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ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Report and Recommendations

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Date of Mediation Meeting – August 26, 2004

Date of Report and Recommendations – August 31, 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 Husky Oil Operations  
Limited with respect to the decision of the Inspector, Central  
Region, Regional Services, Alberta Environment to refuse to issue  
a Reclamation Certificate to Husky Oil Operations Limited for the  
Renaissance 15D Provost 15-36-39-3-W4 well near Provost,  
Alberta.

Cite as: *Husky Oil Operations Limited v. Inspector, Central Region, Regional Services,  
Alberta Environment* (31 August 2004), Appeal No. 04-013-R (A.E.A.B.).

**MEDIATON MEETING BEFORE:**

Dr. M. Anne Naeth, Board Member.

**APPEARANCES:**

**Appellant:**

Ms. Jody Spady, Husky Oil Operations Limited, Ms. Megan Doerksen, Husky Oil Operations Limited, and Mr. Larry Nikiforuk, Soil-Info Ltd., represented by Mr. Tom Owen, Owen Thomas.

**Inspector:**

Mr. Doug Rawluck, Alberta Environment, Mr. Wayne Boyd, Alberta Environment, Mr. Mike Smith, Alberta Environment and Mr. Jim Steele, Alberta Environment, represented by Mr. Jeffrey Moore, Alberta Justice.

**Board Staff:**

Ms. Marian Fluker, Senior Research Officer.

## **EXECUTIVE SUMMARY**

Alberta Environment refused to issue a Reclamation Certificate to Husky Oil Operations Limited for the Renaissance 15D Provost 15-36-39-3-W4M well near Provost, Alberta.

On June 10, 2004, the Board received a Notice of Appeal from Husky Oil Operations Limited appealing Alberta Environment's decision.

The Board held a mediation meeting in Edmonton, Alberta, on August 26, 2004, following which a resolution was reached by the parties. The Board recommends that the Minister of Environment accept the resolution.

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## **I. BACKGROUND**

[1] On May 13, 2004, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”), refused to issue a Reclamation Certificate (the “Certificate”) to Husky Oil Operations Limited with respect to the Renaissance 15D Provost 15-36-39-3-W4M well near Provost, Alberta.

[2] On June 10, 2004, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited (the “Appellant”) appealing the Inspector’s decision.

[3] On June 11, 2004, the Board wrote to the Appellant and the Inspector (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying 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 Parties provide 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 June 28, 2004, the Board received a copy of the Record from the Inspector, and on July 13, 2004, forwarded a copy to the Appellant.

[6] On July 12, 2004, the Board wrote to the landowners, Mr. Kevin and Ms. Diane Angeltvedt (the “Landowners”), notifying them of the appeal and requesting they notify the Board by July 19, 2004, if they wished to participate in a mediation meeting or hearing. The Landowners were advised the Board may proceed to make a decision without their input and without further notice to them if they did not respond to the Board’s letter. The Board did not receive a response from the Landowners.

[7] In consultation with the Parties, the Board scheduled the mediation meeting for August 26, 2004, in Edmonton.

## II. THE MEDIATION MEETING

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on August 26, 2004 with Dr. M. Anne Naeth as the presiding Board Member (the “Mediator”).

[9] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. She then circulated copies of the Participants’ Agreement to Mediate. All Parties signed the Agreement and discussions ensued.

[10] Following productive and detailed discussions, a Resolution evolved which all Parties signed. This document is attached as page 3.

## III. RECOMMENDATIONS

[11] In accordance with section 99 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Act”), the Board recommends the Minister of Environment order the Inspector’s decision to refuse to issue the Reclamation Certificate be reversed and that the Reclamation Certificate to Husky Oil Operations Limited be issued. Attached for the Minister’s consideration is a draft Ministerial Order implementing the recommendation.

[12] Further, with respect to sections 100(2) and 103 of the Act, the Board recommends that copies of this Report and Recommendations, and of any decision by the Minister, be sent to the following Parties:

- Mr. Tom Owen, Owen Thomas, representing Husky Oil Operations Limited; and
- Mr. Jeffrey Moore, Alberta Justice, representing Mr. Wayne Boyd, Inspector, Central Region, Regional Services, Alberta Environment.

Dated on August 31, 2004, at Edmonton, Alberta.

“original signed by”

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Dr. M. Anne Naeth  
Board Member

#### IV. RESOLUTION

**RESOLUTION OF APPEAL NO. 04-013 RELATING TO THE REFUSAL BY THE DISTRICT COMPLIANCE MANAGER, CENTRAL REGION, REGIONAL SERVICES, ALBERTA ENVIRONMENT, TO ISSUE A RECLAMATION CERTIFICATE UNDER THE *ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT*, TO HUSKY OIL OPERATIONS LIMITED FOR THE WELL KNOWN AS RENAISSANCE 15D PROVOST 15-36-39-3-W4M.**

**All parties to the appeal have agreed to the following terms and conditions:**

1. THAT the parties agree the refusal to issue a Reclamation Certificate for Renaissance 15D Provost 15-36-39-3-W4M should be reversed, and the parties agree that the Board recommend to the Minister that the Reclamation Certificate to Husky Oil Operations Limited be issued.
2. THAT in consideration of the foregoing, Husky Oil Operations Limited agrees to withdraw their Notice of Appeal.

RESOLUTION AGREED TO BY:

“original signed by”  
Husky Oil Operations Limited  
Represented by Jody Spady,  
Husky Oil Operations Limited

Date: August 26, 2004

“original signed by”  
Wayne Boyd, Alberta Environment  
Represented by Jeffrey Moore,  
Alberta Justice

Date: August 26, 2004

**V. DRAFT ORDER**

**Ministerial Order  
/2004**

*Environmental Protection and Enhancement Act*  
R.S.A. 2000, c. E-12

**Order Respecting Environmental Appeals Board  
Appeal No. 04-013**

I, Dr. Lorne Taylor, Minister of Environment, pursuant to section 100 of the *Environmental Protection and Enhancement Act*, make the order in the attached Appendix, being an Order Respecting Environmental Appeals Board Appeal No. 04-013.

Dated at the City of Edmonton, in the Province of Alberta this \_\_\_\_ day of \_\_\_\_\_, 2004.

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Honourable Dr. Lorne Taylor  
Minister of Environment



**Draft Appendix**

Order Respecting Environmental Appeals Board Appeal No. 04-013

With respect to the decision of the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”) to refuse to issue a Reclamation Certificate (the “Certificate”), under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Husky Oil Operations Limited for the Renaissance 15 D Provost 15-36-39-3-W4M well (the “Well”), I, Dr. Lorne Taylor, Minister of Environment:

1. Order that the decision of the Inspector to refuse to issue the Certificate for the Well be reversed; and
2. Order that the Certificate for the Well be issued to Husky Oil Operations Limited.

ALBERTA ENVIRONMENT  
*Office of the Minister*

**Ministerial Order  
17/2004**

*Environmental Protection and Enhancement Act*  
R.S.A. 2000, c. E-12

**Order Respecting Environmental Appeals Board  
Appeal No. 04-013**

I, Dr. Lorne Taylor, Minister of Environment, pursuant to section 100 of the *Environmental Protection and Enhancement Act*, make the order in the attached Appendix, being an Order Respecting Environmental Appeals Board Appeal No. 04-013.

Dated at the City of Edmonton, in the Province of Alberta this 23 day of September, 2004.

*“original signed by”*

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Honourable Dr. Lorne Taylor  
Minister of Environment

## Appendix

### Order Respecting Environmental Appeals Board Appeal No. 04-013

With respect to the decision of the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”) to refuse to issue a Reclamation Certificate (the “Certificate”), under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Husky Oil Operations Limited for the Renaissance 15 D Provost 15-36-39-3-W4M well (the “Well”), I, Dr. Lorne Taylor, Minister of Environment:

1. Order that the decision of the Inspector to refuse to issue the Certificate for the Well be reversed; and
2. Order that the Certificate for the Well be issued to Husky Oil Operations Limited.