

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – April 8, 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 Richard and Beth Elhard with respect to *Water Act* Licence No. 00240616-00-00 issued to the Hutterian Brethren of Castor o/a Silver Spring Hutterian Brethren by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Elhard v. Director, Central Region, Environmental Management, Alberta Environment, re: Hutterian Brethren of Castor o/a Silver Spring Hutterian Brethren* (08 April 2008), Appeal No. 07-142-DOP (A.E.A.B.).

I. BACKGROUND

[1] On January 30, 2008, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Licence No. 00240616-00-00 (the “Licence”) under the *Water Act*, R.S.A 2000, c. W-3, to the Hutterian Brethren of Castor operating as Silver Spring Hutterian Brethren (the “Licence Holder”) authorizing the operation of a works and the diversion of up to 43727.0 cubic metres of water annually from the source of water for agricultural purposes (confined feeding operation) and municipal use (colony water supply), near Castor, Alberta.

[2] On February 7, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Richard and Ms. Beth Elhard (the “Appellants”) appealing the Licence.

[3] On February 11, 2008, the Board wrote to the Appellants, 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 motions hearing or a hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board (the “NRCB”), the Energy Resources Conservation Board (the “ERCB”) and the Alberta Utilities Commission (the “AUC”) asking whether this matter had been the subject of a hearing or review under their respective legislation. The NRCB responded in the negative. Responses were not received from the ERCB or the AUC.

[5] On March 7, 2008, the Board received a letter and a copy of the Record from the Director. On March 10, 2008, the Board provided copies of the Record to the Appellants and Licence Holder.

[6] On March 25, 2008 Board staff contacted the Appellants to obtain available dates for a mediation meeting. The Appellants advised they would be withdrawing their appeal and would provide the Board with a letter.

[7] On April 2, 2008, because the letter of withdrawal was not received, Board staff contacted the Appellants who confirmed they wish to withdraw the appeal.

II. DECISION

[8] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 07-142 and closes its file.

Dated on April 8, 2008, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair