

**17-0036**

**2018 ABPLAB 17**

**Appellants** – Athabasca Minerals Inc., **Operator** – Syncrude Canada Ltd., **Location** – Susan Lake, Regional Municipality of Wood Buffalo, **Type of Appeal** – Discontinuance

A Notice of Appeal was received from Athabasca Minerals Inc. on February 14, 2018 seeking an order from the Province for continued use of the access road (LOC 980270 held by Syncrude Canada Ltd.) to the Susan Lake Public Pit. The Appellants stated the order was necessary for them to obtain approval from their Susan Lake Gravel Pit Closure Plan, and for a new disposition in 2018 as well.

On February 23, 2018, the Board wrote to counsel for Alberta Environment and Parks (AEP) with the understanding that the Director usually does not make a decision regarding road use issues and the ultimate result would be a deemed refusal. The Board advised counsel that if it did not hear from the Director by March 2, 2018, the Board would proceed to process the appeal as a deemed refusal.

In its letter of March 2, 2018, the Board noted AEP's concern with respect to whether the Board had jurisdiction to hear this appeal as the matter is an issue under the Alberta Energy Regulator. Notwithstanding this concern, the Board advised its preference would be to deal with this appeal in mediation. The goal of the mediation meeting would be to reach an agreement between the Appellant and Syncrude regarding the road use issue. This course of action would not require the Board to determine whether it had jurisdiction, and would be the most efficient use of resources for all parties. Only if the mediation meeting was unsuccessful would the Board have to undertake a submission process to determine whether it had jurisdiction.

AEP advised the Board on March 8 2018 that it is not the regulator with respect to LOC 980270; does not have jurisdiction to, for example, amend terms and conditions of LOC 980270; does not have a "director" with respect to this disposition; and does not have the necessary information relevant to this disposition. Therefore representatives of AEP would not be participating in any mediation the Board may choose to have in relation to LOC 980207. However, as noted in previous correspondence, the Alberta Energy Regulator as the regulator of LOC 980270 may which to participate in the mediation or provide further background information to the Board.

On March 10, 2018 the Appellant withdrew its appeal. Based upon the withdrawal of the appeal, on March 13, 2018 the Board discontinued its proceedings and closed its file.

Cite: Athabasca Minerals Inc. v. Syncrude Canada Ltd. (13 March 2018) Appeal No. 17-0036 (A.P.L.A.B.), 2018 ABPLAB 17