
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Withdrawal - December 5, 1996

IN THE MATTER OF Sections 84, 85, 86 and 87 of the
Environmental Protection and Enhancement Act, (S.A. 1992, ch. E-
13.3 as amended);

-and-

IN THE MATTER OF an appeal filed by Mr. Donald R. Sommers,
with respect to Reclamation Certificate No. 30906 issued by Mr.
Terry Johnson, Inspector of Land Reclamation Division, Alberta
Environmental Protection, and the letter of withdrawal from Mr.
Donald Sommers dated December 5, 1996.

Cite as: Donald R. Sommers v. Inspector of Land Reclamation Division, Alberta
Environmental Protection

BACKGROUND

On September 30, 1996, Mr. Donald R. Sommers, (the Appellant), represented by Mr. Dennis Stretch, of Dennis Stretch Consulting Ltd., filed a notice of appeal with the Environmental Appeal Board regarding Reclamation Certificate No. 30906 issued to Chauvco Resources Ltd. The Certificate was issued on November 2, 1995, by Mr. Terry Johnson, Land Reclamation Division, Alberta Environmental Protection, and indicated that the operator achieved the objective of satisfying the equivalent land capability standard.

The Board wrote to the Department of Environmental Protection on October 1, 1996, asking for a copy of all related correspondence, documents and material. On that same date, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) requesting both advise whether the matter was the subject of a public hearing or review under either of their Boards. On October 11, 1996, the NRCB and on October 23, 1996, the AEUB both advised that this appeal did not deal with a matter that had been the subject of any hearing or review under their Boards.

On October 7, 1996, the Board wrote to Chauvco Resources Ltd., informing them that an appeal had been filed and providing them with a copy of the notice of appeal.

On October 15, 1996, the Board wrote to all parties requesting representations due by October 22, 1996. Representations were received by all parties.

The Board wrote to all parties on November 22, 1996, advising that it would be conducting a mediation meeting on December 5, 1996. The Board also advised that if the meeting did not result in the resolution of the issues in Mr. Sommers' appeal, the Board would determine those issues set out in Section 13 of the Environmental Appeal Board Regulation with respect to the (forthcoming) oral hearing.

THE MEDIATION MEETING

The mediation meeting was held on December 5, 1996, in Champion, Alberta and the facilitator from the Board was Dr. John Ogilvie. The mediation meeting was attended by Mr. Donald Sommers, the Appellant; Mr. Dennis Stretch of Dennis Stretch Consulting Ltd., representing the Appellant; Mr. Terry Johnson, Inspector, Land Reclamation Division, represented by Mr. William McDonald, Environmental Law Section, Alberta Justice; and Mr. Dale Guidi and Mr. Dave Kenyon of Chauvco Resources Ltd.

According to the Board's standard practice, the Board called the mediation in an attempt to mediate or to facilitate the resolution of this appeal or, failing that, to make arrangements for the oral hearing. The Board invited representatives from each party to participate.

In conducting the mediation, Dr. Ogilvie provided a review of the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the "Participants' Agreement to Mediate". In reviewing the document, all parties presented a willingness to enter into mediation, signed the agreement and the mediation continued.

The Appellant's agent expressed his client's concerns which were the basis of his appeal. Mr. Stretch stated that the site in question did not produce as well as the surrounding land and that there was a compaction problem. He indicated that he wished the lease site in question be restored to the original state.

Chauvco Resources Ltd. expressed a willingness to work with the Appellant in order to address the identified concerns.

Following the discussion of several terms and conditions of mediation, the Chauvco Resources Ltd. and Mr. Donald Sommers entered into an agreement between them resulting in the Appellant agreeing to withdraw his Notice of Objection. The letter from Donald Sommers to the Board dated December 5, 1996, states:

“This is formal notice to the Environmental Appeal Board that I, Donald Sommers, withdraw my appeal involving Chauvco Resources Ltd. as an agreement has been reached between myself and Chauvco Resources Ltd.”

The original signed document between Mr. Donald Sommers and Chauvco Resources Ltd. is on file at the Environmental Appeal Board.

The Board has reviewed this correspondence and pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, the Board hereby discontinues its proceedings in this matter and closes its file.

DECISION

The appeal is therefore withdrawn.

Dated December 6, 1996, at Edmonton, Alberta.

Dr. William A. Tilleman