

## ALBERTA PUBLIC LANDS APPEAL BOARD

2022 ABPLAB 8

Appeal Nos. 22-0003 & 0004

**Cite:** *877384 Alberta Ltd. and Conklin Aggregates Ltd. v. Director, Lands Division, Alberta Environment and Parks* (4 July 2022), Appeal Nos. 22-0003 and 0004 (A.P.L.A.B.), 2022 ABPLAB 8.

**Appellants** – Jody Dahrouge, 877384 Alberta Ltd. and Everett Normandeau, Conklin Aggregates Ltd., **Operator** – Lehigh Hanson Materials Limited, **Location** – approximately 100 kilometers north of Fort McMurray in the Regional Municipality of Wood Buffalo, **Type of Appeal** – Discontinuance July 4, 2022

On April 19, 2022 the Board received of a Notice of Appeal dated April 4, 2022 from Jody Dahrouge, 877384 Alberta Ltd. and Everett Normandeau, Conklin Aggregates Ltd., with respect to the April 4, 2022 decision of the Director, Alberta Environment and Parks, to refuse to issue DLO 150137 to Lehigh Hanson Materials Ltd. for lands located at W½ and SE-1 1-100-9-W4M, E½-2-100-9-W4M, S½-1-100-9-W4M. The DLO provides access to SML 150021, SML 150020 and SML 150019.

The Board did not receive an appeal from Lehigh Hanson in relation to SML 150019 or DLO 150137.

On May 5, 2022, the Director raised the issue of whether Conklin and 877384 Alberta Ltd. have standing to appeal the Director’s April 4, 2022 decision. On May 10, 2022 the Board referred to section 212(1) of the Public Lands Administration Regulation which addresses who has standing to appeal to the Board:

“The following persons have standing to appeal a prescribed decision:

- (a) a person to whom the decision was given;
- (b) a person, including a commercial user referred to in section 98, that is directly and adversely affected by the decision.”

In the same letter, the Board requested the parties provide submissions on whether Conklin and 877384 Alberta Ltd. are directly and adversely affected by the Director’s decision to refuse to issue DLO 150137 to Lehigh Hanson. The Board received submissions from the Appellants and the Director and on May 31, 2022 advised it would decide if the Appellants have standing to appeal.

On July 4, 2022 the Board acknowledged receipt of an email dated June 29, 2022 from the Appellants withdrawing Appeal Nos. PLAB 22-0003 and 0004. Based upon the withdrawal of the appeals and the Board’s satisfaction that all issues related to the appeals had been resolved, the Board discontinued its proceedings and closed its files on July 4, 2022.