

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – August 21, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the *Environmental Protection and Enhancement Act*, S.A. 1992 c. E-13.3 and section 115 of the *Water Act*, S.A. 1996 c. W-3.5

-and-

IN THE MATTER OF an appeal filed by Mr. Alexander D. Lytle, Lytle Fisher, on behalf of the Summer Village of Gull Lake with respect to an application for an amendment to Approval 00138869-00-00 issued under the *Water Act* by the Director, Water Management, Parkland Region, Regional Services, Alberta Environment, to the Summer Village of Gull Lake.

Cite as: *Summer Village of Gull Lake v. Director, Water Management, Parkland Region, Regional Services, Alberta Environment.*

EXECUTIVE SUMMARY

On June 12, 2001, Alberta Environment refused to amend an Approval under the *Water Act* issued to the Summer Village of Gull Lake for the construction of community beach areas in Gull Lake located on NW 22, NE 22, SW 26 and SE 27-040-28-W4. Alberta Environment advised the Summer Village of Gull Lake that amendment for the removal of weeds would have an adverse effect on the fisheries habitat in Gull Lake.

The Summer Village of Gull Lake appealed Alberta Environment's decision. As a result of a meeting between the Summer Village of Gull Lake and the Director, a resolution was reached. On August 15, 2001, the Board received a letter from the Summer Village of Gull Lake advising that it was withdrawing its appeal.

Consequently on August 16, 2001, the Board advised the Summer Village of Gull Lake and the Director that it is closing its file and will be issuing a Discontinuance of Proceedings.

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I. BACKGROUND

[1] On June 12, 2001, the Director, Water Management, Parkland Region, Regional Services, Alberta Environment (the “Director”), refused the application of the Summer Village of Gull Lake (the “Appellant”) to amend Approval 00138869-00-00 (the “Approval”) as the removal of weeds would have a negative effect on the fisheries habitat in Gull Lake. The Approval is for the construction of community beach areas in Gull Lake located on NW 22, NE 22, SW 26 and SE 27-040-28-W4 and was issued under the *Water Act*.

[2] On June 19, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Alexander D. Lytle of Lytle Fisher, on behalf of the Summer Village of Gull Lake appealing the Director’s decision.

[3] The Board acknowledged the Notice of Appeal on June 21, 2001 and requested the Director and the Appellant provide dates for a mediation meeting/settlement conference or hearing. The Board also requested that the Director provide the records related to the appeal.

[4] According to standard practice the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board, asking whether this matter had been the subject of a hearing or review under their respective legislation. Both boards responded in the negative.

[5] On June 28, 2001, the Board received a letter from the Appellant providing available dates, advising that they were in discussions with the Director and requesting the appeal be held in abeyance until August. On this date, the Board also received a letter from the Director confirming that he was in discussions and requested the appeal be held in abeyance. The Board acknowledged the letters on June 28, 2001 and advised that the appeal would be held in abeyance until July 19, 2001 pending the resolution of the appeal.

[6] On July 19, 2001, the Director advised the Board that he was continuing discussions with the Appellant with a view to reaching a resolution shortly and requesting the appeal be held in abeyance for a further ten days. The Board granted the request on July 19, 2001 on the condition that if no resolution was reached by August 2, 2001, that dates would be

provided by the Appellant and the Director for a mediation meeting/settlement conference or hearing.

[7] The Appellant requested that the Board extend the deadline of August 2, 2001 to August 16, 2001 due to vacation. The Board granted the request and on August 15, 2001 the Appellant advised that they were withdrawing their appeal as a resolution had been reached.

[8] The Board advised the Director and the Appellant on August 16, 2001 that it would be closing its file and issuing a Discontinuance of Proceedings.

II. DECISION

[9] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, S.A. 1992 c. E-13.3, and based on the Appellant's letter of August 15, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-058 and will be closing its file.

Dated on August 21, 2001, at Edmonton, Alberta.

William A. Tilleman, Q.C., Chairman