

WATER ACT

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

Amendment No. 2 to

ENFORCEMENT ORDER NO. WA-EO-2016/01-LAR

A & T Construction and Transit Mix Ltd.
14058 Stanley Drive
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[Collectively "the Parties"]

WHEREAS Enforcement Order No. WA-EO-2016/01-LAR [the "EO"] was issued to the Parties on March 23, 2016;

WHEREAS Amendment No. 1 to the EO was issued to the Parties on November 7, 2016;

WHEREAS the Parties submitted to the Director a revision to the Approved Wetland Restoration Plan prepared by 3 Element Environmental dated November 9, 2016 requesting a waiver of the requirement to complete an ABWRET assessment;

WHEREAS Mr. Wade Tkachuk emailed the Director on November 14, 2016 indicating difficulties in removing the remaining portions of the concrete from the Wetland;

WHEREAS the Director has agreed to accept the revision to the Approved Wetland Restoration Plan on the basis that the Parties have agreed that the Wetland is valued at a "C" at a 2:1 replacement ratio for 0.2 hectares [the "Approved Revised Wetland Restoration Plan"];

WHEREAS the Parties' consultant emailed the Director on November 17, 2016 requesting an extension to July 31, 2017 to remove the remaining concrete in the Wetland;

WHEREAS I, Neil Brad, Regional Compliance Manager, Lower Athabasca Region (the "Director") has been designated as Director for the purposes of issuing and amending enforcement orders under the *Water Act*;

WHEREAS the Director is of the opinion that the EO must be amended to reflect the new deadlines and the approach in the Approved Revised Wetland Restoration Plan;

THEREFORE, I, Neil Brad, Director, pursuant to section 137(1)(a) of the *Water Act* DO HEREBY AMEND the EO, and ORDER:

1. In Clause 1 of Amendment #1 to the EO, "December 31, 2016" is deleted and replaced with "July 31, 2017."
2. In Clause 2 of Amendment #1 to the EO, "December 31, 2016" is deleted and replaced with "July 31, 2017".
3. Clause 3 of Amendment #1 to the EO is deleted and replaced with the following:

The Wetland is valued at a "C" at a 2:1 replacement ratio for 0.2 hectares identified in the Approved Wetland Restoration Plan in order to provide wetland mitigation and replacement in accordance with the *Alberta Wetland Policy* (September 2013) and any applicable Wetland Directives published by Alberta Environment and Parks. The Parties shall provide to the Director a copy of the agreement the Parties enter into with Ducks Unlimited for the replacement value of the Wetland.

4. In Clause 4 of Amendment #1 to the EO, "July 31, 2017" is deleted and replaced with "September 30, 2017."

DATED at the City of Edmonton in the Province of Alberta, this 21st day of November, 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.