

17-0020 and 17-0021

2018 ABPLAB 12

Appellants – Miranda Tesolin, and Lee McMurtrie, **Operator** - Miranda Tesolin and Lee McMurtrie, **Location** – Lac La Biche County, **Type of Appeal** - Discontinuance

Notices of Appeal, dated and received on December 1, 2017 from Mr. Les Helm, Silver Sage Enterprises Ltd., filed on behalf of Ms. Miranda Tesolin and Mr. Lee McMurtrie. The appeals were with respect to the November 6 and 7, 2017 decisions of the Director, Alberta Environment and Parks, to refuse Ms. Tesolin's application for surface material lease SML 160049 and for an access road under DLO 160102, and Mr. McMurtrie's application for surface material lease SML 160084.

The Director explained that Ms. Tesolin's application was refused as it overlaps with protective notation (PNT 960105) which is in place for the purpose of multiple resource constraints and identifies a restriction of "no surface dispositions" as this area is within the Amisk River, Beaver River, Moose Lake and Sand Rivers Corridors; the proposed SME overlaps with consultative notation (CNT 920261) which is in place as there is a watershed conservation strategy plan in place to support watershed protection; and does not comply with the Alberta Aggregate (Sand and Gravel) Allocation Policy for Commercial Use on Public Land as this application is affiliated with nearby applications/leases. Mr. McMurtrie's application was refused as it overlaps with Key Wildlife and Biodiversity Zones, which play an important role in maintaining the overall productivity of regional ungulate populations and source of biodiversity; it overlaps with protective notations (PNT 820951 and PNT 820938) which are in place to identify lands within a recreational resource management area; it overlaps with protective notation (PNT 960105) which is in place for the purpose of multiple resource constraints and identifies a restriction of "no surface dispositions" as this area is within the Amisk River, Beaver River, Moose Lake and Sand Rivers Corridors; it overlaps with protective notation (PNT 780527) which is in place for the purpose of watercourse protection for the Amisk and Beaver Rivers; it overlaps with consultative notations (CNT 880168 and CNT 910307) which are in place for the purpose of range improvement plans; it overlaps with consultative notation (CNT 920261) which is in place as there is a watershed conservation strategy plan in place to support watershed protection; and does not comply with the Alberta Aggregate (Sand and Gravel) Allocation Policy for Commercial Use on Public Land as this application is affiliated with nearby leases.

On December 4, 2017, the Board wrote to the Appellants and the Director acknowledging receipt of the appeals and notifying the Director of the appeals. On December 19, 2017 the Board received information from the Director regarding potentially affected disposition holders. The Board wrote to the potentially affected disposition holders and advised them of the appeals and stated that if they wanted to participate in the appeal to contact the Board. The Board received requests from Todd Tesolin and Shane and Gay Yakoweshen to participate in the appeal. In consultation with the parties, the Board scheduled a mediation meeting for May 1, 2018 in Edmonton. As a result of the resolution reached at the mediation meeting, Ms. Tesolin and Mr. McMurtrie withdrew their appeals. The Board discontinued its proceedings and closed its files on May 7, 2018.

Cite: Tesolin and McMurtrie v. Director, Alberta Environment and Parks (7 May 2018), Appeals Nos. 17-0020 and 17-0021 (A.P.L.A.B.), 2018 ABPLAB 12