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# ALBERTA ENVIRONMENTAL APPEAL BOARD

## Report and Recommendations

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Date of Report and Recommendations - October 29, 1999

**IN THE MATTER OF** Sections 84, 85, 87, 92 & 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. Ron Groves on behalf of Cabre Exploration Ltd. with respect the cancellation of Application #36594 for a Reclamation Certificate by the Inspector of Land Reclamation, Environmental Service, Bow Region, Alberta Environment on July 26, 1999.

Cite as: Cabre Exploration Ltd. v. Inspector, Environmental Service, Bow Region, Alberta Environment.

**MEDIATION MEETING BEFORE**

Mr. Ron V. Peiluck

**APPEARANCES**

Appellant: Mr. Ron Groves, Cabre Exploration Ltd; and  
Mr. Michael Melnyk, Environet

Department: Mr. Maureen Harquail, counsel, representing  
Mr. Brad Dunkle, Inspector, Environmental  
Service, Bow Region, Alberta Environment;  
Rob Kemp, Alberta Environment

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## **BACKGROUND**

[1] On July 26, 1999, Mr. Brad Dunkle, Inspector, Environmental Service, Bow Region, Alberta Environment (the Department), advised Cabre Exploration Ltd. (Appellant) that it was cancelling Application No. 36594 for a reclamation certificate. The Inspector advised that the Conservation and Reclamation Notice issued on June 2, 1998 had not been complied with by June 2, 1999 as stated in the Notice. Cabre had made application for the Cabre Provost 11-14-36-07 Well located at legal description N. Sec. 14, Twp. 36, Rge. 07, W.4th Mer. in Provost.

[2] On August 23, 1999, the Environmental Appeal Board (Board) received a Notice of Appeal from Mr. Ron Groves on behalf of Cabre Exploration Ltd. (the Appellant), requesting “[i]ssuance of a Reclamation Certificate for the Wellsite and Access Road effective as of the inquiry date of 2-Jun-98. The Reclamation Certificate should be issued as of this date because the site met the requirements of the wellsite reclamation criteria.”

[3] The Board wrote to Mr. Groves on August 23, 1999, acknowledging receipt of the Notice of Appeal, and by copy of that letter, requested the Department provide copies of all related correspondence, documents and materials related to this matter.

[4] According to standard practice, on August 23, 1999 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. Replies were subsequently received from both the NRCB and the AEUB stating they did not hold any hearing or review related to this appeal.

[5] On September 10, 1999, copies of the documents requested by the Board were provided by the Department and a copy was forwarded to Cabre on September 14, 1999. In the Board's letter of September 14, 1999, addressed to Mr. Groves and copied to the Department, the Board asked the Appellant whether he wished to have a mediation meeting under section 11 of the Environmental Appeal Board Regulation<sup>1</sup>, and if there were any other persons who might have an interest in the appeal. On this same date, the Board wrote to the Department 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.

[6] Responses were received from the Appellant and the Department. On September 28, 1999, the Department identified the following as interested parties:

1. Mr. Frank Williams, owner of NE 14-36-7-W4M;
2. Alberta Municipal Affairs, Special Areas 2, owner of NW 14-36-7-W4M and occupant Mr. William Douglas Fawcett.

[7] On September 28, 1999, the Board wrote to all parties, including the identified interested parties, informing them that a mediation meeting would be held on October 29, 1999 in Calgary, Alberta. A Notice of Mediation and Public Hearing advertisement was placed in the Calgary Herald on October 5, 1999.

## **THE MEDIATION MEETING**

[8] Pursuant to section 11 of the regulations<sup>2</sup> the Board conducted a mediation meeting in Calgary, Alberta on October 29, 1999 with Mr. Ron Peiluck as the presiding Board member.

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<sup>1</sup> AR 114/93 (hereinafter "the regulations").

<sup>2</sup> Section 11 of the Environmental Appeal Board Regulation (AR 114/93) states:

- (11) Where the Board has determined the parties to the appeal, the Board may, prior to conducting the hearing of the appeal, on its own initiative or at the request of any of the

[9] According to the Board's standard practice, the Board called the mediation meeting in an attempt to mediate or facilitate through a settlement conference the resolution of this appeal; or failing that, to structure procedural arrangements for the oral hearing. The Board invited representatives from each party to participate in the mediation meeting.

[10] In conducting the mediation meeting, Mr. Peiluck reviewed the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the "Participants' Agreement to Mediate". All parties signed the Agreement and discussions ensued.

[11] Following productive and detailed discussions, a resolution evolved at the October 29, 1999 mediation meeting and the attached settlement was signed (page 6 of this report).

## **RECOMMENDATIONS**

[12] The Board recommends that the Minister of Environment approve the conditions of the Resolution contained herein.

[13] 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. Ron Groves, Cabre Exploration Ltd.;

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parties, convene a meeting of the parties and any other interested persons the Board considers should attend, for the purpose of

- (a) mediating a resolution of the subject matter of the notice of appeal, or
- (b) determining any of the matters referred to in section 13.

- Mr. Frank Ray Williams;
- Mr. William Douglas Fawcett;
- Alberta Municipal Affairs, Special Areas #2.; and
- Ms. Maureen Harquail counsel, Alberta Justice, representing Mr. Brad Dunkle, Inspector, Environmental Service, Bow Region, Alberta Environment.

Dated October 29, 1999, at Edmonton, Alberta.

“original signed by”

Mr. Ron V. Peiluck



ALBERTA ENVIRONMENT

*Office of the Minister*

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## **ALBERTA ENVIRONMENT**

*Environmental Protection and Enhancement Act*  
S.A. 1992, c.E.-13.3

### **MINISTERIAL ORDER** 55/99

I, Gary G. Mar, Q.C., Minister of Environment, pursuant to Section 92 of the *Environmental Protection and Enhancement Act*, hereby order:

1. That the decision for Mr. Brad Dunkle, Inspector, Environmental Services, Bow Region, dated July 26, 1999, cancelling Application No. 36594 for a reclamation certificate for lands located at N. 14, Twp. 36, Rge. 07, W.4<sup>th</sup> Mer, be varied as set out in Appendix 1.

DATED at the City of Edmonton, in the Province of Alberta, this 16<sup>th</sup> day of December, 1999.

“original signed by”  
Gary G. Mar, Q.C.  
Minister of Environment



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APPENDIX I

*Environmental Protection and Enhancement Act*

1. **Cabre acknowledges that:**
  - (a) **responses to notices shall always be in writing;**
  - (b) **responsibility to comply with notices remains with Cabre.**
2. **Alberta Environment shall reinstate the Cabre Reclamation Certificate application.**
3. **Cabre shall submit a written report to Alberta Environment by December 31, 1999 confirming work completed on the site in accordance with /notice l#CR1664.**
4. **Alberta Environment shall hold an inquiry :11 the year-2000 or sooner, weather•permitting.**
5. **That the Appellant, Ron Groves of Cabre Exploration Ltd., agrees to withdraw his Notice of Appeal.**

**RESOLUTION OF APPEAL NO. 99-144 REGARDING CABRE EXPLORATION LTD.'S  
APPLICATION #36594 FOR A RECLAMATION CERTIFICATE FOR CABRE  
PROVOST 11-14-36-07 WELL, LOCATED AT N.SEC. 14, TWP. 36, RGE. 07, W 4<sup>TH</sup>  
MER.**

**All parties to the appeal have agreed to the following terms and conditions:**

1. Cabre acknowledges that:
  - a) responses to notices shall always be in writing;
  - b) responsibility to comply with notices remains with Cabre.
2. Alberta Environment shall reinstate the Cabre Reclamation Certificate application.
3. Cabre shall submit a written report to Alberta Environment by December 31, 1999 confirming work completed on the site in accordance with Notice #CR1664.
4. Alberta Environment shall hold an inquiry in the year 2000 or sooner, weather permitting.
5. THAT the Appellant, Ron Groves of Cabre Exploration Ltd., agrees to withdraw his Notice of Appeal.

**RESOLUTION AGREED TO BY:**

\_\_\_\_\_  
Mr. Ron Groves  
Cabre Exploration Ltd.

Date: October 29, 1999

\_\_\_\_\_  
Mr. Brad Dunkle  
Reclamation Inspector, Bow Region  
Department of Environment

Date: October 29, 1999