

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – June 6, 2001
Date of Discontinuance of Proceedings– June 15, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the
Environmental Protection and Enhancement Act, S.A. 1992, c. E-
13.3;

-and-

IN THE MATTER OF an appeal filed by Mr Wayne Watson
with respect to Reclamation Certificate 39819 issued by the
Director, Parkland Region, Environmental Service, Alberta
Environment, to Danoil Energy Ltd. (now Acclaim Energy Ltd.)
for the Aledo Et Al Hayter 9D-25-41-2 Well.

Cite as: *Watson v. Director, Parkland Region, Environmental Service, Alberta
Environment, re: Danoil Energy Ltd.*

MEDIATION MEETING BEFORE

Dr. M. Anne Naeth

APPEARANCES

Appellant:

Mr. Wayne Watson

Department:

Ms. Shaunna Cartwright, Inspector, Parkland Region, Environmental Service, Alberta Environment; Mr. Larry Williams, Approvals Manager, Parkland Region, Environmental Service, Alberta Environment

Certificate Holder:

Mr. David Roth, Acclaim Energy Ltd. (formerly Danoil Energy Ltd.); Mr. Stephen Swalm, Envirsoil Land Management Ltd.

Board Staff:

Ms. Denise Black, Acting Executive Director

EXECUTIVE SUMMARY

On August 16, 2000, Danoil Energy Ltd. (now Acclaim Energy Ltd.) and Envirsoil Land Management Ltd. were issued a Reclamation Certificate for an abandoned well located on the property of Mr. Wayne Watson. Mr. Watson appealed the issuance of the certificate due to the condition of the leased site. The Board held a mediation meeting on June 6, 2001 and the appeal was successfully resolved. Accordingly, the Board will be closing its file.

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I. BACKGROUND

[1] On August 16, 2000, the Director, Parkland Region, Environmental Service, Alberta Environment (the “Director”) issued Reclamation Certificate 39819 (the “Certificate”) to Danoil Energy Ltd. (now Acclaim Energy Ltd.) and Envirsoil Land Management Ltd. (the “Certificate Holders”) certifying that the surface of the land within NE 25-41-2-W4M in connection with Aledo Et Al Hayter 9D-25-41-2 well complied with the conservation and reclamation requirements of Part 5 of the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3.

[2] On October 10, 2000, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Wayne Watson (the “Appellant”) appealing the issuance of the Certificate and stating he was the landowner.

[3] The Board acknowledged receipt of the Notice of Appeal on October 13, 2000, and requested the Director provide a copy of the records in relation to the appeal. On this same day, the Board advised the Certificate Holder of the appeal.

[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 3, 2000, the Board received a copy of the records and forwarded a copy to the Appellant and Certificate Holder. The parties were asked if they wished to participate in a mediation meeting under section 11 of the Environmental Appeal Board Regulation¹ and if there were any other persons that may have an interest in the appeal.

¹ Section 11 of the Environmental Appeal Board Regulation (AR 114/93) states:

- 11 Where the Board has determined the parties to the appeal, the Board may, prior to conducting the hearing of the appeal, on its own initiative or at the request of any of the parties, convene a meeting of the parties and any other interested persons the Board considers should attend, for the purpose of
- (a) mediating a resolution of the subject matter of the notice of appeal, or
 - (b) determining any of the matters referred to in section 13.

[6] The Certificate Holder responded to the Board on November 13, 2000 advising that the well site complied with all the necessary regulations and would prefer to go to a hearing as mediation "...would result in Danoil being implored to continue to provide compensation to the landowner and continue with the unwarranted reclamation." As a result, on November 14, 2000 the Board requested that the parties provide available dates for a hearing in January and February 2001.

[7] The Board received a letter from the Director on November 21, 2000 requesting a mediation meeting at the site as to "...de[1] with relevant, current facts regarding vegetation on the site ...would be the most direct and accurate way to evaluate any concerns." The Director also advised that the Certificate Holder would be in agreement. The Board sought comments to the Director's letter from the parties and Danoil advised the Board on November 30, 2000 that they would be in agreement to a mediation meeting in late May 2001.

[8] In a letter to the parties on December 4, 2000, the Board acknowledged the Certificate Holder's letter of November 30, 2000 and its telephone conversation with Mr. Watson advising that he wished to proceed to a mediation meeting as soon as possible. A further letter was forwarded to the parties on December 19, 2000 advising that the appeal would be held in abeyance until May 2001 as there would then be vegetation to inspect, and requesting parties provide available dates for a mediation meeting at that time.

[9] The Director advised the Board of its available mediation meeting dates in its letter of April 10 2001 and the Board advised that it would provide further direction once all responses had been received. The Certificate Holder advised on April 18, 2001 that it would like to proceed with the mediation meeting on June 6, 2001 and the Director and Appellant agreed with this date.

[10] On May 2, 2001, the Board advised the parties that a mediation meeting/settlement conference would be held on June 6, 2001 in Chauvin, Alberta. The parties were also advised on May 8, 2001 that a site visit would also take place during the mediation meeting. On May 9, 2001, a Notice of Mediation and Public Hearing advertisement was placed in the Provost News advising of the mediation meeting/settlement conference taking place between the parties only.

II. THE MEDIATION MEETING/SETTLEMENT CONFERENCE

[11] Pursuant to section 11 of Board's regulations, the Board conducted a mediation meeting in Chauvin, Alberta on June 6, 2001 with Dr. Anne Naeth as the presiding Board member.

[12] In conducting the mediation meeting, Dr. Naeth reviewed the appeal and mediation process and explained the purpose of the mediation meeting. She then circulated copies of the "Participants" Agreement to Mediate". All parties signed the Agreement and discussions ensued.

[13] Following productive and detailed discussions, a resolution evolved at the June 6, 2001, mediation meeting and the attached settlement was signed (page 4).

III. DECISION

[14] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the resolution attached signed by all the parties, the Board hereby discontinues its proceedings in Appeal No. 00-063 and will be closing its files.

Dated on June 15, 2001, at Edmonton, Alberta.

original signed by

Dr. M. Anne Naeth