



ALBERTA  
ENVIRONMENTAL APPEALS BOARD

January 23, 2020

Via E-Mail

Mr. Dean Cherkas  
Director of Consultation  
Stoney Tribal Administration  
Stoney Nakoda Nation  
PO Box 40  
Morley, AB T0L 1N0  
(Appellant EAB 19-050)

Mr. Malcolm Macpherson  
Mr. Saul Joseph  
Clark Wilson LLP  
900-855 West Georgia Street  
Vancouver, BC V6C 3H1  
(Representing the Appellant EAB 19-050)

Mr. Ken Hoover  
1 – 297 Sparrowhawk Crescent  
Kananaskis, AB T0L 2H0  
(Appellant EAB 19-086)

Ms. Lisa Semenchuk  
Ms. Shannon Keehn  
Alberta Justice and Solicitor General  
Environmental Law Section  
8<sup>th</sup> Floor, Oxbridge Place  
9820 – 106 Street  
Edmonton, AB T5K 2J6  
(Counsel for the Director, AEP)

Mr. Thomas Heath  
Fortress Mountain Holdings Ltd.  
Box 8173  
Canmore, AB T1W 2T9  
(Licence Holder)

Dear Ladies and Gentlemen:

**Re: Fortress Mountain Holdings Ltd./Water Act Licence Amendment No. 00037369-00-03/Our File No.: EAB 19-086**

The Board acknowledges receipt of the attached Notice of Appeal from Mr. Ken Hoover dated January 20, 2020, and received by the Board on the same date.

This appeal is with respect to the October 25, 2019 decision of the Director, Alberta Environment and Parks (AEP), to issue to Fortress Mountain Holdings Ltd. *Water Act* Licence Amendment No. 00037369-00-03. The Amendment changes the purpose of the original Licence from Municipal (urban water supply) to Municipal (urban water supply) and Commercial (truck fill station). The Board has obtained a copy of the Licence Amendment (attached).

**Timing of the Appeal:**

The normal time limit prescribed in the *Water Act* for filing an appeal of a Licence Amendment is **30 days**. As the Licence Amendment was issued on October 25, 2019, the filing of Mr. Hoover's Notice of Appeal appears to be outside the time limit prescribed in the *Water Act*. The Board requests **Mr. Hoover** provide to the Board reasons for the extension of time to appeal, and provide an explanation as to why the appeal was filed outside of the 30 day time limit. The granting of the extension of time is at the discretion of the Board and is not routinely granted. **Mr. Hoover** is requested to provide this information to the Board by **January 31, 2020**.

After receiving the information from Mr. Hoover, the Board will decide if the appeal will be dismissed or if sufficient information has been presented for the Board to consider extending the appeal period. If the Board determines that sufficient information has been presented to consider extending the appeal period, it will give Mr. Heath and Ms. Semenchuk or Ms. Keehn an opportunity to provide comments, followed by a final opportunity for Mr. Hoover to comment before the Board makes its decision on whether to extend the appeal period. This procedure is the Board's standard practice.

**General Information:**

Enclosed for the information of Mr. Hoover is Part 9 of the *Water Act*, Part 4 of the *Environmental Protection and Enhancement Act* (which deals with this Board), the Environmental Appeal Board Regulation, the Board's Rules of Practice, information on mediation, and the Board's membership.

The file number in this matter is **EAB 19-086**. Please refer to this file number in all future correspondence.

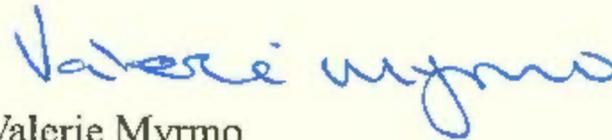
As the Environmental Appeals Board is an independent Board, separate and apart from AEP, it does not have files or materials from AEP unless an appeal is filed. At this time, the Board will not be requesting AEP provide their records in relation to this matter.

Please be advised that the Environmental Appeals Board has strict timelines. Failure to respond to the Board in a timely manner may result in the dismissal of the appeal pursuant to section 95(5)(a)(iv) of the *Environmental Protection and Enhancement Act*.

The information requested is necessary to allow the Environmental Appeals 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 this appeal. **The information you provide will be considered a public record.**

Please do not hesitate to contact the Board if you have any questions. We can be reached toll-free by first dialling 310-0000 followed by 780-427-6569 for Valerie Myrmo and 780-427-7002 for Denise Black. We can also be contacted via e-mail at [valerie.myrmo@gov.ab.ca](mailto:valerie.myrmo@gov.ab.ca) and [denise.black@gov.ab.ca](mailto:denise.black@gov.ab.ca).

Yours truly,



Valerie Myrmo  
Registrar of Appeals

Att.

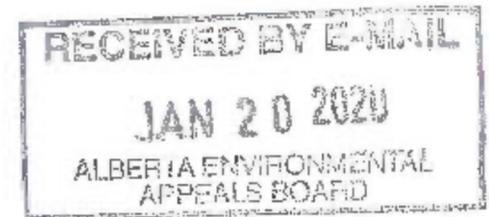
cc: Mr. Andun Jevne  
Director, South Saskatchewan Region, Operations Division  
Alberta Environment and Parks

Regulatory Approvals Centre, Alberta Environment and Parks  
([AEP.WAAPPLICATIONS@gov.ab.ca](mailto:AEP.WAAPPLICATIONS@gov.ab.ca))

Gilbert VanNes

19-086

**From:** khoover76@shaw.ca  
**Sent:** Monday, January 20, 2020 4:11 PM  
**To:** Gilbert VanNes  
**Subject:** Notice of Appeal



THE ENVIRONMENTAL APPEALS BOARD, TAKE NOTICE THAT

Ken Hoover  
Address: 1-297 Sparrowhawk Cr  
Town/City: Kananaskis  
Postal Code: T0L 2H0  
Phone: 4035917727  
FAX:  
Email: khoover76@shaw.ca

Has chosen to be represented by :  
Address :  
City:  
Postal Code:  
Phone:  
Fax:  
Email:

*I am appealing the decision of:* Chongguo Wang Designated Director Under the Act issued to Ken Hoover  
*Dated issued to(name of company/person):* 10/22/2019

*Location of operation or activity which is subject of Alberta Environment's action (municipality, county, etc.):*  
Fortress Mountain

*On what date and how did you receive notice of Alberta Environment's action:* October 22nd via email

*Please provide any further information you may have regarding the decision appealed. The information can be found on the decision or the notice of decision from Alberta Environment and will assist us in processing your appeal:*

*Water Act:*  
Water act application approval no-00300037369 Fortress Mountain Holdings Ltd

*Environmental Protection and Enhancement Act:*  
,

*Government Organization Act:*

*I submit this Notice of Appeal under the:* Water Act, section 115

*What parts of Alberta Environment's decision do you not like? (Note: If you fail to state all of your objections here, you may be prevented from raising them later in your appeal.)*

directly affected under their loose terms even though I am a resident close to the area of Fortress Mountain.

*What are you concerned about? How is it affecting you? Why do you not like the decision made by Alberta Environment? (Note: If you fail to state all of your reasons here, you may be prevented from raising them later in your appeal.)*

I believe outside influences (lobbyists) infiltrated the process and Fortress Mountain Holdings had their new water extraction system in place well before approval. Signalling influence and knowledge that an approval was a given before all SOC's were evaluated! , I am extremely worried that the other components that intertwine this application have not been taken under consideration. Drought = Fire threat to the Valley, Minister of Transportation involvement of high traffic area =wildlife deaths and accidents. water being polluted downstream as per diesel, hydraulic spills etc. No monitoring of outside wildlife biologists/ Conservation to make this operation accountable to the eco systems affected, the application was approved without one SOC being taken into account. What happened to democracy

*What would you like the Board to do to resolve your appeal? (Note: If you fail to state all the solutions to your appeal here, you may be prevented from raising them later in your appeal.)*

I want the application denied till further proof can be made that this is a benefit to Albertans and not a detrimental impact, that we will not be able to reverse. Much like the Buffalo situation the Grizzly's and other eco sensitive animals, trees, water tributaries etc

*The above information is true and correct to the best of my information and belief.*

*This appeal was submitted by:*

Ken Hoover

At: Peter Lougheed Prov Park

On: 1/20/2020