

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

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Date of Mediation Meeting - March 14, 2005

Date of Discontinuance of Proceedings – March 18, 2005

**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 Talisman Energy Inc.  
with respect to the decision of the Director, Northern Region,  
Regional Services, Alberta Environment, to refuse to issue a  
Reclamation Certificate to Talisman Energy Inc. for the Talisman  
102 Dunvegan 16-2-81-4-W6 well.

Cite as: *Talisman Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (18 March 2005), Appeal No. 04-083-DOP (A.E.A.B.).

**MEDIATION MEETING BEFORE:**

Mr. Jim Barlishen, Board Member.

**APPEARANCES:**

**Appellant:**

Mr. Nevin Wolf, Talisman Energy Inc., Mr. Jim Gordon, Talisman Energy Inc., Mr. Rob Staniland, Talisman Energy, and Mr. Jeff Biegel, Sharp Environmental (2000) Ltd.

**Director:**

Mr. Greg Smith, Director, Northern Region, Regional Services, Alberta Environment, Ms. Carrie Robertson, Reclamation Inspector, Alberta Environment, Mr. Gordon Dinwoodie, Soil Specialist, Alberta Environment, represented by Mr. Jeffrey Moore, Alberta Justice.

**Board Staff:**

Mr. Gilbert Van Nes, General Counsel and Settlement Officer.

## **EXECUTIVE SUMMARY**

Alberta Environment refused to issue a Reclamation Certificate to Talisman Energy Inc., with respect to the Talisman 102 Dugvegan 16-2-81-4-W6 well, near Fairview Alberta.

The Board received a Notice of Appeal from Talisman Energy Inc., appealing Alberta Environment's decision.

The Board held a mediation meeting in Calgary, Alberta on March 14, 2005. As a result of the mediation meeting, a resolution was reached between the parties and the Appellant withdrew their appeal. The Board therefore closes its file in this matter.

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## **I. BACKGROUND**

[1] On December 2, 2004, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), refused to issue a Reclamation Certificate to Talisman Energy Inc. (the “Appellant”) for the Talisman 102 Dunvegan 16-2-81-4 W6 well (the “Well”) near Fairview, Alberta.

[2] On December 23, 2004 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Nevin Wolf filed on behalf of Talisman Energy Inc. appealing the Director’s decision.

[3] On December 23, 2004, the Board wrote to the Appellant, and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board also requested the Director 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 January 4 and 10, 2005, the Board received letters from the Appellant and the Director advising that the owner of the land, where the well is situated, is Devon Canada 2000 (the “Landowner”), and that the occupant of the land is Mr. Doug Roy (the “Occupant”). On January 11, 2005 the Board notified the Landowner and the Occupant of the appeal and requested they advise the Board if they wished to participate in the appeal by January 17, 2005. The Landowner and Occupant were advised that if they did not participate in the appeal, the Board has the ability to recommend to the Minister of Environment that a Reclamation Certificate should be issued for this well site, and that the Board could make this recommendation following either a mediation meeting or a hearing. If the Board was to make such a recommendation and the Minister of Environment accepts it, the Landowner and Occupant would not have the ability to appeal that decision.

[6] On January 12, 2005, the Board received a copy of the Record from the Director and on January 20, 2005, forwarded a copy to the Appellant.

[7] The Board did not receive a response to its January 11, 2005 letter from the Landowner or the Occupant and on January 20, 2005, the Board wrote to the Landowner and the Occupant again advising:

“...the Board has the ability to recommend to the Minister of Environment that a Reclamation Certificate should be issued for this well site. The Board could make this recommendation following either a mediation meeting or a hearing. If the Board was to make such a recommendation and the Minister of Environment accepts it, you would not have the ability to appeal that decision. Please also be advised that the Board may proceed to make a decision without your input and without further notice to you”.

No response was received from the Landowner or occupant.

## **II. MEDIATION MEETING**

[8] Pursuant to section 11 of the Environmental Appeals Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Calgary, Alberta on March 14, 2005 with Mr. Jim Barlishen 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. He then circulated copies of the Participants’ Agreement to Mediate. All persons in attendance signed the Agreement and discussions ensued.

[10] Following productive and detailed discussions at the mediation meeting, the Appellant withdrew their appeal.

## **III. DECISION**

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-083 and closes its file.

Dated on March 18, 2005, at Edmonton, Alberta.

“original signed by”

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William A. Tilleman, Q.C.  
Chair