
ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting - May 19, 2005
Date of Discontinuance of Proceedings – May 20, 2005

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 Irvin R. Macklin with
respect to the decision of the Inspector, Northern Region, Regional
Services, Alberta Environment, to issue Reclamation Certificate
No. 00193575-00-00 under the *Environmental Protection and
Enhancement Act* to Talisman Energy Inc.

Cite as: *Macklin v. Inspector, Northern Region, Regional Services, Alberta Environment*
re: *Talisman Energy Inc.* (20 May 2005), Appeal No. 04-085-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE:

Mr. Ron V. Peiluck, Mediator.

APPEARANCES:

Appellant:

Mr. Irvin R. Macklin.

Director:

Mr. Doug Kulba, Inspector, Northern Region, Regional Services, Alberta Environment, and Mr. Greg Smith, Director, Northern Region, Regional Services, Alberta Environment, represented by Mr. Jeffrey Moore, Alberta Justice.

Reclamation Certificate Holder:

Mr. Nevin Wolf, Talisman Energy Inc., and Mr. Jeff Biegel, Sharp Environmental (2000) Ltd.

Board Staff:

Mr. Gilbert Van Nes, General Counsel and Settlement Officer.

EXECUTIVE SUMMARY

Alberta Environment issued a Reclamation Certificate to Talisman Energy Inc., with respect to the Talisman et al Belloy 5-31-78-2 well near Wanham, Alberta.

The Board received a Notice of Appeal from Mr. Irvin R. Macklin, the Landowner, appealing Alberta Environment's decision.

The Board held a mediation meeting in Spirit River, Alberta on May 19, 2005, following which an agreement was reached by the parties, and the Appellant withdrew his appeal. The Board therefore closes its file in this matter

TABLE OF CONTENTS

| | |
|----------------------------|---|
| I. BACKGROUND | 1 |
| II. MEDIATION MEETING..... | 2 |
| III. DECISION..... | 3 |

I. BACKGROUND

[1] On February 20, 2004, the Inspector, Northern Region, Regional Services, Alberta Environment (the “Inspector”), issued Reclamation Certificate No. 00193575-00-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Certificate”) to Talisman Energy Inc. (the “Certificate Holder”) for the Talisman Belloy 5-31-78-2 well near Wanham, Alberta.

[2] On February 1, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Irvin R. Macklin appealing the Certificate.

[3] On February 1, 2005, the Board wrote to the Appellant, the Certificate Holder, and the Inspector (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Inspector and Certificate Holder of the appeal. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to the appeal, 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 February 7, 2005, the Board received the Record from the Inspector and on February 11, 2005, forwarded a copy to the Appellant and the Certificate Holder.

[6] On February 22, 2005, the Certificate Holder wrote to the Appellant, with a copy to the Board, offering the Appellant compensation for the land use. The Appellant declined the offer and the Board proceeded with the mediation meeting.

[7] On February 24, 2005, the Board wrote to the Parties in response to a letter from the Appellant regarding the procedures for a mediation meeting. The Board explained the process and invited the Appellant to contact the Board with any further questions or concerns.

[8] On March 2, 2005, the Board wrote to the Parties asking for further dates for a mediation meeting. On March 15, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for May 19, 2005, Spirit River, Alberta.

[9] On April 4, 2005, the Board wrote to the Parties asking if a site visit was required during the mediation meeting. The Director, and the Appellant did not see the need for a site visit, and the Certificate Holder advised that they would only need a site visit if the Appellant felt there were other concerns besides the fenced area.

[10] On April 12, 2005, the Board wrote to the Parties confirming that the mediation meeting was scheduled for May 19, 2005 in Spirit River, Alberta.

II. MEDIATION MEETING

[11] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Spirit River, Alberta on May 19, 2005 with Mr. Ron V. Peiluck as the presiding Board Member (the "Mediator").

[12] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All parties in attendance signed the Agreement and discussions ensued.

[13] Following productive and detailed discussions, at the mediation meeting, the Parties reached an agreement and the Appellant withdrew his appeal.

III. DECISION

[14] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-085 and closes its file.

Dated on May 20, 2005, at Edmonton, Alberta.

William A. Tilleman, Q.C.
Chair