

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – November 17, 2008
Date of Discontinuance of Proceedings – December 23, 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 Edward John Buchan
with respect to *Environmental Protection and Enhancement Act*
Reclamation Certificate No. 00235724-00-00 issued to Crew
Energy Inc. (formerly Gentry Resources Ltd. and Bow Valley
Energy Ltd.) by the Inspector, Northern Region, Environmental
Management, Alberta Environment.

Cite as: *Buchan v. Inspector, Northern Region, Environmental Management, Alberta Environment, re: Crew Energy Inc.* (23 December 2008), Appeal No. 07-139-DOP (A.E.A.B.).

I. BACKGROUND

[1] On October 17, 2007, the Inspector, Northern Region, Environmental Management, Alberta Environment (the “Inspector”), issued Reclamation Certificate No. 00235724-00-00 (the “Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Bow Valley Energy Ltd. (subsequently Gentry Resources Ltd. and presently Crew Energy Inc.) (the “Certificate Holder”), for the Bow Valley et al Balsam 6-4-83-10-W6M well, near Silver Valley, Alberta.

[2] On November 16, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Edward John Buchan, the landowner (the “Appellant”) appealing the Certificate.

[3] On November 19, 2007, the Board wrote to the Appellant, the Certificate Holder, and the Inspector (collectively the “Participants”) 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 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 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 December 10, 2007, the Board was notified by Gentry Resources Ltd. that it had acquired the Certificate and property from Bow Valley Energy Ltd. on March 1, 2007.

[6] On December 17, 2007, the Board received a letter and the Record from the Inspector, and on December 20, 2007 forwarded a copy to the Appellant and the Certificate Holder. The Board also requested the Participants hold February 15, 2008 for a mediation meeting and requested additional dates in March 2008 by January 7, 2008.

[7] On December 17 and 20, 2007 the Board received letters from the Appellant and Certificate Holder. The letter from the Certificate Holder requested the appeal be held in

abeyance to allow for discussions with the Appellant. On December 27, 2007, the Board granted the abeyance and requested status reports on their discussions by January 18, 2008.

[8] On January 23, 2008, the Board advised the Participants that in reviewing the Certificate Holder's letter of January 14, 2008 it appeared that an agreement had been reached between the Certificate Holder and the Appellant. The Board requested the Appellant advise by February 6, 2008 if he was withdrawing his appeal. On February 8, 2008, the Board again requested the Appellant advise by February 11, 2008 if he was withdrawing his appeal.

[9] The Board spoke to the Appellant on February 21, 2008 and in a letter dated February 25, 2008 the Board extended the abeyance of the appeal to allow for reclamation work to be completed in the spring of 2008, and requested status reports by May 16, 2008. Status reports were again requested by May 27, 2008, July 15, 2008, August 15, 2008, and August 28, 2008.

[10] On September 2, 2008, Crew Energy Inc. advised it had purchased the Certificate and property from Gentry Resources Ltd. Crew Energy Inc. requested an opportunity to review the appeal and provide a status report by September 30, 2008. On September 3, 2008, the Board granted the request and asked for a status report by September 30, 2008.

[11] On September 15, 2008 the Board received a letter from the Certificate Holder requesting a mediation meeting be scheduled, and on September 16, 2008 the Board requested the Participants provide their schedules by September 19, 2008 for a mediation meeting. On October 1, 2008, the Board confirmed the mediation meeting for November 17, 2008.

II. MEDIATION MEETING

[12] Pursuant to section 11 of the Environmental Appeal Board Regulation A.R. 114/93, the Board conducted a mediation meeting in Silver Valley, Alberta, on November 17, 2008 with Mr. Alex MacWilliam, Board Member, as the presiding mediator (the "Mediator").

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

[14] Following productive and detailed discussions at the mediation meeting, the Appellant withdrew his appeal on December 17, 2008.

III. DECISION

[15] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant on December 17, 2008, the Board hereby discontinues its proceedings in Appeal No. 07-139 and closes its file.

Dated on December 23, 2008, at Edmonton, Alberta.

Dr. Steve E. Hrudey, FRSC, PEng
Chair