

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 5, 2004

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 Ron and Irene Hill with respect to *Water Act* Approval No. 00197594-00-00 issued to Ralph Biehn by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Hill v. Director, Southern Region, Regional Services, Alberta Environment*, re: *Ralph Biehn* (5 March 2004), Appeal No. 03-155-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued Approval No. 00197594-00-00 to Mr. Ralph Biehn to construct a barrier (berm/plug) in a cut-off channel of Priddis Creek.

The Environmental Appeals Board received a Notice of Appeal from Mr. Ron and Ms. Irene Hill appealing the Approval.

The Board began processing the appeal. However, the Appellants withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On January 23, 2004, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00197594-00-00 under the *Water Act*, R.S.A. 2000, c. W-3 (the “Licence”) to Mr. Ralph Biehn (the “Licence Holder”) to construct a barrier (berm/plug) in a cut-off channel of Priddis Creek, near Priddis, Alberta.

[2] On February 3, 2004, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Ron and Ms. Irene Hill (the “Appellants”), dated February 1, 2004, appealing the Licence.

[3] On February 4, 2004, the Board wrote to the Appellants, the Licence Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Licence 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 February 18, 2004, the Board received a copy of the Record from the Director, and on February 24, 2004, forwarded a copy to the Appellants and the Licence Holder.

[6] The Board began the process of scheduling a mediation meeting. However, on March 4, 2004, the Board received a letter dated February 26, 2004 from the Appellants withdrawing the appeal. The Appellants’ February 26, 2004 letter stated:

“...Mr. Biehn has been told of our intention to cease our Appeal of Alberta Environmental’s Berm Approval...We have chosen to accept Harry Riva Cambrin’s offer (Foothills MD #31 Manager) that the MD, on whose land the berm resides; will send someone out in the spring and will monitor and mediate the situation, should a different solution be required in the future.”

II. DECISION

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 03-155 and closes its file.

Dated on March 5, 2004, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chairman