

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – July 3, 2008
Date of Discontinuance of Proceedings – July 23, 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 Marvin Javorsky with
respect to *Environmental Protection and Enhancement Act*
Reclamation Certificate No. 00243458-00-00 issued to Devon
Canada Corporation by the Director, Central Region,
Environmental Management, Alberta Environment.

Cite as: *Javorsky v. Director, Central Region, Environmental Management, Alberta
Environment, re: Devon Canada Corporation* (23 July 2008), Appeal No.
08-001-DOP (A.E.A.B.).

I. BACKGROUND

[1] On February 12, 2008, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Reclamation Certificate No. 00243458-00-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Certificate”) to Devon Canada Corporation (the “Certificate Holder) in relation to the access road in NE 26-55-2-W5M, near Onoway, Alberta.

[2] On April 1, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from the landowner, Mr. Marvin Javorsky, (the “Appellant”) appealing the Certificate.

[3] On April 1, 2008, 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 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 hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board, the Energy Resources Conservation Board and the Alberta Utilities Commission asking whether this matter had been the subject of a hearing or review under their respective legislation. The boards all responded in the negative.

[5] On May 2, 2008, the Board received a copy of the Record from the Director, and on May 6, 2008, forwarded a copy to the Appellant and Certificate Holder. The Board received colour photographs from the Director for insertion into Tab 6 of the Record, on May 8, 2008.

[6] On June 4, 2008, in consultation with the Participants, the Board scheduled a mediation meeting for July 3, 2008, in Onoway, Alberta.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Onoway, Alberta, on July 3, 2008 with Mr. Eric McAvity, Board Member, as the presiding mediator (the “Mediator”).

[8] 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.

[9] Following productive and detailed discussions at the July 3, 2008 mediation meeting, the Appellant withdrew his appeal on July 18, 2008.

III. DECISION

[10] 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. 08-001 and closes its file.

Dated on July 23, 2008, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hruddy, FRSC, PEng
Chair