
ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – July 27, 2004

IN THE MATTER OF sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by Mike Richard with respect to Reclamation Certificate No. 00193712-00-00 issued under the *Environmental Protection and Enhancement Act* to Devon ARL Corporation by the Inspector, Northern Region, Regional Services, Alberta Environment.

Cite as: *Richard v. Inspector, Northern Region, Regional Services, Alberta Environment*
re: *Devon ARL Corporation* (27 July 2004), Appeal No. 03-158-DOP
(A.E.A.B.).

EXECUTIVE SUMMARY

On February 20, 2004, Alberta Environment issued Reclamation Certificate No. 00193712-00-00 to Devon ARL Corporation for the ARL Mirage 5-7-79-7 well, near Spirit River, Alberta.

On March 10, 2004, the Environmental Appeals Board received a Notice of Appeal from Mike Richard, the landowner, appealing the Reclamation Certificate.

The Board began processing the appeal. However, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On February 20, 2004, the Inspector, Northern Region, Regional Services, Alberta Environment (the “Inspector”), issued Reclamation Certificate No. 00193712-00-00 (the “Certificate”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Devon ARL Corporation (the “Certificate Holder”) for the ARL Mirage 5-7-79-7 well, near Spirit River, Alberta.

[2] On March 10, 2004, the Environment Appeals Board (the “Board”) received a Notice of Appeal from the landowner, Mr. Mike Richard (the “Appellant”) appealing the Certificate.

[3] On March 10, 2004, the Board wrote to the Appellant, the Certificate Holder and the Inspector (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Certificate Holder and the Inspector of the appeal. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Parties provide available dates for a hearing or mediation meeting.

[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 March 25, 2004, the Board received a copy of the Record from the Inspector and on the same date forwarded a copy to the Parties.

[6] On March 17, 24 and 29 2004, the Board received letters from the Certificate Holder and the Inspector providing their available dates for a mediation meeting. As the Board did not receive a response from the Appellant, the Board contacted the Appellant by telephone on March 31, 2004 regarding his available dates for a mediation meeting. The Appellant indicated that he would like a site visit and that the best time for a site visit would be June or July in order to view the vegetation and soil in the area.

[7] In response to the Appellants request, the Board wrote to the parties on March 31, 2004 requesting the Parties provide their available dates for a mediation meeting and site visit for June and July 2004.

[8] Available dates were subsequently received from the Certificate Holder and the Inspector and on June 17, 2004, the Board received a telephone message from the Appellant advising that he wished to pursue the complaint process that is available through Alberta Environment. The Appellant advised that he would like to return to the Board's appeal process if he was unsuccessful within Alberta Environment's complaint process.

[9] On June 22, 2004, the Board wrote to the Inspector and the Certificate Holder requesting they provide their comments with respect to the Appellant's request.

[10] The Board subsequently received an e-mail from the Inspector on June 25, 2004 stating:

“...Director has no objections to Mr. Richard withdrawing his appeal at this time and filing a subsequent appeal with the Board provided that any subsequent appeal is within one year of the issuance of this Reclamation Certificate.”

The Board did not receive a response from the Certificate Holder with respect to the Appellant's request.

[11] On July 15, 2004 the Board received a letter from the Appellant advising that he wished to withdraw his appeal.

II. DECISION

[12] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 03-158 and closes its file.

Dated on July 27, 2004, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chairman