

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

**Decision
Notice of Discontinuance**

October 9, 2015

IN THE MATTER OF section 123(8) of the *Public Lands Act* and sections 15, 98, 211, and 216 of the Public Lands Administration Regulation, A.R. 187/2011

-and-

IN THE MATTER OF an appeal filed by Catherine Ostapowicz

Cite as: *Ostapowicz v. Director, Alberta Environment and Parks, ABPLAB 15-0031*

Facts

The Appellant, Catherine Ostapowicz, submitted an application to the Director, Alberta Environment and Parks (Director) for a Surface Material Exploration Lease (SME) of sand and gravel, on June 15, 2015. On September 10, 2015, the Director refused the application for the following reasons:

1. The proposed SME overlaps with a third party's ability to delineate the bitumen resource and develop a proposed project for which the third party holds the mineral rights and a Consultative Notation.
2. The proposed SME will limit the third party's ability to adjust the appropriate position of horizontal well pairs and necessary infrastructure within the project area as additional resource delineation is conducted.

The Appellant filed a Notice of Appeal with the Public Lands Appeal Board on September 30, 2015. The Appellant claimed as grounds for appeal that the Director:

- erred in the determination of a material fact
- erred in law
- did not comply with a regional plan approved under the *Alberta Land Stewardship Act*

On October 7, 2015, the Appellant withdrew the appeal by way of email from its agent to the Board.

Rationale for Discontinuance

As the Appellant has withdrawn their notice of appeal, and as the Board is satisfied that all issues relating to the appeals have been resolved in accordance section 123(8) of the Public Lands Act, the Public Lands Appeal Board discontinues its proceedings and closes its file for PLAB 15-0031.