



PUBLIC LANDS ACT

BEING CHAPTER P-40, RSA 2000 (the "Act")

ENFORCEMENT ORDER NO. EO-PLA-34759

Jeffrey M Plett
10206 99 Avenue
Box 86
La Crete, AB T0H 2M0

The Lands

WHEREAS during 2018 an Alberta Environment and Parks (AEP) Public Lands Officer (PLO) became aware of potentially unauthorized woodcutting activity on lands legally described as NE-29-103-14-W5M and NW-28-103-14-W5M (Northern location) in Mackenzie County in the Province of Alberta;

WHEREAS on June 20, 2020 the PLO discovered that the disturbance had increased in size at the Northern location and was also occurring at a new location located at W-28-103-14-W5M (Southern location) (collectively referred to as "the Lands");

WHEREAS the Lands described above are "public lands" within the meaning of section 1(p) of the *Public Lands Act*;

The Unauthorized Activities

WHEREAS on June 20, 2020 a game camera was installed at the Southern location in order to obtain more information on who was utilizing the area;

WHEREAS on June 25, 2020 the PLO inspected the area and found that fresh gravel had been brought to the Southern location;

WHEREAS on June 26, 2020 the game camera installed at the Southern location captured photographs showing a tractor operating on the lands;

WHEREAS during an August 28, 2020 inspection the PLO discovered that the gravel had been distributed throughout the Southern location's access trails;

WHEREAS in an October 9, 2020 email to an Agriculture and Forestry Forest Management Operations Specialist (FMOS), Jeffrey Plett stated that he had been harvesting firewood on the Lands. He stated that he had been operating in the area by himself and cutting firewood under a Personal Use Forest Products Permit (TM66);

WHEREAS during an October 13, 2020 phone conversation with a Lands Management Specialist the FMOS verified that no Local Timber Permits had been issued for that area;

WHEREAS during an October 22, 2020 telephone conversation with an AEP Environmental Protection Officer (EPO) Plett stated the following:

- He had been regularly harvesting in the same area since 2017;
- He had applied 25m³ of gravel to the access trails as the ground was wet;
- He was not aware that this was not permitted;

WHEREAS on an October 23, 2020 inspection of the lands by the EPO and Plett, the following were observed:

- GPS data collected during the inspection showed that 920 meters of access trails had been created within the Lands;
- Some of the access developed on the Lands exhibited rutting and compaction, and appeared to be used regularly;
- Some items remained on the Lands such as pails, garbage cans, oil containers, and a wheel barrow;
- Piled firewood, coarse woody debris, downed trees, and slash were located throughout the Lands;

WHEREAS on November 26, 2020 it was confirmed by the EPO that AEP had not issued an approval under the *Public Lands Act* or its regulations to Plett or anyone else for the unauthorized activities on the Lands;

WHEREAS on April 28, 2021 in a telephone conversation the EPO informed Plett that until an Enforcement Order or other authorization is given, he should not commence any removal of gravel or other reclamation activities;

WHEREAS on July 30, 2021 Plett informed the EPO that he had hired someone to take out the gravel and put bush over the road;

WHEREAS on August 5, 2021 the EPO informed Plett that AEP needs to give him the permission to enter onto the lands and do any reclamation;

WHEREAS on August 6, 2021 the EPO inspected the Lands and found that activities had occurred within the Southern Location without authorization from AEP, including but not limited to the re-distribution of woody debris on the Lands;

WHEREAS on August 25, 2021 the EPO met with Plett at the Southern Location and confirmed that Plett had completed the activities observed during the August 6, 2021 inspection;

The Legislation

WHEREAS section 20 of the Act states that no person shall enter on and occupy any public land for any purpose unless authorized;

WHEREAS at no time during or previous to 2018 did AEP authorize Jeffrey Plett to enter on and occupy the Lands for any purpose;

WHEREAS through the use and occupation of the Lands by Jeffrey Plett, this has resulted in loss or damage to the soil or vegetation on the Lands;

WHEREAS section 56(1)(d) of the Act states that it is an offence to occupy public land without being the holder of a disposition or authorization under section 20 and is not otherwise authorized to do so under the Act or regulations;

WHEREAS section 59.1(1) of the Act states that where the director is of the opinion that a person has contravened a section of the Act or regulations, the director may issue an enforcement order to a person responsible;

WHEREAS Jeffrey Plett is a person responsible under section 1(o.1)(iii) of the Act;

WHEREAS section 59.1(3) of the Act provides that in the enforcement order, the director may require the person to whom the order is directed to carry out any of the measures contained in that section, including but not limited to remedying the effects of the contravention and suspending activities on or the use of the land;

WHEREAS reclamation work is required to restore the disturbed areas on the Lands to pre-disturbance conditions;

WHEREAS Jack McNaughton, Compliance Manager, Alberta Environment and Parks, has been designated as a Director under the Act for the purposes of issuing enforcement orders (the "Director");

WHEREAS the Director is of the opinion that Jeffrey Plett has contravened section 20 of the Act, which constitutes an offence under section 56(1)(d) of the Act;

THEREFORE, I, Jack McNaughton, the Director, pursuant to section 59.1 of the Act, DO HEREBY ORDER THAT:

1. Jeffrey Plett will immediately vacate the public lands, and cease entering the public lands, except to undertake the reclamation works that are required pursuant to this Order;
2. Jeffrey Plett shall immediately remove from the Lands:
 - a. all improvements, structures, personal property and chattels, regardless of ownership, on or under the Lands, including but not limited to:
 - i. all gravel,
 - ii. garbage cans,
 - iii. wheel barrow,
 - iv. snow shovel,
 - v. firewood;
 - b. all waste and debris.
3. On or before December 1, 2021, Jeffrey Plett shall dispose of all woody debris on the Lands by burning;
4. Prior to completing the burning stipulated in paragraph 3, Jeffrey Plett shall obtain a fire permit from Alberta Agriculture and Forestry during wildfire season (March 1 to October 31 inclusive);
5. On or before December 15, 2021 Jeffrey Plett shall provide written notice to the Director:

- a. upon commencement of the removal of the items required by paragraph 2;
- b. upon completion of the removal of the work required by paragraph 2;
- c. upon completion of the burning activities required by paragraph 3;
- d. after the public lands have been vacated as required by paragraph 1.

DATED at the Town of Peace River in the Province of Alberta, this 9th day of September, 2021.



Jack McNaughton
Compliance Manager
North Region

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.

Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.

Section 211 of the *Public Lands Administration Regulation* may provide a right of appeal against this decision to the Public Lands Appeal Board. There may be a strict time limit for filing such an appeal.

For further information, please contact the Board at:

**Public Lands Appeal Board
306 Peace Hills Trust Tower
10011 - 109 Street
Edmonton, Alberta T5J 3S8
Telephone (780) 427-6207**