

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceeding – October 25, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the
Environmental Protection and Enhancement Act, S.A. 1992, c. E-
13.3;

-and-

IN THE MATTER OF an appeal filed by the Alberta Orphan
Program, on behalf of Joffre Oils Ltd. with respect to the decision
of the Inspector, Bow Region, Regional Service, Alberta
Environment, to refuse to issue a Reclamation Certificate for the
Joffre et al Hartell 11-26-19-1 Well.

Cite as: *Joffre Oils Ltd. v Inspector, Bow Region, Regional Service, Alberta Environment.*

EXECUTIVE SUMMARY

On July 18, 2001, the Environmental Appeal Board received a Notice of Appeal from the Alberta Orphan Program, filed on behalf of Joffre Oils Ltd., with respect to the decision of the Inspector to refuse to issue a reclamation certificate for the Joffre et al Hartell 11-26-19-1 Well, near Okotoks, Alberta.

On October 12, 2001 the Board was advised that Joffre Oils Ltd. was withdrawing their appeal as they are working with Alberta Environment to resolve their concerns. The Board is therefore discontinuing its proceedings and is closing its file with respect to this appeal.

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I. BACKGROUND

[1] On July 18, 2001 the Environmental Appeal Board (the “Board”) received a Notice of Appeal from the Alberta Orphan Program, on behalf of Joffre Oils Ltd. (the “Appellant”) with respect to the June 6, 2001, decision of the Inspector, Bow Region, Regional Services, Alberta Environment (the “Inspector”), to refuse to issue a reclamation certificate for the Joffre et al Hartell 11-26-19-1 Well, near Okotoks, Alberta.

[2] On July 18, 2001, the Board acknowledged the Notice of Appeal and requested a copy of all correspondence related to this appeal (the “Record”) from Alberta Environment. The Board requested that all parties provide their available dates for a hearing or mediation meeting/settlement conference for August and September 2001.

[3] According to standard practice, the Board wrote to the Natural Resources Conservation Board and Alberta Energy and Utilities Board asking if this matter had been the subject of a hearing or review by either of their Boards. Both Boards responded in the negative.

[4] On July 30, 2001, the Board received a letter of the same date from the Inspector requesting an extension of time for the dates for a mediation hearing/settlement conference in hopes that the matter could be resolved directly between the parties. The Board granted this extension and requested that the parties provide a written status report to the Board by August 8, 2001.

[5] On July 31, 2001, the Board received a copy of the Inspector’s Record and forwarded a copy to the Appellant.

[6] The Board was advised on August 3, 2001 from the Inspector, that the parties had arranged a meeting between themselves for August 16, 2001 and would provide a status report to the Board by August 21, 2001. On August 7, 2001, the Appellant advised the Board of their agreement to the scheduled meeting and a preference of a resolution by mediation meeting/settlement conference if the matter remained unresolved.

[7] On August 22, 2001, the Board received a status report from the Appellant advising the parties to the appeal requested a further abeyance of 60 days to continue discussions. The Board granted the abeyance to October 15, 2001 with a written status report to

be provided to the Board by October 16, 2001. The Board also asked the parties to provide available dates for October and November 2001 for a mediation meeting/settlement conference or hearing, in the event that an agreement was not reached, during informal discussions. On August 30, 2001 the Appellant advised the Board of their available dates and on September 5, 2001, the Inspector provided available dates.

[8] On October 12, 2001, the Board received a letter from the Appellant stating:

“...From our discussions, Alberta Environment representatives...have shown that they understand our concerns that the land management practices of the occupant have an influence on the site...and that they will make every effort to hold an inquiry after our application has been received in a timely manner. We in turn, will be open to working with Alberta Environment concerning this lease...As a result of our discussions, the Alberta Orphan Program...respectfully withdraw our appeal.”

II. DECISION

[9] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellant's letter of October 12, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-066 and will be closing its file.

Dated on October 25, 2001, at Edmonton, Alberta.

William A. Tilleman, Q.C.