

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 4, 2010

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 Milner Power Inc. with respect to *Water Act* Licence No. 00037203-00-04 issued to Milner Power Inc., by the Director, Northern Region, Environmental Management, Alberta Environment.

Cite as: *Milner Power Inc., v. Director, Northern Region, Environmental Management, Alberta Environment* (04 March 2010), Appeal No. 09-039-DOP (A.E.A.B.).

I. BACKGROUND

[1] On December 1, 2009, the Director, Northern Region, Environmental Management, Alberta Environment issued Licence No. 00037203-00-04 under the *Water Act*, R.S.A. 2000, c. W-3, to Milner Power Inc., as a general partner for and on behalf of Milner Power Limited Partnership, by revising the Gross Diversion of Licence No. 6496. The estimated consumptive use under the Licence is reduced from 10,000.0 acre feet to 6500.0 acre-feet annually and the estimated return flow is increased from nil to 3,500.0 acre-feet annually for industrial use near Smoky River, Alberta.

[2] On January 22, 2010, the Board received a Notice of Appeal from Milner Power Inc. appealing the Licence.

[3] On February 24, 2010, the Board received an e-mail from Milner Power Inc. advising they had withdrawn their appeal.

II. DECISION

[4] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by Milner Power Inc., the Board hereby discontinues its proceedings in Appeal No. 09-039 and closes its file.

Dated on March 4, 2010, at Edmonton, Alberta.

“original signed by”

D. W. Perras
Chair