

WATER ACT

BEING CHAPTER W-3, RSA 2000 ("the *Water Act*")

Amendment No. 1 to

ENFORCEMENT ORDER NO. EO-WA-36082

Mihas Bros Holdings Ltd.
Box 922
Grande Prairie AB
T8V 3Y1

WHEREAS Enforcement Order No. EO-WA-36082 [the "EO"] was issued to Mihas Bros Holdings Ltd. ("Minhas") on March 8, 2023;

WHEREAS during the EO due process meeting on March 16, 2023 to review the conditions of the served EO, Minhas requested amendments and clarification with regards to the application of the Alberta Wetland Policy (2013) to the Lands and Impacted Wetland Area.

WHEREAS conversations which transpired between March 21 and 23, 2023 between AEPA and Minhas clarified the presence of public lands within the Impacted Wetland Area adjacent to the Lands that had been impacted by the Unauthorized Activities, it was noted that those lands would need to be remediated through the In-situ Wetland Replacement (Priority #1 – highest) option and would not be eligible for options 2 thru 4 within the Wetland Replacement Proposal;

WHEREAS, Jack McNaughton, AEP Compliance Manager, Regulatory Assurance Division, Northwest Boreal District has been designated as a Director for the purpose of issuing and amending Enforcement Orders under the *Water Act* [the "Director"];

THEREFORE, I, Jack McNaughton, Director, pursuant to sections 137(1)(a) of the *Water Act*, **DO HEREBY AMEND THE EO AND ORDER THAT:**

1. The following information are added to the EO:

- "WHEREAS based on data collected during an AEPA inspection of the Lands on April 25, 2022, and the July 23, 2021 AEPA Wetland Specialist's preliminary wetland assessment, the total Impacted Wetland Area (as indicated on Appendix A) affected by the Unauthorized Activities is 8.74ha;"
- "WHEREAS the Alberta Wetland Policy (2013) was implemented for the area including the Lands in 2015;"
- "WHEREAS 1.12ha of the total Impacted Wetland Area had been impacted by the Unauthorized Activities after the 2015 implementation of the Alberta Wetland Policy

(2013) ("Post 2015 Impacted Wetland Area") (as indicated on Appendix A);

- o 0.96ha of the Post 2015 Impacted Wetland Area is located within the Lands;
 - o 0.16ha of the Post 2015 Impacted Wetland Area is located on portions of NE-36-070-06-W6M that are "public lands" within the meaning of section 1(p) of the *Public Lands Act* ("Public Land Trespass") (as indicated on Appendix A);"
2. Appendix A is deleted and replaced with the map attached as Appendix 1 of this Amendment;
3. Addition of Therefore 5(f) which states:

A Public Land Trespass Reclamation Proposal that will identify how the Public Land Trespass portion of the Impacted Wetland Area will be delineated and reclaimed by In-situ Wetland Replacement (Priority #1 – highest):

- i. The Public Land Trespass Reclamation Proposal shall include a Monitoring Plan that will ensure that the Impacted Wetland Area within the Public Land Trespass returns to pre-disturbance conditions.

DATED at the City of Edmonton in the Province of Alberta, this the 4th day of May, 2023.



Jack McNaughton
Compliance Manager
Northwest Boreal District - North Region

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 this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.

Section 115 of the *Water 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, please contact the Board Secretary at:

**Alberta Environmental Appeals Board
#306 Peace Hills Trust Tower,
10011 – 109th Street
Edmonton, Alberta, T5J 3S8
Telephone: (780) 427-6207
Fax: (780) 427-4693**

Appendix 1

