

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – January 31, 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-**

**IN THE MATTER OF** an appeal filed by Talisman Energy Inc.  
with respect to the cancellation of *Environmental Protection and  
Enhancement Act* Reclamation Certificate No. 00224089-00-00  
issued to Talisman Energy Inc. by the Director, Northern Region,  
Environmental Management, Alberta Environment.

Cite as: *Talisman Energy Inc. v. Director, Northern Region, Environmental Management,  
Alberta Environment* (31 January 2008), Appeal No. 07-134-DOP (A.E.A.B.).

## **I. BACKGROUND**

[1] On October 2, 2007, the Director, Northern Region, Environmental Management, Alberta Environment, (the “Director”), cancelled Reclamation Certificate No. 00224089-00-00 (the “Certificate”) that was issued under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Talisman Energy Inc. in relation to the Inverness George 16-33-82-6 W6M well in the Municipal District of Clear Hills No. 21 (Clear Hills County), Alberta.

[2] On October 31, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Talisman Energy Inc., (the “Appellant”) appealing the cancellation of the Certificate.

[3] On November 1, 2007, 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 the Board with their available dates for a mediation meeting, preliminary meeting or a 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 November 28, 2007, the Board received a letter dated November 27, 2007 from the Appellant providing the Board with the names of the landowners and requesting the Board hold two mediation meetings; one in the spring and the second in late summer or fall. The Appellant wrote:

“Talisman would recommend site sampling to be conducted in the spring of 2008 (to collect analytical data particle size analyses and detailed salinity) and then a summer or pre-harvest fall assessment to reassess vegetation growth on lease. Information obtained by Talisman to date still indicates compliance with the Reclamation Criteria; as a result, additional site information is required to resolve or identify potential issues confronting Talisman, AENV and the reclamation audit process.”

The Board acknowledged receipt of the letter on November 30, 2007, and requested the Director provide comments to the Appellant’s letter by December 10, 2007.

[6] On November 30, 2007, the Board wrote to the landowners, Mr. David and Ms. Lasha Sebo (the “Landowners”) and the occupant of the land, Mr. Duane Lochhead (the “Occupant”) notifying them of the appeal and requesting they advise the Board by December 10, 2007, if they wished to participate in the appeal.

[7] On December 11, 2007, the Board received a copy of the Record and on December 11, 2007, forwarded a copy to the Appellant, Landowners and Occupant.

[8] On December 13, 2007, the Board received a letter from the Director advising:

“... the Director has considered the proposal laid out in Mr. Wolf’s letter, he respectfully does not agree with the approach. As such, the Director asks that this matter be set down for a hearing...” The Director also noted that “...the data collected during the July 19, 2007 site audit is contained in the Director’s Record for review by the Appellant. While the Appellant’s Notice of Appeal states that they may not agree with certain reclamation guidelines being applied by the Government of Alberta, this is not something that the Director can vary through the EAB appeal process...”

[9] On December 27, 2007, the Board acknowledged receipt of the Director’s letter of December 13, 2007. The Parties were requested to hold the date of February 19, 2008 for the Hearing. The Board also noted that the location of the Hearing would be determined upon notification from the Landowners and Occupant whether they wished to be involved in the appeal. The Board requested a response from the Landowners and Occupant by January 7, 2008.

[10] On January 8, 2008, the Board acknowledged receipt of an e-mail and a telephone call from the Landowners advising that they, and the Occupant, would not be attending the Hearing. The Board confirmed the Hearing date of February 19, 2008, and stated the Hearing would be held in the Board’s office in Edmonton.

[11] On January 25, 2008, the Board received a letter dated January 24, 2008, from the Appellant, advising that they were withdrawing their appeal.

## **II. DECISION**

[12] 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. 07-134 and closes its file.

Dated on January 31, 2008, at Edmonton, Alberta.

*“original signed by”*

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Dr. Steve E. Hruddy, FRSC, PEng  
Chair