

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Decision

Date of Decision – September 17, 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 Mr. Douglas R. Stanger
with respect to Reclamation Certificate #39458 issued by the
Inspector, Environmental Service, Alberta Environment, to
Renaissance Energy Ltd. (now Husky Energy) for the Renaissance
Drumheller 16-16-30-19 Well located at NE 16-30-19 W4M.

Cite as: *Stanger v. Inspector, Environmental Service, Alberta Environment; re:
Renaissance Energy Ltd.*

EXECUTIVE SUMMARY

On August 8, 2000, Alberta Environment issued a Reclamation Certificate for a well located on the property of Mr. Douglas R. Stanger. The Board received an appeal from Mr. Stanger on August 7, 2001 stating that his land has not been restored to his satisfaction. In response to the appeal, the Board requested that Alberta Environment, Renaissance and Mr. Stanger provide dates for a mediation meeting or hearing.

The Board received a letter from Renaissance advising that it was arranging a meeting with Alberta Environment and Mr. Stanger. As a result, the Board agreed to place the appeal in abeyance until August 31, 2001. The Board received notice from Alberta Environment and Renaissance that an agreement had been reached among the parties and Mr. Stanger would be withdrawing his appeal. The Board requested that Mr. Stanger confirm that a resolution had been reached and that he was withdrawing his appeal. The Board received a telephone call from Mr. Stanger on September 7, 2001 confirming that he had reached an agreement with the parties and would be forwarding to the Board his notice of withdrawal.

To date the Board has not received notice from Mr. Stanger of his withdrawal and therefore dismisses the appeal pursuant to section 87(5) of the *Environmental Protection and Enhancement Act* for failure to respond to a written request.

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I. BACKGROUND

[1] On August 8, 2001, the Inspector, Environmental Service, Alberta Environment, (the “Inspector”) issued Reclamation Certificate 39458 (“Certificate”) to Renaissance Energy Ltd. (now Husky Energy) (the “Certificate Holder”) for Renaissance Drumheller 16-16-30-19 Well, located at NE 16-30-19 W4M, near Drumheller, Alberta, certifying that the lands comply with Part 5 of the *Environmental Protection and Enhancement Act*, S.A. 1992 c. E-13.3 (the “Act”).

[2] On August 7, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Douglas R. Stanger (the “Appellant”) appealing the Certificate stating that the land has not been restored to his satisfaction.

[3] On August 10, 2001, the Board acknowledged receipt of the appeal and requested, the Inspector, Appellant and the Certificate Holder provide available dates for a hearing or mediation meeting/settlement conference. In this same letter the Board requested the Inspector provide the record (the “Record”) related to the Certificate.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether these matters had been the subject of a hearing or review under their respective jurisdictions. Both Boards responded in the negative.

[5] On August 17, 2001, the Board received a letter from the Certificate Holder advising that they were pursuing a meeting with the Appellant and the Inspector to discuss the appeal. As a result, the Board advised the parties on August 20, 2001 that the appeal would be held in abeyance until August 31, 2001, at which time status reports were due.

[6] The Board received the Records from the Inspector and forwarded to the Certificate Holder and Appellant on August 17, 2001.

[7] On August 27, 2001, the Board received a telephone call from the Certificate Holder advising that a settlement had been reached. On August 28, 2001 the Board also received a letter from the Inspector also advising that a settlement had been reached. On August 31, 2001,

the Board wrote to the parties and requested that the Appellant confirm that a resolution had been reached and that he was withdrawing his appeal. On September 7, 2001, the Board received a telephone call from the Appellant concurring with the Certificate Holder and Inspector that a settlement had been reached and that he would be forwarding a letter advising he is withdrawing his appeal.

[8] To date no letter has been received from the Appellant.

II. DECISION

[9] Section 87(5)(a)(i.2) and (ii) of the Act states:

87(5) The Board

- (a) may dismiss a notice of appeal if ...
 - (i.2) for any other reason the Board considers that the notice of appeal is not properly before it,
 - (ii) the person who submitted the notice of appeal fails to comply with a written notice under section 85, or

[10] The Board hereby exercises its discretion under section 87(5) of the Act and dismisses the Notice of Appeal filed by Mr. Douglas R. Stanger for failure to respond to our written request.

Dated on September 17, 2001, at Edmonton, Alberta.

William A. Tilleman, Q.C., Chairman