases, the Minister makes the final decision as to whether the decision by EPA is confirmed, reversed (cancelled), or varied.

**GOAL TWO: Efficient resolution of appeals.**

**What it means:** The EAB will process appeals in a timely manner and will abide by the applicable legislation and principles of natural justice and procedural fairness for all participants who appear before it.

Performance Metric	2023-24*	2024-25
Performance Measure 2.a Mediation decisions or mediation reports and recommendations are completed within legislated timeframes. (15 days)	100% (1/1)	0% (0/1)
Performance Measure 2.b Hearing decisions are completed within legislated timeframes. (30 days)	N/A <sup>19</sup>	N/A <sup>20</sup>
Performance Measure 2.c Reports and recommendations following hearing are completed within legislative timeframes. (30 days)**	50% (1/2)	33% (1/3) <sup>21</sup>

\* Additional years reporting is being included because the EAB did not release a 2023-24 Annual Report. Additional years reporting also allows the EAB to examine trends.

\*\*There are reports and recommendations that are prepared following complex and very complex appeal hearings where the EAB does not expect to be able to meet the 30-day legislative timeframes. Section 99(2) of EPEA provides: “The Minister may extend the 30-day period referred to in subsection (1) on application by the [EAB] before or after the expiry of the period.” The EAB may request that the Minister exercise this discretion in complex and very complex appeals.

**Strategy: 2.1 Comply with legislated timeframes for final decisions and reports and recommendations following mediations and hearings.**

In the fiscal year 2024-25, the EAB had one mediation that required a decision by the EAB. While almost all matters that are resolved go to the Minister for final decision, the EAB makes the final decision with respect to administrative penalties and the decision must be issued within 15 days. (See section 12(1) of the Environmental Appeals Board Regulation, Alta. Reg. 114/1993.)

<sup>19</sup> No hearings occurred in fiscal 2023-24 where the EAB was the final decision-maker.

<sup>20</sup> No hearings occurred in fiscal 2024-25 where the EAB was the final decision-maker.

<sup>21</sup> Two hearings resulted in Reports and Recommendations that were very complex: *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Protected Areas*, re: *Badlands Recreation Development Corp.*, 2024 ABEAB 7 was a seven day hearing resulting in a 208-page report and recommendations, and *Bright v Director, Assurance Division South, Alberta Environment and Protected Areas*, re: *Ian MacGregor*, 2024 ABEAB 22 was a two and a half day hearing resulting in a 102-page report and recommendations.

This was the case of *Boychuk and Smith v Director, Environmental Investigations Section, Regulatory Assurance Division, Alberta Environment and Protected Areas* (5 February 2024), Appeal Nos. 23-023-024-D (AEAB), 2024 ABEAB 4.<sup>22</sup> The agreement was reached on January 12, 2024, and the EAB's decision was issued on February 5, 2024, nine days late. The EAB's decision should have been issued on or before January 27, 2024.

There were no appeals in this fiscal year that required the EAB to issue a final decision following a hearing. Again, while almost all appeals that are resolved by a hearing go to the Minister for final decision, administrative penalties are decided by the EAB, and the EAB's decision must be issued within 30 days. (See section 98(1) of EPEA.)

With respect to all other hearings (other than administrative penalties), the Minister makes the final decision, and the EAB must provide its reports and recommendations to the Minister within 30 days of the end of the hearing. (See section 99(1) of EPEA.) However, the legislation recognizes that it may not always be possible to meet the 30-day deadline. Section 99(2) of EPEA provides: "The Minister may extend the 30-day period referred to in subsection (1) on application by the [EAB] before or after the expiry of the period."

The EAB issued three reports and recommendations this fiscal year:

- *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Parks, re: Badlands Recreation Development Corp.* (28 March 2024), Appeal Nos. 19-066-070, 074 & 081-R (AEAB), 2024 ABEAB 7. (Issued by the Minister on April 9, 2024.)

The hearing was held on November 2 to 4, and 7, 2022, and January 30 to February 1, 2023 (seven days). Between February 28, 2023 and March 30, 2023, the EAB received written closing arguments from the parties. Following the written closing arguments, the EAB had a series of questions. The EAB closed the hearing on September 8, 2023, and provided its report and recommendations to the Minister on March 28, 2024. The EAB's report and recommendations was issued on April 9, 2024, following the Minister's decision.

The EAB's report and recommendations should have been provided to the Minister on October 10, 2023.<sup>23</sup> As stated, the EAB provided its report and recommendations to the Minister on March 28, 2024. This was 170 days late.

This appeal was very complex. The hearing was seven days long: the second longest hearing in the EAB's history. The record that was before the EAB when it issued its report and recommendations was approximately 34,000 pages. The EAB's report and recommendations was 208 pages long.

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<sup>22</sup> This appeal was inadvertently included in the 2024-25 fiscal year.

<sup>23</sup> Thirty days was Sunday, October 8, 2023. The EAB's report and recommendations was due the next business day, which was Tuesday, October 10, 2023, as Monday, October 9, 2023, was Thanksgiving.

As a result, the Minister exercised her discretion and extended the 30-day deadline for the report and recommendations in accordance with section 99(2) of EPEA.

- *NuVista Energy Ltd. v Director Alberta Environment and Protected Areas* (26 July 2024), Appeal No. 13-027 (AEAB), 2024 ABEAB 19.<sup>24</sup>

The hearing was held on July 4, 2024, and the report and recommendations was provided to the Minister on July 26, 2024. The EAB's report and recommendations was issued on September 9, 2024, following the Minister's decision. The EAB's report and recommendations was provided to the Minister within the legislated 30-day period.

- *Bright v Director, Assurance Division South, Alberta Environment and Protected Areas, re: Ian MacGregor* (20 December 2024), Appeal Nos. 22-067-089 (AEAB), 2024 ABEAB 22.

The hearing was held November 16 and 17, 2023, with closing oral arguments heard on March 14, 2024. The EAB also received written closing arguments and answers to written questions. The EAB closed the hearing on August 26, 2024, and provided its report and recommendations to the Minister on December 20, 2024. The EAB's report and recommendations was issued on January 13, 2025, following the Minister's decision.

The EAB's report and recommendations should have been provided to the Minister on September 25, 2024. As stated, the EAB provided its report and recommendations to the Minister on December 20, 2024. This was 86 days late.

This appeal was very complex. The appeal dealt with very complex scientific arguments relating to difficult – folded and fractured - hydrogeology. The EAB's report and recommendations was 102 pages long.

As a result, the Minister exercised her discretion and extended the 30-day deadline for the report and recommendations in accordance with section 99(2) of EPEA.

In response to the challenges that the EAB has had in meeting the 30-day deadline for providing reports and recommendations, the EAB is implementing a new policy. Starting in the 2025-26 fiscal year, the EAB will “triage” its reports and recommendations once the hearing is complete. It will classify pending reports and recommendations as routine (to be completed in 30 days), complex (to be completed in 60 days), and very complex (to be completed in 90 days). Where necessary, the EAB will then make a request to the Minister for an extension at the start of the report and recommendations process.

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<sup>24</sup> This appeal was filed March 11, 2024. The appeal was in mediation until November 3, 2023, when NuVista Energy Ltd. requested that the EAB end the mediation process and proceed to a hearing.

This triage process will allow for better oversight of the EAB's decision-making process by the Minister and provide the parties who appear before the EAB with more certainty as to when they can expect the EAB to provide its report and recommendations to the Minister.

**Strategy: 2.2 Process appeals efficiently and in a timely manner.**

The EAB is adopting a new performance indicator to provide an understanding of its overall performance. While the EAB cannot control the length of time it takes to process an appeal – appeals vary greatly in complexity and the number of parties – the EAB's goal is to process appeals in as timely a manner as possible.

There are cases where the EAB has been able to address an appeal in a few days. In fact, in one case where there was a misunderstanding between an Appellant and the EPA, the EAB was able to settle the appeal in one day. In other cases, where there are very complex interests at play it may take much longer. For example, in the case of *Imperial Oil Limited and Devon Estates Limited v Director, Southern Region, Regional Services, Alberta Environment* (6 April 2005), Appeal Nos. 03-124 and 125-DOP (AEAB), 2005 ABEAB 19, the appeal was settled through mediation; however, the mediation took more than a year. The alternative would have been a long-protracted hearing, with a strong potential for the matter to end up before both the Court of King's Bench and the Court of Appeal. The EAB's investment of time in the mediation produced a much better result for the residents impacted by the historical contamination affecting their community.

**Strategy: 2.3 Track and report on the time that it takes to issue final decisions and reports and recommendations.**

The EAB is developing a decision tracking system, which supports its performance measures, and monitors the time to issue decisions and reports and recommendations. The decision tracking system started tracking decisions and reports and recommendations as of April 1, 2025. The decision tracking system will be added to the EAB's website so that it is available to the public.

The EAB developed three new performance measures focused on the timely issuance of decisions and reports and recommendations. The existing performance measures focused on the legislated timeframes for decisions and reports and recommendations following mediations (15 days) and decisions and reports and recommendations following hearings (30 days). The EAB added performance measures with respect to the issuance of stay decisions (30 days), decisions regarding preliminary motions (45 days), and costs decisions (60 days). The results from these new performance measures will be reported in the next annual report.

**Discussion**

Having decision completed in a timely manner it is important to inspiring confidence in the appeal process and in the overall environmental regulatory processes. Participants invest significant resources in mediations and hearing and are always anxious to receive the decision that has been made. Where EPA's decision has been confirmed or varied, project proponents are eager to proceed with their project. Where EPA's decisions are reversed (cancelled), project proponents are eager to determine their next steps.

**GOAL THREE: Timely issuance of decisions.**

**What it means:** The EAB will issue decisions that do not have legislated timeframes in a timely manner. The EAB will abide by the principles of natural justice and procedural fairness for all participants who appear before it, and issue decisions in a timely manner.

Performance Metric	2024-25
Performance Measure 3.a Issuance of preliminary decisions regarding stays. (30 days)	New Metric*
Performance Measure 3.b Issuance of other preliminary decisions. (45 days)	New Metric*
Performance Measure 3.c Issuance of final costs decision. (60 days)	New Metric*

\* The first metrics for these performance measures will be available in fiscal year 2025-26.

**Strategy: 3.1 Set performance measures for the timely issuance of decisions that are not subject to legislative timeframes.**

For interim decisions (decisions that are made during the processing of an appeal), the EAB has adopted “service standards” for different types of decisions. With respect to stays – which are typically very important to the parties to an appeal – the EAB is working toward issuing these decisions within 30 days.

With respect to other preliminary decisions - for example, whether an appellant is directly affected or whether an appeal is otherwise properly before the EAB - the EAB is working toward issuing these decisions within 45 days. Such decisions are not as time sensitive for the parties as a stay decision but do have to be made in a timely manner to ensure that the appeals move forward efficiently.

Finally, with respect to final costs decisions, the EAB is working toward issuing these decisions within 60 days. While final costs are important to the parties, the awarding of final costs is an issue decided after the EAB’s decision or the Minister’s decision has been released, and the parties know the outcome of the appeal. As a result, the decision on final costs is not as important as other preliminary decisions, and the choice of 60 days allows the EAB to better balance its workload.

**Strategy: 3.2 More efficient use of board members and EAB staff.**

The EAB is focusing resources on the timely issuance of decisions and reports and recommendations. To achieve this goal, the EAB is working to make more efficient use of board members and staff.



Commencing in fiscal 2023-24, the EAB now provides board members with training in decision making and decision writing. This has allowed the EAB to transition the writing of decisions and reports and recommendations to the board members with the assistance of board counsel. This work is ongoing as new board members will also be trained in decision making and decision writing.

Further, the EAB has realigned staff and their work to ensure that it issues decisions and reports and recommendations in a timely manner. Operational work has been moved from senior staff to support staff, allowing senior staff to focus on supporting the EAB board members in writing decisions and reports and recommendations.

**Strategy:                    3.3    Develop better tools to support issuing decisions and reports and recommendations in a more timely manner.**

The EAB developed a style guide and decision template to facilitate efficient drafting of decisions and reports and recommendations by EAB board members, which help reduce the review period and ensure these documents can be issued in a more timely manner.

Development of the style guide and decision template are complete, however the style guide and decision template are “living documents” that continue to be refined over time.

The EAB developed decision guidance documents that provide lists of key precedents and quotations for specific types of decisions and reports and recommendations. These decision guidance documents help reduce the time required for research and assist EAB board members in developing decisions and reports and recommendations in a more timely manner. Many decision guidance documents are complete; however, other decision guidance documents are still in development. The decision guidance documents are “living documents” that will continue to be refined over time.

**GOAL FOUR: Processing appeals in a timely manner.**

**What it means:** The EAB will process appeals in as timely a manner as possible based on available resources and in accordance with the principles of natural justice and procedural fairness. While the EAB cannot control the total length of time it takes to process an appeal from the time the appeal is filed until the file is closed, the time it takes to process an appeal reflects the overall efficiency of the appeal process.

Performance Metric*	2024-25
Performance Indicator 4.a Length of time it takes to process an appeal from receipt of the appeal to closing the file. <sup>25</sup>	New Metric**

\*Performance indicators do not have targets.  
\*\*The first metrics for these performance measures will be available in fiscal year 2025-26.

**Strategy: 4.1 The EAB will use mediation where appropriate.**

The default is that the EAB sends all appeals to mediation unless there is a good reason not to undertake the mediation. Although mediation is the preferred method of resolving appeals, it is a voluntary process. The EAB cannot force participants to participate in mediation. The refusal of parties to participate in mediation is the primary reason an appeal does not proceed to mediation.

Further, the EAB cannot control the outcome of mediation. While many appeals are resolved through mediation, where an appeal is properly before it, participants retain the right to a hearing before the EAB, with a final decision by the Minister, or in certain limited cases by the EAB.

The EAB was successful in holding mediations with respect to all eight projects identified for mediation. This is thanks to the efforts of the Board Secretary and the mediators (the board members assigned to mediate the appeals) in working with the participants to inspire confidence in the mediation process.

Only one of the mediations was successful in this fiscal year. As noted, the EAB cannot control the outcome of the mediation process. In six other mediations no resolution was reached, and one is ongoing.

<sup>25</sup> The EAB cannot control the time required to process an appeal. For instance, an appeal may be held in abeyance while the parties are exploring mediation options. The complexity of appeals also varies; a complex appeal may require a multi-day hearing, extensive written submissions, and a lengthy report and recommendations.

**Strategy: 4.2 The EAB will issue decisions and reports and recommendations in a timely manner.**

In fiscal 2024-25, the EAB did not meet the 30-day deadline for two of its reports and recommendations.<sup>26</sup> This was due to the complexity of the issues in the appeals, the complexity of the appeal files (the amount of information filed), and the length of the hearings. The EAB's legislation recognizes that some reports and recommendations may not be provided to the Minister within the legislated 30-day deadline. Section 99(2) of EPEA provides: "The Minister may extend the 30-day period referred to in subsection (1) on application by the [EAB] before or after the expiry of the period."

In the past, the EAB has made this request when it provided its reports and recommendations to the Minister. Starting in the 2025-26 fiscal year, the EAB will "triage" its reports and recommendations once the hearing is complete. It will classify pending reports and recommendations as routine (to be completed in 30 days), complex (to be completed in 60 days), and very complex (to be completed in 90 days). The EAB will then make the request to the Minister for an extension at the start of the report and recommendations process. This will allow for better oversight of the EAB's decision-making process by the Minister and provide the parties who appear before the EAB with more certainty as to when they can expect the EAB to provide its report and recommendations to the Minister.

**Strategy: 4.3 The EAB will develop better tools for tracking the status of appeals.**

The EAB is developing a decision tracking system, which supports its performance measures, and monitors the time to issue decisions and reports and recommendations. The decision tracking system started tracking decisions and reports and recommendations as of April 1, 2025. The decision tracking system will be added to the EAB's website so that it is available to the public.

The EAB developed three new performance measures focused on the timely issuance of decisions and reports and recommendations. The existing performance measures focused on the legislated timeframes for decisions and reports and recommendations following mediations (15 days) and decisions and reports and recommendations following hearings (30 days). The EAB added performance measures with respect to the issuance of stay decisions (30 days), decisions regarding preliminary motions (45 days), and costs decisions (60 days). The results from these new performance measures will be reported in the next annual report.

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<sup>26</sup> See: *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Protected Areas*, re: *Badlands Recreation Development Corp.*, 2024 ABEAB 7, which was a seven day hearing resulting in a 208-page report and recommendations, and *Bright v Director, Assurance Division South, Alberta Environment and Protected Areas*, re: *Ian MacGregor*, 2024 ABEAB 22, which was a two and a half day hearing resulting in a 102-page report and recommendations.

## **Accomplishments**

- Continuing the transition of board members writing decisions and report and recommendations. This represents ongoing work whenever the EAB recruits new board members.
- Successful recruitment of the Board Secretary (Ms. Valerie Myrmo) and Registrar of Appeals (Ms. Tara Blake). The recruitment for the Chair and Appeals Co-ordinator for the PLAB is ongoing.
- Reappointment of three board members (Ms. Angela Aalbers, Ms. Line Lacasse, and Mr. Chris Powter), and the recruitment and appointment of three additional board members (Ms. Lee Deibert, Mr. Kyle Fawcett, and Ms. Jo-Ann Riddell).
- Completion of the Mandate and Roles Document (January 2024), signed by the Minister and Chair in March 2024.
- Developed additional performance measures to support the timely issuance of decisions and reports and recommendations: stay decisions (30 days), decisions regarding preliminary motions (45 days), and costs decisions (60 days).
- Developed additional performance indicator to support the timely processing of appeals: length of time to process an appeal. (Performance indicators do not have targets.)
- Developed a style guide and a decision template. Both the style guide and the decision template are “living documents,” which will continue to be refined over time.
- Developed decision guidance documents. The EAB has develop decision guidance documents with respect to directly affected decisions, stay decisions, costs decisions, administrative penalty decisions, and reconsideration decisions. The decision guidance documents are “living documents,” which will continue to be refined over time.
- Provided mediation training for board members and staff: Mediation Masterclass by Peak Performance (Mr. Alan Parker).
- Held 2024-25 annual in-person board meeting and provided training to board members on issues related to administrative law and mediation.
- Promoting mediation as the preferred method of resolving appeals. Mediation is more timely, more cost effective, and results in the better resolution of appeals. The EAB is considered a leader in the mediation community.

## **Summary of Appeals**

The EAB has jurisdiction to hear appeals pursuant to EPEA, the *Water Act*, the GOA, and the EMCRA.

EPEA governs substance releases. EPEA **approvals** authorize the controlled and managed release of substances. Enforcement actions under EPEA are undertaken by **enforcement orders** or EOs (where there is a violation of the legislation), **environmental protection orders** or EPOs (where there is no violation of the legislation, but there has been a release of a substance that is causing, has caused, or may cause an adverse effect on the environment), or an **administrative penalty** or admin penalties. The EAB records these as EPEA Approvals, EPEA EOs, EPEA EPOs, and EPEA Admin Penalties.

The *Water Act* governs the allocation of water and work in and around waterbodies. *Water Act* **approvals** authorize work in and around water bodies. *Water Act* **licences** allocate a volume of water. Water can also be allocated by way of a **preliminary certificate**, which is the promise of a *Water Act* licence if certain conditions are met. Enforcement actions under the *Water Act* are undertaken by **enforcement orders** or EOs (where there is a violation of the legislation), **water management orders** or WMOs (where there is no violation of the legislation, but there is an adverse effect on the aquatic environment or on a licensee or traditional agriculture user), or an **administrative penalty** or admin penalties. The EAB records these as Water Act Approvals, Water Act Licences/Preliminary Certificates, Water Act EOs, Water Act WMOs, and Water Act Admin Penalties.

The EMCRA regulates the emission of specified gases (i.e., carbon dioxide and methane). Where the emitter of specified gases violates the legislation, enforcement action can be taken by way of a **compliance order** or an **administrative penalty** or admin penalty. The EAB records these as EMCRA Compliance Orders and EMCRA Admin Penalties.

Schedule 5 of the GOA authorizes the EPA to establish restricted development areas. Where the requirements of a restricted development area are contravened, the EPA can issue an **enforcement order** or EO. The EAB records these as GOA EOs.

Some notices of appeal received by the EAB are not properly before it and are summarily dismissed. The EAB records these as Other (Not Appealable).

# Summary of Appeals

(May 1, 2024 to March 31, 2025)

EAB Appeal Status Table - Fiscal Year 2024-25  
(Note EAB Appeals are number based on the fiscal year they occur in. For example, appeals that start with " 24" cover the period of April 1, 2024 to March 31, 2025.)

Appeal No.	Appellant	Project Proponent	Appeal Status	Appeal Type
24-001	Sturgeon County	St. Alberta, Town of Morinville, Sturgeon County	File Closed	Water Act Approval
24-002	Christina McCharles	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-003	Neil Komner	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-004	Joyce Kyncl	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-005	Thomas White	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-006	Dave and Betty Jones	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-007	Robert Killeleagh	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-008	Aaron and Kim Johnson	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-009	Mark and Tammy Fankhuser	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-010	Jean Roberts	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-011	Catherine Kerr	West-Can Seal Coating Inc.	In Mediation	Water Act Licence
24-012	Barbara Laznezh	Waste Management of Canada Corporation	File Closed	EPEA Approval
24-013	Woodland Cree First Nation	Aurora Peat Products ULC	Preliminary Motions	Water Act Approval
24-014	Woodland Cree First Nation	Aurora Peat Products ULC	Preliminary Motions	Water Act Approval
24-015	Woodland Cree First Nation	Aurora Peat Products ULC	Preliminary Motions	Water Act Approval
24-016	Clover Bar Sand and Gravel	Aurora Peat Products ULC	Preliminary Motions	EPEA Admin Penalty
24-017	Robert Bruce Keltie		Preliminary Motions	EPEA Admin Penalty
24-018	Melany Sealy	Treena and Ricky Martin	File Closed	Water Act Licence
24-019	Melany Sealy	Treena and Ricky Martin	File Closed	Water Act Licence
24-020	Scott Sproule		File Closed	Water Act EO
24-021	1144365 Alberta Ltd. and Badger Daylighting Inc.		In Mediation	EPEA Admin Penalty
24-022	Badger Daylighting Inc.		Mediation Agreement being Implemented	EPEA Admin Penalty
24-023	Naheed Ali		Mediation Agreement being Implemented	Water Act EO
24-024	Patrick Gronlund		Mediation Agreement being Implemented	Water Act EO
24-025	Lafarge Canada Inc.		Report and Recommendation Issued	EPEA Approval
24-026	Canadian Fiber Optics Ltd.		In Mediation	EPEA Admin Penalty
24-027	Roger Dye	Ostara Holsteins	Preliminary Motions	Water Act Licence
24-028	Avila Energy Corporation		File Closed	EM/CRA Compliance Order

Classification: Public

## Appeal Type (Year by Year Comparison)

Appeal Type	2022-23*	2023-24	2024-25
EPEA Approvals	3	13	2
EPEA Administrative Penalties	5	7	5
EPEA Enforcement Orders	1	8	
EPEA Environmental Protection Orders		16	
Water Act Approvals		85	4
Water Act Licences/Preliminary Certificates	80	10	13
Water Act Administrative Penalties			
Water Act Enforcement Orders	7	5	3
Water Act Water Management Orders			
EMCRA Compliance Orders			1
Other (Not Appealable)	1	3	
<b>Total Appeals</b>	<b>97</b>	<b>147</b>	<b>28</b>

\* One appeal number was missed in issuing appeal numbers.

Appeal Type	2022-23*	2023-24	2024-25
EPEA Approvals	3%	9%	7%
EPEA Administrative Penalties	5%	5%	18%
EPEA Enforcement Orders	1%	5%	
EPEA Environmental Protection Orders		11%	
Water Act Approvals		58%	14%
Water Act Licences/Preliminary Certificates	82%	7%	46%
Water Act Administrative Penalties			
Water Act Enforcement Orders	7%	3%	11%
Water Act Water Management Orders			
EMCRA Compliance Orders			4%
Other (Not Appealable)	1%	2%	

## Discussion

The Summary of Appeals and Appeal Type (Year by Year Comparison) demonstrates a trend consistent with at least the last 10 years. The majority of appeals that come before the EAB relate to the *Water Act*: 89% in 2022-23, 68% in 2023-24, and 71% in 2024-25. In the EAB's view this is a reflection that protection of water resources is becoming more significant environmental issue for Albertans. Albertans are becoming more concerned with the protection of their water supplies, particularly groundwater in rural communities. For example, of the 28 appeals filed in 2024-25, ten appeals (West-Can Seal Coating Inc.) related to the development of a gravel pit and potential impacts of that development on groundwater in the area, and three appeals (Aurora Peat Products ULC.) related to development of a peat harvesting operation and the potential impact of that development on the surface and groundwater in that region.

## **Decisions and Reports and Recommendations Issued**

(April 1, 2024 to March 31, 2025)

- 23-023-024-D      *Boychuk and Smith v Director, Environmental Investigations Section, Regulatory Assurance Division, Alberta Environment and Protected Areas* (5 February 2024), Appeal Nos. 23-023-024-D (AEAB), 2024 ABEAB 4.<sup>27</sup>  
Decision  
Panel: Chris Powter, Acting Chair.
- 19-066-070, 074 & 081-R      *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Parks, re: Badlands Recreation Development Corp.* (28 March 2024), Appeal Nos. 19-066-070, 074 & 081-R (AEAB), 2024 ABEAB 7. (Issued April 9, 2024.)  
Report and Recommendations  
Panel: Chris Powter and Tamara Bews.
- 22-066-D      *Clover Bar Sand and Gravel Ltd. v Director, North Region, Capital District, Regulatory Assurance Division, Alberta Environment and Protected Areas* (12 April 2024), Appeal No. 22-066-D (AEAB), 2024 ABEAB 13.  
Panel: Barbara Johnston, Chair, Kurtis Averill  
Appeal dismissed. Enforcement Order is not appealable.
- 23-142-143-IDI      Stay Decision: *Mantle Materials Group Ltd. et al. v Inspector, Regulatory Assurance Division North, Alberta Environment and Protected Areas* (15 April 2024), Appeal Nos. 23-142-144-IDI (AEAB), 2024 ABEAB 14.  
Panel: Barbara Johnston, Chair  
Stay granted.
- 23-145-147-IDI      Stay Decision: *Mantle Materials Group Ltd. et al. v Inspector, Regulatory Assurance Division North, Alberta Environment and Protected Areas* (15 April 2024), Appeal Nos. 23-145-147-IDI (AEAB), 2024 ABEAB 15.  
Panel: Barbara Johnston, Chair  
Stay granted.
- 24-001      *Sturgeon County v Director, Regulatory Assurance Division North, Alberta Environment and Protected Areas, re: Sturgeon County, City of St. Albert, and Town of Morinville* (22 April 2024), Appeal No. 24-001 (AEAB), 2024 ABEAB 16.  
Summary.  
Appeal withdrawn.

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<sup>27</sup> This decision was inadvertently included in the count for the 2024-25 fiscal year. Alberta Environment and Parks is the predecessor to Alberta Environment and Protected Areas.



- 23-002-017 and 23-027-044-ID1 *Stay Decision: Christian et al. v Director, Regulatory Assurance Division South, Alberta Environment and Protected Areas, re: Howell's Excavating Ltd.* (13 May 2024), Appeal Nos. 23-002-017 and 23-027-044-ID1 (AEAB), 2024 ABEAB 17.  
Panel: Chris Powter, Acting Board Chair, Line Lacasse, Kurtis Averill  
Stay denied.
- 22-095 *Minhas v Director, Alberta Environment and Protected Areas* (10 July 2024), Appeal Nos. 23-095 (AEAB), 2024 ABEAB 18.  
Summary  
No mediation. Appeal withdrawn.
- 13-027 *NuVista Energy Ltd. v Director Alberta Environment and Protected Areas*, Appeal No. 13-027 (AEAB), 2024 ABEAB 19.  
Report and Recommendations  
Panel: Chris Powter, Liz Quarshie, Allison Rippin-Armstrong
- 23-047-050 *Alberta Wilderness Association et al. v Director, Regulatory Assurance Division South, Alberta Environment and Protected Areas, re: Mountain Ash Limited Partnership* 23-047-050-D (AEAB), 2024 ABEAB 20.  
Decision on Directly Affected (Alberta Wilderness Assoc., Koning, and Kobisch)  
Panel: Chris Powter
- 23-021 *Standing Decision: Keepers of the Water Society v Director, North Region, Regulatory Assurance Division, Alberta Environment and Protected Areas, re: SUEZ Canada Waste Services Inc. et al.* (20 November 2024), Appeal No. 23-021-IDI (AEAB), 2024 ABEAB 21.  
Decision on Directly Affected.  
Panel: Chris Powter
- 22-067-089 *Bright v Director, Assurance Division South, Alberta Environment and Protected Areas, re: Ian MacGregor* (20 December 2024), Appeal Nos. 22-067-089 (AEAB), 2024 ABEAB 22.  
Report and Recommendations  
Panel: Barbara Johnston, Panel Chair; Angela Aalbers; Kurtis Averill
- 23-056-057 *Pearce et al. v Director, Regulatory Assurance Division South, Alberta Environment and Protected Areas, re: Mountain Ash Limited Partnership* (29 August 2024), Appeal Nos. 23-056-057-ID3 (AEAB), 2024 ABEAB 23.  
Decision on Late Filed Appeals  
Panel: Chris Powter

- 23-002-017 and 23-027-044 Stay Decision: *Christian et al. v Director, Regulatory Assurance Division South, Alberta Environment and Protected Areas*, re: *Howell's Excavating Ltd.* (17 March 2025), Appeal Nos. 23-002-017 and 23-027-044-ID2 (AEAB), 2025 ABEAB 1.
- Redetermination of the Stay Decision (Appeal Nos. 23-002-017 and 23-027-044-ID1 (AEAB), 2024 ABEAB 17) as directed by Justice Reed in *Christian v Alberta Environmental Appeals Board*, 2024 ABKB 586.
- Panel: Chris Powter, Acting Board Chair, Line Lacasse, and Lee Deibert.
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- 24-018 and 019 *Sealy v Director, Regulatory Assurance Division South, Alberta Environment and Protected Areas*, re: Rick Martin, (17 March 2025), Appeals No. 24-018 and 019 (AEAB), 2025 ABEAB 2.
- Decision: Appeal dismissed for not being properly before the EAB.
- Panel: Barbara Johnston, Chair.
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- 19-066-070, 074 & 081-CD Costs Decision: *McMillan et al. v Director, South Saskatchewan Region, Operations Division, Alberta Environment and Protected Areas*, re: *Badlands Recreation Development Corp.* (20 March 2025), Appeal Nos. 19-066-070, 074 & 081-CD (AEAB), 2025 ABEAB 3.
- Final Costs Decision
- Panel: Chris Powter, Panel Chair, Allison Armstrong, Paul McLauchlin

## Statement of Finances<sup>28</sup>

	2023-24 Actual	2024-25 Actual	2025-26 Estimates	2026-27 Target	2027-28 Target
<b>BUDGET</b>	1,717,000	1,838,000	1,950,000	1,950,000	1,950,000
<b>EXPENSES</b>					
<b>Manpower<sup>29</sup></b>	1,102,337	1,196,216	1,535,000	1,535,000	1,535,000
<b>Supplies and Services<sup>30</sup></b>	578,491	539,188	415,000	415,000	415,000
<b>Capital Expense</b>					
<b>EXPENSES</b>	1,680,828	1,735,404	1,950,000	1,950,000	1,950,000
<b>Over Expenditure/ (Under Expenditure)</b>	(36,781) 2%	(102,569)* 6%			

\* This under expenditure was mainly driven by vacant staff positions. (For example, the Assistant Registrar position was not staffed for the 2024-25 fiscal year and will not be staffed in the 2025-26 fiscal year to ensure the EAB is able to stay within its budget.)

<sup>28</sup> The information for the financial statement has been provided to the EAB by the EPA. The Statement of Finances has not been independently audited.

<sup>29</sup> The Manpower expenses relate to the salary and benefits of the GoA staff that work for the EAB. Details regarding the salaries of the senior staff are available at <https://eab.gov.ab.ca/dec/Disclosure.pdf>.

<sup>30</sup> The Supplies and Services expenses included the honourarium and expenses of the board members. Details regarding the honourariums are available at <https://eab.gov.ab.ca/dec/Disclosure.pdf>. Details regarding the expenses are available at <https://www.alberta.ca/travel-and-expense-disclosure-table>.

## ENVIRONMENTAL APPEALS BOARD

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