

WATER ACT

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

ENFORCEMENT ORDER NO. WA-EO-2016/03-RDNSR

Amendment No. 2

Ronald Henschel
49 Allsop Drive
Red Deer, Alberta T4R 2H1

Garry Will
80 Archer Drive
Red Deer, Alberta T4R 3B2

Aurora Heights Management Ltd. ("Aurora Heights")
600, 4911 – 51 Street
Red Deer, Alberta T4N 6V4

(Collectively "the Parties")

WHEREAS the Parties are the registered owners and operators of lands legally described as SE 34-39-27-W4M and SW 35-39-27-W4M (the "Lands") located within the Town of Blackfalds, Alberta, that contain portions of a wetland that was filled in without authorization, (the "Wetland");

WHEREAS Ronald Henschel and Garry Will are also corporate Directors of Aurora Heights;

WHEREAS on December 16, 2016, Enforcement Order No. WA-EO-2016/03-RDNSR (the EO) was issued, and Amendment No. 1 was issued on December 4, 2018 that revised certain timelines in the Order;

WHEREAS the Director and the Parties have now agreed to amend certain provisions of the Order pursuant to a mediated agreement before the Environmental Appeals Board;

WHEREAS section 137(1) of the *Water Act* provides authority for the Director to amend an enforcement order;

THEREFORE, I, Michael Aiton, Regional Compliance Manager, pursuant to section 137(1) of the *Water Act*, DO HEREBY AMEND the EO as follows:

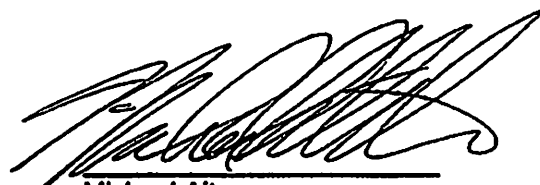
1. In Clause 1, by inserting "revised" before remedial plan, and by re-naming it as "the Revised Remedial Plan" wherever this terms appears hereafter in Clauses 2, 4, 5, 6 and 7.
2. In Clause 1, by changing "January 15, 2019" with "March 15, 2019".

3. In Clause 1, by replacing "8.59 hectares" with "7.0 hectares".

4. In Clause 2, as it is acknowledged that the Parties have elected to pursue Option 2 in Clause 1 and that restoration will be comprised of approximately 5.91 hectares in SE-34-39-27-W4M and 1.09 hectares in SW-35-39-27-W4M, by adding the following additional paragraphs (f) to (j):
 - (f) For soils that will be removed from the Wetland, the use of best management practices for the riparian zone adjacent to the restored Wetland areas should be followed to ensure restoration of ecological functions in this zone.
 - (g) For the removal and grading required under the Stantec "Removal and Grading Plan" (March 12, 2019), the Parties are authorized to temporarily divert water from Wetland 2 to the stormwater ponds that were constructed pursuant to *Environmental Protection and Enhancement Act* Approval #00354103-00-00 issued to Aurora Heights Management Ltd. as described in the Stantec Removal and Grading Plan.
 - (h) The depth of the restored Wetland 2 is authorized up to 2 metres in depth in places to allow for the slopes as proposed in the Stantec Removal and Grading Plan, as part of the proposal to expand Wetland 2 to the south on the west side of Broadway Road.
 - (i) The removal and grading activities described in the Stantec Removal and Grading Plan shall be completed in accordance with the amended deadlines in Clause 4.
 - (j) The timelines must take into account the closed construction window for migratory birds of April 15, 2019 to August 15, 2019.

5. In Clause 4, by deleting and replacing the clause with the following:
 4. The Revised Remedial Plan shall include a proposed schedule of implementation for the rough earth work in the SE-34-39-27-W4M that shall have April 15, 2019 as the completion date, and in the SW-35-39-27-W4M the completion of the rough earth work shall be May 15, 2019.

DATED at the City of Edmonton in the Province of Alberta, this 20th day of March, 2019.



Michael Alton

Regional Compliance Manager

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 3S8; 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.

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.