

WATER ACT
BEING CHAPTER W-3 R.S.A. 2000 (the "Act")

Amendment No.2

to

ENFORCEMENT ORDER NO. EO-WA-23019

Old Town Development Corp.
11504 170 Street NW
Edmonton, Alberta T5S 1J7

(the "Party")

WHEREAS on July 27, 2021, the Director issued Water Act Order no. EO-WA-23019 setting out requirement to restore impacted wetland area (the "Impacted Wetlands") located at Plan 1520719, Block 2, Lot 30PUL, South West of Fractional of Section 36, Township 52, Range 01, West of the 5th Meridian (SW-36-052-01-W5M) in the Town of Stony Plain, within the Province of Alberta;

WHEREAS on March 24, 2022, the Director met with representatives of the Party to discuss the timing to complete the required work set out in the "Wetland Remedial Action Plan" document titled "OLD TOWN DEVELOPMENT CORP.WETLAND REMEDIAL ACTION PLAN THE BRICKYARD WITHIN A PORTION OF SW 36 AND NW 25-052-01 W5M April 05, 2019" and "Comment Response #1: Files 305963 and 307550 Review of Wetland Remedial Action Plan – The Brickyard" (jointly referred to as the "Remedial Plan");

WHEREAS the Party's representatives explained that due to financial and scheduling constraints the required work set out in the Remedial Plan had to be delayed;

WHEREAS during the discussions between the Director, the Party and the Party's consultants, the Party's consultants presented a case that justified why timely on- and off-site wetland replacement was not feasible, and indicated that they were open to pursuing the alternative option of making an in-lieu wetland replacement fee payment;

WHEREAS on May 11, 2022, the Party's consultant's emailed a completed Alberta Wetland Rapid Evaluation Tool-Actual ("ABWRET-A") assessment of the Impacted Wetland to determine its value and calculate the wetland compensation fee;

WHEREAS the ABWRET-A score for the Impacted Wetland was determined to be a "D" value wetland;

WHEREAS the Alberta Wetland Mitigation Directive ("Mitigation Directive") identifies the replacement value ratio for a "D" value wetland as 1:1;

WHEREAS the Impacted Wetland has a replacement rate of \$19,100/ha;

WHEREAS section 137(1) of the *Water Act* states the Director may on the Director's own initiative amend a term or condition of an enforcement order;

THEREFORE, I, Maxwell Harrison, Director, pursuant to Section 137(1) of the *Water Act*,
HEREBY DO AMEND the Order as follows:

Remove Clause 1 to 10 and replace with:

1. "The Party must replace 2.69 ha of wetland area by paying a wetland restoration service fee to the AEP Wetland Replacement Program to compensate for the Impacted Wetlands at a 1:1 ratio at a rate of \$19,100/ha, resulting in \$51,379.00 to paid to the Wetland Replacement Program Dedicated Revenue Initiative.
1. No later than July 31, 2022, the Party shall submit confirmation of agreement to the Director to pay the AEP Wetland Replacement Program a service fee of \$51,379.00 for the replacement of 2.69 ha of wetland area as a result of the Unauthorized Activity on the Impacted Wetland.
2. Payment as described in Clause 1 must be completed within 90 days of the issuance date of this Order.
3. Within 7 days of receiving confirmation of payment receipt acceptance, the Party will provide the confirmation to the Director."

DATED at the City of Edmonton, in the Province of Alberta, this 17th day of May 2022.

Maxwell Harrison
Compliance Manager
Regulatory Assurance Division
Capital District

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environment Appeals Board. There may be a strict time limit for filing such an appeal. A copy of Section 115 is enclosed. For further information, please contact the Board Secretary at #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 Party shall obtain all other necessary approvals or authorizations required to comply 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 or any other legislation.