

Environmental Protection and Enhancement Act

BEING CHAPTER E-12 R.S.A. 2000 (the "Act")

ENVIRONMENTAL PROTECTION ORDER NO. EPO-EPEA-35819

Amendment No. 1

Canadian Pacific Railway Company
7550 Ogden Dale Road SE
Calgary, Alberta
T2C4X9

["CP"]

WHEREAS on February 26, 2021, the Director signed, and on March 1, 2021 CP was served with an Environmental Protection Order (EPO-EPEA-35819) [the "Order"] setting out requirements to respond to the release of the Substance into the environment;

WHEREAS on February 24, 2021, CP had submitted to submitted to Alberta Environment and Parks ["AEP"], a document titled "Canadian Pacific Railway - Crowsnest Sub - Mile 99.2 Wildlife Management Plan" [the "Draft Wildlife Management Plan"];

WHEREAS the Draft Wildlife Management Plan was not stamped and signed by an independent third-party qualified professional currently registered in good standing with the Alberta Society of Professional Biologists (ASPB);

WHEREAS the Draft Wildlife Management Plan was reviewed by an AEP Senior Wildlife Biologist, who identified the following concerns:

- Potential utilization of dogs and rubber slugs to deter wildlife without authorization;
- Lack of detail regarding aversion and monitoring techniques to be used at night.

WHEREAS Clause 4 of the Order required CP, by not later than March 3, 2021, to submit to the Director, for the Directors written approval a written Wildlife Plan stamped and signed by an independent third-party qualified professional currently registered in good standing with the Alberta Society of Professional Biologists;

WHEREAS on March 3, 2021, at 17:53, CP submitted to AEP, a document titled "Addenda – Wildlife Management Plan – Crowsnest Lake Mile 99.2 Potash Spill", which was signed and stamped by a Professional Biologist registered in good standing with ASPB;

WHEREAS the March 3, 2021 "Addenda – Wildlife Management Plan – Crowsnest Lake Mile 99.2 Potash Spill" solely forms the Wildlife Plan as contemplated in the Order;

WHEREAS The Director accepts and approves the Wildlife Plan submitted by CP on March 3, 2021;

WHEREAS section 243 of the *Environmental Protection and Enhancement Act* [the "Act"] provides authority for the Director to amend an environmental protection order;

THEREFORE I, Coreen Bates, pursuant to section 243 of the Act DO HEREBY AMEND the Order as follows:

1. Adding Clause 19 as follows:

19. CP shall fully implement each of the actions set out the Wildlife Plan by not later than March 5, 2021, and continue implementing each one until otherwise notified by the Director.

DATED at the City of Lethbridge in the Province of Alberta, this 5th day of March, 2021.



Coreen Bates
A/ Compliance Manager
Southern Region

Section 91 of the *Environmental Protection and Enhancement Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal.

**For further information, contact the Board Secretary at:
Alberta Environmental Appeals Board
#306 Peace Hills Trust Tower, 10011 – 109 Street,
Edmonton, Alberta T5J 3S8
Telephone (780) 427- 6207; Fax (780) 427- 4693**

Notwithstanding the above requirements, the Parties shall obtain all necessary approvals in complying with this order.

Take notice that this order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this or any other legislation