

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 14, 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 1060894 Alberta Ltd. with respect to *Water Act* Preliminary Certificate No. 00247868-00-00 issued to Langdon Waterworks Ltd. by the Director, Southern Region, Environmental Management, Alberta Environment.

Cite as: *1060894 Alberta Ltd. v. Director, Southern Region, Environmental Management, Alberta Environment*, re: Langdon Waterworks Ltd. (November 14, 2008), Appeal No. 08-018-DOP (A.E.A.B.).

I. BACKGROUND

[1] On August 21, 2008, the Director, Southern Region, Environmental Management, Alberta Environment (the “Director”), issued under the *Water Act*, R.S.A. 2000, c. W-3, Preliminary Certificate No. 00247868-00-00 (the “Preliminary Certificate”) to Langdon Water Works Ltd. (the “Certificate Holder”) advising it will receive a licence to divert 400,000 cubic meters of groundwater from Production Well No. PW5-07 located in NE 23-23-27-W4M for municipal purposes (Hamlet of Langdon water supply), upon compliance with the conditions described in the Preliminary Certificate.

[2] On October 14, 2008 the Environmental Appeals Board (the “Board”) received a Notice of Appeal dated October 7, 2008 from 1060894 Alberta Ltd. (the “Appellant”) appealing the Preliminary Certificate.

[3] On October 22, 2008, the Board wrote to the Appellant, the Certificate Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying 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 hearing by November 21, 2008. The Board received a letter from the Appellant on October 29, 2008 providing their schedule.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board, the 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. The boards all responded in the negative.

[5] On November 13, 2008, the Board received a letter from the Appellant advising that following a meeting with the Certificate Holder and their counsel, they are abandoning their appeal.

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 on November 13, 2008, the Board hereby discontinues its proceedings in Appeal No. 08-018 and closes its file.

Dated on November 14, 2008, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudehy, FRSC, PEng