

***WATER ACT***

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

ENFORCEMENT ORDER NO. WA-EO-2012/05-CR

Ernest Methot and Angela Methot  
Box 875  
Castor, Alberta  
T0C 0X0

(collectively "the Methots")

WHEREAS Ernest Methot and Angela Methot (the "Methots") are the registered joint owners of the lands legally described as Lot 11, Block A, Plan 5674HW located in the Summer Village of Kapasawin, Alberta (the "Lands");

WHEREAS the Lands are adjacent to the bed and shore of a water body known as Wabamun Lake;

WHEREAS on March 19, 2012, Alberta Environment and Sustainable Resource Development ("AESRD") received a complaint regarding excavation on the shoreline adjacent to the Lands;

WHEREAS during a site inspection on March 19, 2012, AESRD Environmental Protection Officers ("EPOs") observed the following on the Lands and on the bed and shore adjacent to the Lands:

- a trench dug parallel to the shore and extending into the water body so that water from Wabamun Lake was collecting in the trench;
- piles of soil excavated from the trench placed on the lake-side of the trench directly on the ice, which appeared to be intended to prevent melting ice from entering the trench;
- mixed piles of soil and aquatic vegetation from the excavation of the trench placed on the shore of Wabamun Lake;
- active dewatering of the trench by two pumps located in the bottom of the trench directing water, by hoses, back into Wabamun Lake; and
- the completion of concrete forms in the trench

(collectively, all of the above is hereinafter referred to as "the Works");

WHEREAS during the site inspection on March 19, 2012, the EPOs spoke to contractors on the Lands who advised that they were hired by one of the landowners, Ernest Methot, to construct the Works, and in particular to remove an old corrugated metal sheet retaining wall and to prepare concrete forms in the trench for the purpose of installing a concrete retaining wall on the bed and shore of Wabamun Lake;

WHEREAS during an interview with an EPO on March 26, 2012, Ernest Methot admitted the following:

- he hired the contractors and instructed them to construct the Works;
- he had neither applied for nor obtained a *Water Act* approval prior to commencing construction of the Works; and
- he had not contacted any other regulatory agencies regarding authorizations to construct the Works;

WHEREAS Wabamun Lake is a “water body” within the meaning of section 1(1)(ggg) of the *Water Act*;

WHEREAS the construction and continued operation of the Works may alter or may become capable of altering the flow or level of water, may change or may become capable of changing the location of water, and may cause or may become capable of causing siltation of water or the erosion of the bed or shore of Wabamun Lake, and may cause or may become capable of causing an effect on the aquatic environment of Wabamun Lake;

WHEREAS the construction and continued operation of the Works is an “activity” within the meaning of section 1(1)(b)(i) of the *Water Act*,

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

WHEREAS AESRD has never received an application from nor issued an approval to the Methots or anyone for the construction and operation of the Works, and the construction and operation of the Works are not otherwise authorized under the *Water Act*;

WHEREAS Ernest and Angela Methot are each a “person responsible” for the Works pursuant to section 1(1)(kk) of the *Water Act* and section 1(5) of the *Water (Ministerial) Regulation* (A.R. 205/1998) as registered joint owners of the Lands on which the activity was carried out;

WHEREAS Faye Hutchings, AESRD Acting District Compliance Manager, Central Region (the “Director”), has been appointed a Director for the purposes of issuing enforcement orders under the *Water Act*;

AND WHEREAS the Director is of the opinion that the Methots have contravened section 36(1) of the *Water Act*, which is an offence under section 142(1)(h) of the *Act*, by conducting an activity without an approval;

THEREFORE, I, Faye Hutchings, Director, pursuant to sections 135(1) and 136(1) of the *Act*, DO HEREBY ORDER THAT:

1. The Methots shall immediately cease any unauthorized activities relating to the Works.
2. The Methots shall immediately prevent the siltation of water in Wabamun Lake caused by the Works.
3. The Methots shall by **July 13, 2012**, submit to the Director, for the Director's approval, a written remedial plan (the "Remedial Plan").
4. In the Remedial Plan, the Methots shall include, at a minimum, each of the following:
  - a) A detailed description of how the entirety of the Works will be removed including, but not limited to, each of the following:
    - (i) how the concrete forms will be removed;
    - (ii) how the soil piles will be replaced
      - a. to pre-disturbance conditions; and
      - b. in their original locations.
    - (iii) how the portions of
      - a. the Lands; and
      - b. the bed and shore of Wabamun Lakeaffected by the Works will be restored to pre-disturbance conditions;
    - (iv) how the undisturbed portions of the
      - a. the Lands; and
      - b. the bed and shore of Wabamun Lakewill remain undisturbed during the implementation of the Remedial Plan;
    - (v) the types of



- a. equipment,
- b. methods, and
- c. materials

that will be used in implementing the Remedial Plan;

- b) A description of the measures that will be implemented to prevent all erosion of the Lands and the bed and shore of Wabamun Lake adjacent to the Lands
    - (i) during the implementation of the Remedial Plan; and
    - (ii) after completion of the work set out in the Remedial Plan;
  - c) A description of the measures that will be implemented to prevent all siltation of water in Wabamun Lake
    - (i) during the implementation of the Remedial Plan; and
    - (ii) after completion of the work set out in the Remedial Plan;
  - d) A description of the measures that will be implemented to restore the vegetation on the affected portions of
    - (i) the Lands; and
    - (ii) the bed and shore of Wabamun Lake,including, but not limited to, the exclusive use of native vegetation;
5. In the Remedial Plan, the Methots shall include a schedule of implementation for the Remedial Plan that shall have
- a) a start date after **July 1, 2012**, and
  - b) a completion date of no later than **August 31, 2012**.
6. The Methots shall implement the work described in the Remedial Plan pursuant to the schedule of implementation that is approved by the Director.
7. The Methots shall implement each part of the Remedial Plan in accordance with the Director's written authorization.
8. The Methots shall provide the Director with 5 days notice either by phone or email prior to commencing the work in the Remedial Plan approved by the Director.
9. Within 30 days of completion of the requirements of this Order, the Methots shall submit to the Director a final written report (the "Final Report") describing the work undertaken to comply with this Order.

DATED at the City of Spruce Grove, in the Province of Alberta, this 27 day of June 2012.

**Original Signed by: Faye Hutchings, Director  
Acting District Compliance Manager  
Central Region**

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. 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(ies) shall obtain all necessary approvals 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 or any other legislation.