

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings - November 23, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the
Environmental Protection and Enhancement Act, S.A. 1992, c.E-
13.3;

-and-

IN THE MATTER OF an appeal filed by Mr. Eric Nielsen with
respect to the decision of the Inspector, Parkland Region, Regional
Services, Alberta Environment, to issue Reclamation Certificate
No. 00147144-00-00 to Anderson Exploration Ltd. (now Devon
Canada Corporation) for the Ulster Alix 2-19-39-23 Well.

Cite as: *Nielsen v. Inspector, Parkland Region, Regional Services, Alberta Environment*
re: *Anderson Exploration Ltd.*

EXECUTIVE SUMMARY

On August 30, 2001, the Environmental Appeal Board received a Notice of Appeal from Mr. Eric Nielsen with respect to the decision of Alberta Environment to issue a Reclamation Certificate to Anderson Exploration Ltd. for a well on his land, near Alix, Alberta.

Anderson Exploration Ltd. worked with Mr. Nielsen to address all of his concerns with respect to the Reclamation Certificate. As a result, Mr. Nielsen advised on November 17, 2001 that he is withdrawing his appeal. The Board, therefore, discontinues its proceedings in this matter and is closing its file.

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I. BACKGROUND

[1] On August 10, 2001, the Inspector, Parkland Region, Regional Services, Alberta Environment (the "Inspector"), issued Reclamation Certificate No. 00147144-00-00 (the "Certificate") to Anderson Exploration Ltd. (now Devon Canada Corporation) (the "Certificate Holder") for the Ulster Alix 2-19-29-23 W4 Well, located at S Sec. 19 Tp. 039 Rge 23 W4M near Alix, Alberta.

[2] On August 30, 2001 the Environmental Appeal Board (the "Board") received and acknowledged a Notice of Appeal dated August 21, 2001, from Mr. Eric Nielsen (the "Appellant") advising that he is the landowner and is appealing the Certificate. At that time, the Board provided a copy of the Notice of Appeal to the Inspector and the Certificate Holder and also requested copies of all documents relevant to this appeal (the "Record") from the Inspector. Parties to the appeal were requested to provide the Board with available dates for a mediation meeting/settlement conference or hearing and were asked to advise the Board if there were any other persons that may have an interest in this appeal.

[3] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or a review under their respective Boards' legislation. The Alberta Energy and Utilities Board responded in the negative and the Board has not heard from the Natural Resources Conservation Board.

[4] On September 17, 2001, the Board received the Record from the Inspector and on September 19, 2001, the Board forwarded a copy to the Appellant and the Certificate Holder. In his letter of September 17, 2001, the Inspector requested an abeyance of the appeal, as the Certificate Holder was willing to address the concerns of the Appellant informally. The Board granted this request and asked that status reports be provided to the Board by September 28, 2001.

[5] On October 1, 2001, Board staff received a telephone call from the Appellant, providing a status report, and at that time again requested the Inspector and the Certificate

Holder provide a status report and available dates for a mediation meeting/settlement conference or hearing. On October 3, 2001, the Certificate Holder telephoned Board staff and requested a further extension in order to contact the Appellant again. As no objections were received, the Board granted this extension to October 9, 2001

[6] On October 11, 2001, the Board wrote to the parties and requested the Appellant and the Certificate Holder provide status reports, and in response, on October 22, 2001, the Certificate Holder stated that a potential solution had been reached with the Appellant.

[7] On October 24, 2001, the Board requested the Appellant provide his comments with respect to the Certificate Holder's letter and advise if he was withdrawing his appeal. On October 29, 2001, the Board received a letter from the Appellant stating that he would be proceeding with his appeal, as the Certificate Holder had failed to complete the work, which had been agreed upon by the parties. At this time, the Board advised the parties that as a resolution had not been reached between the parties, a mediation meeting/settlement conference would be scheduled.

[8] On October 30, 2001, the Board received a letter from the Inspector advising that the work requested by the Appellant had been completed to his satisfaction, and on November 9, 2001 the Board acknowledged this letter as well as a telephone conversation with the Appellant wherein he advised that he was working toward a resolution of this appeal with the Certificate Holder. The Appellant and the Certificate Holder were requested to provide status reports to the Board by November 14, 2001.

[9] On November 13, 2001, the Board received a letter from the Certificate Holder advising:

“To date we have addressed and taken remedial action on all of Mr. Nielsons [sic] concerns. There are no outstanding issues between Devon Canada and Eric Nielson [sic].”

[10] On November 15, 2001, Board staff received a telephone call from the Appellant advising that he is satisfied with the work by the Certificate Holder and would be withdrawing his appeal.

[11] On November 20, 2001, the Board received a letter from the Appellant dated November 17, 2001, stating:

“The drainage ditch has been repaired. The sunken areas were filled and leveled. I wish to withdraw my appeal.”

II. DECISION

[12] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellant’s letter of November 17, 2001, the Board discontinues its proceedings in Appeal No. 01-079 and is closing its file.

Dated on November 23, 2001, at Edmonton, Alberta.

William A. Tilleman, Q.C.