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ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date Discontinuance of Proceedings – June 26, 2000

**IN THE MATTER OF** Sections 84, 85, and 87 of the  
*Environmental Protection and Enhancement Act*, (S.A. 1992, ch. E-  
13.3 as amended)

**-and-**

**IN THE MATTER OF** an appeal filed on May 26, 2000 by Mr.  
Ken McEachren with respect to Approval 00083208-00-00 issued  
under the *Water Act* to Mr. Allen Pukanski, by the Manager,  
Regional Support, Northeast Boreal Region, Alberta Environment.

Cite as: McEachren v Manager, Regional Support, Northeast Boreal Region, Alberta  
Environment, *re: Allen Pukanski*

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**BACKGROUND**

[1] On May 18, 2000, the Manager, Regional Support, Northeast Boreal Region, Alberta Environment (Department) issued Approval No. 00083208-00-00, under the *Water Act*, to Mr. Allen Pukanski (Approval Holder). The Approval authorizes Mr. Pukanski to construct a channel re-alignment and install a culvert on an unnamed watercourse, situated at NE 14-051-25-W4.

[2] On May 26, 2000, the Environmental Appeal Board (Board) received a Notice of Appeal dated May 26, 2000, from Mr. Ken McEachren (Appellant), appealing the decision of the Department stating that the “diversion ditch is not deep enough to drain water run from (SE-14-25W4)”.

[3] On May 31, 2000, the Board acknowledged receipt of the Notice of Appeal from Mr. McEachren, and at that time requested a copy of all correspondence, documents and materials relative to the appeal, from the Department. On this same date, the Board also provided the Approval Holder with a copy of the Notice of Appeal.

[4] According to standard practice, on May 31, 2000, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) asking whether this matter had been the subject of a hearing or review under their respective Boards’ legislation. The NRCB advised they did not hold any hearing or review under their legislation.

[5] Following a conversation with the Department, the Board wrote to the Appellant on June 2, 2000, stating the following:

“I understand from speaking with Mr. Nash Kara of Alberta Environment that you have resolved your concerns regarding the work done by Mr. Pukanski. Mr. Kara further advises that you wish to drop your appeal”...

[6] On June 7, 2000, the Board received via fax a letter dated June 6, 2000, from Mr. McEachren stating:

“This letter will confirm that it is my intention to withdraw my appeal to the above noted action”.

### **DECISION**

[7] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. McEachren’s letter of June 6, 2000, the Board hereby discontinues its proceedings in Appeal No. 00-037 and will be closing its file.

Dated June 26, 2000, at Edmonton, Alberta.

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William A. Tilleman, Q.C.