

Case Summary

Case ID: DSS-29504 Type: Incident Status: Closed
 Opened Date: 2011-10-11 Admin Org Unit: Skeena Stikine Forest District Geo Org Unit: Skeena Stikine Forest District

Details

| | | | |
|---------------------------------------|--|----------------------|--------------------------------|
| Case ID: | DSS-29504 | Opened Date: | 2011-10-11 |
| Type: | Incident | Discovery Date: | 2011-09-27 |
| Status: | Closed | Admin Org Unit: | Skeena Stikine Forest District |
| Opened By: | Kate Pottinger | Geo Org Unit: | Skeena Stikine Forest District |
| Lead Investigator: | Kate Pottinger | Source: | BC Forest Service |
| FPB File #: | | Source Ref #: | |
| Inspection ID: | 257598 | Other Source Agency: | |
| Regional Review of Prosecution Test?: | No | Date of Prosecution | |
| Case Description: | Use, construct, maintain or deactivate a Forest Service Road contrary to the Act. Cut trees without authority. Unauthorized occupation of a structure on Crown Land. | | |

Contraventions :

Contravention 1. Forest and Range Practices Act 22 (2)

| | | | |
|-----------------------|------------------------------------|---------------------------|-------------------------------|
| Contravention Status | Compliance Action | Determination Numbers: | |
| Est. Incident Date: | 2011-09-27 | Appeal Numbers: | |
| Site: | Public Complaint | CIMS Inspection ID: | |
| Client: | CJL ENTERPRISES LTD.; 00054240; 00 | Client Address: | BOX 662, SMITHERS, BC, V0J2N0 |
| Joint Clients: | | Date Sent for OTBH: | |
| Investigation Cost: | \$0 | SDM: | |
| Search Warrent Obtain | | Prosecution Agency: | |
| Date Transferred: | | Prosecution Contact: | |
| Transferred To: | | Prosecution Phone: | |
| Transfer Office Addre | | Date Sent to Prosecution: | |
| Transfer Contact: | | Prosecution Date: | |
| Transfer Phone: | | Prosecution Successful?: | |

Enforcement Actions:

Enforcement Action 1.

| | | | |
|--------------------|------------------|-----------------------|---|
| Type: | Violation Ticket | EA Status: | Invalid |
| Latest Decision: | | Outstanding Decision: | |
| Outcome Status: | | Comments: | This ticket is for cutting of timber without authority and no Road Use Permit to maintain a non-status Rd on Crown Land |
| Can Be Processed?: | Yes | Activity Complete: | Yes |
| Ticket #: | AH00167123 | Vehicle Plate #: | |
| Driver's License: | | Vehicle Prov/State: | |
| Other ID: | | Registered Owner: | s.22 |
| Birthdate: | | Young Offender?: | |
| Issued By: | Kate Pottinger | Service Date: | 2011-10-21 |
| Served By: | Kate Pottinger | Appeal Period: | 365 days |

| Count | Status | Fine Amount | Count Amount |
|--|-------------|-------------|--------------|
| 2. Forest and Range Practices Act 52 (1) | In Progress | \$150.00 | \$173.00 |
| 1. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |

Date Printed: 2012-04-24
 User ID: IDIRBEMATTIE
 Environment: PROD

Page 1 of 4
 Report ID: ERA-012

Case ID: DSS-29504 Type: Incident Status: Closed
Opened Date: 2011-10-11 Admin Org Unit: Skeena Stikine Forest District Geo Org Unit: Skeena Stikine Forest District

Enforcement Action 3.

Type: Violation Ticket
Latest Decision:
Outcome Status:

EA Status: Invalid
Outstanding Decision:
Comments: Aunauthorized use of Forest Service Road and Unauthorized use of a road in a provincial Forest

Can Be Processed?: Yes
Ticket #: AH00167131
Driver's License:
Other ID:
Birthdate:
Issued By: Kate Pottinger
Served By: Kate Pottinger

Activity Complete: Yes
Vehicle Plate #:
Vehicle Prov/State:
Registered Owner: s.22
Young Offender?:
Service Date: 2011-10-21
Appeal Period: 30 days

| Count | Status | Fine Amount | Count Amount |
|--|-------------|-------------|--------------|
| 4. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |
| 1. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |

Contravention 2. Forest and Range Practices Act 52 (1)

Contravention Status: Deferred
Est. Incident Date: 2011-09-27
Site: Public Complaint
Total UAH Area: 0.400
Measurement Type: Occular
Client: CJL ENTERPRISES LTD.; 00054240; 00
Joint Clients:
Investigation Cost: \$0
Search Warrent Obtain
Date Transferred:
Transferred To:
Transfer Office Addre
Transfer Contact:
Transfer Phone:

Determination Numbers:
Appeal Numbers:
CIMS Inspection ID:
Number of Trees:
Total UAH Volume: 50.000
Client Address: BOX 662, SMITHERS, BC, V0J2N0

Date Sent for OTBH:
SDM:
Prosecution Agency:
Prosecution Contact:
Prosecution Phone:
Date Sent to Prosecution:
Prosecution Date:
Prosecution Successful?:

Enforcement Actions:

Enforcement Action 1.

Type: Violation Ticket
Latest Decision:
Outcome Status:

EA Status: Invalid
Outstanding Decision:
Comments: This ticket is for cutting of timber without authority and no Road Use Permit to maintain a non-status Rd on Crown Land

Can Be Processed?: Yes
Ticket #: AH00167123
Driver's License:
Other ID:
Birthdate:
Issued By: Kate Pottinger
Served By: Kate Pottinger

Activity Complete: Yes
Vehicle Plate #:
Vehicle Prov/State:
Registered Owner: s.22
Young Offender?:
Service Date: 2011-10-21
Appeal Period: 365 days

| Count | Status | Fine Amount | Count Amount |
|--|-------------|-------------|--------------|
| 2. Forest and Range Practices Act 52 (1) | In Progress | \$150.00 | \$173.00 |
| 1. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |

Date Printed: 2012-04-24
User ID: IDIRBEMATTIE
Environment: PROD

Page 2 of 4
Report ID: ERA-012

| | | | | | |
|---------------------|------------|------------------------|--------------------------------|----------------------|--------------------------------|
| Case ID: | DSS-29504 | Type: | Incident | Status: | Closed |
| Opened Date: | 2011-10-11 | Admin Org Unit: | Skeena Stikine Forest District | Geo Org Unit: | Skeena Stikine Forest District |

Contravention 3. Forest and Range Practices Act 54 (1)

Contravention Status Compliance Action
Est. Incident Date: 2011-09-27
Site: Public Complaint
Client: CJL ENTERPRISES LTD.; 00054240; 00
Joint Clients:
Investigation Cost: \$0
Search Warrent Obtain
Date Transferred:
Transferred To:
Transfer Office Addre
Transfer Contact:
Transfer Phone:

Determination Numbers:
Appeal Numbers:
CIMS Inspection ID: 258136
Client Address: BOX 662, SMITHERS, BC, V0J2N0
Date Sent for OTBH:
SDM:
Prosecution Agency:
Prosecution Contact:
Prosecution Phone:
Date Sent to Prosecution:
Prosecution Date:
Prosecution Successful?:

Contravention 4. Forest and Range Practices Act 22 (2)

Contravention Status Deferred
Est. Incident Date: 2011-09-27
Site: Public Complaint
Client: CJL ENTERPRISES LTD.; 00054240; 00
Joint Clients:
Investigation Cost: \$0
Search Warrent Obtain
Date Transferred:
Transferred To:
Transfer Office Addre
Transfer Contact:
Transfer Phone:

Determination Numbers:
Appeal Numbers:
CIMS Inspection ID:
Client Address: BOX 662, SMITHERS, BC, V0J2N0
Date Sent for OTBH:
SDM:
Prosecution Agency:
Prosecution Contact:
Prosecution Phone:
Date Sent to Prosecution:
Prosecution Date:
Prosecution Successful?:

Enforcement Actions:

Enforcement Action 3.

Type: Violation Ticket
Latest Decision:
Outcome Status:
Can Be Processed?: Yes
Ticket #: AH00167131
Driver's License:
Other ID:
Birthdate:
Issued By: Kate Pottinger
Served By: Kate Pottinger

EA Status: Invalid
Outstanding Decision:
Comments: Aunauthorized use of Forest Service Road and Unauthorized use of a road in a provincial Forest
Activity Complete: Yes
Vehicle Plate #:
Vehicle Prov/State:
Registered Owner: s.22
Young Offender?:
Service Date: 2011-10-21
Appeal Period: 30 days

| Count | Status | Fine Amount | Count Amount |
|--|-------------|-------------|--------------|
| 4. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |
| 1. Forest and Range Practices Act 22 (2) | In Progress | \$150.00 | \$173.00 |

Date Printed: 2012-04-24
 User ID: IDIRBEMATTIE
 Environment: PROD

Page 3 of 4
 Report ID: ERA-012

Case ID: DSS-29504 **Type:** Incident **Status:** Closed
Opened Date: 2011-10-11 **Admin Org Unit:** Skeena Stikine Forest District **Geo Org Unit:** Skeena Stikine Forest District

Clients:

| Name | Address | Client Number | Location Code | Joint Clients |
|----------------------|-------------------------------|---------------|---------------|---------------|
| CJL ENTERPRISES LTD. | BOX 662, SMITHERS, BC, V0J2N0 | s.21 | 00 | |

Sites:

| Bus Area | Site | Latitude | Longitude | Description |
|----------|------------------|----------|-----------|-------------|
| General | Public Complaint | | | |

A Licensee/ Tenure Holder: CJL ENTERPRISES LTD.
 BOX 662
 SMITHERS BC V0J2N0

Tenure (type/no): /
Site ID: Unauthorized Mining Activity
Inspection Date (yyyy/mm/dd 24:mm): 2011/09/27 12:00
Regional Inspection: ☐
Location (optional): s.16

Operator/Contractor:

In Attendance: Darren Loverin and Kate Pottinger

Incident Report Type: Stakeholder/public

D Alleged Non-Compliance: ☒
Further Research: ☐

Compliance Summary Comments:

CJL Enterprises Limited is currently operating on a Mining Licence without a Notice of Work (NOW) for a Mines Act Permit. The last NOW was dated 2007/10/01 to 2007/10/31. The Tenure Number Identification for the mineral claim is 906889.

In 2008 there were previous infractions involving this Licensee and this same Mine Property.

In discussion with the licensee Chris Warren the Notice of Works was applied for in July 2011 using an email submission. Chris stated that he was unaware that the NOW did not go to the Ministry of Energy and Mines. It was then reapplied for on September 19, 2011 after the company had been notified by Ministry of Forests, Lands, and Natural Resources staff. On or about September 19, 2011 CJL stopped all industrial works on site.

At the time of the inspection on September 27, 2011 the inspectors were aware that there has been an excavator working on the Non Status road which leaves the Hamblin Main at 9.1 km.

After two days of inspection in the office and in the field it was found that CJL had no authorization to be in industrial operations.

They do have authorization to do hand works on the ground because they have a Mineral Claim at that site.

It was found that because CJL Enterprises did not apply for a Notice of Works the following authorizations were not put into place:

1. A Road Use Permit is required for use of the Suskwa Forest Service Road from 0 to 14.5 kilometres.
2. Road Use Agreement was not put into place with Gitksan Forest Enterprise Incorporation on the Hamblin Main from 0 to 9.1 km. By doing so there may have been some damage to the bridges and box culverts on this road. The load limit was posted and not adhered to by the operators of the excavator and the cat.
3. Road Use Permit or Mines Act authorization for a non status mining road on Crown land is required prior to any maintenance works to be carried out.
4. Free Use Permit is required to cut trees up to 50 m3 when extending roads on the Non Status Road. There was an area of approximately 50 meters by 5 meters cleared and road built.
5. Permitting is required when building or occupying a building on crown land. The cabin in question is a s.16
 and therefore not for use by industry. The mining tenure that has the Cabin on is not held by CJL. s.16
 s.16

No further industrial works will take place until all authorizations have been given.

On October 21, 2011 at approximately 15:00 Tickets were issued under FRPA. There were four counts that required ticketing AH00167131 and AH00167123. In addition a warning ticket was given for occupying a building on crown land without authority.

E Inspector: Kate Pottinger
Signature: X

(I certify that this inspection conforms to Ministry of Forests' compliance procedures)

Received by:
Signature: X
 (Signing does not imply agreement with findings)

Attachment Description:

Checklist: ☐ Digital Image: ☐ Other: ☐
 Checklist:
 Other:

Delivery Method:

Email: ☒ Fax: ☐ Mail: ☐ Hand Delivered: ☐

File # 23060-08/ Hamblin Main Unauthorized Mining File #

ALLEGED NON COMPLIANCE SUMMARY

ID: 257598

X-Ref: IDIRIKPOTTING 2011/09/27 12:00:00

I Licensee/ Tenure Holder: C JL ENTERPRISES LTD.
BOX 662
SMITHERS BC V0J2N0

Tenure (type/no): /
Site ID: Unauthorized Mining Activity
Inspection Date (yyyy/mm/dd 24:mm): 2011/09/27 12:00
Regional Inspection: ☒
Location (optional): s.16

Operator/Contractor:
In Attendance: Darren Loverin and Kate Pottinger

| J, K | General | Row | Action Taken | Compliance | Est. Incident | Act/Reg | Warning | Issued To | Licence |
|------|---------|-----|--------------|-------------|---------------|---------|----------|-----------|---------|
| | Req # | | | Action Type | Date | Section | Ticket # | | Plate |
| | 1.00 | A | Enforcement | | | | | | |
| | | | Action | | | | | | |

Comment/Notice:

Forest and Range Practices Act Section 22(2)
Unauthorized use of a Forest Service Road
Suskuwa FSR.

1.00 B Enforcement
Action

Comment/Notice:

Forest and Range Practices Act
Section 22(2)
Unauthorized use of a road in a Provincial Forest
This is for the use of Hamblin Main without authorization.

1.00 C Enforcement
Action

Comment/Notice:

Forest and Range Practices Act
Section 22(2)
Unauthorized use of a road in a Provincial Forest
Using and maintaining Non status road off the Hamblin Main without authorization.

1.00 D Enforcement
Action

Comment/Notice:

Forest and Range Practices Act
Section 52
Cut, remove, damage or destroy Crown timber without Authority
Failed to obtain authorization to cut timber in an area of 50 meters by 5 meters to build onto a non status road.

1.00 E Enforcement
Action

Comment/Notice:

Forest and Range Practices Act
Section 54 (1)
Unauthorized construction or occupation of a structure
Use of a s.16 n Crown Land without authorization.

s.16

L Inspector: Kate Pottinger
Signature: X
(I certify that this inspection conforms to Ministry of Forests' compliance procedures)

Received by:
Signature: X
(Signing does not imply agreement with findings)