

# ALBERTA ENVIRONMENTAL APPEALS BOARD

## Discontinuance of Proceedings

Date of Discontinuance of Proceedings – September 10, 2008

**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 Canadian Natural Resources Limited in relation to the May 13, 2008 (File No. 236854) decision of the Director, Northern Region, Environmental Management, Alberta Environment to refuse to issue a Reclamation Certificate, under the *Environmental Protection and Enhancement Act*, to Canadian Natural Resources Limited for wells located at 11-34-58-11-W4M.

Cite as: *Canadian Natural Resources Limited v. Director, Northern Region, Environmental Management, Alberta Environment*, (10 September 2008), Appeal No. 08-007 (A.E.A.B.).

## **I. BACKGROUND**

[1] On May 13, 2008, the Director, Northern Region, Environmental Management, Alberta Environment (the “Director”), refused to issue a reclamation certificate, under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Canadian Natural Resources Limited for the CNRL Cache and CNRL et al Cache 11-34-58-11 wells located at 11-34-58-11-W4M in the County of St. Paul, Alberta.

[2] On June 13, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Canadian Natural Resources Limited, (the “Appellant”) appealing the Director’s decision.

[3] On June 16, 2008, 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”) in relation to this appeal, and that the Participants provide the Board with available dates for a mediation meeting, a preliminary motions hearing or a hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board, the Energy Resources Conservation Board and the Alberta Utilities Commission asking whether this matter had been the subject of a hearing or review under their respective legislation. The boards all responded in the negative.

[5] On June 27, 2008, the Board received a copy of the Record from the Director, and on July 7, 2008, provided a copy to the Appellant.

[6] On July 7, 2008, the Board wrote to the landowners, Mr. Andrew Starosielski and Starosielski Cattle Inc. (the “Landowners”) notifying them of the appeal, requesting they advise the Board by July 18, 2008, if they wished to participate in the appeal, and providing them with a copy of the Board’s file. The Board did not receive a response from the Landowners.

[7] On July 22, 2008, in consultation with the Participants, the Board scheduled a mediation meeting and site visit for September 10, 2008 in St. Paul, Alberta.

[8] On July 24, 2008, the Board wrote to the Landowners to notify them of the date for the mediation meeting. The Board further contacted the Landowners by telephone on August 20, 2008, and left a message regarding the date for the mediation meeting. The Board did not receive a response from the Landowners.

[9] On September 8, 2008, the Board received a telephone call from the Appellant advising they wished to withdraw their appeal. On September 9, 2008, the Board received written confirmation of the appeal withdrawal from the Appellant.

## **II. DECISION**

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 08-007 and closes its file.

Dated on September 10, 2008 at Edmonton, Alberta.

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Dr. Steve E. Hrudey, FRSC, PEng  
Chair