

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – September 25, 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 Davina Daly with respect to *Water Act* Approval No. 00193447-00-00 issued to Hal Willis by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Daly v. Director, Central Region, Regional Services, Alberta Environment re: Hal Willis* (25 September 2003), Appeal No. 03-020-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

On June 30, 2003, Alberta Environment issued Approval No. 00193447-00-00 to Mr. Hal Willis, authorizing placement of clean fill on property adjoining Dodd's Lake located in Block F, Plan P, SW 28-35-28-W4M in Innisfail, Alberta.

The Board received twenty seven Notices of Appeal appealing the Approval, including Ms. Davina Daly.

The Board began processing the appeals. However the Board received a letter from Ms. Davina Daly advising that she wished to withdraw her appeal.

The Board therefore closes Ms. Daly's file.

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I. BACKGROUND

[1] On June 30, 2003, Alberta Environment issued Approval No. 00193447-00-00 (the “Approval”) to Mr. Hal Willis (the “Approval Holder”), authorizing placement of clean fill on property adjoining Dodd’s Lake located in Block F, Plan P, SW 28-35-28-W4M in Innisfail, Alberta.

[2] The Environmental Appeal Board (the “Board”) received 27 Notices of Appeal in relation to the Approval, one of which was received from Ms. Davina Daly (the “Appellant”) on July 22, 2003 appealing the Approval. The Appellant also requested a Stay of the 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 Stay, 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 information to the Board with respect to her request for a Stay, 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] On September 8, 2003 the Board received the information requested in its August 14, 2003 letter regarding the Stay from the Appellant.

[8] On September 19, 2003, the Board wrote to the Parties, stating:

“...It appears to the Board that the Appellants have provided a prima facie (sufficient) case for a Stay. However, before deciding whether to grant a Stay in this matter, the Board is giving Mr. Willis and Alberta Environment the opportunity to provide written submissions in response to the Appellants

comments...In addition, the Board would like to receive a map from the Appellants, Mr. Willis and Alberta Environment identifying the location of the Appellants with respect to the project...”

The Board advised that once written submissions were received from the Approval Holder and the Director, the Appellants would have the opportunity to provide a final response submission to the Board.

[9] On September 24, 2003 the Board received a letter dated September 24, 2003 from the Appellant stating:

“Please withdraw my name from the Appeals process for the...Hal Willis/Water Act Approval...”

II. DECISION

[10] 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. 03-020 and closes its file.

Dated on September 25, 2003, at Edmonton, Alberta.

William A. Tilleman, Q.C.
Chair