

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 13, 2009

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 appeals filed by Hans and Katherine Weinacker, Lyle Braunworth, Donald and Bette Green, Ron and Lorraine Gorsche, Keith Spackman, and Wayne Adams with respect to *Water Act* Approval No. 00209177-00-00 and Amending Approval No. 00209177-00-01 issued to the Town of High River by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Weinacker et al v. Director, Southern Region, Regional Services, Alberta Environment, re: Town of High River* (13 November 2009), Appeal Nos. 05-015-019, 021, and 033-037-DOP (A.E.A.B.).

I. BACKGROUND

[1] On August 25, 2005, the Director, Southern Region, Regional Services, Alberta Environment, issued to the Town of High River Approval No. 00209177-00-00 authorizing two dykes to be built on the Highwood River flood plain and a subsequent Approval No. 00209177-00-01 to change the alignment of one of the dykes.

[2] Between August 30, 2005 and October 18, 2005, a number of participants launched appeals relating to the approvals. This Discontinuance of Proceedings deals with the appeals filed by Mr. Hans and Ms. Katherine Weinacker, Mr. Lyle Braunworth, Mr. Donald and Ms. Bette Green, Mr. Ron and Ms. Lorraine Gorsche, Mr. Keith Spackman, and Mr. Wayne Adams.

[3] Mediation was attempted from November 25, 2005 to January 31, 2007 but did not produce a resolution and was formally ended. From March 12, 2007 until October 6, 2009, the appeals were held in abeyance to allow the Town of High River to apply for an additional approval for further improvement on the dykes. The Town applied and the Director issued Approval No. 00254108-00-00 for additional measures which addressed some of the concerns of the participants that filed the appeals.

[4] On October 6, 2009 all appellants were then asked if they now wanted to proceed with their original appeals or would be abandoning their appeals. As the Board did not hear from Mr. Hans and Ms. Katherine Weinacker, Mr. Lyle Braunworth, Mr. Donald and Ms. Bette Green, Mr. Ron and Ms. Lorraine Gorsche, Mr. Keith Spackman, and Mr. Wayne Adams, a letter was sent on October 23, 2009 advising the Board has concluded their appeals have been abandoned and it would be issuing a Discontinuance of Proceedings, and closing its file related to their appeals.

II. DECISION

[5] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, the Board hereby discontinues its proceedings in Appeal Nos. 05-015-019, 021, and 033-037.

Dated on November 13, 2009, at Edmonton, Alberta.

“original signed by”

D. W. Perras, Chair