

WATER ACT

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

ENFORCEMENT ORDER NO. WA-EO-2017/03-PR

STEEPROCK VENTURES LTD.
102, 10126-97 Avenue
Grande Prairie Alberta T8V 7X6
("Steeprock")

And

Clayton Greber
Box 726
Hythe, Alberta, T0H 2C0

(collectively the "Parties")

WHEREAS Steeprock is the owner of the lands legally described as SE-8-73-12-W6 located within Municipal District of Grande Prairie No. 1, Alberta (the "Steeprock Lands");

WHEREAS Clayton Greber is a corporate Director of Steeprock as listed at the Alberta Corporate Registry;

WHEREAS a series of man-made drainage ditches (the "Watercourse") flow in an easterly direction through the Steeprock Lands into a natural wetland (the "Wetland") also located on the Steeprock Lands;

WHEREAS on May 12, 2015, Alberta Environment and Parks (AEP) received a public complaint that Steeprock had built a dam which had interrupted the flow of water and was flooding farmland;

WHEREAS during a site inspection on May 14, 2015, AEP staff observed the following on the Steeprock Lands:

- A dam (the "Dam") consisting of a berm of excavated materials (soil and gravel), concrete barriers and metal piles constructed across the Watercourse
- A gravel road constructed over the Dam
- Culverts installed through the Dam
- Other excavations including a borrow pit, within the Watercourse near the Dam; (collectively the Dam, gravel road, culverts and excavations are the "Works")

- Four pieces of Heavy equipment with identifying markers of "Greber Construction"
- The Dam had impounded water, flooded an area of the Steeprock Lands and the adjacent quarter sections to the north and west
- The Works altered the location and flow of water;

WHEREAS the location of the Steeprock Lands, drainage ditches, dam, road, borrow pit, and culverts are shown on the attached map marked as "Appendix A" to this Order;

WHEREAS the Wetland is identified as having Trumpeter Swans present in AEP's Wildlife Sensitivity Layers and Landscape Analysis Tool, and which are a "Species of Concern" under Alberta's *Wildlife Act* (RSA 2000, c. W-10);

WHEREAS in an interview with AEP on May 20, 2015, Allan Greber Sr. stated that:

- he had conducted and directed the Works
- he used the equipment and personnel from Steeprock (formerly "Greber Construction")
- he had incorporated a salvaged cement bridge into the Dam
- the Works were commenced in January 2015
- the intended purpose of the Works was to sell access to water to oil and gas companies, and for the flooded area to provide opportunities for water-based recreation activities.

WHEREAS in an interview with AEP on May 20, 2015, Clayton Greber stated that he had participated in the construction of the Works;

WHEREAS on May 20, 2015, the AEP Environmental Protection Officer (the "Officer"), advised Clayton Greber that the Works, including the Dam, are not approved by AEP;

WHEREAS the Works are each an "activity" within the meaning of section 1(1)(b)(i) of the *Water Act* as placing, constructing, removing, or disturbing ground, vegetation or other material or carrying out any undertaking in or on any land, water or waterbody that alters, may alter or may become capable of altering the flow, location or level of water;

WHEREAS "activity" is also defined in section 1(1)(b)(ii) of the *Water Act* as altering the flow, direction of flow or level of water for the purposes of drainage or for a similar purpose;

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 this Act;

WHEREAS AEP has never received an application from, nor issued an approval under the *Water Act* to the Parties in relation to the Works;

WHEREAS Steeprock and Clayton Greber are each a "person responsible" for the Works pursuant to section 1(1)(kk) of the *Water Act* and section 1(5) of the *Water (Ministerial) Regulation* (A.R. 205/1998), as the owner of the Steeprock Lands or as the person who directed or carried out the construction of the Works;

WHEREAS Owen Cook, Compliance Manager, Peace Region, has been appointed as Director for the purposes of issuing enforcement orders under the *Water Act* (the "Director");

AND 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 *Act*, by constructing the Works without an approval;

THEREFORE, I, Owen Cook, Director, pursuant to sections 135(1) and 136(1) of the *Water Act*, DO HEREBY ORDER THAT the Parties shall:

1. Immediately cease any further work or activities in respect of the Works.
2. Submit to the Director, on or before August 18, 2017, for review and approval, the name of a qualified professional (the "Qualified Professional") to prepare a remedial plan (the "Remedial Plan") on their behalf.
3. Submit to the Director, on or before September 30, 2017, the Remedial Plan for approval.
4. The Remedial Plan shall include, at a minimum, the following elements:
 - a) A detailed map or drawing clearly indicating the locations of the Works, planned access and work areas where the remedial work will be conducted;
 - b) A detailed plan for the complete restoration to the pre-disturbance condition of all those portions of the Watercourse that have been disturbed by the construction of the Works, including:
 - (i) A plan to manage the water prior to and during the reclamation activities;
 - (ii) Removal of all materials comprising the Dam, including the culverts;
 - (iii) Removal of the road on top of the Dam;
 - (iv) Filling in of the borrow pit to the east of the Works; and
 - (v) Contouring the unauthorized excavations;
 - c) Identification of the types of:
 - (i) Equipment;
 - (ii) Methods; and
 - (iii) Materials;that will be used to implement the Remedial Plan;
 - d) A description of where the materials that are removed to restore the

flow of water will be placed, used or disposed of;

- e) The measures that will be implemented to prevent erosion:
 - (i) During the implementation of the Remedial Plan and;
 - (ii) After completion of the Remedial Plan;
 - f) The measures to be taken to re-establish vegetation on areas affected by the Works.
5. The Remedial Plan shall include a schedule of implementation that shall have a completion date of the work of no later than December 31, 2017.
 6. The Parties shall implement all the work described in the Remedial Plan, as approved by the Director:
 - a) In accordance with the schedule of implementation; and
 - b) Under the supervision of the Qualified Professional as required by clause 2 of this Order
 7. The Parties shall provide the Director with at least one days' notice in writing prior to commencing the remedial work in the Remedial Plan.

DATED at the town of Grande Prairie, in the Province of Alberta, this 19th day of July, 2017.

Original Signed by: Owen Cook
Compliance Manager
Peace Region

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. 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 3H8; telephone (780) 427-6207; fax (780) 427-4693.

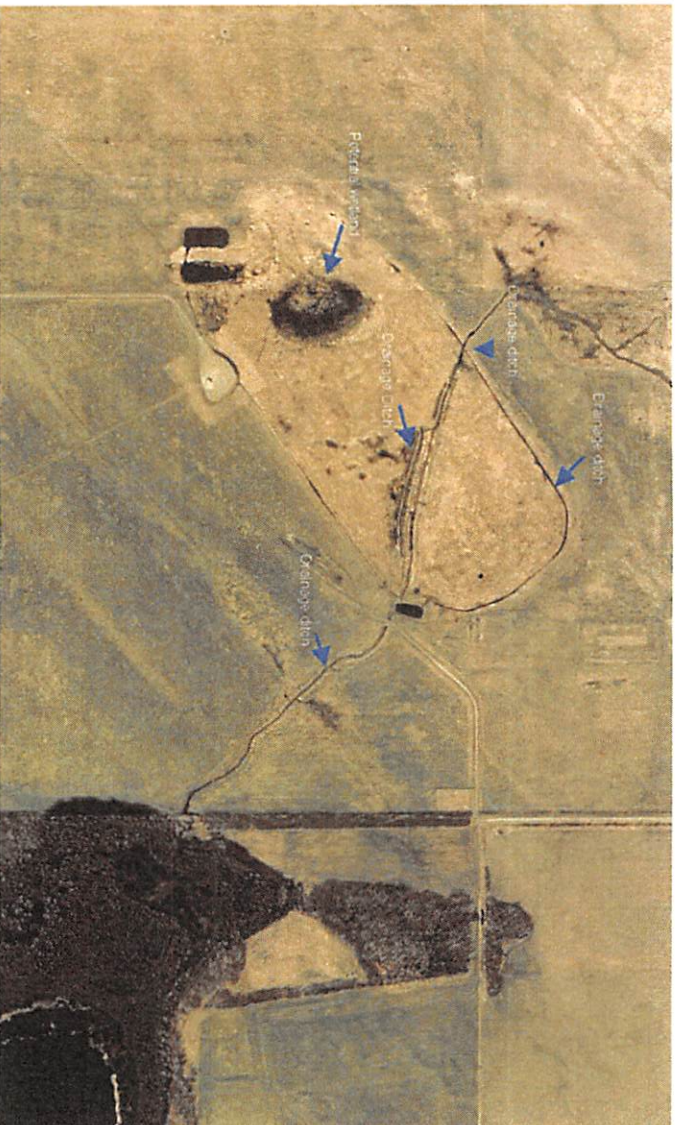
Notwithstanding the above requirements, the Party(ies) shall obtain all necessary approvals in complying with this order under any other provincial or federal legislation.

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 provincial or federal legislation.

Appendix A



Map 1 – Aerial photograph of the dam and impounded water on the Steeprock Lands.



Map 2 – Aerial Photograph of the affected area pre-construction of the unauthorized dam.