

**WATER ACT**

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

**ENFORCEMENT ORDER NO. EO-WA-39579**

Hartland Colony  
RR 1  
Bashaw, Alberta T0B 0H0

(hereinafter referred to as "Hartland")

WHEREAS **Hartland Colony** is the registered owner of the lands legally described as NW-32-41-22 W4M, located in Camrose County, in the Province of Alberta ("the Lands");

WHEREAS on August 25, 2022, Environment and Protected Areas (EPA) received information from a member of the public that an activity was occurring involving wetlands on the Lands;

WHEREAS on August 26, 2022, an EPA Environmental Protection Officer (EPO) conducted an inspection on the Lands, and made the following observations;

- A HITACHI 270LC excavator and CAT D7R dozer were present on the Lands;
- Vegetation within and adjacent to water bodies within the northeast corner of the Lands had been cleared and scraped, with vegetation and earthen materials being pushed upland adjacent to the water bodies;
- A trench had been excavated within the water bodies down to native mineral soils, within the northeast corner of the Lands; and
- The excavated trench appeared to convey water from WB 1 southeast to WB 6 (as identified on Figure 1 in Appendix A);

[hereinafter, collectively referred to as the "Unauthorized Activities"]

WHEREAS on August 26, 2022, Hartland was contacted by telephone and informed by the EPO, that Unauthorized Activities were conducted within water bodies and would require an approval. The EPO informed Hartland that all operations within water bodies must cease until further direction is received. Hartland agreed to cease work;

WHEREAS on August 29, 2022, an EPO conducted a follow up site visit on the Lands, and made the following observations:

- The aforementioned equipment was still present on the Lands;

- The water bodies had been further disturbed from the August 26, 2022 inspection, with the soils that had been previously pushed upland now spread over the disturbed areas, including the water bodies, and graded; and
- The excavated trench had been infilled, as part of the above noted activity;

WHEREAS a review of the observations by the EPO concluded that:

- A total of seven (7) water bodies were identified within the east area of the Lands; and
- A total of five (5) water bodies were impacted by the Unauthorized Activities;

[hereinafter, collectively referred to as the "Impacted Water Bodies"]

WHEREAS attached to this Order in Appendix A:

- Figure 1, which specifies the locations of the Impacted Water Bodies.

WHEREAS on August 29, 2022, Hartland informed the EPO that the placement of soils and grading in the northeast corner of the lands was the plan all along as they wish to cultivate this area next season;

WHEREAS on September 16, 2022, an EPO conducted a follow up site visit on the lands, and made the following observations:

- Further earth works had been conducted, including further disturbance in the water bodies, which appeared to be preparation for future agricultural operations;

WHEREAS on February 2, 2023, an Investigator's Notice was sent to Hartland indicating that the activities conducted on the Lands were unauthorized and may be a contravention the *Water Act*;

WHEREAS the water bodies are a "water body" as defined in Section 1(1)(ggg) of the *Water Act*;

WHEREAS each of the Unauthorized Activities are an "activity" as defined in Section 1(1)(b) of the *Water Act*;

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

WHEREAS EPA has not issued an approval under the *Water Act* to Hartland or any other person, authorizing any of the Unauthorized Activities, and these activities are not otherwise authorized under the *Water Act*;

WHEREAS Hartland is a person responsible for the Unauthorized Activities pursuant to section 1(1)(kk) of the Act and section 1(5) of the Water (Ministerial) Regulation (AR 205/1998);

WHEREAS Todd Urquhart, Compliance Manager, Red Deer District, has been appointed a Director for the purpose of issuing enforcement orders under the provisions of the *Water Act* (hereinafter referred to as "the Director");

WHEREAS the Director is of the opinion that Hartland has contravened Section 36(1) of the *Water Act*, which is also an offence pursuant to Section 142(1)(h) of the *Water Act*, by conducting the Unauthorized Activities without an approval;

THEREFORE, I, Todd Urquhart, Director, pursuant to Section 135(1) and 136(1) of the *Water Act*, HEREBY ORDER THAT:

1. Hartland shall immediately cease carrying out any further Unauthorized Activities on the Lands.
2. Hartland shall retain an authenticating professional that meets each of the requirements of Section 4.0 of "Professional Responsibilities in Completion and Assurance of Wetland Science, Design and Engineering Work in Alberta" (Government of Alberta, May 1 2017) (the "Authenticating Professional").
3. Hartland shall, on or before **July 14, 2023**, submit to the Director in writing the following information:
  - (a) the name and contact information of the Authenticating Professional; and
  - (b) a summary of how the Authenticating Professional meets all the requirements of Clause 2 of this Order.
4. On or before **September 29, 2023**, Hartland shall submit to the Director for the Director's written approval, a written Restoration Plan (the "Restoration Plan"), prepared, stamped and signed by the Authenticating Professional.
5. In the Restoration Plan, Hartland shall include at least each of the following:
  - (a) An assessment of how the Unauthorized Activities affect each of the Impacted Water Bodies, including a detailed plan to restore each of the Impacted Water Bodies to their respective conditions prior to the Unauthorized Activities, including at least each of the following:
    - i. delineation of wetland boundaries;
    - ii. wetland size;
    - iii. wetland classification;
    - iv. zones of wetland function;
    - v. topography and slopes,
    - vi. soils;
    - vii. hydrology, including all
      1. inlet locations;
      2. outlet locations;
      3. elevations; and
    - viii. vegetationin and around each of the Impacted Water Bodies; and
  - (b) a detailed plan to restore the flow of water into and out of each of the Impacted Water Bodies to their respective conditions prior to the

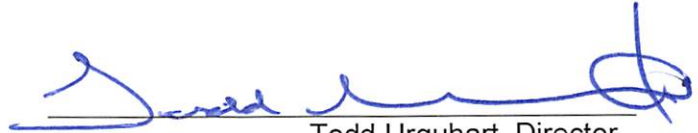
Unauthorized Activities, including, restoration of the elevation of each inflow and outflow; and

- (c) a complete list of the types of:
    - i. equipment;
    - ii. including earth works and planting techniques; and
    - iii. materials, including salvaged and donor soils and vegetation, that will be used in the implementation of the Restoration Plan; and
  - (d) a detailed description of the measures to prevent all erosion, siltation and other adverse effects to
    - i. the Impacted Water Bodies;
    - ii. all other water bodiesduring all of the work carried out in the implementation of the Restoration Plan; and
  - (e) a detailed proposal to monitor each of the Impacted Water Bodies (the "Restoration Monitoring Proposal") following the completion of the Restoration Plan including, at minimum:
    - i. a proposed schedule for completing monitoring, including both the time of year of the assessments and the number of years monitoring is to be completed; and
    - ii. the monitoring methods and targets to be used for vegetation, soils and hydrology assessments in determining restoration success; and
  - (f) a detailed proposal, prepared in accordance with Section 6 of the Alberta Wetland Restoration Directive (Government of Alberta, November 1, 2016) to complete a Wetlands Restoration Verification (the "Wetlands Restoration Verification Proposal") for each of the Impacted Wetlands including, at minimum:
    - i. wetland size and classification, based on the evaluation of monitoring results and comparison to monitoring targets and confirmed by a field assessment; and
    - ii. submission of all monitoring results and analysis to the Director for review.
6. In the Restoration Plan, Hartland shall include a schedule of implementation for the work proposed in the Restoration Plan, excluding the proposals required in clauses 5(e) and 5(f) of this Order, with a completion date of no later than **November 30, 2023** (the "Completion Date").
7. Hartland shall only complete the work described in the Restoration Plan in accordance with the Directors written authorization.
8. Hartland shall provide the Director with five (5) days notice either by phone or email prior to commencing the work in the Restoration Plan as approved by the Director.
9. Hartland shall implement the Restoration Monitoring Proposal in accordance with the

Directors written authorization.

10. Hartland shall implement the Wetlands Restoration Verification Proposal in accordance with the Directors written authorization.

DATED at the City of Red Deer, in the Province of Alberta, this 15<sup>th</sup> day of June, 2023.



Todd Urquhart, Director  
Compliance Manager  
Southern Region

Part 9 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. Pursuant to Section 116 a Notice of Appeal must be submitted to the Environmental Appeals Board not later than seven (7) days upon receipt of an Enforcement Order. A copy of Part 9 is enclosed. For further information, please visit <http://www.eab.gov.ab.ca/> or 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 shall obtain all other necessary approvals or authorizations required to comply 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.



113°8'20"W

113°8'10"W

# Appendix A, Figure 1 | EO-WA-39579



52°34'40"N

52°34'40"N

52°34'30"N

52°34'30"N

IWB 1

IWB 2

WB 6

IWB 3

WB 7

IWB 4

IWB 5

**Legend**  
 WB - Water Body  
 IWB - Impacted Water Body

Date: 2023-06-16 Kilometers

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113°8'20"W

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