

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings - January 30, 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 Al Ridden with respect to *Water Act* Approval No. 00186138-00-00 issued to Leduc County by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Ridden v. Director, Central Region, Regional Services, Alberta Environment*, re: *Leduc County* (30 January 2003), Appeal No. 02-136-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Leduc County authorizing them to construct works for flood control on Winding Creek, near Calmar, Alberta.

The Board received a Notice of Appeal from Mr. Al Ridden appealing the Approval. Mr. Ridden objected to the fact that his property was included in the Approval and requested that it be removed. Leduc County and Alberta Environment agreed to the request and the appeal was withdrawn.

The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On December 9, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00186138-00-00 (the “Approval”) under the *Water Act*, R.S.A. 2000, c. W-3, to Leduc County (the “Approval Holder”) authorizing the construction of works for flood control on Winding Creek, near Calmar, Alberta.

[2] On December 24, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Al Ridden (the “Appellant”) appealing the Approval.

[3] The Board acknowledged receipt of the Notice of Appeal on January 2, 2003, notified the Director and the Approval Holder of the appeal and requested the Appellant, the Director and the Approval Holder (collectively the “Parties”), provide the Board with their available dates for a mediation meeting or hearing. The Board also requested the Director provide a copy of the documents related to this appeal (the “Record”) 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 review under their respective legislation. Both Boards responded in the negative.

[5] On January 7, 2003 the Approval Holder wrote to the Board and advised that
“...if Mr. Ridden’s objection is solely concerned with the fact that he has not given permission to Leduc County to enter upon his land, Leduc County does not feel that it is necessary to meet for mediation as Leduc County will not enter upon Mr. Ridden’s land without permission...”

[6] On January 9, 2003, the Board acknowledged receipt of the Approval Holder’s January 7, 2003 letter, and requested the Appellant provide his comments to the Board with respect to the Approval Holder’s letter.

[7] On January 10, 2003, the Board staff received a telephone call from the Appellant in response to the Approval Holder’s letter of January 7, 2003. The Appellant advised that he wanted his property, the north half of NW21-049-26-W4 to be removed from the Approval. The Board wrote to the Approval Holder and Director on that same date, asking them to provide their comments with respect to the Appellant’s request.

[8] On January 14 and 15, 2003, the Board received responses to its January 10, 2003 letter from the Approval Holder and Director. The Approval Holder advised that he has "...no concerns with the removal of Mr. Riddden's property, the north half of N.W. 21-49-26-W4 from the Approval", and requested the Director amend the Approval to remove the Appellant's property. The Director advised that he was "prepared to consider the...request." The Board requested the Director provide a status report to the Board by January 22, 2003.

[9] On January 15, 2003, the Board received a copy of the Record from the Director and forwarded a copy to the Appellant and the Approval Holder on the same date.

[10] On January 22, 2003, the Board received a letter from the Director advising that the Approval would be amended. On January 27, 2003, the Board received a further letter dated January 24, 2003 from the Director advising that the Approval had been amended, and providing the Board with a copy of Amending Approval No. 00186138-00-01 (the "Amending Approval") which removes the Appellant's property, N 1/2 NW 21-049-26-W4 from condition 1 of the Approval.

[11] On January 27, 2003, the Board wrote to the Appellant providing him with a copy of the Amended Approval, and requesting that the Appellant advise the Board by January 31, 2003, if he would be withdrawing his appeal.

[12] On January 28, 2003, the Board received a letter from the Appellant which stated:
"...Please be advised, due to the removal of my property (N 1/2 NW21-049-W4) from the approval list, (Approval No. 00186138-00-00 amendment No. 00486138-00-01, File No. 00186-138) I have no longer reason to appeal and therefore, I would like to withdraw my appeal."

II. DECISION

[13] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. W-3, and based on the Appellant's letter of January 28, 2003, the Board discontinues its proceedings in Appeal No. 02-136 and closes its file.

Dated on January 30, 2003, at Edmonton, Alberta.

"original signed by"_____

William A. Tilleman, Q.C., Chair