

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 4, 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** an appeal filed by Emile Rocher with respect to *Water Act* Amending Approval No. 00209177-00-01 issued to the Town of High River by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Rocher v. Director, Southern Region, Regional Services, Alberta Environment, re: Town of High River* (4 November 2009), Appeal No. 05-038-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 Mr. Emile Rocher's appeal alone.

[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. All appellants were then asked if they now wanted to proceed with their original appeals. The appellant, Mr. Rocher, withdrew his appeal.

## **II. DECISION**

[4] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the withdrawal of the appeal by Mr. Emile Rocher, the Board hereby discontinues its proceedings in Appeal No. 05-038.

Dated on November 4, 2009, at Edmonton, Alberta.

*“original signed by”*

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D. W. Perras, Chair