
ALBERTA ENVIRONMENTAL APPEAL BOARD

Report and Recommendations

Date of Mediation - August 20, 1997
Date of Report and Recommendations - August 20, 1997

IN THE MATTER OF Sections 84, 85, 86, 87, 91, 92(2) and 93 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. Eugene Bitz with respect to Reclamation Certificate No. 33950 issued to Imperial Oil Resources Limited, by Mr. Brad Dunkle, Inspector of Land Reclamation Division, Alberta Environmental Protection.

Cite as: Bitz v. Inspector of Land Reclamation Division, Alberta Environmental Protection

MEDIATION MEETING BEFORE Dr. M. Anne Naeth

APPEARANCES

Appellant: Mr. Eugene Bitz, represented by Mr. Glenn Good

Other Parties: Mr. Brad Dunkle, Conservation and Reclamation Inspector, Alberta Environmental Protection, represented by Ms. Charlene Graham, Environmental Law Section, Alberta Justice, and Mr. Doug Beddome, Manager, Southern Region, Land Reclamation Division, Alberta Environmental Protection

Ms. Joanne Nutter and Mr. Mark Miller of Imperial Oil Resources Ltd.

BACKGROUND

On July 30, 1997, the Environmental Appeal Board (the Board) received a Notice of Appeal from Mr. Eugene Bitz (the Appellant) represented by Mr. Glenn Good. The appeal challenges Reclamation Certificate No. 33950 issued to Imperial Oil Resources Limited (Imperial Oil), certifying that the surface of the land held by Imperial Oil Resources Limited, within W Sec. 5 Tp. 28 Rge. 4 W4M in connection with or incidental to Esso et al. Oyen 13-5-28-4 well, was in satisfactory condition. The Reclamation Certificate was issued July 31, 1996, by the Inspector of Land Reclamation Division.

The Board wrote to the Department of Environmental Protection (the Department) on July 30, 1997, to request copies of all related correspondence, documents and materials. On that same date the Board wrote to Imperial Oil informing them that an appeal had been filed and providing them with a copy of the appeal.

On August 15, 1997, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) asking whether this matter had been the subject of a hearing or review under their respective Boards' legislation.

All requested correspondence was received from the Department and a copy was sent to the Appellant and Imperial Oil on August 12, 1997. Along with the information provided all parties were informed that a mediation meeting would be held on August 20, 1997, in Oyen, Alberta, and written representations were requested from all parties by August 18, 1997. Responses were received from Imperial Oil on August 14, 1997, and the Department on August 18, 1997.

THE MEDIATION MEETING

The mediation meeting was held on August 20, 1997 in Oyen, Alberta. The facilitator from the Board was Dr. M. Anne Naeth.

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

In conducting the mediation, Dr. Naeth provided a review of the appeal and mediation process and explained the purpose of the mediation meeting. She 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.

Following the discussion of several terms and conditions of mediation, the parties agreed to the following resolution of this appeal (see page 4 of this report).

RECOMMENDATIONS

The Board recommends that the Minister of Environmental Protection confirm the decision of the Inspector of Land Reclamation Division in Reclamation Certificate No. 33950, subject to all of the conditions of the Resolution contained herein.

Further, with respect to section 92(2) and 93 of the *Environmental Protection and Enhancement Act*, the Board recommends that copies of this Report and Recommendations and of any decision by the Minister be sent to the following parties:

- Mr. Eugene Bitz and Mr. Glenn Good
- Ms. Charlene Graham, Environmental Law Section, Alberta Justice, representing the Inspector, Land Reclamation Division, Alberta Environmental Protection
- Imperial Oil Resources Limited

Dated August 20, 1997, at Edmonton, Alberta.

“Original signed by”
Dr. M. Anne Naeth

ORDER

I, Ty Lund, Minister of Environmental Protection:

_____ Agree with the Recommendations of the Environmental Appeal Board and order that they be implemented.

_____ Do not agree with the Recommendations of the Environmental Appeal Board and make the alternative Order set out below or attached.

Dated at Edmonton this _____ day of _____ 1997.

“Original signed by”

Honourable Ty Lund
Minister of Environmental Protection

_____ Refer to Attachments (only if applicable)