

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – June 17, 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** a Notice of Appeal filed by Mr. Lionel  
Miller with respect to Reclamation Certificate No. 00139560-00-  
00 issued to Mama Santos Holdings Ltd. by the Inspector, Central  
Region, Regional Services, Alberta Environment.

Cite as: *Miller v. Inspector, Central Region, Regional Services, Alberta Environment*  
re: *Mama Santos Holdings Ltd.*

**PARTIES:**

**Appellant:** Mr. Lionel Miller

**Department:** Mr. Bill Pelech, Inspector, Central Region,  
Regional Services, Alberta, represented by Ms.  
Michelle Williamson, Alberta Justice

**Certificate Holder:** Mr. Gordon Wedman, Mama Santos Holdings  
Ltd.

## **EXECUTIVE SUMMARY**

Alberta Environment issued a Reclamation Certificate to Mama Santos Holdings Ltd. for the Mama Santos #5 Well located at SE Sec. 24, Tp. 049, Rge. 27 W4M, near Calmar, Alberta.

The Environmental Appeal Board received a Notice of Appeal from the landowner, Mr. Lionel Miller, appealing the Reclamation Certificate.

The Board held a mediation meeting and settlement conference in Leduc, Alberta, following which a resolution was reached by the parties and as a result Mr. Miller withdrew his appeal.

The Board therefore closes its file.

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## **I. BACKGROUND**

[1] On September 28, 2001, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”), issued Reclamation Certificate No. 00139560-00-00 under the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3<sup>1</sup> (the “Certificate”) to Mama Santos Holdings Ltd. (the “Certificate Holder”) with respect to the Mama Santos #5 Well located at SE Sec. 24, Tp. 049, Rge. 27, W4M, near Calmar, Alberta.

[2] On March 21, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from the landowner, Mr. Lionel Miller (the “Appellant”), appealing the Certificate.

[3] The Board acknowledged receipt of the Notice of Appeal on March 25, 2002, notified the Certificate Holder and the Inspector of the appeal and, requested the Inspector provide the Board with a copy of the records (the “Record”) related to this appeal. All parties were requested to provide the Board with available dates for a mediation meeting and settlement conference or hearing. The parties were also requested to advise the Board if in their opinion there were any other persons that may have an interest in this appeal.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board (the “AEUB”) 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 April 8, 2002, the Board received a letter and the Record from the Inspector. The Inspector’s letter of April 8, 2002, advised that the County of Leduc and the AEUB may have an interest in the appeal. The Board had previously written to the AEUB on March 25, 2002, and received a response in the negative. On April 9, 2002, the Board wrote to the County Manager for the County of Leduc, advising that he had been identified as a potentially interested party to the appeal. To date a response has not been received from the County of Leduc.

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<sup>1</sup> As of January 1, 2002, the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, has replaced the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3.

[6] On April 9, 2002, the Board forwarded a copy of the Record to the Appellant and the Certificate Holder.

[7] On May 15, 2002, in consultation with the parties, the Board scheduled the mediation meeting and settlement conference for June 14, 2002, in Leduc, Alberta.

## **II. THE MEDIATION MEETING AND SETTLEMENT CONFERENCE**

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting and settlement conference in Leduc, Alberta on June 14, 2002 with Frederick C. Fisher, Q.C. as the presiding Board Member (the “Mediator”).

[9] In conducting the mediation meeting, the Mediator reviewed the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participant’s Agreement to Mediate. All parties signed the Agreement and discussions ensued.

[10] Following productive and detailed discussions, a resolution evolved at the June 14, 2002 mediation meeting and as a result the Appellant withdrew his appeal.

## **III. DECISION**

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 01-122 and closes its appeal.

Dated on June 17, 2002, at Edmonton, Alberta.

“original signed by” \_\_\_\_\_  
William A. Tilleman, Q.C.  
Chair