

**WATER ACT**

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

ENFORCEMENT ORDER NO. EO-WA-36082

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

**WHEREAS** Minhas Bros. Holdings Ltd. ("Minhas") is an Alberta-based corporation registered at the Alberta Corporate Registry;

**WHEREAS** Minhas is the registered owner of lands legally described as Plan 0022776, Lot 3 in NE-36-070-06-W6M located in the County of Grande Prairie, in the Province of Alberta (the "Lands");

**WHEREAS** the Lands are 10ha in size and include a large wetland (the "Wetland");

**WHEREAS** Appendix A is an aerial photograph of the Lands including the Wetland;

**WHEREAS** on October 27, 2020, Alberta Environment and Protected Areas ("AEPA") was informed that an activity was being undertaken within a portion of the Wetland (the "Impacted Wetland Area") on the Lands;

**WHEREAS** on November 27, 2020, an AEPA Environmental Protection Officer ("EPO") inspected the Lands and confirmed that soil and other debris (the "Material") had been deposited and spread within the Impacted Wetland Area;

**WHEREAS** on April 12, June 17, June 23, and September 27, 2021, AEPA EPOs conducted inspections of the Lands, including taking photographs and GPS points, and made the following observations:

- Minhas had been placing Material within and around the Impacted Wetland Area;
- Material had been placed within the Impacted Wetland Area in an attempt to build up the area for further commercial development of the Lands;
- In areas where the Material had been placed, the elevation was approximately one to two feet higher than surrounding undisturbed areas of the Impacted Wetland;
- Material had also been placed in a manner that created a channel (the "Drainage Ditch"), to allow water movement east through the developed area and some material had been placed within the Drainage Ditch;
- Undisturbed areas adjacent to where the Material had been placed showed characteristics of a wetland, and some ponding of water was observed along the west edge of the Material;

[hereinafter, the above are collectively referred to as the "Unauthorized Activities" as indicated on Appendix A]

**WHEREAS** on July 23, 2021, an AEPA Wetland Specialist completed a preliminary wetland assessment of the Wetland, and confirmed that it is a wetland due to the presence of positive wetland indicators which included hydric soils, hydrophilic vegetation, and hydrological indicators;

**WHEREAS** the Wetland is a "water body" as defined in section 1(1)(ggg) of the *Water Act*,

**WHEREAS** each of the Unauthorized Activities are an "activity" as defined in section 1(1)(b) of the *Water Act*;

**WHEREAS** section 36(1) of the *Water Act* states that no person may commence or continue an activity in a water body except pursuant to an approval unless it is otherwise authorized under this Act;

**WHEREAS** AEPA has not issued an approval under the *Water Act* to Minhas or any other person authorizing any of the Unauthorized Activities in the Impacted Wetland Area on the Lands, and these activities are not otherwise authorized under the *Water Act*;

**WHEREAS** Minhas is a person responsible for the Unauthorized Activities pursuant to section 1(1)(kk) of the Act and section 1(5) of the *Water (Ministerial) Regulation (AR 205/1998)*;

**WHEREAS** Jack McNaughton, Compliance Manager, North Region, has been appointed a Director for the purpose of issuing enforcement orders under the *Water Act* (the "Director");

**WHEREAS** the Director is of the opinion that Minhas has contravened section 36(1) of the *Water Act*, which is an offence under section 142(1)(h) of the Act, by conducting the Unauthorized Activities without an approval;

**THEREFORE**, I, Jack McNaughton, Director, pursuant to section 135(1) and 136(1) of the *Water Act*, HEREBY ORDER THAT:

1. Minhas shall immediately cease all unauthorized activity on the Lands.
2. Minhas shall retain an authenticating professional that meets each of the requirements of section 4.0 of "Professional Responsibilities in Completion and Assurance of Wetland Science, Design and Engineering Work in Alberta" (Government of Alberta, May 1, 2017) (the "Authenticating Professional").
3. Minhas shall, on or before **March 31, 2023**, submit to the Director in writing all of the following information:
  - (a) the name and contact information of the Authenticating Professional, and
  - (b) a summary of how the Authenticating Professional meets all the requirements of Clause 2 of this Order.
4. On or before **June 30, 2023**, Minhas shall submit to the Director for the Director's written approval, a written Wetlands Assessment Report, prepared, stamped and signed by the Authenticating Professional.
5. The Wetlands Assessment Report shall include, at a minimum, a detailed assessment of:

- (a) the condition of the Wetland prior to the Unauthorized Activities being undertaken, including, all of the following:
  - i. delineation of wetland boundary;
  - ii. classification, determined in accordance with the "Alberta Wetland Classification System" (Government of Alberta, June 1, 2015);
  - iii. landscape characteristics, including topography and slopes;
  - iv. hydrology;
  - v. soils, and
  - vi. vegetation;
  
- (b) the current locations and current physical characteristics of the Unauthorized Activities;
  
- (c) whether current site conditions will accurately reflect wetland value from an ABWRET-A assessment (Government of Alberta, 2015);
  
- (d) all of the effects of the Unauthorized Activities on the Impacted Wetland Area.
  
- (e) a Wetland Replacement Proposal in which the total area of the Impacted Wetland Area is replaced by selecting the highest priority replacement option, in the following priority order, with detailed justification if a higher priority option is not feasible:
  - i) In-situ Wetland Replacement (Priority #1 - highest): restore the Impacted Wetland to its respective condition prior to the Unauthorized Activities, including wetland area and classification in the same location the loss occurred; or
  
  - ii) Propinquity Wetland Replacement (Priority #2): replace the Impacted Wetland at a 1:1 ratio in close proximity to the Impacted Wetland within the Lands, and may including restoring wetlands of equal area and classification on the Lands (if available) as those lost as a result of the Unauthorized Activities; or
  
  - iii) Permittee-Responsible Wetland Replacement (Priority #3): retain a third party to undertake permittee-responsible wetland replacement to meet the remedial requirements of Minhas to replace the Impacted Wetland in accordance with the Directive for Permittee-Responsible Wetlands Construction in Alberta and/or the Code of Practice for Wetland Replacement Works at a 3:1 ratio within Relative Wetland Value Assessment Unit 12; or
  
  - iv) Utilization of the Wetland Replacement Program (Priority #4 – lowest): utilize the AEPA Wetland Replacement Program to complete wetland replacement on behalf of Minhas for wetland areas lost.

DATED at Peace River in the Province of Alberta, this 8<sup>th</sup> day of March, 2023.



Jack McNaughton  
Director, North Region

**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:  
Alberta Environmental Appeals Board  
# 30 6 Peace Hills Trust Tower, 10011-109 Street,  
Edmonton, Alberta, TSJ 3S8  
Telephone 780-427-6207; Fax 780-427-4693.**

**Notwithstanding the above requirements, Minhas Bros. Holdings Ltd. 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 the *Water Act* or any other legislation.**

