
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – May 2, 2002

Date of Discontinuance of Proceedings – May 16, 2002

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 Mr. Ken Hildebrandt
with respect to Reclamation Certificate No. 00140250-00-00
issued by the Inspector, Northeast Boreal Region, Regional
Services, Alberta Environment to Wascana Energy Inc. (now
Nexen Canada Ltd.) and Patterson Brothers Consulting Inc.

Cite as: *Hildebrandt v. Inspector, Northeast Boreal Region, Regional Services, Alberta
Environment re: Wascana Energy Inc. (Nexen Canada Ltd.) and Patterson
Brothers Consulting Inc.*

EXECUTIVE SUMMARY

The Board received a Notice of Appeal from Mr. Ken Hildebrandt with respect to a Reclamation Certificate, which was issued to Wascana Energy Inc. (now Nexen Canada Ltd.) and Patterson Brothers Consulting Inc., by Alberta Environment for the Wascana Sugden 15-21-62-10 well near St. Lina, Alberta.

A mediation meeting and settlement conference, which included a site visit, was held on May 2, 2002. The mediation resulted in a resolution of the appeal and Mr. Hildebrandt withdrew his appeal. As a result of the withdrawal, the Board is closing its file.

MEDIATION MEETING BEFORE Dr. M. Anne Naeth.

APPEARANCES Appellant: Mr. Ken Hildebrandt.

Department: Mr. Terry Leskiw, Inspector, Northeast Boreal Region, Regional Services, Alberta Environment, Mr. Chris Powter, Alberta Environment, represented by Mr. Dave France, Alberta Justice.

Certificate Holder: Mr. Ray MacEachern, Mr. Bob Lainchbury, Mr. Kim Florence, Mr. Mike Samis, represented by Mr. Ray MacEachern, Nexen Canada Ltd.

Mr. Michael Patterson, Patterson Brothers Consulting Ltd.

Staff Member: Ms. Marian Fluker, Senior Research Officer.

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I. BACKGROUND

[1] On August 21, 2001, the Inspector, Northeast Boreal Region, Regional Services, Alberta Environment (the “Inspector”) issued Reclamation Certificate No. 00140250-00-00 (the “Certificate”), to Wascana Energy Inc. (now Nexen Canada Ltd.), and Patterson Brothers Consulting Inc. (the “Certificate Holders”) in connection with or incidental to the Wascana Sugden 15-21-62-10 well near St. Lina, Alberta.

[2] On December 31, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal dated December 12, 2001 from Mr. Ken Hildebrandt (the “Appellant”) appealing the Certificate. On January 7, 2002, the Environmental Appeal Board (the “Board”) wrote to the Appellant, Certificate Holders and the Inspector, acknowledging the appeal and advised the Appellant of the Board’s jurisdiction with respect to compensation. The Board also requested that the Director provide to the Board, the records (the “Record”) with respect to this appeal, and requested available dates from the Parties for a mediation meeting/settlement conference or hearing.

[3] 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.

[4] On January 22, 2002, the Board acknowledged receipt of a letter and the Record from the Director, and provided a copy to the Appellant and Certificate Holders. The Board also requested that the Certificate Holders provide their available dates for a mediation meeting/settlement conference or hearing.

[5] On February 15, 2002, the Board advised the Parties that a site visit, in conjunction with a mediation meeting/settlement conference, would be beneficial and asked that the Parties provide further available dates to the Board.

[6] On March 5, 2002, the Board advised the Parties that a mediation meeting/settlement conference and site visit would be held on May 2, 2002 in St. Lina, Alberta,

with Dr. M. Anne Naeth as the presiding Board member. On March 12, 2002, a Notice of Mediation Meeting/Settlement Conference advertisement was placed in the *Lac La Biche Post* and the *St. Paul Journal* advising of the mediation meeting/settlement conference taking place between the Parties only. Copies of these advertisements were provided to the Parties on April 3, 2002.

II. THE MEDIATION MEETING/SETTLEMENT CONFERENCE

[7] Pursuant to section 11 of the Board's regulations, A.R. 114/93, the Board conducted a mediation meeting in St. Lina, Alberta on May 2, 2002 with Dr. M. Anne Naeth as the presiding Board member.

[8] 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.

[9] Following productive and detailed discussions, a resolution evolved at the May 2, 2002, mediation meeting and the Appellant withdrew his appeal.

III. DECISION

[10] Pursuant to section 95(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. 01-111 and will be closing its files.

Dated on May 16, 2002, at Edmonton, Alberta.

"original signed by"

William A. Tilleman, Q.C.
Chair