

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceeding

Date of Mediation – July 14, 2005

Date of Discontinuance of Proceedings – July 15, 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 Husky Oil Operations
Limited with respect to the decision of the Director, Central
Region, Regional Services, Alberta Environment, to refuse to issue
a Reclamation Certificate to Husky Oil Operations Limited for the
Husky Blackfoot Lloyd 14A-25-49-2 W4 well near Lloydminster,
Alberta.

Cite as: *Husky Oil Operations Limited v. Director, Central Region, Regional Services,
Alberta Environment* (15 July 2005), Appeal No. 05-005-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE:

Dr. M. Anne Naeth, Board Member.

APPEARANCES:

Appellant:

Ms. Jody Spady, Reclamation Coordinator, Husky Oil Operations Limited, and Mr. David McCoy, Senior Environmental Advisor, Husky Oil Operations Limited, Larry Nikiforuk, represented by Mr. Tom Owen, Owen Law.

Director:

Mr. Wayne Boyd, District Compliance Manager, Central Region, Regional Services, Alberta Environment, Mr. Mike Smith, Inspector, Central Region, Regional Service, Alberta Environment, and Mr. Gordon Dinwoodie, Soil Specialist, Environmental Policy Branch, Environmental Assurances, Alberta Environment, represented by Mr. Jeffrey Moore, Alberta Justice.

Board Staff:

Ms. Marian Fluker, Senior Research Officer.

EXECUTIVE SUMMARY

Alberta Environment refused to issue a Reclamation Certificate to Husky Oil Operations Limited with respect to the Husky Blackfoot Lloyd 14A-25-49-2-W4 well, near Lloydminster, Alberta.

The Board received a Notice of Appeal from Husky Oil Operations Limited appealing Alberta Environment's decision.

The Board held a mediation meeting in Edmonton, Alberta on July 14, 2005. As a result of the mediation meeting, a resolution was reached between the parties and the Appellant withdrew their appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On April 18, 2005, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), refused to issue a Reclamation Certificate to Husky Oil Operations Limited (the “Appellant”) for the Husky Blackfoot Lloyd 14A-25-49-2-W4 well near Lloydminster, Alberta.

[2] On May 20, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited, appealing the Director’s decision.

[3] On May 24, 2005, the Board wrote to the Appellant and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and 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 May 30, 2005, the Board received a copy of the Record from the Director, and on June 1, 2005, forwarded a copy to the Appellant.

[6] On June 1, 2005, the Board wrote to Ms. Sharon Tingley (the “Landowner”) advising of the appeal and requested that they advise the Board if she wished to participate in the appeal by June 10, 2005. The Landowner was advised that if she did not participate in the appeal, the Board has the ability to recommend to the Minister of Environment that a Reclamation Certificate should be issued for this well site, and that the Board could make this recommendation following either a mediation meeting or a hearing. If the Board was to make such a recommendation and the Minister of Environment accepts it, the Landowner would not have the ability to appeal that decision. The Board did not receive a response to its June 1, 2005

letter from the Landowner, and on June 14, 2005, the Board wrote to the Landowner again and again no response was received from the Landowner.

[7] On June 29, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for July 14, 2005, to be held in Edmonton, Alberta.

II. MEDIATION MEETING

[8] Pursuant to section 11 of the Environmental Appeals Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on July 14, 2005 with Dr. M. Anne Naeth as the presiding Board Member (the “Mediator”).

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

[10] Following productive and detailed discussions at the mediation meeting, the Appellant withdrew their appeal.

III. DECISION

[11] 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. 05-005 and closes its file.

Dated on July 15, 2005, at Edmonton, Alberta.

Dr. Steve E. Hruday
Acting Chair