

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

Decision

Notice of Discontinuance - PLAB 13-0013, 13-0014, and 13-0015

IN THE MATTER OF section 123(8) of the *Public Lands Act* and sections 211, and 216 of
the Public Lands Administration Regulation, A.R. 187/2011

-and-

IN THE MATTER OF appeals filed by 877384 Alberta Ltd., Conklin Aggregates Ltd.,
and Lehigh Hanson Materials Ltd.

Facts

Notice of Appeals were received by the Public Lands Appeal Board (“Board”) on December 4, 2013 from 877384 Alberta Ltd., Conklin Aggregates Ltd., and Lehigh Hanson Materials Ltd. The appeals were in relation to the decision made by the designated directors of Environment and Sustainable Resource Development (“ESRD”) to not approve the Appellants’ respective applications for Surface Material Exploration leases, SME 130103 (Conklin), SME 130104 (877384 Alberta), and SME 130105 (Lehigh). The Appellants appealed the denial of the application for the SMEs claiming that the director erred in law, erred in determination of a material fact and exceeded the director’s jurisdiction or legal authority and did not comply with a regional plan approved under the *Alberta Land Stewardship Act*. The Board combined the three files for the purposes of mediation and hearing and assigned the file numbers as follows:

- 13-0013 - 877384 Alberta Ltd.
- 13-0014 - Lehigh Hanson Materials Ltd.
- 13-0015 - Conklin Aggregates Ltd.

In consultation with the parties, a mediation was held January 29, 2014, where a resolution was reached. In a letter dated February 10, 2014, Counsel for the Director advised that the applications for SME 130103, SME 130104, and SME 130105 were active in ESRD’s records and that ESRD was proceeding with making merit decisions on the applications. In a letter dated February 12, 2014, Counsel for the Appellants withdrew the appeals.

As this matter has been resolved between the parties and the appeals withdrawn, the Board discontinues its proceedings and closes its files in the matters.

Rationale for Discontinuance

As the Appellants have each withdrawn their Notice of Appeal, and as the Board is satisfied that all issues related to the appeal have been resolved in accordance with section 123(8) of the *Public Lands Act*, the Public Lands Appeal Board discontinues its proceedings and closes its files for PLAB 13-0013, PLAB 13-0014, and PLAB 13-0015.