

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – September 15, 2005
Date of Discontinuance of Proceedings – September 16, 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 section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by Rodney Sargent with respect to *Environmental Protection and Enhancement Act* Reclamation Certificate No. 00208740-00-00 issued to PrimeWest Energy Inc. by the Inspector, Central Region, Regional Services, Alberta Environment.

Cite as: *Sargent v. Inspector, Central Region, Regional Services, Alberta Environment re: PrimeWest Energy Inc.* (16 September 2005), Appeal No. 05-008-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE: Ron V. Peiluck, Vice-Chair.

APPEARANCES:

Appellant: Rodney Sargent.

Director: Terrina Perley, Inspector, Central Region, Regional Services, Alberta Environment; and Wayne Boyd, Alberta Environment, represented by Darin Stepaniuk, Alberta Justice.

Approval Holder: Corey Semeniuk, PrimeWest Energy Inc; and Kent Price, Terralogix Solutions.

Board Staff: Marian Fluker, Associate Counsel.

EXECUTIVE SUMMARY

On August 11, 2004, Alberta Environment issued a Reclamation Certificate to PrimeWest Energy Inc. for the Gardex Nevis 10-34-40-23 W4 well near Mirror, Alberta.

On July 8, 2005, the Board received a Notice of Appeal from Mr. Rodney Sargent, the landowner, appealing Alberta Environment's decision.

The Board held a mediation meeting in Lacombe, Alberta on September 15, 2005. As a result of the mediation meeting, a resolution was reached by the parties and the Appellant withdrew his appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On August 11, 2004, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”), issued Reclamation Certificate No. 00208740-00-00 (the “Reclamation Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to PrimeWest Energy Inc. (the “Certificate Holder”) for the Gardex Nevis 10-34-40-23 W4 well near Mirror, Alberta.

[2] On July 8, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Rodney Sargent, the landowner (the “Appellant”), appealing the Reclamation Certificate.

[3] On July 12, 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 Certificate Holder and the Inspector of the appeal. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Parties provide available dates for a mediation meeting, preliminary 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 July 27, 2005, the Board received a copy of the Record from the Inspector, and on July 29, 2005, forwarded a copy to the Appellant and the Certificate Holder.

[6] On August 18, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for September 15, 2005, to be held in Lacombe, Alberta.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Lacombe, Alberta on September 15, 2005 with Mr. Ron. V. Peiluck, Vice-Chair, as the presiding Board Member (the “Mediator”).

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

[9] Following productive and detailed discussions at the mediation meeting, a resolution was reached by the Parties, and the Appellant withdrew his appeal.

III. DECISION

[10] 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. 05-008 and closes its file.

Dated on September 16, 2005, at Edmonton, Alberta.

Dr. Steve E. Hrudehy
Chair