

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – June 13, 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 Clyde and Doug McCoy with respect to *Water Act* Licence No. 00194883-00-00 issued to Doug McCoy by the Director, Northern Region, Regional Services, Alberta Environment.

Cite as: *McCoy v. Director, Northern Region, Regional Services, Alberta Environment* (13 June 2003), Appeal No. 03-008-DOP (A.E.A.B.).

## **EXECUTIVE SUMMARY**

Alberta Environment issued a Licence to Mr. Doug McCoy for the diversion of 611 cubic metres of water annually from the well in SE 24-060-25-W4, in Clyde, Alberta for the purpose of agriculture.

The Environmental Appeal Board received a Notice of Appeal from Mr. Clyde McCoy on behalf of Mr. Doug McCoy, appealing the volume of water in the Licence.

The Board began processing the appeal. However, the Board received a telephone call from the Appellant withdrawing his appeal.

The Board therefore closes this file.

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## **I. BACKGROUND**

[1] On April 7, 2003, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00194883-00-00 (the “Licence”) to Mr. Doug McCoy (the “Licence Holder”) authorizing the diversion of 611 cubic metres of water annually from the well in SE 24-060-25-W4, in Clyde, Alberta for the purpose of agriculture.

[2] On May 13, 2003 the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Clyde McCoy, on behalf of Mr. Doug McCoy, (the “Appellant”) appealing the Licence.

[3] On May 14, 2003, the Board wrote to the Appellant and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying 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 May 21, 2003, the Board wrote to the Appellant, advising of a telephone conversation between Board staff and the Director, where the Director had advised that he had been in discussions with the Appellant. The Board requested the Appellant advise if his discussions with the Director had been satisfactory, and whether he wished to proceed with the appeal.

[6] On June 4, 2003, the Board received a telephone message from the Appellant advising that he had talked to the Director and that he did not “need to appeal anymore.” The Board responded to the Appellant via letter on June 4, 2003, confirming its understanding that

the appeal was withdrawn and requesting the Appellant contact the Board immediately if this was not the case. No further response was received from the Appellant.

## **II. DECISION**

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the telephone message from the Appellant on June 4, 2003, withdrawing the appeal, the Board hereby discontinues its proceedings in Appeal No. 03-008 and closes its file.

Dated on June 13, 2003, at Edmonton, Alberta.

“original signed by”  
William A. Tilleman, Q.C.  
Chair