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ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date Discontinuance of Proceedings – September 21, 2000

**IN THE MATTER OF** sections 84, 85, and 87 of the *Environmental Protection and Enhancement Act*, S.A. 1992, c.E-13.3.

-and-

**IN THE MATTER OF** an appeal filed on July 11, 2000 by Mr. Gordon Harris, Duncan and Craig on behalf of Mr. Henk Siderius of Siderius Dairy Ltd. with respect to Approval 00082375-00-00 issued under the *Water Act* to Siderius Dairy Ltd., by the Manager, Regional Support, Parkland Region, Alberta Environment.

Cite as: Siderius Dairy Ltd. v. Manager, Regional Support, Parkland Region, Alberta Environment.

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## **BACKGROUND**

[1] On June 29, 2000, the Manager, Regional Support, Parkland Region, Alberta Environment (the “Director”) issued Approval No. 00082375-00-00, under the *Water Act* to Siderius Dairy Ltd. (the “Appellant”). The Approval authorizes the Siderius Dairy Ltd. to explore for groundwater subject to certain conditions.

[2] On July 11, 2000, the Environmental Appeal Board (the “Board”) received a Notice of Appeal, dated July 11, 2000, from Mr. Gordon Harris, Duncan and Craig, counsel for the Appellant, appealing certain conditions of the Approval.

[3] On July 12, 2000, the Board acknowledged receipt of the Notice of Appeal and, at that time requested a copy of all correspondence, documents and materials relative to the appeal from the Director.

[4] According to standard practice, on July 12, 2000, the Board wrote to the Natural Resources Conservation Board (the “NRCB”) and the Alberta Energy and Utilities Board (the “AEUB”) asking whether this matter had been the subject of a hearing or review under their respective Boards’ legislation. Replies were subsequently received from the NRCB dated July 17, 2000 and from the AEUB dated July 24, 2000.

[5] On August 1, 2000 the Board received a letter, dated July 27, 2000, from Mr. Harris, counsel for the Appellant stating the following:

“...We are currently dealing with our client’s neighbours and Agra Earth & Environmental with a view towards dealing with the approval granted to our client under the current conditions. I should know whether or not this is possible within the next two weeks. I would ask that no further steps be taken at this time with respect to this appeal, due to the likely event that it will be discontinued.”

[6] The Board acknowledged Mr. Harris’ letter on August 1, 2000 and advised that, provided there were no objections from the other parties involved, the appeal would be held in abeyance until September 1, 2000, with a status report due at that time. No objections were received.

[7] On August 31, 2000, the Board received a letter from Mr. Harris stating the following:

“Please be advised that I have consulted with our client, Mr. Siderius, and as he is not having any difficulties complying with the conditions imposed on Siderius Dairy Ltd. by Alberta Environment pursuant to the provisions of the *Water Act* in Approval #00082375-00-00, we will be discontinuing our appeal.”

[8] The Board, by letter of September 1, 2000, requested that Mr. Harris confirm in writing that the appeal, on behalf of Mr. Siderius, was withdrawn.

[9] On September 8, 2000, the Board received a letter dated September 7, 2000 from Mr. Harris stating the following:

“Further to my correspondence of August 30, 2000, please be advised that the Notice of Appeal with respect to the above-noted matter is hereby withdrawn by the Appellant.”

## **DECISION**

[10] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. Harris’ letter of September 7, 2000, the Board hereby discontinues its proceedings in Appeal No. 00-047 and will be closing its file.

Dated September 21, 2000 at Edmonton, Alberta.

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William A. Tilleman, Q.C.