

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – June 10, 2004

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 Gwen Veer with
respect to the decision of the Inspector, Public Lands, Sustainable
Resource Development, to issue Reclamation Certificate No. NE
1-03-00169 to Navigo Energy Inc.

Cite as: *Veer v. Inspector, Public Lands, Sustainable Resource Development re: Navigo Energy Inc.* (10 June 2004), Appeal No. 03-141-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

The Inspector, Public Lands, Sustainable Resource Development, issued a Reclamation Certificate to Navigo Energy Inc., for the surface of the land within TWP 61-13-W4M; Sec 18, NW 17 in connection with or incidental to the access road held under LOC 962663 and licence no. 0195079, near Vilna, Alberta.

The Board received a Notice of Appeal from Ms. Gwen Veer, the occupant of the land, appealing the Reclamation Certificate.

The Board began processing the appeal. However the Appellant withdrew her appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On September 8, 2003, the Inspector, Public Lands, Sustainable Resource Development (the “Inspector”) issued Reclamation Certificate No. NE 1-03-00169 (the “Certificate”) to Navigo Energy Inc., for the surface of the land within TWP 61-13-W4M; Sec 18, NW 17 in connection with or incidental to the access road held under LOC 962663 and license no. 0195079, near Vilna, Alberta.

[2] On October 21, 2003, the Environmental Appeals Board (the “Board”) received a Notice of Appeal, dated October 3, 2003, from Ms. Gwen Veer, the occupant of the land, (the “Appellant”) appealing the Inspector’s decision.

[3] On October 22, 2003 the Board wrote to the Appellant, the Certificate Holder and the Inspector (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Inspector of the appeal. In the same letter, the Board also requested the Inspector provide a copy of the documents related to this appeal (the “Record”) and that the Parties provide the Board with available dates for a mediation meeting 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 November 13, 2003 the Board received a letter from the Certificate Holder requesting an abeyance of the appeal until the spring of 2004, and stating:

“...we are willing to address Mrs. Veer’s concerns...A reclamation specialist...will be in contact with Mrs. Veer within the next few days to determine a suitable time for an onsite meeting with Ms. Veer. We feel that an onsite meeting is required to ensure that Navigo and Ms. Veer discuss and mutually agree upon a remedial plan that will be carried out in the spring of 2004...”

[6] On November 17, 2003 the Board acknowledged the Certificate Holder’s November 13, 2003 letter, granted the abeyance, and requested the Parties advise the Board by November 27, 2003 if there were any objections to holding the appeal in abeyance. The Board also requested the Parties provide the Board with a written status report on a monthly basis

beginning on December 13, 2003, with a final status report confirming resolution of the appeal or providing available dates for a mediation meeting or hearing by April 30, 2004.

[7] On March 31, 2004 the Board received a status report from the Certificate Holder advising that work had not yet been carried out at the site and was expected to commence in late April to early May depending on weather and ground conditions. The Certificate Holder advised that they would notify the Board once the remedial activity had taken place. The Board requested the Parties provide a further status report by May 11, 2004.

[8] On May 11, 2004 the Board received a status report from the Certificate Holder advising that remedial work had not yet been carried out due to weather and ground conditions. However, the Certificate Holder advised that they had spoken to the Appellant to discuss the work that was to be completed on the site. The Board requested a status report by May 31, 2004.

[9] On May 31, 2004, the Board received a letter from the Certificate Holder stating:

“...Navigo believes that the originally agreed to requirements for reclamation on this site have now been met. At this time, Navigo requests...to be informed if any further work is required...”

[10] On June 1, 2004 the Board acknowledged the letter of May 31, 2004 from the Certificate Holder and requested the Appellant advise if she would be withdrawing her appeal.

[11] On June 9, 2004, the Board received a telephone call from the Appellant advising that the work carried out by the Certificate Holder was satisfactory and she wished to withdraw her appeal.

II. DECISION

[12] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c E-12, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 03-141 and closes its file.

Dated on June 10, 2004, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chairman