

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – July 18, 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 the County of Warner No. 5 with respect to *Water Act* Approval No. 00198269-00-00 issued to Alberta Transportation by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *County of Warner No. 5 v. Director, Southern Region, Regional Services, Alberta Environment*, re: *Alberta Transportation* (16 July 2003), Appeal No. 03-011-DOP (A.E.A.B.).

## **EXECUTIVE SUMMARY**

Alberta Environment issued Approval No. 00198269-00-00 to Alberta Transportation authorizing the construction of a drainage ditch in SE 04-007-19-4 in the County of Warner No. 5.

The Environmental Appeal Board received a Notice of Appeal from the County of Warner No. 5, appealing the Approval.

The Board began processing the appeal. However, the Board received a letter from the County of Warner No. 5 withdrawing the appeal.

The Board therefore closes its file in this matter.

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## **I. BACKGROUND**

[1] On June 20, 2003, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00198269-00-00 (the “Approval”) to Her Majesty the Queen in Right of Alberta as Represented by the Minister of Transportation. (the “Approval Holder”) authorizing the construction of a drainage ditch, in the County of Warner No. 5.

[2] On June 30, 2003, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from the County of Warner No. 5 (the “Appellant”) appealing the Approval.

[3] On July 4, 2003, the Board wrote to the Appellant, the Approval Holder and the Director (collectively the “Parties) acknowledging receipt of the Notice of Appeal and notifying the Approval Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Parties provide available dates for a mediation meeting or hearing.

[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 did not receive a response from either board.

[5] On July 14, 2003, the Board received a letter from the Director advising that they believed that this appeal “could be resolved amongst the parties themselves.” The Board responded to the Director’s letter on July 15, 2003 advising that it would await a response to its July 4, 2003 letter from the Appellant and the Approval Holder.

[6] On July 15, 2003, the Board received a letter dated July 14, 2003 from the Appellant withdrawing the appeal. The July 14, 2003 letter stated:

“After reviewing the information supplied by Alberta Transportation and EXH Engineering Services Ltd., the County is prepared to withdraw our letter of concern (appeal) regarding the relocation of the drainage ditch. We have been

assured that the project will not introduce more water or accelerate the flow into the Kipp Coulee, Stirling Drain and Etzikom Coulee.”

## **II. DECISION**

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the letter of July 14, 2003 from the Appellant, the Board discontinues its proceedings in Appeal 03-011 and closes its file.

Dated on July 18, 2003, at Edmonton, Alberta.

“original signed by”

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William A. Tilleman, Q.C.  
Chair