

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – April 12, 2002

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 Ducks Unlimited Canada with respect to *Water Act* Approval No. 00157215-00-00 issued by the Director, Northern Region, Regional Services, Alberta Environment to the City of Edmonton, Transportation and Streets authorizing the removal or filling of an unnamed water body in Edmonton, Alberta.

Cite as: *Ducks Unlimited Canada v. Director, Northern Region, Regional Services, Alberta Environment, re: City of Edmonton, Transportation and Streets.*

EXECUTIVE SUMMARY

Alberta Environment issued an Approval under the *Water Act* to the City of Edmonton, Transportation and Streets, which authorized them to remove or fill an unnamed water body located west of 184 Street and south of Yellowhead Trail in Edmonton, Alberta.

The Board received a Notice of Appeal from Ducks Unlimited Canada appealing the Approval.

The Board began processing the appeal, however, on April 8, 2002, the Board received a letter from Ducks Unlimited Canada withdrawing their appeal. Therefore, the Board closes its file in this matter.

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I. BACKGROUND

[1] On March 13, 2002, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”) issued *Water Act* Approval No. 00157215-00-00 (the “Approval”) to the City of Edmonton, Transportation and Streets (the “Approval Holder”). The Approval authorizes the Approval Holder to remove or fill an unnamed water body located west of 184 Street and south of Yellowhead Trail, in Edmonton, Alberta.

[2] On March 20, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal dated March 19, 2002 from Ducks Unlimited Canada (the “Appellant”) appealing the Approval.

[3] On March 22, 2002, the Board acknowledged the Notice of Appeal, notified the Approval Holder and the Director of the appeal and requested the Director provide the records related to the appeal (the “Record”) to the Board. The Board also requested all parties provide their available dates for a mediation meeting/settlement conference or hearing to the Board.

[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 a review under the Board’s respective legislation. Both Boards responded in the negative.

[5] On April 4, 2002, the Board received the Record from the Director and forwarded a copy to the Appellant and Approval Holder on April 5, 2002.

[6] On April 4, 2002, the Board received a letter from the Appellant providing available dates for a mediation meeting/settlement conference. The Appellant also advised:

“...there have been discussions between staff from the Edmonton office of Ducks Unlimited Canada and the City of Edmonton. It seems that an agreement may be reached. If Alberta Environment approves the newly proposed mitigation strategy, then an appeal of the initial decision would not be necessary...”

[7] On April 8, 2002, the Board received a further letter from the Appellant stating:

“Please accept this letter as Ducks Unlimited Canada’s formal withdrawal of our appeal...Recent discussion with City of Edmonton representatives has resulted in a reiteration of proposed mitigation measures that we support.”

II. DECISION

[8] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the letter of April 8, 2002 from the Appellant, the Board discontinues its proceedings in Appeal 01-121 and closes its file.

Dated on April 12, 2002, at Edmonton, Alberta.

William A. Tilleman, Q.C.