

PUBLIC LANDS ACT

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

ENFORCEMENT ORDER NO. PLA-EO-2017/05PR

McTaves Camp & Catering Ltd.
PO Box 40 Site 2 RR 1
Spirit River Alberta T0H 3G0

Background

WHEREAS on March 19, 2008 Texada Construction Ltd. was issued a formal disposition being Department Miscellaneous Lease No. DML080045 (the "Disposition") under the *Public Lands Act* (the "Act") on a portion of public lands legally described as NE 34-087-23-W4M and NW 35-087-23-W4M, for the purpose of a Campsite and Access road ("Site");

WHEREAS the Site is public land pursuant to the Act;

WHEREAS on August 26, 2011, the assignment of the Disposition was registered by Alberta Environment and Parks ("AEP"), such that McTaves Camp & Catering Ltd. ("McTaves") became the disposition holder;

WHEREAS the Disposition expires on March 19, 2018;

WHEREAS the Disposition included the following provisions:

6. The Lessee shall keep the said lands in a clean and attractive condition and may not allow refuse to accumulate on the said lands except as in the opinion of the Lessor may be normal to the authorized use;

Schedule A

1. 002 f) The holder shall maintain any buildings or other improvements erected or placed on the land in good and substantial repair and condition, normal wear and tear excepted;

WHEREAS on August 13, 2015, an AEP Lands Officer inspected the Site and observed:

- an accumulation of refuse and debris, including vehicles and furniture; and
- several buildings in a state of disrepair;

WHEREAS during the August 13, 2015 inspection, the AEP Lands Officer observed that the Site showed no signs of use as a campsite for at least the current season, and showed no signs that reclamation work had been commenced or completed;

WHEREAS on January 5, 2016, the AEP Lands Officer conducted an inspection of the Site and found it in the same condition with an accumulation of refuse and debris, including vehicles, furniture and several buildings in a state of disrepair;

WHEREAS during the January 5, 2016 inspection, the AEP Land Officer again observed that there continued to be no evidence of the Site being used as a campsite or any reclamation work having been undertaken;

WHEREAS on February 23, 2016, the AEP Lands Officer contacted Mr. Orrin Toews, Director of McTaves by telephone and informed him that McTaves would be receiving a letter of non-compliance (the "Letter");

WHEREAS on February 23, 2016, AEP sent the Letter via registered mail and email to Mr. Toews which requested the following actions:

- McTaves contact the AEP Lands Officer by March 4, 2016 to confirm receipt of the Letter and request clarification of any requirements, if necessary;
- McTaves contact the AEP Lands Officer by March 18, 2016 to provide an action plan for completion of the work, including a detailed remediation plan; and
- McTaves provide confirmation that all provisions of the Act, PLAR and the Disposition, including reclamation, were going to be completed by June 1, 2016.

WHEREAS on March 8, 2016, the AEP Lands Officer contacted both Mr. Toews and Ms. Karen Monkman, General Manager of McTaves, to confirm receipt of the February 23, 2016 letter;

WHEREAS on March 8, 2016, Mr. Toews confirmed that the February 23, 2016, letter had been received by McTaves and that an action plan was being created to fulfill the requirements;

WHEREAS on March 11, 2016, Ms. Monkman sent an email to the AEP Lands Officer identifying that the action plan would be provided to AEP once a visit to the Site had been conducted by McTaves on March 15, 2016;

WHEREAS McTaves did not provide AEP with the action plan or the remediation plan by March 18, 2016;

WHEREAS on March 21, 2016, Ms. Monkman sent an email to the AEP Lands Officer advising that an action plan was being created and that she would provide it to AEP as soon as possible;

WHEREAS on March 31, 2016, the AEP Lands Officer sent an email to McTaves confirming that AEP had not yet received the action plan which was to have been provided to AEP prior to March 18, 2016;

WHEREAS on April 18, 2016, Ms. Monkman sent an email to the AEP Lands Officer advising that the action plan would be prepared and sent to AEP within the week;

WHEREAS during a follow-up inspection of the Site on February 27, 2017, an AEP Environmental Protection Officer again observed the Site in the same condition with an accumulation of refuse and debris, including vehicles, furniture and several buildings in a state of disrepair;

WHEREAS during the February 27, 2017 inspection, the AEP Environmental Protection Officer again observed that there continued to be no evidence of the Site being used as a campsite, or any reclamation work having been undertaken;

WHEREAS as of August 25, 2017, no action plan has been received by AEP from McTaves;

WHEREAS the Site is abandoned;

The Legislation

WHEREAS section 54(1)(a) of the Act states that no person shall cause, permit or suffer the accumulation of waste material, debris, refuse or garbage on public land;

WHEREAS section 54(1)(b) of the Act states that no person shall, cause, permit or suffer the existence on public land of any structure or excavation of any kind that is undesirable or otherwise in contravention of the Act or the regulations;

WHEREAS section 21 (1) (d) of PLAR states that the holder of a formal disposition must comply with the terms and conditions of the formal disposition;

WHEREAS section 21(1)(f) of PLAR states that the holder of a formal disposition must on the expiry, cancellation, surrender or abandonment of the formal disposition, reclaim the subject land to an equivalent land capability;

WHEREAS section 21 (1) (h) of PLAR states that the holder of a formal disposition shall not allow the accumulation of garbage, debris or other waste on the subject land unless authorized under the formal disposition, by an approval issued in connection with the formal disposition or by an authorization issued to the holder;

WHEREAS section 59.1 of the 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(o.1)(i),(iii), and (iii) of the Act, McTaves is a person responsible;

WHEREAS Owen Cook, Compliance Manager, Peace Region, (the "Director") has been designated as a Director for the purposes of issuing enforcement orders under the Act;

AND WHEREAS the Director is of the opinion that McTaves Camp & Catering Ltd. has contravened, section 54(1) of the Act and section 21(1) of PLAR by:

- Causing or permitting the accumulation of waste material, debris, refuse, and garbage on the Site which is a contravention of section 54(1)(a) of the Act and section 21(1)(h) of PLAR;
- Causing or permitting the existence of undesirable structures, including but not limited to, storage sheds and buildings on the Site which is a contravention of section 54(1)(b) of the Act;
- Failing to conduct any reclamation of the Site including, but not limited to:
 - a) Removal of all structures, buildings, fences, and other improvements;
 - b) Removal of all garbage, debris, refuse and other waste materials;
 - c) Removal and control of all noxious weeds;

prior to the abandonment or cancellation of the Disposition which is a contravention of section 21(1)(f) of PLAR;

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

- 1) McTaves shall, by October 31, 2017:
 - a) Remove and dispose of all garbage, refuse, debris and other waste materials from the Site; and
 - b) Remove and dispose of all structures, buildings, and other improvements from the Site.
- 2) McTaves shall by September 30, 2017 submit to the Director for the Director's approval a written remedial plan (the "Remedial Plan").
- 3) McTaves must include in the Remedial Plan, at minimum:
 - a) A description of the remedial work including the type of equipment, methods, and materials that will be used in implementing the Remedial Plan; and
 - b) A proposed Schedule of Implementation for the remedial work that shall have March 18, 2018 as the completion date
- 4) McTaves shall implement the work described in the approved Remedial Plan, according to the approved Schedule of Implementation, unless otherwise authorized in writing by the Director.
- 5) McTaves shall implement each part of the Remedial Plan in accordance with the Director's written authorization.

DATED at the Town of Peace River in the Province of Alberta, this 29th day of August, 2017.

Original signed by: _____

Owen Cook

Compliance Manager

Peace Region

Designated Director under the Act

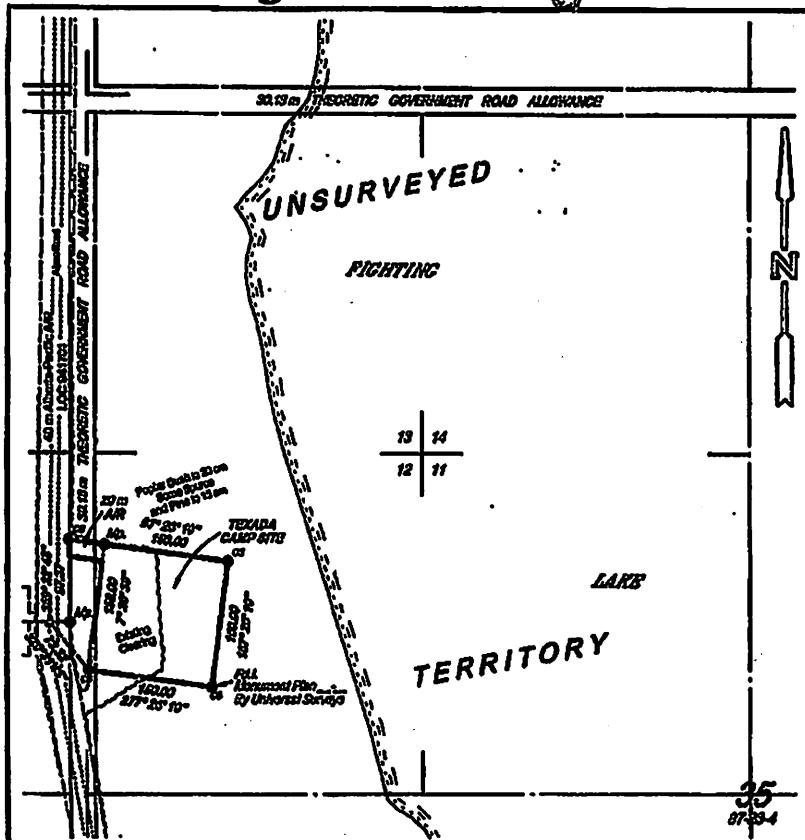
Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.

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, up to and including prosecution.

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 780-638-4189**



TEXADA CONSTRUCTION LTD.

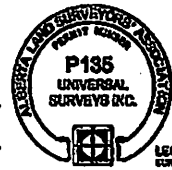
Plan Showing Survey of Camp Site and Access Road

with thereto
N.E. 1/4 Sec. 34 and N.W. 1/4 Sec. 35
Twp. 87 Rge. 23 W. 4th Mer.

and through adjoining thereto Government Road Allowance
MUNICIPAL DISTRICT OF OPPORTUNITY No. 17

ALBERTA LAND SURVEYS ACT, CAP. S-26, R.S.A. 1980, AS AMENDED
 I HEREBY CERTIFY THAT THE SURVEY DESCRIBED BY THIS PLAN WAS MADE AND CONDUCTED TO THE BEST OF MY PROFESSIONAL SKILL AND KNOWLEDGE AND IN ACCORDANCE WITH THE ACTS, REGULATIONS AND BY-LAWS OF THE ALBERTA LAND SURVEYS ACT, CAP. S-26, R.S.A. 1980, AS AMENDED, AND THE RULES AND REGULATIONS PRESCRIBED THEREIN.

Frank Miller
 ALBERTA LAND SURVEYOR
 REG. NO. 12345
 DATE ISSUED: 25/04/00



AREAS:

ACCESS ROAD =	0.034 ha.	0.21 Ac.
CAMP SITE =	2.290 ha.	5.68 Ac.
TOTAL =	2.324 ha.	5.77 Ac.

LEGEND:
 SURVEY MONUMENTS PLANTED, 30 cm PINK SPICES ▲
 SURVEY MONUMENTS FOUND, 30 cm PINK SPICES ▲
 SURVEY MONUMENTS FOUND, PINK POINTS (PP) ●
 CALCULATED POSITIONS ○
 DISTANCES ARE IN METERS AND DECIMALS THEREOF.
 PORTIONS REFERRED TO BOLDED THIS

OPERATOR: TEXADA CONSTRUCTION LTD.

NO.	DESCRIPTION	DATE
REVISION TABLE		

PCS Confirmation No.
 200004910



UNIVERSAL SURVEYS INC.
 15111 - 123 Ave. - Edmonton, Alberta - Pks 700-444-0000
 1018, 810 - 7th Ave. S.W. - Calgary, Alberta - Pks 403-222-1000