

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – September 16, 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 John Chase with respect to *Water Act* Amending Approval No. 00076694-00-01 issued to the Town of Innisfail by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Chase v. Director, Central Region, Regional Services, Alberta Environment, re: Town of Innisfail* (16 September 2003), Appeal No. 03-059-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

On April 24, 2003, Alberta Environment issued Amending Approval No. 00076694-00-01 to the Town of Innisfail amending Approval No. 00076694-00-00 to include plan number 00076694-P002 (Dodd's Lake Outlet Improvements) and plan number 00076694-P003 (Dodd's Lake Water Level Management Plan) as they relate to the control structure constructed at the outlet of Dodd's Lake in Innisfail, Alberta.

The Board received forty two Notices of Appeal appealing the Amending Approval.

The Board began processing the appeals. However the Board received a telephone call from Mr. John Chase (EAB 03-059) advising that he wished to withdraw his appeal.

The Board therefore closes Mr. Chase' file.

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I. BACKGROUND

[1] On April 24, 2003, Alberta Environment issued Amending Approval No. 00076694-00-01 (the “Amending Approval”) to the Town of Innisfail (the “Approval Holder”) amending Approval No. 00076694-00-00 to include plan number 00076694-P002 (Dodd’s Lake Outlet Improvements) and plan number 00076694-P003 (Dodd’s Lake Water Level Management Plan) as they relate to the control structure constructed at the outlet of Dodd’s Lake in Innisfail, Alberta.

[2] The Environmental Appeal Board (the “Board”) received 42 Notices of Appeal in relation to the Amending Approval, one of which was received on July 25, 2003 from Mr. John Chase (the “Appellant”) appealing the Amending Approval. The Board had also received a number of requests for a Stay of the Amending Approval.

[3] On July 25, 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. Both boards responded in the negative.

[5] On August 14, 2003, the Board wrote to the Appellant requesting the Appellant provide his comments to the Board with respect to his request for a Stay, and to explain why his Notice of Appeal appeared to be filed outside the normal time limit prescribed in the *Water Act*. The Appellant was requested to provide a response to the Board by August 26, 2003.

[6] On August 28, 2003, the Board received a copy of the Record from the Director, and on September 8, 2003, forwarded a copy to the Appellant and the Approval Holder.

[7] The Board did not receive a response from the Appellant to its August 14, 2003 letter regarding the Stay and late filed appeal and again wrote to the Appellant on September 8, 2003, requesting a response by September 15, 2003.

[8] On September 16, 2003, the Board received a telephone call from the Appellant advising that he wished to withdraw his appeal.

II. DECISION

[9] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. W-3, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 03-059 and closes its file.

Dated on September 16, 2003, at Edmonton, Alberta.

“original signed by”
Frederick C. Fisher, Q.C.
Acting Chairman