

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – January 31, 2008

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 Gwendoline Frazer with respect to *Water Act* Licence No. 00237932-00-00 issued to R. Hoyda Management Corp. by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Frazer v. Director, Central Region, Environmental Management, Alberta Environment, re: R. Hoyda Management Corp.* (31 January 2008), Appeal No. 07-141-DOP (A.E.A.B.).

I. BACKGROUND

[1] On December 31, 2007, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Licence No. 00237932-00-00 under the *Water Act*, R.S.A. 2000, c.W-3 (the “Licence”), to R. Hoyda Management Corp. (the “Licence Holder”), authorizing the operation of a works and the diversion of up to 2,618 cubic metres of water annually for agricultural purposes in the Lac Ste. Anne County.

[2] On January 22, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mrs. Gwendoline Frazer (the “Appellant”) appealing the Licence.

[3] On January 24, 2008, the Board wrote to the Appellant, the Licence Holder and the Director (collectively the “Participants”) 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 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, the Alberta Energy Resources Conservation Board, and the Alberta Utilities Commission, asking whether this matter had been the subject of a hearing or review under their respective legislation. As of January 31, 2008, the Board did not receive responses.

[5] On January 29, 2008, the Board received a telephone call from the Appellant advising that she was withdrawing her appeal. On the same day, the Board wrote to the Participants advising them of the Appellant’s withdrawal.

II. DECISION

[6] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 07-141 and closes its file.

Dated on January 31, 2008, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair