

WATER ACT

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

ENFORCEMENT ORDER NO. WA-EO-2020/04-SR

AMENDMENT NO. 1

Patrick J McCarthy
PO Box 1660 Stn Main
Camrose, Alberta, T4V 1X6
("McCarthy")

WHEREAS Enforcement Order No. WA-EO-2020/04-SR (the "Order") was issued by the Director to Patrick McCarthy ("McCarthy") on June 16, 2020;

WHEREAS the Impacted Wetland that is the subject of the Order and located on the Lands (SW5-47-20-W4M) was determined by Alberta Environment & Parks in 1991 to be a Crown-claimable wetland pursuant to the *Public Lands Act*;

WHEREAS section 137(1)(a) of the *Water Act* provides that the Director may amend a term or condition of an enforcement order; and

WHEREAS the Director has determined that the Order must be amended to account for developments on this matter since the date the Order was originally issued.

THEREFORE, I Todd Urquhart, the Director, pursuant to section 137(1) of the *Water Act* DO HEREBY AMEND the Order as follows:

1. Clauses 2 through 11 are repealed and replaced with the following:
 2. McCarthy shall retain the services of a qualified environmental professional (the "Environmental Professional") to prepare a plan for the removal of the Unauthorized Activity (the unauthorized fill) from the Impacted Wetland (the "Restoration Plan"), and to supervise implementation of the Restoration Plan.
 3. On or before **October 26, 2022**, McCarthy shall submit the Restoration Plan to the Director for the Director's written approval.
 4. The Restoration Plan shall include details to address each of the following:

- i. Removal of all materials placed in the Wetland (which may be comprised of purely soils, or a mixture of soils and any other materials) from an area of 0.82 hectares within the delineated boundary of the Impacted Wetland (the "Impacted Area") as depicted on Figure A as attached to this Amendment. The objective of the removal is to expose the natural ground surface of the wetland, indicated by remnant vegetation and the original wetland soils beneath the materials.
 - ii. Restoration of the topography and slopes of the Impacted Area to match the elevation of the previous ground surface as indicated by remnant vegetation at the exposed original wetland soil surface.
 - iii. The adjacent transition slope of the Wetland around the Impacted Area must match the surrounding topography and undisturbed slopes, after removal of the materials from the Impacted Area.
 - iv. Restoration of soils (with amendments) under the exposed Impacted Area may be required after removal of the unauthorized materials, unless the original ground surface can be successfully exposed and is not disturbed during removal.
 - v. Restoration of vegetation under the exposed Impacted Area may be required, unless the original ground surface can be successfully exposed and not disturbed during removal in which case the area may be left to naturally revegetate.
 - vi. A description of the proposed seed mix for areas that will require revegetation, and any weed control measures. The seed mix must match the surrounding pasture, and weed control measures, and must accord with standard agricultural practices.
 - vii. A list of all equipment, methods (including earth works and planting techniques), and materials (including salvaged and donor soils and vegetation that will be used.
 - viii. A description of the siltation and erosion control measures to prevent adverse effects to the Impacted Wetland, and any other water bodies, during the work that will be carried out under the Restoration Plan.
 - ix. A description of the storage or disposal location, or intended use of the materials removed from the Impacted Area.
 - x. A schedule of implementation for the work to be carried out under the Restoration Plan on dry and not frozen conditions, and shall have a completion date of no later than **November 30, 2022.**
6. The work described in the Restoration Plan shall only be undertaken in accordance with the Director's written authorization, and in accordance with the approved schedule for implementation in clause 5.

7. McCarthy shall provide the Director with 5 days' notice by phone or email prior to commencing the work in the Plan that is approved by the Director.
8. The Environmental Professional shall conduct an inspection of the areas restored under the Restoration Plan by no later than **October 31, 2023**. The inspection shall include observations of the matters described in clause 9.
9. McCarthy shall submit to the Director by no later than **November 30, 2023**, a letter prepared by the Environmental Professional which includes, at minimum:
 - i. the date of the inspection,
 - ii. visual inspection notes and photographs collected of the restored wetland boundary and removal locations to identify any erosion or sediment control issues that are present,
 - iii. the assessment of the dominant vegetation which has established within the restored areas and removal locations on the adjacent slope, including documentation of any noxious and prohibited noxious weeds,
 - iv. incidental observations of any issues within the restored areas which may prevent successful restoration,
 - v. a statement concluding whether the restoration works resulted in the restored wetland area equivalent to that accepted by the Director in the Restoration Plan, and
 - vi. a statement concluding whether the restored wetland area has established or is on a trajectory toward a healthy functioning wetland, or recommendation(s) of further remedial action(s) to address any issues which are preventing successful restoration.

DATED at the City of Red Deer in the province of Alberta, this 5th day of October, 2022.



Todd Urquhart
Compliance Manager
Southern Region – Red Deer

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. For further information, please contact the Board Secretary at:

**Alberta Environmental Appeals Board
#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 Parties 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



18055_McCarthy



Legend
 WGS84 Imagery - July 7, 2018
 Antecedent Precipitation: Dry

-  Boundary
-  Fill_Material

Date: 2020-10-16 1:4,000



Alberta
 Government

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