

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – June 21, 2005
Date of Discontinuance of Proceedings – June 29, 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 Deer Creek Energy
Limited with respect to the decision of the Director, Central
Region, Regional Services, Alberta Environment, to refuse to issue
a Reclamation Certificate to Deer Creek Energy Limited for the
Medcon Joffre Lloyd 8A-14-51-1W4M well.

Cite as: *Deer Creek Energy Limited v. Director, Central Region, Regional Services,
Alberta Environment* (29 June 2005), Appeal No. 05-002-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE:

Ms. Marilyn Kansky, Board Member.

APPEARANCES:

Appellant:

Mr. Tim Chidlaw, Northern EnviroSearch Ltd.,
Mr. Shawn Malone, Deer Creek Energy
Limited.

Director:

Mr. Jim Steele, District Compliance Manager,
Central Region, Regional Services, Alberta
Environment, and Mr. Mike Smith, Inspector,
Central Region, Regional Service, Alberta
Environment, represented by Ms. Michelle
Williamson, Alberta Justice.

Board Staff:

Ms. Denise Black, Board Secretary.

EXECUTIVE SUMMARY

Alberta Environment refused to issue a Reclamation Certificate to Deer Creek Energy Limited for the Medcon Joffre Lloyd 8A-14-51-1 W4M well in the County of Vermillion River, Alberta.

The Board received a Notice of Appeal from Deer Creek Energy Limited appealing Alberta Environment's decision.

The Board held a mediation meeting in Lloydminster, Alberta on June 21, 2005. As a result of the mediation meeting, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On March 10, 2005, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), refused to issue a Reclamation Certificate to Deer Creek Energy Limited (the “Appellant”) with respect to the Medcon Joffre Lloyd 8A-14-51-1W4M well in the County of Vermillion River, Alberta.

[2] On April 21, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Northern EnviroSeach Ltd., on behalf of Deer Creek Energy Limited, appealing the Director’s decision.

[3] On April 25, 2005, 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 May 6, 2005, the Appellant advised the Board that the owner of the land, where the well is situated, is Ms. Anita Weaver (the “Landowner”) and that the occupant of the land is Mr. Ron Weaver (the “Occupant”). On May 10, 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 May 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. The Board did not receive a response to its May 10, 2005 letter from the Landowner or the Occupant. On May 31, 2005, the Board wrote to the Landowner and the Occupant again and did not receive a response

[6] On May 9, 2005, the Board received a copy of the Record from the Director, and on May 11, 2005, forwarded a copy to the Appellant, the Landowner, and the Occupant.

[7] On May 31, 2005, in consultation with the Parties, set the mediation meeting for June 21, 2005 in Lloydminster, AB.

II. MEDIATION MEETING

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Lloydminster, Alberta on June 21, 2005 with Ms. Marilyn Kansky 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 persons in attendance signed the Agreement and discussions ensued.

[10] Following discussions at the mediation meeting, the Appellant stated he would advise the Board if he wishes to proceed with his appeal. On June 23, 2005, the Board received an e-mail from the Appellant advising that they will not be proceeding with the 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 on June 23, 2005, the Board hereby discontinues its proceedings in Appeal No. 05-002 and closes its file.

Dated on June 29, 2005, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chair