
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance - August 4 , 1999

IN THE MATTER OF Sections 84, 85 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. Bob Collins with respect to Reclamation Certificate #33489 issued to Gulf Canada Resources Limited on August 20, 1997 by the Inspector, Land Reclamation, Alberta Environmental Protection.

Cite as: Collins v. Inspector, Land Reclamation, Alberta Environmental Protection
re: Gulf Canada Resources Limited.

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BACKGROUND

[1] On August 20, 1997, the Inspector, Land Reclamation, Alberta Environmental Protection, issued Reclamation Certificate No. 33489 to Gulf Canada Resources Limited certifying that the surface of the land held by Gulf Canada Resources Limited¹ complies with the conservation and reclamation requirements of Part 5 of the *Environmental Protection and Enhancement Act*.²

[2] On August 26, 1998, the Environmental Appeal Board (the Board) received a Notice of Appeal dated August 15, 1998 from Mr. Bob Collins (the Appellant) advising that he objected to Reclamation Certificate No. 33489.

[3] The Board wrote to Mr. Collins on August 27, 1998, acknowledging receipt of his appeal, and by copy of that letter, requested the Department of Environmental Protection (the Department) provide copies of all related correspondence, documents and materials related to this matter. On that same date, the Board wrote to Gulf Canada Resources Limited advising them that a Notice of Appeal had been filed by Mr. Collins and provided them with a copy of the appeal.

[4] The Department provided the documents requested on September 21, 1998 and copies were forwarded to Mr. Collins and Gulf Canada Resources Limited on September 25, 1998.

¹ The land is within SW Sec. 35 Tp. 36 Rge. 20 W4M in connection with or incidental to CPR Robert No. 4 well.

² S.A. 1992, Ch. E-13.3 as amended.

[5] In the Board's letter of September 25, 1998, addressed to the Appellant, the Board requested that he advise whether he wished to have a mediation meeting under section 11 of the Environmental Appeal Board Regulation³ and if there were any other persons who may have an interest in the appeal. Mr. Collins was also asked to clarify how he was "directly affected" by the decision of the Director, i.e. was he the landowner of the site in question, and to explain in more detail the environmental concerns with the Reclamation Certificate issued. On this same date, the Board wrote to the Department and Gulf Canada Resources Ltd. asking for comments on participating in a mediation meeting and asking whether there were any other persons who may have an interest in the appeal. All parties responded favourably regarding mediation proceedings.

[6] On October 20, 1998, the Board wrote to all parties informing them that a mediation meeting would be held on November 5, 1998. A Notice of Mediation and Public Hearing ad was placed in the Stettler Independent on October 28, 1998.

[7] The Board conducted a mediation meeting in Stettler, Alberta on November 5, 1998, with Dr. M. Anne Naeth as the presiding Board member. At the mediation meeting, all parties agreed that the appeal file would be held in abeyance until January 25, 1999 to allow the Appellant and Gulf Canada Resources Limited to pursue negotiations.

[8] On March 4, 1999 the Board offered the parties a second mediation opportunity. The Department responded to the Board's letter on March 9, 1999 advising that they were prepared to attend a second mediation meeting.

[9] On March 8, 1999, the Board received a letter dated February 29, 1999 from Mr. Collins requesting that the appeal be further held in abeyance until November 30, 1999. On March 15, 1999 the Board wrote to the parties advising that an abeyance would be granted on the condition that there were no objections from the other parties.

³

AR 114/93 (hereinafter "the regulations").

[10] On March 16, 1999 the Board received an email from Mr. Osborne objecting to the abeyance. The Approval Holder's e-mail was forwarded to the other parties for comment via the Board's letter of March 23, 1999.

[11] On April 6, 1999 the Board wrote to the parties advising that the Board would proceed to a hearing on August 24, 1999 as there was not a unanimous agreement amongst the parties for either a further mediation or to hold the appeal file in abeyance.

[12] On August 4, 1999 the Board received via fax a letter dated August 3, 1999 from Mr. Bob Collins, stating the following:

“Mr. Ed Osborne and I have arrived at a verbal agreement on this issue. Therefore I am asking for a cancellation of this Appeal”.

DECISION

[13] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. Bob Collins' letter dated August 3, 1999, the Board hereby discontinues its proceedings and will be closing file number 98-242.

Dated on August 4, 1999, at Edmonton, Alberta

William A. Tilleman, Chair