

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

**Decision
Notice of Discontinuance**

September 30, 2014

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

-and-

IN THE MATTER OF an appeal filed by JMB Crushing ULC

Cite as: *Re JMB Crushing ULC, VM Forestry, and E Construction Limited 2014 APLAB 13-0010 and 14-0001*

Facts

On September 29, 2012, JMB Crushing Systems ULC (Appellant) applied for LOC 122061 to construct an access road. An amendment application was filed by 1386194 Alberta Ltd. on December 17, 2012 to change the application to 1386194 Alberta Ltd. The application would see the construction of an 8 metre wide all weather access road within a 20 metre right of way held by Northeast Aggregates Ltd.

The application was denied October 4, 2013 in a letter from Val Hoover, Manger, Provincial Programs Branch. The Appellant appealed to the Public Lands Appeal Board on October 25, 2013. The Appellant sought to have the decision reversed or have department force an “Integrated Land Management” solution the impasse.

Upon learning that the Board can hear road use appeals the Appellant requested that the Board placed a hold on 13-0010 while the Appellant filed an application for a road use hearing. The Appellant filed a notice of appeal for a road use hearing on January 14, 2014. The notice of appeal was for a road use agreement between the Appellant and VM Forestry, holder of LOC 031753. During the course of discussions leading up to a mediation it was learned that the LOC holder had signed a road maintenance agreement with E Construction Limited. Mediation was held with the Appellant, VM Forestry, and E Construction Limited on March 18, 2014. An agreement was reached between the parties which was conditional upon the Appellant and E Construction reaching a road maintenance agreement. The agreement was finally reached and signed by the parties. The Appellant confirmed by email dated September 30, 2014 that they were withdrawing PLAB 13-0010 and 14-0001.

As this matter has been resolved between the parties and the appeals withdrawn the Board discontinues its proceedings and closes its files in the matters.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As the Appellant has withdrawn their notice of appeal, and as the Board is satisfied that all issues relating to the appeals have been resolved in accordance section 123(8) of the Public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 files for PLAB 13-0010 and 14-0001.