

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 30, 2009

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 *Water Act* Licence Nos. 00249290-00-00, 00228846-00-00, 00228848-00-00, 00228872-00-00, 00228841-00-00, and 00228818-00-00 issued to Husky Oil Operations Limited by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Husky Oil Operations Limited v. Director, Central Region, Regional Services, Alberta Environment* (30 March 2009), Appeal Nos. 08-029-034-DOP (A.E.A.B.).

I. BACKGROUND

[1] On December 5, 2008, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued under the *Water Act*, R.S.A. 2000, c. W-3, Licence Nos. 00249290-00-00 and 00228841-00-00, and on December 9, 2008 issued Licence Nos. 00228872-00-00, 00228818-00-00, 00228848-00-00, 00228846-00-00 (the “Licences”) to Husky Oil Operations Limited (the “Licence Holder”). Each licence authorizes the operation of a works and the diversion of up to 15,210.0 cubic metres of water annually from various sources for oilfield injection (industrial purposes), in the Wainwright, Alberta area.

[2] On January 19, 2009, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited (the “Appellant”) appealing the Licences.

[3] On January 19, 2009, 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 appeals. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to the appeal, and that the Participants provide available dates for a mediation meeting, preliminary motions hearing, or 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 February 13, 2009, the Board acknowledged receipt of a letter dated February 12, 2009 from the Appellant, and also acknowledged a telephone call between Board staff and the Director on February 9, 2009 requesting an extension to provide the Record as a result of ensuing discussions between the Participants. The Board granted the extension and requested the Participants provide status reports on their discussions by March 20, 2009.

[6] On March 23, 2009, the Board acknowledged receipt of a letter dated March 20, 2009 from the Appellant requesting an additional fourteen-day abeyance in order to finalize the details of their discussions with the Director. The Board granted the extension and requested a status report from the Appellant by April 3, 2009.

[7] On March 27, 2009, the Board acknowledged a letter dated March 26, 2009 from the Appellant wherein they advised that they were able to resolve the issues pertaining to the conditions of the Licences with the Director and requested a withdrawal of their appeal.

II. DECISION

[8] 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 Nos. 08-029-034 and closes its files.

Dated on March 30, 2009, at Edmonton, Alberta.

Dr. Steve E. Hruddy, FRSC, PEng
Chair