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ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – June 25, 2003

**IN THE MATTER OF** sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12;

**-and-**

**IN THE MATTER OF** an appeal filed by Phillips Petroleum Resources Ltd. and Sharp Environmental (2000) Ltd., with respect to the decision of the Inspector, Northern Region, Regional Services, Alberta Environment, to refuse to issue a Reclamation Certificate to Phillips Petroleum Resources Ltd. (now Conoco Phillips Canada), for the GAO et al Kenzie 6-15-75-18-W5M well in the MD of Big Lakes.

Cite as: *Phillips Petroleum Resources Ltd. v. Inspector, Northern Region, Regional Services, Alberta Environment* (June 25 2003), Appeal No. 02-144-DOP (A.E.A.B.).

## **EXECUTIVE SUMMARY**

Alberta Environment refused to issue a Reclamation Certificate to Phillips Petroleum Resources Ltd. for the GAO et al Kenzie 6-15-75-18-W5M well in the MD of Big Lakes.

The Board received a Notice of Appeal from Phillips Petroleum Resources Ltd. (now Conoco Phillips Canada) and Sharp Environmental (2000) Ltd. appealing Alberta Environment's decision.

The Board held a mediation meeting in Slave Lake, Alberta, on April 11, 2003. The mediation was unsuccessful and the parties made a joint recommendation to the Board on the issue to be heard at the hearing.

The Board accepted the recommendation of the parties and advised the parties that the issue to be heard at the hearing of the appeal would be:

“Interpretation of Alberta Environment's criteria dealing with soil textural classes, comparing the control and the wellsite, access road, and campsite.”

The Board scheduled the hearing for June 4, 2003. However, the Board received a request from Conoco Phillips Canada for an abeyance of the appeal in order to pursue further mediation towards a resolution of the appeal. The Board granted the request and re-scheduled the hearing for July 25, 2003.

Conoco Phillips Canada subsequently withdrew their appeal. The Board therefore closes its file in this matter.

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## **I. BACKGROUND**

[1] On January 20, 2003, the Inspector, Northern Region, Regional Services, Alberta Environment (the “Inspector”) refused to issue a Reclamation Certificate (the “Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Act”), to Phillips Petroleum Resources Ltd. with respect to the GAO et al Kenzie 6-15-75-18-W5M well in the Municipal District of Big Lakes.

[2] On February 14, 2003, the Environmental Appeal Board (the “Board”) received a Notice of Appeal, dated February 12, 2003, from Phillips Petroleum Resources Ltd. (now Conoco Phillips Canada) and Sharp Environmental (2000) Ltd. (the “Appellants”) appealing the Inspector’s decision.

[3] On February 19, 2003, the Board wrote to the Appellants and the Inspector acknowledging receipt of the Notice of Appeal and notifying the Inspector of the appeal. In the same letter, the Board also requested the Inspector provide the Board with a copy of the record relating to this appeal (the “Record”) and requested that the Appellants and Inspector provide the Board with available dates for a mediation meeting or hearing.

[4] 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 review under their respective legislation. Both Boards responded in the negative.

[5] On February 19, 2003, the Board wrote to Mr. Con A. Dermott, Vanderwell Contractors (1971) Ltd. (the “Landowner”) notifying him of the appeal. The Board requested that the Landowner notify the Board by March 5, 2003, if he wished to participate in the appeal. On March 4, 2003, the Landowner advised the Board that he wished to participate.

[6] On March 5, 2003, the Board received a copy of the Record from the Inspector. On March 6, 2003, the Board wrote to the Inspector, the Appellants and the Landowner (collectively the “Parties”), acknowledging receipt of the record from the Inspector and providing a copy to the Appellants and the Landowner.

[7] In consultation with the Parties, and pursuant to section 11 of the Environmental Appeal Board Regulations, A.R. 114/93, the Board conducted a mediation meeting in Slave Lake, Alberta, on April 11 2003, with Dr. Frederick C. Fisher as the presiding Board Member (the “Mediator”).

[8] The mediation was not successful and the Parties made a joint recommendation to the Board regarding the issue to be heard at a subsequent hearing. The issue the Parties recommended is:

“Interpretation of Alberta Environment’s criteria dealing with soil textural classes, comparing the control and the wellsite, access road, and campsite”.

[9] The Board granted the Parties’ recommendation in its Interim Decision of April 28, 2003.<sup>1</sup>

[10] In consultation with the Parties the Board proceeded to schedule the hearing of the appeal for June 4, 2003. However, the Board received a letter dated May 16, 2003 from the Appellants requesting the appeal be held in abeyance so that they could pursue further mediation. The Board granted the request, re-scheduled the hearing for July 25, 2003, and asked that status reports be provided to the Board by June 20, 2003.

[11] On June 20, 2003 the Board received a letter from the Appellants stating:

“...I wish to formally request the withdraw of EAB 02-144 Appeal on the grounds that we wish to pursue further mediation with Alberta Environment outside of the appeal process...”

## **II. DECISION**

[12] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the letter of June 20, 2003 from the Appellants withdrawing the appeal, the Board hereby discontinues its proceedings in Appeal No. 02-144 and closes its file.

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<sup>1</sup> Preliminary Issue: *Phillips Petroleum Resources Ltd. v. Inspector, Northern Region, Regional Services, Alberta Environment* (28 April 2003), Appeal No. 02-144-ID1 (A.E.A.B.).

Dated on June 25, 2003, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.

Chair