

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 12, 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 R.C. (Dick) Sifton 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: *Sifton v. Director, Central Region, Regional Services, Alberta Environment re: Hal Willis* (12 November 2003), Appeal No. 03-028-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 a Notice of Appeal from Mr. R.C. (Dick) Sifton.

Shortly after the Board began processing the appeals, Mr. Sifton withdrew his appeal as he had moved from the Innisfail area.

The Board therefore closes Mr. Sifton'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 Mr. R.C. (Dick) Sifton (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 appeal 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 his 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] The Board did not receive the information requested in its August 14, 2003 letter regarding the Stay from the Appellant and on September 8 and 17, 2003 wrote again to the Appellant requesting a response.

[8] On September 17, 2003, the Board received a telephone call, advising the Board that the Appellant had moved from the Innisfail area.

[9] 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. Please provide these maps to the Board by October 1, 2003 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. Please provide these maps to the Board by October 1, 2003 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. Please provide these maps to the Board by October 1, 2003 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. Please provide these maps to the Board by October 1, 2003 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. Please provide these maps to the Board by October 1, 2003In 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.

[10] After locating the Appellant at his new residence, the Board attempted to contact him by telephone on September 23, 25 and 26, 2003, however, there was no means to leave a message for the Appellant. On September 29, 2003, the Board wrote again to the Appellant requesting he advise the Board, by October 6, 2003, as to whether he wished to continue with his appeal.

[11] A response was not received from the Appellant to the Board's letter of September 29, 2003. On October 24, 2003, the Board successfully contacted the Appellant by telephone. During the telephone conversation, between the Appellant and Board staff, the Appellant advised that he was withdrawing his appeal. The Board followed up with a letter, on October 30, 2003, confirming the withdrawal of the appeal by the Appellant.

II. DECISION

[12] 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. 03-028 and closes its file.

Dated on November 12, 2003, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chair