

**17-0043**

**2018 PLAB 36**

**Appellant** – E Construction Ltd., **Operator** – E Construction Ltd., **Location** – confluence of the North Saskatchewan and Ram Rivers, **Type of Appeal** – Discontinuance

A Notice of Appeal dated March 2, 2018 was received from E Construction Ltd. on the same date. This appeal is with respect to the February 21, 2018 decision of the Director, Alberta Environment and Parks (AEP), to refuse E Construction Ltd.'s application for Aggregate Land Review Request, Application No. ALR 170020, for land located at NE 20, NW 21, SW 28 and SE 29-039-10-W5M.

The AEP requested the Board dismiss the appeal for being outside the Board's jurisdiction. The Board set a written submission process to address the motion to dismiss the appeal on the basis that it was outside the Board's jurisdiction. On June 22, 2018 the Board advised that it had reviewed the submissions, the legislation and the policies and had further questions for the parties to answer before the Board made its decision on whether it had jurisdiction to hear the appeal or whether the appeal would be dismissed. The Board asked:

1. What sections in the *Public Lands Act* and the *Public Lands Administration Regulation* authorize the Aggregate Land Review Request Process (ALRRP)?
2. What is the intent of the ALRRP?
3. How is the ALRRP different from a Surface Material Exploration (SME) permit?
4. What information would be provided as part of the ALRRP?
5. How does this compare to the information required for an application for an SME?

Based on further submissions received and a review of the applicable legislation, the Board found the land review resulted in AEP refusing a disposition to E Construction. Refusal of a disposition is appealable under section 211 of the *Public Lands Administration Regulation*. The Board issued its reasons for this decision on October 9, 2018.<sup>1</sup>

In consultation with the participants, a mediation meeting was held on November 21, 2018. As a result of the resolution reached at the mediation meeting, E Construction Ltd. withdrew their appeal. On the same date, the Board discontinued its proceedings and closed its file.

Cite: *E Construction Ltd. v. Alberta Environment and Parks* (21 November 2018), Appeal No. 17-0043 (A.P.L.A.B.).

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<sup>1</sup> *E Construction Ltd. v. Director, Provincial Approvals Section, Alberta Environment and Parks* (9 October 2018), Appeal No. 17-0043-D (A.P.L.A.B.).