

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – January 17, 2007

IN THE MATTER OF sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12;

-and-

IN THE MATTER OF an appeal filed by the Metis Nation of
Alberta Local 1935 with respect to *Environmental Protection and
Enhancement Act* Amending Approval No. 224905-00-01 issued to
E-T Energy Ltd. by the Director, Northern Region, Regional
Services, Alberta Environment.

Cite as: *Metis Nation of Alberta Local 1935 v. Director, Northern Region, Regional
Services, Alberta Environment re: E-T-Energy Ltd.* (17 January 2007), Appeal
No. 06-078-DOP (A.E.A.B.).

I. BACKGROUND

[1] On October 5, 2006, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), issued Amending Approval No. 224905-00-01 (the “Amending Approval”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to E-T Energy Ltd. (the “Approval Holder”) authorizing the construction, operation and reclamation of the Poplar Creek Field Test Project enhanced recovery in-situ oil sands or heavy oil processing plant, near Fort McMurray, Alberta.

[2] On November 24, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from the Metis Nation of Alberta Local 1935 (the “Appellant”) appealing the Amending Approval.

[3] On November 27, 2006, the Board wrote to the Appellant, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal 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 Participants provide available dates for a mediation meeting, preliminary 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 December 22, 2006, the Board received a copy of the Record from the Director, and on January 3, 2007, forwarded a copy to the Appellant and the Approval Holder. At this time, the Board again requested that the Appellant and the Approval Holder provide their available dates for a mediation meeting, preliminary meeting or hearing for February and March 2007.

[6] On January 10, 2007, the Board received a letter from the Appellant dated December 19, 2006, withdrawing their appeal.

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 Appellant, the Board hereby discontinues its proceedings in Appeal No. 06-078 and closes its file.

Dated on January 17, 2007, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair