

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – May 4, 2005
Date of Discontinuance of Proceedings – May 6, 2005

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 Canadian Natural
Resources Limited, with respect to the decision of the Director,
Northern Region, Regional Services, Alberta Environment, to
refuse to issue a Reclamation Certificate to Canadian Natural
Resources Limited for the CNRL et al Lindbergh 2-8-57-7-W4M
well.

Cite as: *Canadian Natural Resources Limited v. Director, Northern Region, Regional
Services, Alberta Environment* (May 6, 2005), Appeal No. 04-122-DOP
(A.E.A.B.).

MEDIATION MEETING BEFORE:

Dr. M. Anne Naeth, Board Member.

APPEARANCES:

Appellant:

Mr. James Agate, Canadian Natural Resources Limited and Mr. Tim Lingnau, Sector Environmental.

Director:

Mr. Greg Smith, Director, Northern Region, Regional Services, Alberta Environment, Ms. Carrie Robertson, Reclamation Inspector, Alberta Environment, represented by Mr. Jeffrey Moore, Alberta Justice.

Board Staff:

Ms. Marian Fluker, Senior Research Officer.

EXECUTIVE SUMMARY

Alberta Environment refused to issue a Reclamation Certificate to Canadian Natural Resources Limited, with respect to the CNRL et al Lindbergh 2-8-57-7-W4M well, near Lindbergh, Alberta.

The Board received a Notice of Appeal from Canadian Natural Resources Limited, appealing Alberta Environment's decision.

The Board held a mediation meeting in Elk Point, Alberta on May 4, 2005. As a result of the mediation meeting, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

TABLE OF CONTENTS

I. BACKGROUND	1
II. MEDIATION MEETING.....	2
III. DECISION.....	2

I. BACKGROUND

[1] On January 31, 2005, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), refused to issue a Reclamation Certificate to Canadian Natural Resources Limited for the CNRL et al Lindbergh 2-8-57-7-W4M well near Lindbergh, Alberta.

[2] On February 24, 2005, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Canadian Natural Resources Limited (the “Appellant”), appealing the Director’s decision.

[3] On February 25, 2005, the Board wrote to the Appellant and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the 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 Parties provide available dates for a mediation meeting or hearing.

[4] On February 25, 2005, the Board also wrote to Mr. Douglas and Ms. Cathryn Lindquist, the landowners (the “Landowners”) notifying them of the appeal. The Landowners were advised that the Board has the ability to recommend to the Minister of Environment that a Reclamation Certificate should be issued for this well site, and that the Board could make this recommendation following either a mediation meeting or a hearing. If the Board was to make such a recommendation and the Minister of Environment accepts it, the Landowners would not have the ability to appeal that decision. The Board requested the Landowners advise whether they wished to participate in the appeal, by March 10, 2005. The Board did not receive a response to its February 25, 2005 letter from the Landowners by March 10, 2005. Courier records showed that the Board’s February 25, 2005 letter had been successfully delivered to the Landowners on February 28, 2005. On March 14, 2005, the Board again wrote to the Landowners advising that the Board may proceed to make a decision with respect to this appeal, without the Landowners input and without further notice to them. The Board did not receive a response from the Landowner.

[5] 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.

[6] On March 9, 2005, the Board received a copy of the Record from the Director, and on March 14, 2005, forwarded a copy to the Appellant.

[7] On April 13, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for May 4, 2005 to be held in Elk Point, Alberta.

II. MEDIATION MEETING

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Elk Point, Alberta on May 4, 2005, with Dr. M. Anne Naeth as the presiding Board Member (the “Mediator”).

[9] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. She then circulated copies of the Participants’ Agreement to Mediate. All persons in attendance signed the Agreement and discussions ensued.

[10] Following productive and detailed discussions at the mediation meeting, the Appellant withdrew the appeal.

III. DECISION

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c W-3, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in this appeal and closes its file.

Dated on May 6, 2005, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chair