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## **Southern Alberta landowners protest EUB ruling Group claims breach of due process**

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Calgary, AB – A newly formed group of Southern Alberta landowners is protesting an Alberta Energy & Utilities Board ruling which dismissed their concerns regarding gas development in the area.

The Livingstone Landowners' Group has filed a Review Request with the Alberta Energy & Utilities Board, claiming breach of due process in connection with the granting of WIN Energy Corp.'s application to drill for gas on a section of land north of Cowley. Gavin Fitch of Lawson Lundell, who represents the group, filed the request on December 22, 2004.

"We were subject to unfair and dismissive treatment by the board," says Andrew Nikiforuk, noted Alberta author and group spokesman. "They led us to believe there would be a consultation process between us and WIN. Then, three days later, with no consultation, they dismissed our objections."

Members of the group, which was formed in October 2004, are concerned about the cumulative impact of potentially more than 40 gas wells and a processing plant (also approved without community consultation) on one of Alberta's most unique and scenic landscapes. They registered their objections with the EUB in a series of letters between October 7 and November 7.

In letters to group members dated November 15, the EUB wrote "we are requesting WIN Energy address your concerns." Three days later, on November 18, with no opportunity for consultation, the EUB dismissed the group's objections and granted a license to WIN Energy.

The group's Review Request notes that Alberta courts have held that where a legitimate expectation is created that consultation will be carried out prior to development being approved, the failure to meet that expectation can amount to a breach of due process. One of the remedies for such a breach of due process is to quash the approval.

"If the process was not fair, it must be done all over again," the letter to the EUB concludes.

The group, which represents 40 landowners in the Livingstone Valley between the Cowboy Trail (Highway 22) and the Porcupine Hills north of Cowley, opposes any development that threatens the health and integrity of the local community and is not in the long-term interest of Albertans. It believes that the Alberta Energy and Utilities Board should work in the public interest to promote best practices in the oil patch and meaningful community participation in the development of the province's resources.

For further information:

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