

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation – January 24, 2008

Date of Discontinuance of Proceedings – January 25, 2008

IN THE MATTER OF sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by Canadian Natural Resources Limited with respect to the decision of the Director, Central Region, Environmental Management, Alberta Environment to refuse to issue a Reclamation Certificate to Canadian Natural Resources Limited for the PCP 6B Marwayne and PCP 8A Marwayne wells, drilled at 7-11-53-2-W4M.

Cite as: *Canadian Natural Resources Limited v. Director, Central Region, Environmental Management, Alberta Environment* (25 January 2008), Appeal No. 07-127-DOP (A.E.A.B.).

I. BACKGROUND

[1] On August 13, 2007, the Inspector, Central Region, Environmental Management, Alberta Environment (the “Director”) refused to issue a reclamation certificate, under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Canadian Natural Resources Limited for PCP 6B Marwayne and PCP 8A Marwayne wells at surface point 7-11-53-2-W4M, near the Town of Marwayne, in the County of Vermillion, Alberta.

[2] On September 20, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Canadian Natural Resources Limited (the “Appellant”), appealing the Director’s decision.

[3] On September 21, 2007, the Board wrote to the Appellant and the Director acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board requested the Director provide a copy of the records (the “Record”) relating to this appeal, and that the Director and Appellant provide available dates for a mediation meeting, preliminary meeting or a hearing.

[4] On September 21, 2007, the Board also wrote to Mr. Ernie and Ms. Myrna Lessner, (the “Landowners”), notifying them of the appeal and providing them with a copy of the Notice of Appeal and the Board’s file. The Landowners were requested to contact the Board by October 19, 2007 if they wished to participate in the appeal.

[5] 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.

[6] On October 15, 2007, the Board received an e-mail from the Landowners advising they wished to participate in the appeal.

[7] On October 24, 2007, the Board received a copy of the Record from the Director, and on October 26, 2007, provided a copy of the Record to the Appellant, the Director and the Landowners (collectively the “Participants”).

[8] On November 29, 2007, in consultation with the Participants, the Board scheduled the mediation meeting for January 24, 2008. On December 3, 2007, the Board advised the Participants that the mediation meeting would be held in Lloydminster, Alberta.

[9] On January 18, 2008, the Board received a supplemental Record from the Director and on January 18, 2008, the Board forwarded the supplemental Record to the Appellant and Landowners.

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 Lloydminster, Alberta, on January 24, 2008, with Dr. Alan J. Kennedy, Board member, presiding as the 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. He 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 January 24, 2008 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. 07-127 and closes its file.

Dated on January 25, 2008, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudey, FRSC, PEng
Chair