

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings - January 8, 2003

IN THE MATTER OF Sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by Mr. Dwain Kadyk with respect to *Water Act* Approval No. 00186138-00-00 issued by the Director, Central Region, Regional Services, Alberta Environment to Leduc County.

Cite as: *Kadyk v. Director, Central Region, Regional Services, Alberta Environment, re: Leduc County* (8 January 2003), Appeal No. 02-104-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Leduc County authorizing them to construct works for flood control on Winding Creek, near Calmar, Alberta.

The Board received a Notice of Appeal from Mr. Dwain Kadyk appealing the Approval.

After the Board began processing the appeal, the Board received a letter from the Appellant withdrawing his appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On December 9, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00186138-00-00 (the “Approval”) under the *Water Act*, R.S.A. 2000, c. W-3, to Leduc County (the “Approval Holder”) authorizing the construction of works for flood control on Winding Creek, near Calmar, Alberta.

[2] On December 19, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Dwain Kadyk (the “Appellant”) appealing the Approval.

[3] The Board acknowledged receipt of the Notice of Appeal on December 23, 2002, notified the Director and the Approval Holder of the appeal and requested the Appellant, the Director and the Approval Holder (collectively the “Parties”), provide the Board with their available dates for a mediation meeting or hearing. The Board also requested the Director provide a copy of the documents related to this appeal (the “Record”) to the Board.

[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. Due to the short timelines of this appeal, the Board has not yet received a response.

[5] On December 31, 2002, the Board received a letter dated December 31, 2002 from the Appellant stating in part:

“...As of this moment, I am ‘DROPPING MY APPEAL...that is to say – I AM CANCELLING MY APPLICATION TO APPEAL.”

II. DECISION

[6] Pursuant to Sections 96(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. W-3, and based on the Appellant’s letter of December 31, 2002, the Board discontinues its proceedings in Appeal No. 02-104 and closes its file.

Dated on January 8, 2003, at Edmonton, Alberta.

“original signed by” _____

William A. Tilleman, Q.C., Chair