

PUBLIC LANDS ACT

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

ENFORCEMENT ORDER NO. PLA-EO-2016/02-LAR

MILESTONE SAND & GRAVEL LTD.
MILESTONE MAINTENANCE LTD.
121 Woodward DR.
Anzac, Alberta
TOP 1J0

(Collectively "Milestone" or the "Parties")

WHEREAS on February 18, 2016, Alberta Environment and Parks ("AEP") received a public complaint regarding road construction activity adjacent to Highway 881 10 km north of Conklin;

WHEREAS on February 25, 2016, AEP Lands Officers inspected portions of SE 24 77 08 W4, and SW 19 77 07 W4 (the "Site") and observed an excavator removing material from the Site and loading it onto a dump truck;

WHEREAS the Site is public land pursuant to the *Public Lands Act*;

WHEREAS the activity being conducted on the Site was linear in nature, being approximately 1.2 kilometres in length, and appeared to be road construction;

WHEREAS AEP determined that the road construction activity observed on February 25, 2016, were not authorized under DML 120160 or any other valid authorization or disposition issued under the *Public Lands Act* in relation to the Site;

WHEREAS on February 29, 2016, AEP Lands Officers spoke to Mr. Douglas Snow, who indicated that he was the supervisor in charge of the activity on the Site;

WHEREAS on February 29, 2016 AEP Lands Officers advised Mr. Douglas Snow that the road construction activity was not authorized on the Site;

WHEREAS on March 7, 2016, AEP Lands Officers observed the road construction activity continuing to occur at the Site;

WHEREAS during a follow-up inspection on March 8, 2016, AEP Lands Officers spoke to individuals involved in carrying out the road construction activity who identified themselves as being employed by Milestone Sand & Gravel Ltd. and indicated that they were directed by Milestone Sand & Gravel Ltd. to conduct the road construction activity on the Site;

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WHEREAS the individuals involved in the road construction activity on the Site on March 8, 2016, were requested by AEP Land Officers to produce a copy of the authority for the road construction activity on the Site and responded by providing a partial copy of DML 120160, issued to Milestone Maintenance Ltd;

WHEREAS on March 8, 2016, AEP Lands Officer and Environmental Protection Officer issued a Stop Work Order to Milestone Maintenance Ltd. under section 59.2(2) of the Public Lands Act;

WHEREAS on March 10, 2016 AEP Environmental Protection Officer issued a Notice of Investigation to Milestone by delivering it to Mr. Douglas Snow;

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

WHEREAS under section 54(1) of the *Public Lands Act*, no person shall cause or permit loss or damage to public land, or activities on public land that are likely to result in loss or damage, or excavation;

WHEREAS section 56(1)(d) of the *Public Lands Act* states that it is an offence if any person occupies public lands who is not the holder of a disposition or authorization issued under section 20, or has been otherwise authorized to do under the Act or regulations;

WHEREAS section 59.1 of the *Public Lands Act* provides that where, in the director's opinion, a person contravened a provision of the Act or the regulations, the director may issue an enforcement order to a person responsible;

WHEREAS under section 1(0.1)(iii) of the *Public Lands Act*, Milestone is a person responsible;

WHEREAS Neil Brad, Regional Compliance Manager, Lower Athabasca Region, (the "Director") has been designated a Director for the purposes of issuing enforcement orders under the *Public Lands Act*;

WHEREAS the Director is of the opinion that unless the lands on which the road construction activity took place are remediated and stabilized there is a potential for significant adverse effect to the environment;

AND WHEREAS the Director is of the opinion that Milestone has contravened sections 20(1) and 54(1) of the *Public Lands Act*;

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

- 1) Milestone shall immediately cease conducting all activities on the Site.
- 2) Milestone shall by 4:00pm August 18, 2016 submit to the Director for the Director's approval the name and qualifications of the remediation consultant, signed by the remediation consultant, which Milestone will use to prepare and sign the below noted written remedial plan.
- 3) Milestone shall submit the name of a remediation consultation for the Director's approval who, at minimum, holds at least one of the following qualifications:

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- a. RPF
 - b. RPFT
 - c. PAg
 - d. RTAg
- 4) Milestone shall by 4:00pm September 15, 2016 submit to the Director a written remedial plan (the "Remedial Plan") for the Director's approval.
- 5) Milestone must include in the Remedial Plan, at minimum::
- a) The signature of the qualified remediation consultant, who was previously approved by the Director,
 - b) A statement by the qualified remediation consultant stating that the remediation consultant prepared the Remedial Plan;
 - c) A description of the remedial work including the type of equipment, methods, and materials that will be used in implementing the Remedial Plan;
 - d) A description of the rollback and/or replacement of the subsoil and topsoil bringing the disturbed areas back to their original slope and gradation;
 - e) A proposed Schedule of Implementation for the remedial work that shall have November 1, 2016 as the completion date; and
 - f) A monitoring and maintenance plan related to the Site.
- 6) Upon approval of the Remedial Plan by the Director, Milestone must conduct the work described in the approved Remedial Plan, according to the approved Schedule of Implementation, unless otherwise authorized in writing by the Director.
- 7) Milestone shall ensure that all work described in the approved Remedial Plan is supervised by the qualified remediation consultant.
- 8) Within 14 days of completion of the requirements of this Order, Milestone shall submit to the Director a final written report prepared and signed by the qualified remediation consultant describing the work undertaken to comply with this Order.

DATED at the City of Fort McMurray in the Province of Alberta, this 11 day of August, 2016.

Original signed by:

Neil Brad
Regional Compliance Manager
Lower Athabasca Region
Designated Director under the Act

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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 the *Public Lands 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 filling such an appeal.

For further information, please contact the Board at”

**Public Lands Act Appeal Coordinator
9th Floor Petroleum Plaza South Tower
9915-108 Street
Edmonton, AB T5K 2G8
Telephone: (780) 638-4189**

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