

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – August 18, 2006

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 Seneca Energy Canada
Inc. with respect to the cancellation of Reclamation Certificate No.
NW2-05-62053 by the Director, Land Use Operations Branch,
Sustainable Resource Development, Alberta Environment.

Cite as: *Seneca Energy Canada Inc. v. Director, Land Use Operations Branch, Sustainable Resource Development* (18 August 2006), Appeal No. 06-050-DOP (A.E.A.B.).

I. BACKGROUND

[1] On May 2, 2006, the Director, Land Use Operations Branch, Sustainable Resource Development, (the “Director”), cancelled Reclamation Certificate No. NW2-05-62053 (the “Certificate”) issued to Seneca Energy Canada Inc. with respect to the Otter 8-6-89-12 W5M well, near Fairview, Alberta.

[2] On May 24, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Seneca Energy Canada Inc. (the “Appellant”) appealing the cancellation of the Certificate.

[3] On May 24, 2006, the Board wrote to the Appellant, and the Director (collectively the “Participants”) 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 Participants provide available dates for a mediation meeting, preliminary meeting or hearing.

[4] In their Notice of Appeal, the Appellant asked the Board to hold the appeals in abeyance so that an inspection of the land could be conducted during the growing season. The abeyance was granted in the Board’s May 24, 2006 letter to the Participants. The Appellant was requested to provide a status report to the Board by July 31, 2006.

[5] 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.

[6] On June 21, 2006, the Board received a copy of the Record from the Director, and on June 22, 2006, forwarded a copy to the Appellant.

[7] On July 19, 2006, in consultation with the Participants, the Board scheduled a mediation meeting to be held on September 27, 2006, in Calgary, Alberta.

[8] On July 28, 2006, the Board received an e-mail from the Appellant requesting an extension of the July 31, 2006 deadline to provide a status report to the Board because weather conditions were preventing access to the site. The Board granted the request and the Appellant was requested to provide a status report to the Board by August 14, 2006.

[9] On August 11, 2006, the Board received an e-mail from the Appellant that stated:
“...we would like to withdraw our appeal for the cancellation of the...reclamation certificate.”

II. 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. 06-050 and closes its file.

Dated on August 18, 2006, at Edmonton, Alberta.

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