

**WATER ACT**

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

**Amendment No. 3 to**

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

A & T Construction and Transit Mix Ltd.  
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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 Amendment No. 2 to the EO was issued to the Parties on November 21, 2016;

WHEREAS on June 8, 2017, the Parties' approved Interim Wetland Science Practitioner ["IWSP"] provided a progress report on the work completed to remove the concrete from the Wetland;

WHEREAS on June 14, 2017, the Director attended the Lands with Alberta Environment and Parks ["AEP"] staff, Mr. Brian Tkachuk, and the IWSP to assess the progress of the concrete removal from the Wetland. The Director requested the Parties provide him with an assessment [the "Boundary Assessment"] showing the current boundary of the concrete removal in the

Wetland in relation to the boundary for concrete removal in the Approved Revised Wetland Restoration Plan;<sup>1</sup>

WHEREAS on June 15, 2017, the Director received confirmation from Ducks Unlimited Canada, as required by clause 3 of Amendment No. 2 to the EO, that the Parties had paid the replacement payment;

WHEREAS on June 26, 2017, the IWSP provided the Director with the Boundary Assessment;

WHEREAS on July 23, 2017, the IWSP provided the Director with the Interim Report as required by Clause 4 in Amendments No. 1 and No. 2 to the EO. The IWSP, in the Interim Report:

- confirmed that the Parties and the Director had agreed to the current boundary of the concrete removal from the Wetland as shown in the Boundary Assessment; and
- requested extensions to the dates in Clauses 1, 2 and 5 of Amendment No. 2 to the EO in order to:
  - complete the final restoration work in the Approved Revised Wetland Restoration Plan,
  - submit the plan for the end use of the concrete removed from the Wetland, and
  - submit the Final Report.

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 satisfied and prepared to accept the minor variances in the Boundary Assessment and the current boundary of the concrete removal in the Wetland as satisfying and forming part of the Approved Revised Wetland Restoration Plan;

WHEREAS the Director is of the opinion that the EO must be amended to reflect new deadlines;

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 No. 2 to the EO, "**July 31, 2017**" is deleted and replaced with "**July 31, 2018**."
2. In Clause 2 of Amendment No. 2 to the EO, "**July 31, 2017**" is deleted and replaced with "**July 31, 2018**".
3. In Clause 5 of Amendment No. 1 to the EO, "**December 31, 2019**" is deleted and replaced with "**December 31, 2020**."

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<sup>1</sup> The original boundary in the Wetland for the concrete removal was developed by AEP staff in September 2016, and formed part of the Approved Wetland Restoration Plan identified in Amendment No. 1 to the EO. This plan was revised in Amendment No. 2 and is now called the Approved Revised Wetland Restoration Plan.

DATED at the City of Edmonton in the Province of Alberta, this 28<sup>th</sup> day of July, 2017

**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 – 109<sup>th</sup> 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.