



Environmental Appeal Board

APPEAL NO. 97-WAT-06(b)

In the matter of an appeal to the Environmental Appeal Board under section 40 of the *Water Act*, R.S.B.C. 1996, c. 483.

BETWEEN:	Albert Petersen	APPELLANT #1
AND:	Mill Bay Waterworks District	APPELLANT #2
AND:	Regional Water Manager	RESPONDENT
AND:	Alpex Development Corp. Ltd.	THIRD PARTY
BEFORE:	A Panel of the Environmental Appeal Board Judith Lee, Chair Don Cummings, Member Sheila Bull, Member	

DATE OF HEARING: October 15 and 16, 1997

PLACE OF HEARING: Victoria, B.C.

APPEARING:

For Appellant #1:	Ben van Drimmelen, Counsel
For Appellant #2:	A. Staats
For the Respondent:	William Hollingshead
For the Third Party:	Peter Behie, Counsel

INTERIM DECISION

These appeals against the August 19, 1997 decision of the Regional Water Manager, Mr. Hollingshead, allowing Alpex Development Corporation Ltd. to construct certain works, were heard together on October 15th and 16th, 1997. The "works" are required to address storm water flows from a large residential development proposed for lands immediately west of Mill Bay, B.C.

As certain necessary approvals for the development are being held up until the Panel's decision is rendered, the Panel is issuing an interim decision in the appeal with a full decision and detailed reasons to follow.

Neither Appellant has requested a rescission of the Regional Water Manager's decision dated August 19, 1997. The Board therefore upholds his decision

authorizing the works. However, the Panel will add certain terms and conditions to the original terms and conditions imposed by the Regional Water Manager. The additional terms and conditions will be specified in the full decision and detailed reasons which will follow this decision.

Accordingly, the terms and conditions contained within the Regional Water Manager's decision remain in full force and effect until such time as the Board's full decision is issued.

Judith Lee, Panel Chair
Environmental Appeal Board

December 19, 1997