

**WATER ACT**

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

**ENFORCEMENT ORDER NO. WA-EO-2015/01-RDNSR**

Future Oilfield Investments Ltd.  
123, 39015 Highway 2A  
Red Deer County, AB T4S 2A3

and

Mr. Brian Idland  
123, 39015 Highway 2A  
Red Deer County, AB T4S 2A3  
(collectively the "Parties")

**WHEREAS** Future Oilfield Investments Ltd. ("FOIL") is the registered owner of lands legally described as NW 12-36-2 W5M, located in Red Deer County, Alberta ("NW 12");

**WHEREAS** Brian Idland ("Idland") is a director of Future Oilfield Investments Ltd. and the operating mind at all times material to the events described in this Order;

**WHEREAS** FOIL holds valid *Water Act* ("WA") Approval No.'s 00295061-00-00 and 00069746-00-00 for the purposes of erosion control;

**WHEREAS** on November 5, 2014, Environment and Parks received a public complaint that work was being done along the Red Deer River adjacent to NW 12;

**WHEREAS** during a site inspection of NW 12 on November 6, 2014, an Environment and Parks Environmental Protection Officer ("EPO") observed that an earthen berm had been constructed between the erosion control works authorized by WA Approval 00295061-00-00 and the previous erosion control works authorized by WA Approval 00069746-00-00, as generally depicted on Exhibit "A" (the "Berm");

**WHEREAS** Idland has acknowledged to the EPO in the course of the investigation, including in an interview that took place on December 15, 2014, that the Berm was placed on his behalf at his request;

**WHEREAS** the Red Deer River is a "water body" within the meaning of section 1(1)(ggg) of the *Water Act*;

**WHEREAS** the construction and continued operation of the Berm, in its current state, may alter or may become capable of altering the flow or level of water, and may cause or may become capable of causing siltation of water or the erosion of the bed or shore of the Red Deer River, and may cause or may become capable of causing an effect on the aquatic environment of the Red Deer River;

**WHEREAS** the construction and continued operation of the Berm 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 the *Water Act*;

**WHEREAS** Environment and Parks has never issued an approval under the *Water Act* to FOIL, Idland or anyone for the construction and operation of the Berm, and the construction and operation of the Berm is not otherwise authorized under the *Water Act*;

**WHEREAS** each of the Parties is a "person responsible" for the activities described herein pursuant to section 1(1)(kk) of the *Water Act* and section 1(5) of the *Water (Ministerial) Regulation (A.R. 205/1998)*;

**WHEREAS** Michael Aiton, Regional Compliance Manager, (the "Director") has been appointed a Director for the purposes of issuing enforcement orders under the *Water Act*;

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

**THEREFORE**, I, Michael Aiton, Director, pursuant to section 135(1) and 136(1) of the *Water Act*, DO HEREBY ORDER THAT:

1. The Parties shall, by August 25, 2015, submit to the Director a written remedial plan (the "Remedial Plan") for the Director's approval.
2. The Remedial Plan must, at minimum;
  - a. be prepared and signed by a qualified water resource engineer;
  - b. include an assessment for potential erosion in the area that may be affected by the proposed remedial work;
  - c. include a description of the erosion control measures to be constructed as part of the remedial work;
  - d. include restoration of the berm area that are to be revegetated, to a slope to be determined by the Director in writing after a site visit and assessment by an Environmental Protection Officer;
  - e. include an assessment of the potential upstream and downstream impacts due to change in water elevations and velocities, under varying flow conditions, including flood conditions;
  - f. be accompanied by a schedule of implementation for the remedial work;
  - g. include the methodology used to carry out the construction of the Berm.
3. Any work conducted under the Order must be conducted in a manner that does not cause nor is capable of causing an adverse effect to the aquatic environment.
4. The Parties shall conduct the work described in the Remedial Plan according to the schedule of implementation that is approved by the Director, unless otherwise authorized in writing by the Director.
5. Within 14 days of completion of the requirements of this Order, the Parties shall submit to the Director a final written report (the "Final Report"), prepared and signed by a professional engineer describing the work undertaken to comply with this Order.

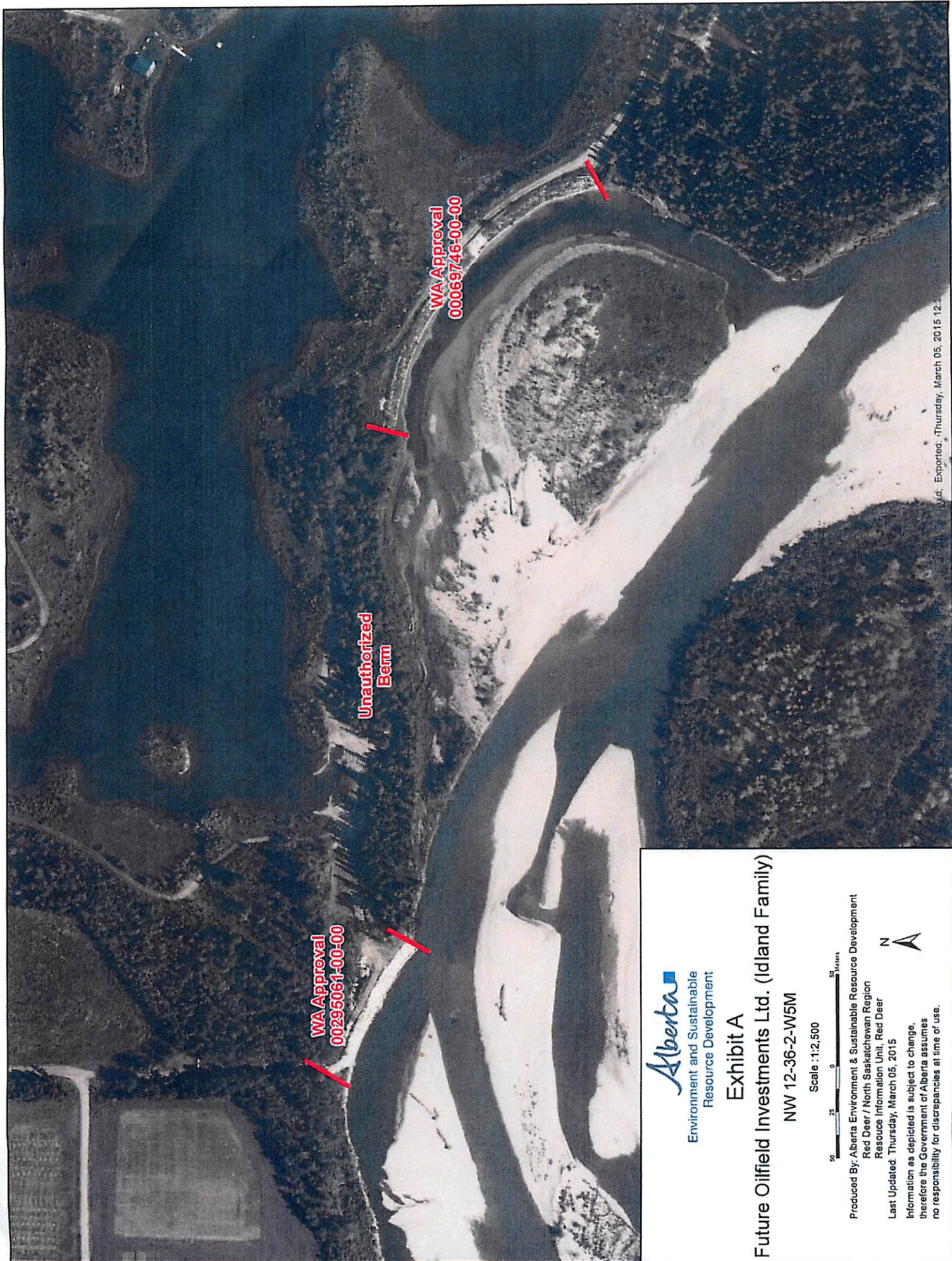
DATED at the City of Edmonton in the Province of Alberta, this 11<sup>th</sup> day of August, 2015.

**Original Signed by:**  
**Michael Aiton**  
**Regional Compliance Manager**  
**Red Deer - North Saskatchewan**  
**Designated Director under the Act**

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environment 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 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.



WA Approval  
00295061-00-00

Unauthorized  
Berm

WA Approval  
00069746-00-00

**Alberta**  
Environment and Sustainable  
Resource Development

### Exhibit A

Future Oilfield Investments Ltd. (Idland Family)

NW 12-36-2-W5M

Scale : 1:2,500



Produced By: Alberta Environment & Sustainable Resource Development  
Red Deer / North Saskatchewan Region  
Resource Information Unit, Red Deer

Last Updated: Thursday, March 05, 2015

Information as depicted is subject to change,  
therefore the Government of Alberta assumes  
no responsibility for discrepancies at time of use.