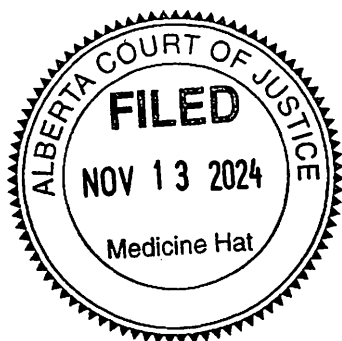


IN THE COURT OF JUSTICE OF ALBERTA
CRIMINAL DIVISION

Between:



HIS MAJESTY THE KING

and

SCOTT ALVIN SPROULE

AGREED STATEMENT OF FACTS

1. On Information **230863375P1**, Scott Alvin Sproule stands charged that:

Count 1: On or between the 1st day of September, 2020 and the 22nd day of October, 2021, both dates inclusive, at or near Hussar, in the Province of Alberta, did commence or continue an activity except under an approval or as otherwise authorized by the Water Act, contrary to section 142(1)(h) of the Water Act, evidence of the offence having first come to the attention of the Director on October 5, 2021.

A. Background

2. Mr. Sproule owns the land located at SE-1-25-19-W4M in Wheatland County, east of Strathmore, Alberta. The land is used primarily for agricultural and livestock purposes.
3. On this land, there is an ephemeral stream running northwest to southeast through the property, leaving the property near Township Road 250 at the south end.
4. There is a gas well pad located on the property, as well as two pipelines. The pipelines, installed approximately 30 years ago, cross the property and the water body. The well pad was installed on the ephemeral watercourse. Since the well pad was installed, there have been instances where runoff flowing in the watercourse would flood the land outside of the watercourse.

5. On two past occasions, the company operating the well pad and the pipelines did major dirt work on the property to try to address the issue, but the flooding issue would return when the company's work deteriorated.
6. Ephemeral streams are important headwater streams that contribute water flows to the larger downstream network. They also assist in the groundwater recharge process and support various aquatic ecosystems and the resiliency of wetlands.
7. The *Water Act* prohibits continuing or commencing any activity, except under an Approval, or as otherwise authorized by the *Act*.

B. Unauthorized Activities

8. On October 5, 2021, a Wheatland County development officer reported to Alberta Environment that several wetlands or bodies of water had been impacted by construction activities on lands located at SE-1-25-19-W4M. The development officer also provided information that a groundwater spring may have been disturbed by the construction.
9. On October 22, 2021, Alberta Environment conducted an inspection of the land, determined to be owned by Mr. Scott Sproule. At that time, the Environmental Protection Officer observed that a new oval shaped road had been constructed on the private lands. It appeared that a natural watercourse had been filled in where the road was built and a number of culverts had been installed. In addition, water was now sitting in areas created by the road construction while surrounding lands were dry.
10. Further investigation determined that Mr. Sproule had conducted work in an intermittent/ephemeral water body that ran through his private lands.
11. Beginning in September 2020, Mr. Sproule hired a contractor to do significant earthworks on the land. One of the activities was to dig in the water body that ran through the property to remove topsoil that had eroded into the water body, and to place the topsoil on surrounding lands, in order to try to address flooding, and to facilitate operations on the property. Mr. Sproule did the work in an effort to keep water in the water body.

12. Approximately four to eight feet worth of topsoil was removed from the top of the channel using excavators. In addition, Mr. Sproule installed three 1-metre diameter culverts to create three road crossings over the watercourse as part of the construction of a new road through the land. The height of the first culvert was dictated by the existence of a pipeline crossing the water body. The culvert could not be placed within four feet above the top of the pipeline. Topsoil was removed to four feet above the pipeline, and then the culvert was placed on top of the remaining soil. On the advice of Mr. Sproule's contractor, ponds were dug at the entrance to the culverts to prevent roads being washed out in the event of flash flooding.
13. A trench was also dug upstream of Culvert 1, along with building an associated berm, in an effort to keep water in the water body.
14. In addition to the activity involving the road construction and the digging in the water body, a large basin shaped area was constructed outside of the water body by moving dirt and soil. During the course of this construction activity, a groundwater spring was struck which resulted in water pooling in the basin in the area between culverts 1 and 3.
15. The construction activities on the land altered the flow of water on an adjacent parcel of land. Prior to the activities, the ephemeral stream intermittently flowed downstream through the property, subject to the above mentioned flooding. The activities impacted water storage on the property. The creation of three ponded areas allowed the pooling of water and altered the capacity of the property to retain and convey runoff. This changed the timing of the downstream flow and may lead to increased evaporation loss from the water body as the pooling increased the water surface area compared to the natural stream surface.
16. The construction activity was carried out beginning in September 2020 and ended in approximately October 2021. Mr. Sproule did not obtain an Approval or authorization under the *Water Act* to continue or commence this activity, and the activity was not otherwise authorized by the *Act*.

C. Agreements

17. The parties agree:
 - a. Mr. Sproule will plead guilty to Count 1 on Information 230863375P1, as described in paragraph 1 of this Agreed Statement of Facts. All remaining charges shall be withdrawn upon the Court sentencing Mr. Sproule.

- b. The facts contained within this Agreed Statement of Facts are fully admitted and acknowledged by Mr. Sproule. The parties will be at liberty to make further submissions about those facts to the Court.
- c. The parties will jointly submit that Mr. Sproule should receive a penalty of \$7000, inclusive of Victim Fine Surcharge for Count 1 on Information 230863375P1.
- d. This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE this 13 day of November, 2024.

Alberta Crown Prosecution Service
Per:



Lindsay Tate
Counsel for the Alberta Crown
Prosecution Service,
Appeals and Specialized Prosecutions
Branch



Scott Alvin Sproule
Accused



Erin Allison
Counsel for Scott Alvin Sproule