

PUBLIC LANDS ACT

BEING CHAPTER P-40, RSA 2000

ENFORCEMENT ORDER NO. EO-PLA-28019

Claude Mencke
PO Box 101
Falher, AB T0H 1M0

WHEREAS the land that is described as the Southeast quarter of Section 11, Township 76, Range 22, West of the 5th Meridian, in M.D. of Smoky River No.130, in the Province of Alberta, as depicted in Schedule 1 [the "Crown 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 through an inspection of the Crown Lands by Alberta Environment and Parks ("AEP") on October 17, 2018, the following disturbances to the Crown Lands were observed:

- A portion of the Northwest boundary of Farm Development Lease 780207 ("FDL 780207") had been altered, resulting in 3.8 acres of activity outside of the disposition boundaries;
- Trees and other vegetation had been pushed into the ravine adjacent to FDL 780207;
- Soil had been moved and subsequently stockpiled on FDL 780207;

Hereinafter referred to as the "Activities";

WHEREAS on October 30, 2018, Claude Mencke verbally told AEP that he was responsible for the Activities;

WHEREAS section 20 of the Act requires a person to obtain a disposition, or other form of authorization from AEP to use or occupy public lands in Alberta;

WHEREAS at no time on or prior to October 17, 2018, did AEP authorize Claude Mencke to enter on and occupy the Lands for any purpose;

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

WHEREAS section 56(1)(d) of the Act states that it is an offense 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 Claude Mencke 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 public 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 Claude Mencke has contravened section 20 of the Act, which constitutes an offence under section 56(1)(d) of the Act;

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

1. Claude Mencke shall immediately vacate the public lands outside of FDL 780206 as identified in Schedule 1, and cease entering the public lands, except to undertake the reclamation works that are required pursuant to this Order;
2. On or before May 31, 2021, stockpiled topsoil shall be spread over the remediation area, as identified on the map in Schedule 1;
3. On or before June 15, 2021, the remediation area identified on the map in Schedule 1 shall be seeded with a certified, Canada No.1 seed mix at a rate of 15 pounds per acre. A mixture of 45% smooth brome, 45% meadow brome and 10% timothy shall be utilized;
4. A seed certificate shall be submitted to the Director within 15 business days of completing the seeding stipulated in clause number 3;
5. The remediation area identified on the map in Schedule 1 shall be monitored for noxious and prohibited noxious weeds as defined by the *Weed Control Act* and all weeds shall be controlled;
6. Corner posts shall be placed on the public lands in locations as depicted on the map in Schedule 1, with stakes placed between the posts at a distance of approximately 50 meters apart. These markings shall remain in place until written direction has been received by the Director that they may be removed.

Within 15 business days of the completion of all of the work stipulated by the Order, Claude Mencke shall submit a final written report to the Director summarizing the work undertaken to comply with the Order.

DATED at the Town of Peace River, in the Province of Alberta, this 6th day of May, 2021.



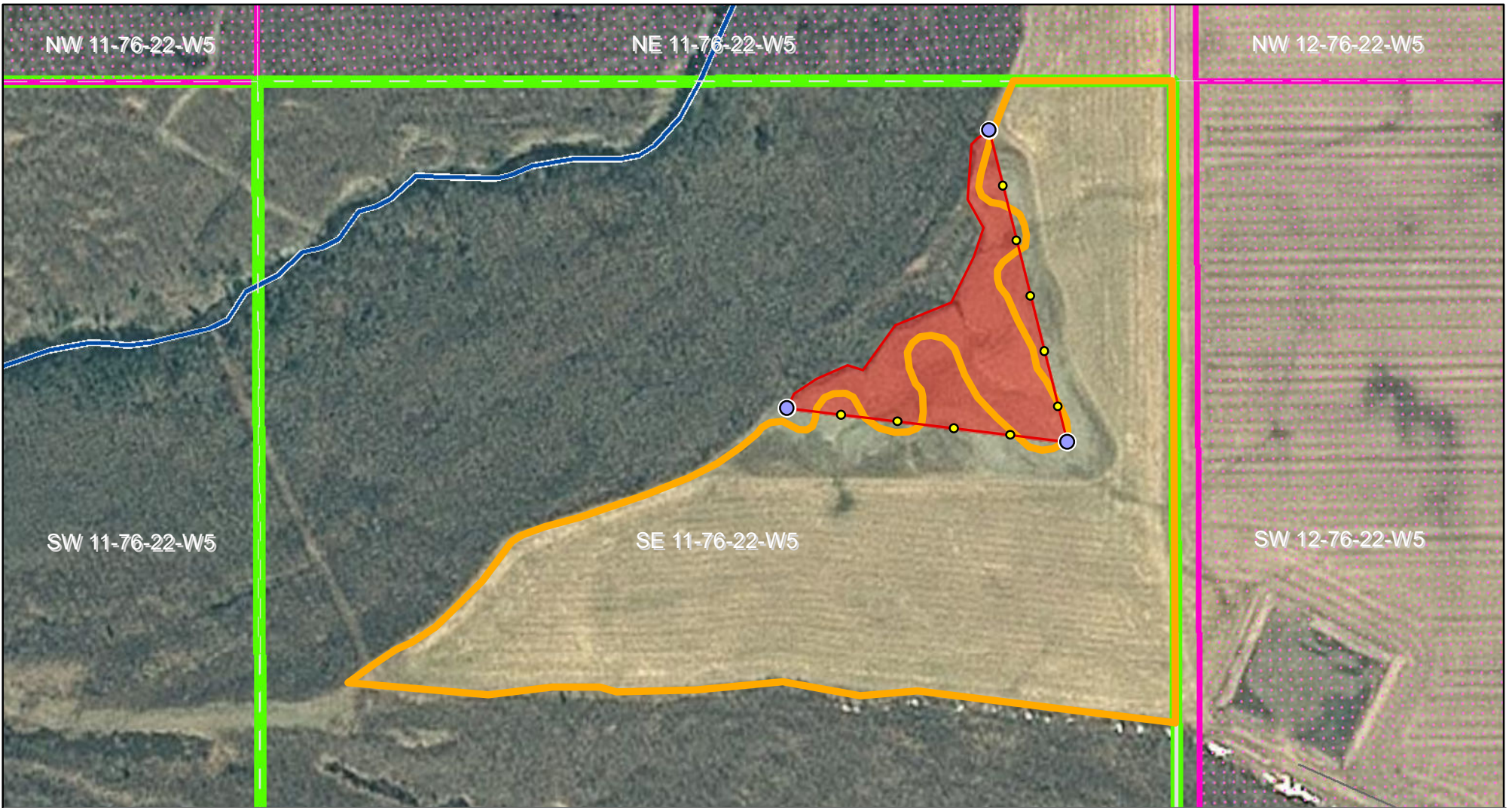
Jack McNaughton
Compliance Manager, Alberta Environment and Parks

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**

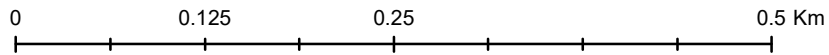


Investigation 28019 Schedule 1

Close Up with Spot Satellite Imagery 2020



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|------------------------|-------------|----------------------|--------|
| FDL780207 | Section | Private, Titled | Stream |
| Remediation Area | Qtr Section | Provincial, Untitled | |
| Corner Posts | | | |
| Pot. Fence Posts (50m) | | | |



Date: 5/3/2021