

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – August 14, 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 Randal Steven
Dwernychuk with respect to *Environmental Protection and
Enhancement Act* Reclamation Certificate No. 00236149-00-00
issued to Devon Canada Corporation by the Director, Northern
Region, Environmental Management, Alberta Environment.

Cite as: *Dwernychuk v. Director, Northern Region, Environmental Management, Alberta
Environment*, re: Devon Canada Corporation (14 August 2008), Appeal No. 07-
140-DOP (A.E.A.B.).

I. BACKGROUND

[1] On October 29, 2007, the Director, Northern Region, Environmental Management, Alberta Environment (the “Director”), issued Reclamation Certificate No. 00236149-00-00 (the “Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Devon Canada Corporation (the “Certificate Holder”) in relation to the ARL Spirit River 5-32-78-7-W6M well, in Spirit River, Alberta.

[2] On November 22, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Randal Steven Dwernychuk (the “Appellant”) appealing the Certificate.

[3] On November 26, 2007, the Board wrote to the Appellant, the Certificate Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Certificate Holder and 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 motions hearing or a hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Energy and Utilities Board asking whether these matters had been the subject of a hearing or review under their respective legislation. Both Boards responded in the negative.

[5] On December 17, 2007, the Board received a copy of the Record from the Director, and on December 20, 2007, provided copies to the Appellant and Certificate Holder.

[6] On January 17, 2008, in consultation with the Participants, the Board scheduled the mediation meeting, and possible site visit, for June 11, 2008, in Spirit River, Alberta.

[7] On June 10, 2008, the Board received a letter, dated June 9, 2008, and a copy of an agreement from the Certificate Holder, on behalf of the Certificate Holder and Appellant. The Certificate Holder requested the Board cancel the June 11, 2008 mediation meeting and hold the appeal in abeyance so that further testing could be carried out.

[8] On June 10, 2008, the Board granted the request and requested the Appellant and Certificate Holder provide the Board with status reports by June 25, 2008.

[9] Status reports were not received and on July 28, 2008, the Board sent a letter to the Participants requesting the Certificate Holder and Appellant provide status reports by July 30, 2008.

[10] A status report was received from the Certificate Holder on July 30, 2008, and on August 12, 2008, the Board received a telephone message from the Appellant advising he had reached a settlement with the Certificate Holder and wished to withdraw the appeal.

II. DECISION

[11] 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. 07-140 and closes its file.

Dated on August 14, 2008, at Edmonton, Alberta.

“*original signed by*”

Dr. Steve E. Hrudey, FRSC, PEng
Chair