

**WATER ACT**

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

**ENFORCEMENT ORDER NO. WA-EO-2015/02-SSR**

Karamjit Johal and Baljit Johal  
7204 – 40 Street NE  
Calgary, AB T3J 4E5

WHEREAS Karamjit Johal and Baljit Johal (collectively the "Johals") are the registered joint owners of the lands legally described as Lot 12, Block 1, Plan 2474JK located in the City of Calgary, Alberta (the "Lands");

WHEREAS on December 14, 2009, MCP Consultants Inc., on behalf of the Johals, submitted an application (Application No. 00265417) for an Approval under the *Water Act* to fill in a wetland (the "Wetland") located on the Lands;

WHEREAS on September 6, 2012, the Alberta Environment and Sustainable Resource Development ("ESRD") Designated Director under the *Water Act* refused to issue an approval to the Johals;

WHEREAS on January 9, 2013, an adjacent landowner to the Lands informed ESRD that construction had been ongoing on the Lands;

WHEREAS during a site inspection on January 31, 2013, an ESRD Environmental Protection Officer ("EPO") observed the following on the Lands:

- the portion of the Wetland on the Lands had been completely filled in;
  - the Lands had been graded and levelled
- (collectively, all of the above is hereinafter referred to as "the Works");

WHEREAS during an interview with an EPO on May 2, 2013, Karamjit Johal admitted the following:

- he hired Stan Poulsen Trucking Ltd. and instructed them to construct the Works; and
- he had not obtained a *Water Act* approval prior to commencing construction of the Works;

WHEREAS the Wetland is a “water body” within the meaning of section 1(1)(ggg) of the *Water Act*;

WHEREAS the construction and continued operation of the Works may alter or may become capable of altering the flow or level of water, may change or may become capable of changing the location of water, and may cause or may become capable of causing siltation of water or the erosion of the bed or shore of the Wetland, and may cause or may become capable of causing an effect on the aquatic environment of the Wetland;

WHEREAS the construction and continued operation of the Works 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 this *Act*;

WHEREAS ESRD has never issued an approval to the Johals or anyone for the construction and operation of the Works, and the construction and operation of the Works are not otherwise authorized under the *Water Act*;

WHEREAS Karamjit Johal and Baljit Johal 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* (AR 205/1998) as registered joint owners of the Lands on which the activity was carried out;

WHEREAS Craig Knaus, ESRD District Compliance Manager, South Saskatchewan Region (the “Director”), has been appointed a Director for the purposes of issuing enforcement orders under the *Water Act*;

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

THEREFORE, I, Craig Knaus, Director, pursuant to sections 135(1) and 136(1) of the *Water Act*, DO HEREBY ORDER THAT:

1. The Johals shall immediately cease any unauthorized activities relating to the Works.
2. The Johals shall submit a plan for the complete restoration of the Wetland (the “Wetland Restoration Plan”) to the Director by June 15, 2015 for the Director’s approval. The Wetland Restoration Plan must outline the methods to return the Wetland to its pre-disturbance condition, at its original location, including re-establishing the original native vegetation in and around the Wetland.

3. The Wetland Restoration Plan shall include, at a minimum, the following requirements:
  - a) A description of the restoration work that will accomplish the objectives stated in paragraph 2, including the type of equipment, methods, and materials that will be used;
  - b) A description of the plans to restore the Wetland, re-vegetate the Wetland to its pre-disturbance condition with native plants and trees, and re-establish habitat areas in and around the Wetland;
  - c) A description of where the fill that is removed to restore the Wetland will be placed, used and/or disposed of;
  - d) A description of the long-term monitoring and/or measures that will be implemented after the initial phase of the restoration work is completed, to ensure the Wetland has been successfully re-established, and to ensure any future activities on the Lands will not disturb the newly restored Wetland;
  - e) A historical assessment of the affected Wetland that will be used in restoring the Wetland to its pre-disturbance conditions; and
  - f) A comparison of vegetation in nearby Class II wetlands, to be incorporated into the Wetland Restoration Plan.
4. The Wetland Restoration Plan shall also include a proposed schedule of implementation (the "Schedule of Implementation") for the Wetland Restoration Plan which shall have **October 30, 2015** as the completion date.
5. The Johals shall ensure that no storm water runoff is discharged from the Lands, or from the storm water retention pond on the Lands, to the restored Wetland or the surrounding watershed.
6. The Johals shall retain a qualified professional aquatic specialist to prepare the Wetland Restoration Plan, and who shall also supervise the restoration work undertaken pursuant to the Wetland Restoration Plan.
7. The Johals shall implement the work in the Wetland Restoration Plan pursuant to the Schedule of Implementation that is accepted by the Director.
8. The Johals shall provide the Director with 5 days' notice either by phone or email prior to commencing the work in the Wetland Restoration Plan approved by the Director.

9. Within 30 days of completion of the requirements of this Order, the Johals shall submit to the Director a final written report (the "Final Report") describing the work undertaken to comply with this Order.

DATED at the City of CALGARY, in the Province of Alberta, this 25 day of MARCH, 2015.

Original Signed by:  
Craig Knaus, Director  
District Compliance Manager  
South Saskatchewan 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 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.**