

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – November 7, 2005

Date of Discontinuance of Proceedings – November 25, 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 Husky Oil Operations Limited with respect to the decision of the Director, Southern Region, Regional Services, Alberta Environment, to refuse to issue a Reclamation Certificate to Husky Oil Operations Limited for the Renaissance 16C Suffield 16-14-20-8 well at Surface Point in LSD 1-23-20-8-W4M.

Cite as: *Husky Oil Operations Limited v. Director, Southern Region, Regional Services, Alberta Environment* (25 November 2005), Appeal No. 05-013-DOP (A.E.A.B.).

I. BACKGROUND

[1] On July 25, 2005, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), refused to issue a Reclamation Certificate to Husky Oil Operations Limited (the “Appellant”) for the Renaissance 16C Suffield 16-14-20-8 well at Surface Point in LSD 1-23-20-8-W4M, near Jenner, Alberta.

[2] On August 26, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited, appealing the Director’s decision.

[3] On August 30, 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 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 September 19, 2005, the Board received a copy of the Record from the Director, and on September 23, 2005, forwarded a copy to the Appellant.

[6] On September 23, 2005, the Board wrote to the Special Areas Board (the “Landowner”), and Mr. Kenneth and Ms. Sylvia Simpson (the “Occupants”) advising of the appeal and requested that they advise the Board if they wished to participate in the appeal by October 7, 2005. The Landowner and Occupants were advised that if they 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 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 and Occupants

would not have the ability to appeal that decision. The Board received a response from the Landowner on September 29, 2005 advising they wished to participate in the appeal.

[7] On October 5, 2005, in consultation with the Parties and the Landowner, the Board scheduled a mediation meeting for November 7, 2005, to be held in Jenner, Alberta. The Parties, Landowner and Occupants were requested to provide the Board with a list of persons that would be participating in the mediation meeting.

[8] The Board did not receive a response from the Occupants to its letter of October 5, 2005. Records show that the Board's October 5, 2005 letter was successfully delivered to the Occupants. On October 18 and 19, 2005, Board staff contacted the Occupants via telephone to confirm whether they would be attending the mediation meeting and was advised by the Occupants that their intention was to attend the mediation meeting, however they may be unable to attend due to farming commitments. The Occupants did not attend the mediation meeting on November 7, 2005.

II. MEDIATION MEETING

[9] Pursuant to section 11 of the *Environmental Appeal Board Regulation*, Alta. Reg. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on November 7, 2005 with Mr. Ron. V. Peiluck, Vice-Chair, as the presiding mediator (the "Mediator").

[10] 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.

[11] Following productive and detailed discussions at the mediation meeting, an agreement was reached and the Appellant withdrew their appeal.

III. 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 withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 05-013 and closes its file.

Dated on November 25, 2005, at Edmonton, Alberta.

Steve E. Hrudey, D.Sc. (Eng.), P.Eng.
Chair