

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 3, 2004

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 Doug Emerson with respect to *Water Act* Approval No. 00200318-00-00 issued to Ducks Unlimited Canada by the Director, Northern Region, Regional Services, Alberta Environment.

Cite as: *Emerson v. Director, Northern Region, Regional Services, Alberta Environment re: Ducks Unlimited Canada* (3 November 2004), Appeal No. 04-055-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued a *Water Act* Approval to Ducks Unlimited Canada for the construction of a wetland stabilization project on an unnamed water body near Eaglesham, Alberta.

The Environmental Appeals Board received a Notice of Appeal from Mr. Doug Emerson appealing the Approval.

The Board began processing the appeal. However, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On September 22, 2004, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00200318-00-00 (the “Approval”) to Ducks Unlimited Canada (the “Approval Holder”) authorizing the construction of a wetland stabilization project on an unnamed water body at SW 05-078-25-W5, near Eaglesham, Alberta.

[2] On September 27, 2004 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Doug Emerson (the “Appellant”), dated September 26, 2004, appealing the Approval.

[3] On September 28, 2004 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 October 15, 2004, the Board received a copy of the Record from the Director, and a letter advising that the Director was attempting to set up a meeting between the Parties for the last week of October.

[6] On October 19, 2004, the Board acknowledged the letter and Record from the Director and forwarded a copy to the Appellant and the Approval Holder. The Board requested that the Parties provide a status report, with respect to their meeting, to the Board by November 3, 2004.

[7] On November 2, 2004 the Board received correspondence from both the Director and the Appellant. The Director advised that the Parties had met at the proposed project site and that the proposed project was explained to the Appellant in detail. The Appellant’s letter stated:

“I wish to withdraw my appeal of Ducks Unlimited Canada/Water Act Approval No. 00200318-00-00 File No: EAB 04-055”.

II. DECISION

[8] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-055 and closes its file.

Dated on November 3, 2004, at Edmonton, Alberta.

“original signed by”

Dr. Fredrick C. Fisher, Q.C.
Chair