

WATER ACT

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

WATER MANAGEMENT ORDER NO. WMO-2016/01-LAR

**Brian Keith Williams and Shelly Williams
Box 1562
Lac La Biche, Alberta
T0A 2C0**

**Travis Skoreyko
Box 255
Caslan, Alberta
T0A 0R0**

**Skoreyko Crushing Ltd.
Box 255
Caslan, Alberta
T0A 0R0**

(Collectively "the Parties")

WHEREAS Brian Keith Williams and Shelly Williams (collectively "the Williams") are owners of the lands legally described as the SW-10-65-14-W4M ("the Lands") in Lac La Biche County, Alberta;

WHEREAS the Beaver River transects the Lands in a meandering pattern in a north-south direction;

WHEREAS the Beaver River is a fish bearing river that flows throughout the year;

WHEREAS Skoreyko Crushing Ltd. ("the Company") is a corporate entity registered in Alberta that operates a gravel pit on the Lands. Travis Skoreyko is the sole director of the Company, and at all material times made the decisions in respect of the issues which form the subject-matter of this Order;

WHEREAS on March 15, 2016, Alberta Environment and Parks ("AEP") received a complaint of a crossing that was built over a river on the Lands, and that the river was filled with gravel. AEP staff searched the department's records and found no record of a *Code of Practice for Watercourse Crossings* ("the Code of Practice") notice, or any other statutory approval authorizing a crossing to be built over the Beaver River on the Lands;

WHEREAS on March 16, 2016, AEP Inspectors inspected the Lands, took photographs, and identified:

- a single span bridge had been built over the Beaver River to access an area where it appeared gravel extraction was occurring or had occurred ("the Bridge"),**
- the Bridge's abutments were located directly within the Beaver River extending approximately 4.5 meters into the Beaver River on each side of the river bank,**

- the Bridge's abutments had narrowed the river channel from approximately 22 meters across from bank to bank, to approximately 12.5 meters across, and
- gravel and construction debris were located on the ice surface of the Beaver River below and around the Bridge;

WHEREAS on March 16, 2016, the Inspector sent the inspection report to the Williams and instructed them to immediately contact AEP Compliance staff;

WHEREAS on March 17, 2016, the Inspector posted notices at two entrances to the Lands requesting the Williams to immediately contact AEP Compliance staff;

WHEREAS on March 18, 2016, Shelly Williams contacted AEP Compliance and spoke with an AEP Environmental Protection Officer indicating:

- the Williams had hired a contractor, Travis Skoreyko, to operate the gravel pit on the Lands and to construct the Bridge; and
- the Bridge was constructed within the last year;

WHEREAS on March 18, 2016, Travis Skoreyko contacted AEP Compliance and spoke with an AEP Environmental Protection Officer indicating:

- Mr. Skoreyko had constructed the Bridge under frozen ground conditions in November and December 2015; and
- there had been a rock crossing at the same location that the Company used for the last four years;

WHEREAS the Parties are each a "person responsible" for the activity or works described herein pursuant to section 1(1)(kk) of the *Act*, and section 1(5) of the *Water (Ministerial) Regulation (AR 205/98)* (the "*Regulation*");

WHEREAS the Bridge is an "activity" under section 1(1)(b)(i) of the *Act*, and the Beaver River is a "water body" as defined in section 1(1)(ggg) of the *Act*;

WHEREAS the Bridge is also a "works" under section 1(1)(mmm) of the *Act*;

WHEREAS the Bridge does not require an approval under the *Act* or the *Regulation*;

WHEREAS the Director is of the opinion the Bridge has significantly narrowed the active channel of the Beaver River which has caused or may cause an adverse effect on the aquatic environment including fish and fish habitat;

WHEREAS the Director is of the opinion the Bridge may cause an adverse effect on property upstream or downstream of the Bridge;

WHEREAS the Director is of the opinion that the Bridge must be removed before the restricted activity period for the Beaver River begins on April 16, 2016 in order to prevent further adverse effects to the aquatic environment or to property from occurring;

WHEREAS Neil Brad, Regional Compliance Manager, Lower Athabasca Region (the "Director") has been appointed as Director for the purposes of issuing water management orders under the *Act*;

THEREFORE, I, Neil Brad, Director, pursuant to sections 97(1)(c) and 99(1) of the *Water Act* DO HEREBY ORDER THAT:

1. The Parties shall immediately
 - a. cease operation or any activity or works related to the Bridge; and
 - b. take reasonable measures to contain and isolate any gravel and construction debris from the surface of the Beaver River to prevent sedimentation, erosion or other adverse effects to the aquatic environment.
2. The Parties shall **on or before March 30, 2016** submit to the Director for approval a written remedial plan to remove the Bridge (the "Remedial Plan").
3. The Remedial Plan shall include a schedule of implementation for the remedial work, all of which shall be completed **no later than April 15, 2016**.
4. The Remedial Plan shall be prepared, stamped and signed by:
 - a. a Qualified Wetland Science Practitioner ("QWSP"); and
 - b. by a professional engineer currently registered with the Association of Professional Engineers and Geoscientists of Alberta where any professional hydraulic engineering, structural or geotechnical assessment, design, or verification is required for any of the proposals in the Remedial Plan.
5. The Parties shall implement all the work described in the Remedial Plan pursuant to a schedule of implementation that is approved by the Director.
6. The Parties shall provide the Director with with 3 days' notice in writing prior to commencing the remedial work in the Remedial Plan as approved by the Director.
7. Within 30 days of completing the requirements of this Order, the Parties shall submit to the Director a final written report (the "Final Report") describing the work undertaken to comply with this Order, and signed by the QWSP and any professional engineer who prepared or contributed to the Remedial Plan.

DATED at the Hamlet of Lac La Biche in the Province of Alberta, this 23 day of MARCH, 2016

Original Signed by: Neil Brad
Regional Compliance Manager
Lower Athabasca Region

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. A copy of section 115 is provided below. There may be a strict time limit for filing such an appeal. For further information, please contact the Board Secretary at: #306 Peace Hills Trust Tower, 10011 – 109th Street, Edmonton, Alberta, T5J 3S8; Telephone: (780) 427-6207; Fax: (780) 427-4693.

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.