

2013 ABEAB 20**Appeal Nos. 12-031 and 032**

Appellants – Calmar Lands Ltd., and 1330075 Alberta Ltd. (and its subsidiary the Harvest Group), **Operator** – Penn West Petroleum Ltd., **Location** – near Calmar

Notices of Appeal were received on September 25, 2012 from Calmar Lands Ltd., and on October 12, 2012 from 1330075 Alberta Ltd. and its subsidiary the Harvest Group, in relation to the October 18, 2011 decision of Alberta Environment and Sustainable Resource Development (AESRD) to issue Reclamation Certificate No. 00296303-00-00 to Penn West Petroleum Ltd. for the Post 103 Leduc Woodbend 11-30-49-26 W4M well site, located near Calmar.

Upon review of Calmar Lands' Notice of Appeal, it was unclear whether they were entitled to appeal as they may not own the land and may not have been provided with a copy of the Reclamation Certificate by AESRD. In a subsequent e-mail, Calmar Lands explained that they sold the land to the Harvest Group (a subsidiary known legally as 1330075 Alberta Ltd.) in 2008. The Harvest Group paid some money at the time of purchase but still owed money on the purchase. Since the Harvest Group had not made payments on the debt for some time, Calmar Lands commenced foreclosure on the property. The Harvest Group was in bankruptcy and since the Harvest Group had little or no equity in the property, they were likely to walk away leaving Calmar Lands as the owners of the property and responsible for sorting out the issues. In its decision dated December 19, 2012, the Board determined that Calmar Lands had a right to appeal and was directly affected because there was a reasonable possibility the lands might revert back to them as a result of bankruptcy proceedings against 1330075 Alberta Ltd and the Harvest Group.

Cite: *Calmar Lands Ltd. and 1330075 Alberta Ltd. v. Director, Northern Region, Operations Division, Alberta Environment and Sustainable Resource Development, re: Penn West Petroleum Ltd.* (December 19, 2012), Appeal Nos. 12-031 and 12-032-ID1 (A.E.A.B.).

On February 5, 2013, AESRD advised Penn West that the Reclamation Certificate had been cancelled because Penn West's January 9, 2013 letter indicated that the Reclamation Certificate application mistakenly did not include all of the required historical information associated with the site. As a result of the cancellation of the Reclamation Certificate, Calmar Lands (EAB 12-031) withdrew their appeal on February 12, 2013. On August 2, 2013 the Board advised that further to its July 16 and July 19, 2013 letters, the Board did not receive any objections to it declaring the appeal of 1330075 Alberta Ltd. and its subsidiary the Harvest Group (EAB 12-032) moot, as the Board's jurisdiction ceased at the time the Reclamation Certificate was cancelled, and closed its file.