



ALBERTA
ENVIRONMENTAL APPEALS BOARD

September 19, 2023

Via E-Mail

Mr. Richard Harrison
Wilson Laycraft
#650, 211 – 11 Avenue SW
Calgary, AB T2R 0C6
(*Counsel for the Appellants*)

Mr. James Zelazo
CFO & Development Manager
Mr. Jay Zelazo, CEO
Badlands Recreation Development Corp.
6761 Fairmont Drive SE
Calgary, AB T2H 0X6
(*Approval Holder*)

Ms. Nicole Hartman
Mr. Paul Maas
Alberta Justice and Solicitor General
Environmental Law Section
8th Floor, Oxbridge Place
9820 – 106 Street
Edmonton, AB T5K 2J6
(*Counsel for the Director, Alberta
Environment and Protected Areas*)

Dear Gentlemen and Ms. Hartman:

Re: Badlands Recreation Development Corp./Water Act Approval No. 00406489-00-00/Our File Nos.: EAB 19-066-070, 074 & 081

The Board held a hearing regarding this matter on November 2, 3, 4, and 7, 2022, and January 30, 31, and February 1, 2023. The Board also received written closing arguments from the parties as well as additional information as requested by the Panel, Dr. Chidinma Thompson, Chair, Ms. Tamara Bews and Mr. Chris Powter. The Panel has reviewed these submissions and additional information, met on September 8, 2023, and decided to close the hearing.

The Board's Counsel, Mr. Andrew Bachelder who replaced Mr. Gilbert Van Nes in these appeals as of May 4, 2023, is no longer available to assist the Panel. The Board's new Counsel, Mr. Cameron Smart, will step into all of Mr. Bachelder's role in relation to the Badlands appeals. Any inquiries that would normally be directed to Mr. Bachelder, should be directed to Mr. Smart at cameron.smart@gov.ab.ca or 587-341-9086.

Given the length of the hearing, the amount of evidence being presented in these appeals, the unforeseen new issues that arose post-hearing, the number, complexity and novelty of the issues before the Board, and necessary changes to the Panel's legal counsel, the Board will be requesting an extension to the legislated timeline for it to provide the Minister of Environment and Protected Areas with its Report and Recommendations. Pursuant to section 99(2) of the *Environmental Protection and Enhancement Act* the extension request can be made before or after the 30 day period. Subject to any further unforeseen circumstances, the Board anticipates, on a best-efforts basis, to provide the Report and Recommendations to the Minister in March 2024.

Please do not hesitate to contact Valerie Myrmo, Registrar of Appeals, at 780-427-6569 or valerie.myrmo@gov.ab.ca, Denise Black, Board Secretary, at 780-427-7002 or denise.black@gov.ab.ca, and Cameron Smart, Board Counsel, at 587-341-9086 or cameron.smart@gov.ab.ca.

Yours truly,



Denise Black
Board Secretary

The information requested by the Environmental Appeals Board is necessary to allow the Board to perform its function. The information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, section 33(c). Section 33(c) provides that personal information may only be collected if that information relates directly to and is necessary for the processing of these appeals. The information you provide is a public record.

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