

**17-0011**

**2018 ABPLAB 10**

**Appellant** – Zachary Kalinski, **Operator** – Cottonwood Creek Resources Ltd., **Location** – Regional Municipality of Wood Buffalo, **Type of Appeal** – Discontinuance

A Notice of Appeal was received from Mr. Les Helm, agent for Zachary Kalinski, on July 14, 2017 with respect to the April 20, 2017 decision of the Director, Alberta Environment and Parks, to refuse an application for a Department Licence of Occupation (DLO) 891052. The Appellant was requesting a Road Use Agreement with Cottonwood Creek Resources Ltd. for the use of DLO 891052 to access disposition SML 140026 via DLO 150001. SML 140026 is a Surface Material Lease for the purpose of a sand and gravel pit located in the SW and SE of Section 06, TWP 83, RGE 06, W4M and would require use of approximately 3,371 meters (3.37 kms) of DLO 891052. The Appellant alleged the Director who made the decision erred in the determination of a material fact on the face of the record, erred in law, exceeded the Director's or the Officer's jurisdiction or legal authority, did not comply with a regional plan approved under the Alberta Land Stewardship Act, and that the decision is expressly subject to appeal under Section 15 of the Public Lands Administration Regulation or Section 59.2(3) of the Public Lands Act as a deemed rejection.

In reviewing the Notice of Appeal, the Appeals Coordinator noted that attached to the Notice of Appeal was a series of correspondence which include the Director's decision dated April 20, 2017. The Appeals Coordinator, pursuant to section 217(2) of the Public Lands Administration Regulation extended the time for service of the notice of appeal being of the opinion that it was not contrary to the public interest to do so. In accepting the appeal, the Appeals Coordinator noted that to reject the application would potentially precipitate a new application to the Director which then could be appealed within the prescribed appeal period. This would create an unnecessary administrative burden for the parties. As well, not accepting the appeal would create a delay in the Appellant accessing a resource beneficial to the Alberta economy.

In consultation with the Appellant and Cottonwood Creek Resources Ltd., on November 28, 2017, the Board scheduled a mediation meeting for January 9, 2018 in Edmonton. As a result of the resolution reached at the mediation meeting, the Appellant withdrew his appeal on March 4, 2018. The Board discontinued its proceedings and closed its file on March 5, 2018.

Cite: Zachary Kalinski v. Cottonwood Creek Resources Ltd. (5 March 2018), Appeal No. 17-0011 (A.P.L.A.B.), 2018 ABPLAB 10