

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – August 26, 2004

Date of Discontinuance of Proceedings – November 25, 2004

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 Husky Oil Operations Limited with respect to the decision of the Inspector, Central Region, Regional Services, Alberta Environment to refuse to issue a Reclamation Certificate to Husky Oil Operations Limited for the Pinnacle PCP Provost 13-19-38-9-W4 well, the Renaissance 6B Border 6-24-41-5-W4 well, the Husky Lloydminster 15-13-52-1-W4 well, and the Renaissance 15C Provost 15-13-41-4-W4 well.

Cite as: *Husky Oil Operations Limited v. Inspector, Central Region, Regional Services, Alberta Environment* (25 November 2004), Appeal Nos. 04-014 - 04-017-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment refused to issue Reclamation Certificates to Husky Oil Operations Limited for the Pinnacle PCP Provost 13-19-38-9-W4M well, the Renaissance 6B Border 6-24-41-5-W4M well, the Husky Lloydminster 15-13-52-1-W4M well, and the Renaissance 15C Provost 15-13-41-4-W4M well.

On June 10, 2004, the Board received a Notice of Appeal from Husky Oil Operations Limited appealing Alberta Environment's decisions.

The Board held a mediation meeting in Edmonton, Alberta, on August 26, 2004. As a result of the mediation meeting, Alberta Environment and Husky Oil agreed to continue discussions. As a result of ongoing discussions, Alberta Environment issued reclamation certificates for the Pinnacle PCP Provost 13-19-38-9-W4M well, the Renaissance 6B Border 6-24-41-5-W4M well, the Husky Lloydminster 15-13-52-1-W4M well, and the Renaissance 15C Provost 15-13-41-4-W4M well. The Appellant subsequently withdrew the appeals and the Board therefore closes its files in these matters.

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I. BACKGROUND

[1] On May 13, 2004, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”), refused to issue a Reclamation Certificate (the “Certificate”) to Husky Oil Operations Limited with respect to the Pinnacle PCP Provost 13-19-38-9-W4M well, the Renaissance 6B Border 6-24-41-5-W4M well, the Husky Lloydminster 15-13-52-1-W4M well, and the Renaissance 15C Provost 15-13-41-4-W4M well, near Provost, Alberta.

[2] On June 10, 2004, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited (the “Appellant”) appealing the Inspector’s decisions.

[3] On June 11, 2004, the Board wrote to the Appellant and the Inspector (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Inspector of the appeal. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Parties provide 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 June 28, 2004, the Board received a copy of the Record from the Inspector, and on July 13, 2004, forwarded a copy to the Appellant.

[6] On July 12, 2004, the Board wrote to the landowners, Mr. Brian and Ms. Linda Pilsworth, Mr. Jim Gerber, Mr. Gerald Deyell, Mr. Vernon Skinner, Mr. Ronnie Detchon, Mr. Kevin McGillivray, and the Hutterian Brethren of Ribstone (the “Landowners”), notifying them of the appeals and requesting they notify the Board by July 19, 2004, if they wished to participate in a mediation meeting or hearing. The Landowners were advised the Board may proceed to make a decision without their input and without further notice to them if they did not respond to the Board’s letter. The Board did not receive a response from the Landowners.

[7] In consultation with the Parties, the Board scheduled the mediation meeting for August 26, 2004, in Edmonton.

II. THE MEDIATION MEETING,

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on August 26, 2004 with Dr. M. Anne Naeth as the presiding Board Member (the “Mediator”).

[9] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. She then circulated copies of the Participants’ Agreement to Mediate. All Parties signed the Agreement and discussions ensued.

[10] Following the mediation meeting, the Parties continued discussions and on November 16, 2004, the Board received a letter from the Appellant regarding the Renaissance 6B Border 6-24-41-5-W4M well, the Husky Lloydminster 15-13-52-1-W4M well, and the Renaissance 15C Provost 15-13-41-4-W4M well, stating:

“Further to our letter of October 12, 2004, this is to advise that on November 10, 2004 Husky received and reviewed Reclamation Certificates in the above matters. Accordingly Husky hereby withdraws the above appeals.”

[11] The Board then received an e-mail from the Appellant regarding the Pinnacle PCP Provost 13-19-38-9-W4M well, stating:

“Further to your letter of November 19, 2004 this is to advise that Husky has now received and reviewed the Reclamation Certificate issued for the above site. Accordingly, this is to advise that Husky is withdrawing its appeal in the above matter.”

III. DECISION

[12] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeals by the Appellant, the Board hereby discontinues its proceedings in Appeal Nos. 04-014, 04-015, 04-016 and 04-017, and closes its files.

Dated on November 25, 2004, at Edmonton, Alberta.

Dr. Frederick C. Fisher, Q.C.
Chair