



Lands Division
Crown Land Enforcement Branch
8660 Bearspaw Dam Road NW
Calgary, Alberta
Telephone: 403-297-8800
www.alberta.ca

February 20, 2025

ENFORCEMENT ORDER

**Pursuant to Section 59.1 of the *Public Lands Act*
RSA 2000, c. P-40, as amended
EO-PLA-2024-0204**

Attention: Montem Resources Alberta Operations LTD
3317 2nd Avenue West
Vancouver, British Columbia
V6R 1H9

Whereas the land that is described as SW-36-7-6-W5M in the Municipality of Crowsnest Pass, in the Province of Alberta [“the Lands”] is located within the boundaries of, Public Land which was established pursuant to section 2(1) and section 3(1) of the *Public Lands Act*. Vested in the interest of the crown pursuant to section 2.1 of the *Public Lands Act*. The Lands are further identified in Schedule 1 of this Order;

Whereas the Minister of Forestry and Parks (the “Minister”) issued Temporary Field Authorization TFA231372 and amendments thereto on the Lands to Montem Resources Alberta Operations LTD. (“Montem”) on February 22, 2023;

Whereas August 5, 2023, Forestry and Parks staff (“Lands Division Staff”) inspected the Lands;

Whereas August 5, 2023, Lands Division Staff confirmed the following unauthorized activities:

- The infilling of Crowsnest Creek to facilitate a bridge installation;
- No erosion and sediment control measures;
- The infilling of a flood plain without proper drainage;
- The unauthorized excavation of two borrow pits;

Whereas on August 15, 2023, Lands Division Staff inspected the Lands with Montem representatives and identified the unauthorized activities;

Whereas on August 17, 2023, Lands Division Staff contacted Montem by email, stating that all identified non-compliant activities were to be remediated immediately. Montem was required to produce a plan identifying how Montem would remediate the bridge abutments in Crowsnest Creek, remediate the unauthorized borrow pits, install erosion and sedimentation controls, and remove debris from Crowsnest Creek.

Whereas on August 22, 2023, Lands Division Staff completed an inspection of the Lands and found Montem continued to occupy the Lands and erosion and sediment control measures installed on the Lands were ineffective and not functioning;

Whereas on September 14, 2023, Lands Division Staff approved a remediation plan and supplements submitted by Montem, Remediation plan identified:

- Remove ramp material and sediment fence from Crowsnest creek;
- Install concrete wing walls, silt socks, access controls and erosion and sediment control measures;
- Borrow pits contoured, install erosion and sediment control measures and reseed borrow pits;
- Pull back road and establish water management controls on road/trail;

Completion of remediation plan scheduled summer 2024.

Whereas on May 14, 2024, Lands Division Staff completed an inspection of the Lands and found that the bridge construction material had diverted flow of Crowsnest Creek to flow down the road and designated trail and back into Crowsnest Creek causing turbidity.

Whereas on May 16, 2024, Lands Division Staff emailed Montem a notice of concern requiring immediate remediation of the sediment entering Crowsnest Creek.

Whereas Temporary Field Authorization TFA231372 expired on August 22, 2024;

Whereas on November 6, 2024, Lands Division Staff completed an inspection of the Lands and found Montem continued to occupy the Lands and confirmed:

- The infilling of Crowsnest Creek to facilitate a bridge installation;
- Erosion and sediment control measures in place were ineffective and erosion was ongoing allowing sediment to enter Crowsnest Creek;
- The infilling of flood plain without proper drainage;
- The unauthorized excavation of two borrow pits;
- No corrective action to prevent Crowsnest Creek from flowing down the road and trail causing turbidity in Crowsnest Creek;
- Activity in contravention Authorization (TFA231372) conditions;

Whereas section 47(1)(b) of the *Public Lands Act* states that a person who occupies public land and is not otherwise authorized to do so under this act or regulations, is deemed to be a trespasser and any improvements created by the person are the property of the Crown.

Whereas section 54(1)(d) of the *Public Lands Act* states no person shall cause the doing of any act on public land that may injuriously affect watershed capacity,

Whereas section 56(1)(d) of the *Public Lands Act* states that a person who occupies public land and is not the holder of a disposition or of an authorization under section 20 authorizing the person to do so and is not otherwise authorized to do so under this Act and the regulations, is guilty of an offence;

Whereas section 56(1)(g) of the *Public Lands Act* states that a person who contravenes section 53, 54, 54.01(2), (3), (4) or (5), 57, 58 or 69.6, is guilty of an offence.

Whereas section 56(1)(n) of the *Public Lands Act* states a person who as the holder of a disposition, contravenes a provision of the disposition, is guilty of an offence:

Whereas Condition 012 of the TFA states the disposition holder is responsible for damage to improvements or to the lands on which prior rights have been issued, including damage to traps, snares or other improvements;

Whereas Condition 1040 of the TFA states the disposition holder must repair or replace any improvements immediately that were damaged as a result of the Activity on the Lands to pre-existing dispositions to the pre-existing condition. Damages to tame pastures must be repaired within one growing season;

- Whereas** Condition 1041 of the TFA states the disposition holder must maintain proper drainage of surface water;
- Whereas** Condition 1087 of the TFA states the disposition holder must not modify the bed or bank of the water body without written authorization of the Regulatory Body;
- Whereas** Condition 1357 of the TFA states the disposition holder must prevent erosion and sedimentation on to adjacent lands or water bodies that results from the activity;
- Whereas** Condition 1358 of the TFA states the disposition holder must install and maintain erosion control measures;
- Whereas** Condition 1376 of the TFA states the holder must prevent and control erosion, both surface and subsurface, and sedimentation on all disturbed lands;
- Whereas** Condition 1400 of the TFA states the disposition holder is prohibited from conducting activities on islands and the bed and shore of all water bodies.
- Whereas** Condition 1408 of the TFA states the disposition holder must install a Type I or Type II structure as defined in the Code of Practice for Watercourse Crossings that maintains the channel, for all Class A, B and C watercourses;
- Whereas** Condition 1409 of the TFA states the disposition holder must maintain the access including crossing structures, ditches and other installations to ensure proper drainage;
- Whereas** Condition 1411 of the TFA states where crossings have been removed, the disposition holder must immediately stabilize the bank or shoreline of all affected water bodies and restore to native vegetative species found in the adjacent area.
- Whereas** Condition 1424 of the TFA states the holder must not deposit or place debris, soil or other deleterious material into or through any watercourse and/or waterbody, or on the ice of any watercourse or waterbody.
- Whereas** Condition 1425 of the TFA states the holder must not interrupt natural drainage, including ephemeral wetlands and fens, block water flow or alter the water table.
- Whereas** Condition 1461 of the TFA states the Disposition Holder must complete progressive reclamation on forested lands for all associated and incidental disturbances to the Disposition.
- Whereas** Condition 1464 of the TFA states the Disposition Holder must reclaim the Lands to the pre-disturbance land use type unless otherwise authorized in writing by the Regulatory Body
- Whereas** Montem has no Authorization under the *Public Lands Act* to occupy the Lands as TFA231372 expired on August 22, 2024;
- Whereas** Montem are unlawfully occupying the Lands and are deemed to be a trespasser under section 47(1)(b) of the *Public Lands Act*;
- Whereas** Montem Resources Alberta Operations LTD. is a person responsible under section 1(o.1)(i) of the Act;
- Whereas** section 21(2)(e) of the *Public Lands Administration Regulation* states the holder of an authorization must, on the expiry or cancellation of the authorization, restore the subject land to an equivalent land capability and condition 1040 of the authorization (TFA231372) states The Disposition Holder must repair or replace any improvements immediately that were damaged as a result of the Activity on the Lands to pre-existing condition;
- Whereas** Dion Lawrence, Director, Regulatory Audit and Investigations Service, has been appointed as an Director under the *Public Lands Act* for the purpose of administering permissions and dispositions;

Therefore I, Dion Lawrence, the Director, pursuant to section 59.1(1) of the *Public Lands Act*, DO HEREBY ORDER THAT:

1. Montem Resources Alberta Operations LTD. shall immediately stop all unauthorized activity on the Lands;
2. Montem Resources Alberta Operations LTD. must provide Blairmore Lands Operations Office by email at mike.taje@gov.ab.ca and the Director a written plan (the "Plan") to be completed by a qualified environmental professional to return the Lands to a desired end land use, on or before March 11, 2025;
3. The Plan shall include:
 - a. The immediate installation of a culvert where channelization and overland flow has caused water to flow down the designated trail, culvert must facilitate the flow of water off the designated trail and back into Crowsnest Creek;
 - b. A description of the methods and equipment that will be used to complete the remediation;
 - c. The removal of the improvements; personal items; and all waste and debris from the Lands, and specifically the removal of:
 - i. Borrow material to be returned borrow pit locations;
 - ii. Removal of bridge and abutments;
 - iii. The removal of ineffective erosion and sediment control measures;
 - d. Return the designated trail to pre-disturbance condition;
 - e. Installation of an off-highway vehicle bridge over Crowsnest Creek as per Direction from Blairmore Recreation Management Specialist contact by email at Laine.Rogers@gov.ab.ca ;
 - f. Installation of effective interim erosion and sediment control measures;
 - g. Seed and plant all disturbed areas as per:
 - i. Direction from departmental agrologist contact by email at Tracy.Rains@gov.ab.ca ;
 - ii. Seed certificate(s) must be approved by the department prior to application;
 - h. Unauthorized borrow pit locations must be returned to pre- disturbance condition after material is returned;
 - i. A timeline of when equipment will be removed, and remediation is completed;
 - j. Monitoring, maintenance and removal of erosion and sediment control measures;
 - k. Monitoring and maintenance of vegetation establishment;
 - l. Weed control & monitoring;
4. The Plan excluding monitoring must be completed on or before May 1, 2025;
5. The Party shall, prior to implementing the work in the Plan, obtain any approvals required by other regulatory body(s) for implementing the Plan;
6. Montem Resources Alberta Operations LTD. must provide written notice to the Blairmore Lands Operations Office and Director immediately upon the completion of requirements of this Order as described in above in 2, 3(a), 3(b), 3(c)(i), 3(c)(ii), 3(c)(iii), 3(c)(e), 3(c)(f), and 4;
7. Any improvements or personal property not removed by Montem Resources Alberta Operations LTD. identified above in 4 will be forfeited to the Crown as per section 47(1) (b) of the *Public Lands Act*.



Dion Lawrence
Director
Regulatory Audit and Investigative Service

TAKE NOTICE that failure to comply with this Order may without further notice result in any or all of the following:

- further enforcement action, including but not limited to, prosecution under the *Public Lands Act* and/or its regulations;
- the confiscation, forfeiture, demolition, removal, sale or other disposal of any and all chattels, buildings and other improvements on the Crown Lands.

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 this Act or any other legislation.

Failure to comply with the terms and conditions of this enforcement order may result in enforcement proceedings including, but not limited to, the Director entering on the Lands and taking any action necessary to carry out this order, whereby the costs of this action are recoverable against the Parties as a debt owing to the Crown, section 59.21 of the *Public Lands Act*.

The *Public Lands Act* may provide a right of appeal against this decision to the Public Lands Appeals Coordinator. There may be a strict time limit for filing an appeal, for some appeals such as Stop Orders and seizure/removal of property the limit is only a few hours.

**For further information, please contact the:
Public Lands Appeal Board
3rd Floor, Peace Hills Trust Tower
10011 - 109 Street
Edmonton, Alberta T5J 3S8
Telephone (780) 427-6207
Email plab@gov.ab.ca**

Schedule 1



© 2025 Government of Alberta
 Coordinate System: NAD83 10TM AEP Forest
 Alberta Forestry and Parks
 Where applicable:
 Base data provided by the Government of Alberta under the
 Alberta Open Data License (2025).
 The Minister and the Crown provides this information without
 warranty or representation as to any matter including but not
 limited to whether the data/information is correct, accurate, or free
 from error, defect, danger, or hazard and whether it is otherwise
 useful or suitable for any use the user may make of it.

- Bridge
- Borrow Pit 1
- Borrow Pit 2
- Two Lane Gravel Road
- One Lane Gravel Road
- -** Dry-Weather Road

