

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – March 16, 2007
Date of Discontinuance of Proceedings – March 28, 2007

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 ARC Resources Ltd.
with respect to the decision by the Director, Central Region,
Regional Services, Alberta Environment to refuse to issue a
Reclamation Certificate to ARC Resources Ltd. for the Mobil Pem
08-16-49-07 Well.

Cite as: *ARC Resources Ltd. v. Director, Central Region, Regional Services, Alberta
Environment* (28 March 2007), Appeal No. 06-077-DOP (A.E.A.B.).

I. BACKGROUND

[1] On October 13, 2006, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), refused to issue a reclamation certificate (the “Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 for the Mobil Pem 8-16-49-7 Well, near Drayton Valley, Alberta.

[2] On November 17, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from ARC Resources Ltd. (the “Appellant”) appealing the Director’s refusal to issue the Certificate.

[3] On November 20, 2006, the Board wrote to the Appellant and the Director (collectively the “Participants”) 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 Participants provide available dates for a mediation meeting, preliminary 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 December 15, 2006, the Appellant provided the Board with contact information for the landowner.¹

[6] On December 18, 2006, the Board received a copy of the Record from the Director, and on December 28, 2006, forwarded a copy to the Appellant.

[7] On December 28, 2006, the Board wrote to the landowner, Mr. Robert Labossiere, to notify him of the appeal. On January 8, 2007, the Board received a telephone call from Mr. Labossiere advising that the land had been sold to the Calvary Baptist Church (the

¹ On February 23, 2007 and March 1, 2007, the Director and the Appellant provided the Board with title searches that were conducted on February 23, 2007 and March 1, 2007. The title searches showed that the landowner was still listed as Mr. Robert Labossiere. The Appellant indicated that the land titles department may be behind in processing changes and amendments in land ownerships.

“Landowner”) in Drayton Valley, Alberta. On January 11, 2007, the Board wrote to the Landowner to notify them of the appeal and requested they advise the Board if they wished to participate in the appeal. The Landowner responded to the Board’s letter by telephone advising they wished to receive further information regarding the appeal before deciding whether to participate. The Board forwarded a copy of Alberta Environment’s Record to the Landowner on February 6, 2007.

[8] On February 21, 2007, in consultation with the Participants, the Board scheduled the mediation meeting for March 16, 2007, in Edmonton, Alberta.

[9] On February 21, 2007, the Board wrote to the Landowner, advising them of the date for the mediation meeting and requesting they advise the Board, by March 2, 2007, if they wished to participate. A response was not received, and Board staff contacted the Landowner by telephone on March 9, 2007 and was advised that the Landowner did not wish to participate in the mediation meeting.

II. MEDIATION MEETING

[10] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Edmonton, Alberta on March 16, 2007 with Dr. M. Anne Naeth, Board Member, as the presiding mediator (the “Mediator”).

[11] 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 Participants signed the Agreement and discussions ensued.

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

III. DECISION

[13] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 06-077, and closes its file.

Dated on March 28, 2007, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hruddy, FRSC, PEng
Chair