

**PUBLIC LANDS ACT**

BEING CHAPTER P-40 R.S.A. 2000 (the "Act")

**ENFORCEMENT ORDER NO. PLA-EO-2019/03-PR**

Boyd Warner  
P.O Box 787  
Fort Vermillion, Alberta  
T0H 1N0

And

Bathurst Inlet Developments (1984) Ltd.  
P.O Box 820  
Yellowknife, Northwest Territories  
X0E 2N6

(the "Parties")

WHEREAS the lands legally described as Northeast Section 26, Township 109, Range 12, West of the 5<sup>th</sup> Meridian in Mackenzie County in the Province of Alberta (the "Lands") are "public lands" within the meaning of section 1(p) of the *Public Lands Act*, R.S.A 2000 Chapter P-40 (the "Act");

WHEREAS Bathurst Inlet Developments (1984) Ltd. ("Bathurst") is a corporation registered in the Province of Alberta;

WHEREAS Mr. Boyd Warner is the sole director of Bathurst, and at all material times made the decisions in respect to the issues which form the subject-matter of this Order;

WHEREAS on October 31, 2017, a Solicitor General Officer notified Alberta Environment and Parks ("AEP") that an unauthorized access trail on the Lands had been partially developed with a cut and a fill;

WHEREAS on October 31, 2017, an AEP inspector inspected the Lands and observed

- an unauthorized access trail had been partially developed,
- an unauthorized cut into a hill on a section of the trail on the Lands approximately 3 metres in depth, and
- the material from the cut into the hill was used as fill to flatten the grade of the trail.

(Collectively the "Unauthorized Activities");

WHEREAS AEP has not authorized the Parties to enter on and occupy the Lands with the Unauthorized Activities;

WHEREAS on November 15, 2017, AEP inspectors conducted a subsequent inspection of the Lands and photos were taken of the Unauthorized Activities;

WHEREAS on July 9, 2018, AEP sent an email to the Parties informing them that an investigation has been initiated into the construction of road with a cut and fill along it;

WHEREAS on July 11, 2018, an AEP inspector inspected the Lands and took photographs of the Unauthorized Activities that showed that, the edges of the cut were slumping and an erosion channel had formed;

WHEREAS on July 24, 2018, an AEP investigator received an email from the Parties stating that they directed an operator to conduct the Unauthorized Activities on the Lands;

WHEREAS on August 14, 2019, AEP inspected the Lands and observed that the soil that had previously slumped onto the Unauthorized Activities had been removed, a bulldozer was on the Lands, and tracks were observed along the access trail;

WHEREAS in an email August 19, 2019, the Parties stated that any movement of soil was done by them and the bulldozer on the Lands belonged to them.

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

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 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 the Parties are 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 Owen Cook, Regional 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 the Parties have contravened section 20 of the Act by occupying the Lands without lawful authority by commencing and continuing the Unauthorized Activities, which is an offence under section 56 (1) (d) of the Act.

THEREFORE, I, Owen Cook, the Director, pursuant to section 59.1 of the *Public Lands Act*, DO HEREBY ORDER THAT:

- 1) The Parties shall not enter on or occupy the Lands, except to undertake the work that is required pursuant to this Order.

- 2) The Parties shall, on or before December 1, 2019 submit a Remedial Plan to the Director for approval.
- 3) The Remedial Plan shall include, at minimum, all of the following:
  - (i) A map or drawing clearly indicating the locations of the Unauthorized Activities and of the planned access and work areas;
  - (ii) A detailed plan for the complete restoration of all those portions of the Lands that have been disturbed by the Unauthorized Activities, including:
    - (a) Rebuilding of the hill and removing of the access trail where the Unauthorized Activities occurred;
    - (b) Contouring the Unauthorized Activities;
  - (iii) A complete list of the types of:
    - (a) Equipment;
    - (b) Methods; and,
    - (c) Materials;that will be used to implement the Remedial Plan;
  - (iv) A description of the measures to prevent erosion:
    - (a) During the implementation of the Remedial Plan; and
    - (b) After completion of the Remedial Plan;
  - (v) A description of measures to re-establish native vegetation on areas affected by the Unauthorized Activities;
  - (vi) A schedule of implementation with a completion date no later than August 1, 2020.
- 4) The Parties shall only complete the work described in the Remedial Plan in accordance with the Director's written authorization.
- 5) The Parties shall complete the work in the approved Remedial Plan on or before August 1, 2020;
- 6) The Parties shall provide the Director with 3 days' notice either by phone or email prior to commencing the work in the Remedial Plan as approved by the Director.
- 7) Within 5 business days of completing the requirements of this Order, the Parties shall notify the Director in writing of the work undertaken to comply with this Order.

DATED at the City of Peace River in the Province of Alberta, this 4<sup>th</sup> day of October, 2019.



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Owen Cook  
Regional Compliance Manager  
Peace Region  
Environment and Parks

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any other regulatory agency (federal or provincial) 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 the Act or any other legislation. Failure to comply with the terms and conditions of this enforcement order may result in 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 Act Appeals Coordinator  
9th Floor Petroleum Plaza South Tower,  
9915-108 Street,  
Edmonton, Alberta, T5K 2G8;  
Telephone (780) 638-4189**