

**WATER ACT**

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

**ENFORCEMENT ORDER NO. EO-WA-29419**

Dany Pedneault and Grace Pedneault  
53509 Range Road 171  
Yellowhead County, Alberta T7E 3L1

(Hereinafter referred to as "the Parties")

**WHEREAS** Dany Pedneault and Grace Pedneault are the co-owners of the lands legally described as Plan 0224386, Block 1, and Lot 2 within the SW 36-053-17-W5M, Yellowhead County, Alberta (Title Number 102 058 583);

(the "Property")

**WHEREAS** from the year 2008 to 2019 Robert Jensen and Jennifer Jensen were the co-owners of the lands legally described as Plan 0323215, Block 1, and Lot 4 within the NW 36-053-17-W5M, Yellowhead County, Alberta (Title Number 082 456 055 and 192 165 439);

**WHEREAS** in 2019, Tyrell Brown and Cindy Hnatiuk purchased lands from Jennifer Jensen and who are now the current co-owners of the lands legally described as Plan 0323215, Block 1, and Lot 4 within the NW 36-053-17-W5M, Yellowhead County, Alberta (Title Number 192 231 908);

**WHEREAS** Donald Miller and Denise Miller are the co-owners of the lands legally described as the NW 36-053-17-W5M within Yellowhead County, Alberta (Title Number 912 204 685);

(collectively the "Lands")

**WHEREAS** Range Road 171 ("the Road") is a public road that is under the care, management and control of Yellowhead County ("the County");

**WHEREAS** on January 25, 2019, Alberta Environment and Parks ("AEP") received an incident notification from Alberta EDGE and advised AEP that a member of the public reported an activity was being undertaken to divert water from a subdivision development towards lands legally described as the NW 36-053-17-W5M;

**WHEREAS** on January 28, 2019, an AEP Environmental Protection Officer (the "EPO") Investigator obtained a copy of the subdivision approval document for the Property from the County (File No. S18-008). Upon review of the document, the EPO Investigator noted the following:

- The applicants are Dany Pedneault and Grace Pedneault;
- The approval is dated January 25, 2019;
- The approval was only valid for 12 months;
- Prior to the commencement of works, the applicants are required to submit to the County a registerable instrument for endorsement;
- All outstanding property taxes are to be paid; and
- The approval is subject to the Alberta Private Sewage Standards and easement restrictions;

**WHEREAS** on January 29, 2019, the EPO Investigator conducted a site investigation, during the site investigation, the EPO Investigator made the following observations:

- The Lands directly North of the Property comprise of two (2) separate parcels of land and are legally registered properties described as Plan 0323215, Block 1, and Lot 4 (Title Number 192 231 908) and the NW 36-053-17-W5M (Title Number 912 204 685);
- The topography within the Property was a forest cover type with a surface that is hummocky. The hummocks are covered with sphagnum moss and labrador tea with an overstory of black spruce, larch and willow. Between the hummocks is open water that was frozen and in lower lying areas there is a presence of cattails;
- The topography within the Lands varies from cleared pasture to a forest cover type;
- Two (2) drainage ditches were constructed to divert water away from the Property (see Figure 1):
  - Ditch one (1) was constructed within an undeveloped road allowance, and is located along the western property boundary to the Property. The ditch was covered with snow and it was difficult to determine the extent of the works and appeared to be constructed within a wetland. The water within the ditch was frozen, and
  - Ditch two (2) was approximately 290 metres in length and approximately one metre in width and depth. The ditch was constructed on the northeast corner of the Property and on the southern portion of the Lands. The water in the ditch was frozen.
- The internal road works within the Property to support the subdivision development is connected to the Road. The Road drainage ditch is connected to the internal road works within the Property and discharges into Ditch 2;

**WHEREAS** on January 30, 2019, the EPO Investigator requested a review of the Property by an AEP EPO Wetlands Specialist to determine if wetlands had been impacted on the Property;

**WHEREAS** on January 30, 2019, the EPO Wetlands Specialist reviewed aerial photographs publicly available and the site inspection report conducted on January 29, 2019 by the EPO Investigator, and concluded the Property did exhibit characteristics of a wetland and an on site determination would need to be made to confirm the classification of the wetland;

**WHEREAS** on February 22, 2019, the EPO Investigator conducted a phone interview with Dany Pedneault. During the interview, he "Dany Pedneault" advised the EPO of the following:

- He constructed Ditch 1 and 2 and a subdivision road on the Property three (3) years ago;
- He discussed the development of Ditch 2 on the Lands with the owners (Robert Jensen and Donald Miller), the owners expressed no concerns;
- He received approval from TELUS to cross a fibre optic line with a culvert that connects Ditch 2 between the Property and the Lands;
- He submitted a subdivision application for the Property to the County that was recently approved; and

- The County Road infrastructure and other developments to the south of the Property changed the flow of water and inundated the Property;

**WHEREAS** on February 26, 2019, the EPO Investigator obtained a copy of Case Report No. YHC17-096 from the County. Upon review of the document, the EPO Investigator noted the following:

- Dany Pedneault had constructed a drainage ditch (Ditch 1) on an undeveloped road allowance that was identified as the Road north of Edson;
- The incident was discovered on April 3, 2017; and
- The County Peace Officer asked Dany Pedneault to stop the activity, which he complied;

**WHEREAS** on March 8, 2019, the EPO Wetlands Specialist, requested from the County, the production of all documents that were submitted as part of the subdivision application made by the Parties located at SW 36-053-17-W5M;

**WHEREAS** on March 8, 2019, the County complied with the request to produce documents and provided the EPO Wetlands Specialist with the subdivision application and the supporting document "*Private Sewage Suitability & Water Table Assessments – Proposed County Residential Subdivision, N ½ 26-53-17 W5 and SW 36-53-17 W5 (Yellowhead County) Edson, AB*", Prepared by Opus Stewart Weir, dated December 22, 2015 (the "Subdivision Application Report");

**WHEREAS** upon review of the Subdivision Application Report, the EPO Wetlands Specialist noted the following:

- Eight test pits were dug across the Property (one per proposed development lot) by an excavator owned and operated by Dany Pedneault and was supervised by a geotechnical project manager from Opus Stewart Weir Ltd. on November 16, 2015;
- All test pits contained a surficial peat layer varying from 200 mm (20 cm) to 470 mm (47 cm) with an average peat thickness of 370 mm (37 cm);
- Below the peat layer, topsoil was encountered between 0.5 m to 1.35 m below ground surface with an average thickness of 0.41 m. It was noted the topsoil was black, moist and peaty;
- Below the topsoil layer, clay was encountered in all test pits and ranged from 0.5 m to 1.35 m below ground surface and was described as brown, moist, high plastic and stiff with some salts; and
- Groundwater was also observed in all the test pits and was concluded that six of the eight sites had a "high water table", i.e. within 2.4 m of the surface on November 26, 2015;

The EPO Wetlands Specialist determined that based on the depth of the peat and topsoil layer and the depth of groundwater reported within the Subdivision Application Report, and the aerial photograph review conducted on January 30, 2019, there was sufficient onsite data to classify the Property as a peatland (Fen) wetland as defined by the "Alberta Wetland Classification System" (Government of Alberta, June 1, 2015);

**WHEREAS** on March 12, 2019, the EPO Wetlands Specialist telephoned Dany Pedneault to discuss the findings from the review of the Subdivision Application Report and the aerial photographs, provide information about the Alberta Wetland Policy, the *Water Act* application process for impacts to wetlands and replacement of wetland area impacted. Dany Pedneault became increasingly aggravated throughout the call, refused to provide an email address and requested that any information be sent to him via Canada Post;

**WHEREAS** by registered Canada Post mail, the EPO Wetlands Specialist sent a Notice of Non-Compliance letter dated March 14, 2019, along with additional AEP fact sheets to Dany Pedneault and advised that:

- AEP had been made aware of infilling and the construction of ditches within the Property and on the Lands;
- The Property has been classified as a “wetland” as described in the Alberta Wetland Policy (Government of Alberta, 2013) and is therefore considered a “waterbody” as defined by the *Water Act*;
- The infilling and draining of the wetland on the Property is an unauthorized activity which required an approval under the *Water Act*, and as no *Water Act* Approval had been applied for or issued for the activity, it is considered a contravention of Section 36(1) of the *Water Act*;
- The Parties were to cease all works associated with the unauthorized activity;
- The Parties were to reply to the Notice of Non-Compliance on or before May 15, 2019; and
- The Parties were to submit a Wetland Assessment and Impact Report on or before June 14, 2019;

**WHEREAS** on April 11, 2019, Dany Pedneault telephoned the Compliance Assurance Lead and expressed concerns with the March 14, 2019 Notice of Non-Compliance, as well as flooding concerns from the Road onto the Property by the County;

**WHEREAS** on April 16, 2019, Dany Pedneault emailed the EPO Wetlands Specialist informing the EPO Wetlands Specialist of the conversation with the Compliance Assurance Lead on April 11, 2019;

**WHEREAS** on April 17, 2019, the EPO Wetlands Specialist replied to the April 16, 2019 email to Dany Pedneault and stated the Wetland Assessment and Impact report was still required to address the non-compliance identified in the March 14, 2019 Notice of Non-Compliance and once the Wetland Assessment and Impact report was complete, the EPO Wetlands Specialist would discuss with Dany Pedneault what options may be available to address the non-compliance;

**WHEREAS** AEP has not received a Wetland Assessment and Impact Report from Dany Pedneault or any other request from Dany Pedneault for an extension to the timeline for submission of the Wetland Assessment and Impact report requested in the March 14, 2019 Notice of Non-Compliance;

**WHEREAS** on May 22, 2019, the EPO Wetlands Specialist and the EPO Investigator conducted a site investigation and made the following observations:

- One soil sampling location (1) was conducted on the Property which was covered with black spruce, tamarack, labrador tea, small bog cranberry and sphagnum and feather mosses;
- Soil was classified as 40 cm of organic peat;
- Soil was saturated at the surface, but no free water present within the soil test hole;
- A large drainage ditch (Ditch 2) that ran east/west along the property boundary between the Property and the Lands; and
- Ditch 2 had actively flowing water and was flowing to the east;

The EPO Wetlands Specialist classified the area as meeting the definition of a peatland wetland according to the Alberta Wetland Classification System (Government of Alberta, June 1, 2015);

**WHEREAS** on September 12, 2019, the EPO Investigator conducted a site investigation, during the site investigation the EPO Investigator made the following observations:

- Ditch 1 is approximately; +400 metres in length, 0.5 metres in width and 60 centimetres in depth;
- The Road in the vicinity of the lands described as the SW 36-053-17-W5M decreases in elevation in a northerly direction, surface water is redirected south to north along the Road ditch and the Road ditch ends adjacent to the Property;
- The Road ditch is not directly connected to Ditch 1, Ditch 1 was full of water, stagnant and not flowing;
- The Road ditch is connected to the internal road works within the Property and to Ditch 2 which discharges surface water from the Road ditch to east of the Property; and
- The construction of Ditch 1 and Ditch 2 caused minor localized effects on the environment, no indication that the works contributed to erosion or sedimentation of any waterbodies;

**WHEREAS** on September 25, 2019, the EPO Investigator conducted an in person interview with Dany Pedneault, during the interview he “Dany Pedneault” advised the EPO Investigator of the following:

- He is the owner of the Property;
- He commenced constructing the internal road works within the Property in the year 2014 or 2015;
- He commenced the construction of Ditch 1 and 2 between the years 2016 to 2018;
- He had previous discussions with owners of the Lands, Robert Jensen and Donald Miller, concerning the construction of Ditch 2. The owners of the Lands expressed no concerns with a drainage ditch being constructed on their land;
- Robert Jensen assisted in re-establishing the fenceline after the completion of Ditch 2 on the Lands;
- He feels that the majority of the Property is not a wetland; clay is a few inches directly beneath the top soil;
- Surface water run-off from the Road ditch is diverted through the Property to Ditch 2;
- The construction of the internal road works within the Property commenced before he had applied to the County for a permit; and
- The County Road infrastructure and other developments to the south of the Property changed the flow of water and inundated the Property;

**WHEREAS** on October 9, 2019, the EPO Wetlands Specialist and the EPO Investigator conducted an additional, site investigation and made the following observations:

- Conducted two additional soil sample locations;
- Soil sample location 2, had 33 cm of organic peat with free water present at 20 cm below the surface; and
- Soil sample location 3, had 50 cm of organic peat with free water present at 20 cm below the surface;

The EPO Wetlands Specialist classified both sampling locations as meeting the definition of a peatland wetland according to the Alberta Wetland Classification System (Government of Alberta, June 1, 2015);

**WHEREAS** on November 23, 2020, the EPO Investigator obtained a copy of Case Report No. YHC18-401 from the County. Upon review of the document, the EPO investigator noted that the incident was discovered on November 13, 2018, that Dany Pedneault was conducting unpermitted road allowance work north of Edson on the Road, and the County Peace Officer verbally ordered Dany Pedneault to discontinue any further work and to contact the County;

**WHEREAS** AEP is of the opinion that the Property consists primarily of a peatland (treed fen) wetland;

**WHEREAS** the construction of a road and two ditches (Ditch 1 and Ditch 2) within a wetland without approval and the diversion of water without an approval is considered an unauthorized activity under the Water Act;

**WHEREAS** a wetland is a water body as defined in section 1(1)(ggg) of the Water Act;

**WHEREAS** each of the Unauthorized Activities is an "activity" as defined in section 1(1)(b) of the Water Act;

**WHEREAS** Section 36(1) of the Water Act states that, no person may commence or continue an activity except pursuant to an approval unless it is otherwise authorized under this Act;

**WHEREAS** AEP has not issued an approval under the Water Act to the Parties or any other person authorizing any of the Unauthorized Activities, and these activities are not otherwise authorized under the Water Act;

**WHEREAS** the Parties is a person responsible for the Unauthorized Activities pursuant to section 1(1)(kk) of the Act and Section 1(5) of the Water (Ministerial) Regulation (AR 205/1998);

**WHEREAS** Jack McNaughton, Compliance Manager, North Region, has been appointed a Director for the purpose of issuing enforcement orders under the Water Act (the "Director");

**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 conducting the Unauthorized Activities without an approval;

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

1. The Parties shall immediately cease all unauthorized activity on the Property and the Lands.
2. The Parties shall retain an authenticating professional that meets each of the requirements of section 4.0 of "Professional Responsibilities in Completion and Assurance of Wetland Science, Design and Engineering Work in Alberta" (Government of Alberta, May 1, 2017) (the "Authenticating Professional").
3. The Parties shall, on or before **March 3, 2021**, submit to the Director in writing all of the following information:
  - a. the name and contact information of the Authenticating Professional, and
  - b. a summary of how the Authenticating Professional meets all the requirements of Clause 2 of this Order.

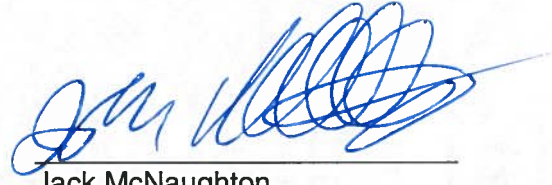
4. On or before, **July 2, 2021**, the Parties shall submit to the Director for the Director's written approval, a written Wetlands Assessment Report, prepared, stamped and signed by the Authenticating Professional.
5. In the Wetlands Assessment Report, the Parties shall include, at a minimum, a detailed assessment of:
  - a. the condition of each of the Impacted Wetlands prior to the Unauthorized Activities, including, all of the following for each of the Impacted Wetlands:
    - i. delineation of wetland boundary;
    - ii. classification, determined in accordance with the "Alberta Wetland Classification System" (Government of Alberta, June 1, 2015);
    - iii. landscape characteristics, including topography and slopes;
    - iv. hydrology;
    - v. soils, and
    - vi. vegetation;
  - b. the current locations and current physical characteristics of the Unauthorized Activities; and
  - c. all of the effects of the Unauthorized Activities on each of the Impacted Wetlands.
6. Within 30 days of receiving written approval from the Director for the Wetlands Assessment Report referred to in clause 4 of this Order, the Parties shall submit to the Director for the Director's written approval, a written Wetlands Restoration Plan (the Wetlands Restoration Plan), prepared, stamped and signed by the Authenticating Professional.
7. In the Wetlands Restoration Plan, the Parties shall include at least each of the following:
  - a. a detailed plan to restore each of the Impacted Wetlands to their respective conditions prior to the Unauthorized Activities, including restoring at least each of the following:
    - i. wetland size;
    - ii. wetland classification;
    - iii. zones of wetland function;
    - iv. topography and slopes;
    - v. soils;
    - vi. hydrology, including all
      1. inlet locations;
      2. outlet locations;
      3. elevations; and
    - vii. vegetation
    - viii. in and around each of the Impacted Wetlands;
  - b. a detailed plan to restore the flow of water into and out of each of the Impacted Wetlands to their respective conditions prior to the Unauthorized Activities, including, at a minimum, each of the following:
    - i. restoration of the elevation of each inflow and outflow; and
    - ii. permanent decommissioning of each of the unauthorized ditches;

- c. a complete list of the types of:
    - i. equipment,
    - ii. methods, including earth works and planting techniques, and
    - iii. materials, including salvaged and donor soils and vegetation, that will be used in the implementation of the Wetlands Restoration Plan;
  - d. a detailed description of the measures to prevent all erosion, siltation and other adverse effects to:
    - i. the Impacted Wetlands, and
    - ii. all other water bodies
    - iii. during all of the work carried out in the implementation of the Wetlands Restoration Plan;
  - e. a detailed proposal to monitor each of the Impacted Wetlands (the "Restored Wetlands Monitoring Proposal") following the completion of the Wetlands Restoration Plan including, at minimum:
    - i. a proposed schedule for completing monitoring, including both the time of year of the assessments and the number of years monitoring is to be completed, and
    - ii. the monitoring methods and targets to be used for vegetation, soils and hydrology assessments in determining restoration success; and
  - f. a detailed proposal, prepared in accordance with Section 6 of the Alberta Wetland Restoration Directive (Government of Alberta, November 1, 2016) to complete a Wetlands Restoration Verification (the "Wetlands Restoration Verification Proposal") for each of the Impacted Wetlands including, at minimum:
    - i. Wetland size and classification, based on the evaluation of monitoring results and comparison to monitoring targets and confirmed by a field assessment, and
    - ii. submission of all monitoring results and analysis to the Director for review.
8. In the Wetlands Restoration Plan, the Parties shall include a schedule of implementation, in table format, for the work proposed in the Wetlands Restoration Plan, excluding the proposals required in clauses 7(e) and 7(f) of this Order, with a completion date of no later than **December 15, 2021** (the "Completion Date").
9. The Parties shall provide to the Director by email a copy of the written consent to access the Lands from Tyrell Brown and Cindy Hnatiuk and Donald Miller and Denise Miller prior to commencing any of the works on the Lands.
10. The Parties shall only complete the work described in the Wetlands Restoration Plan in accordance with the Director's written authorization.
11. The Parties shall provide the Director with 5 days' notice either by phone or email prior to commencing the work in the Wetlands Restoration Plan as approved by the Director.
12. The Parties shall implement the Restored Wetlands Monitoring Proposal in accordance with the Director's written authorization.
13. The Parties shall implement the Wetlands Restoration Verification Proposal in accordance with the Director's written authorization.



14. Where a deadline or reporting frequency has been specified in this Order, the Director may authorize in writing a different deadline or reporting frequency as applicable without amending the Order.

DATED at the City of Grande Prairie in the Province of Alberta, this 20-day of January 2021.



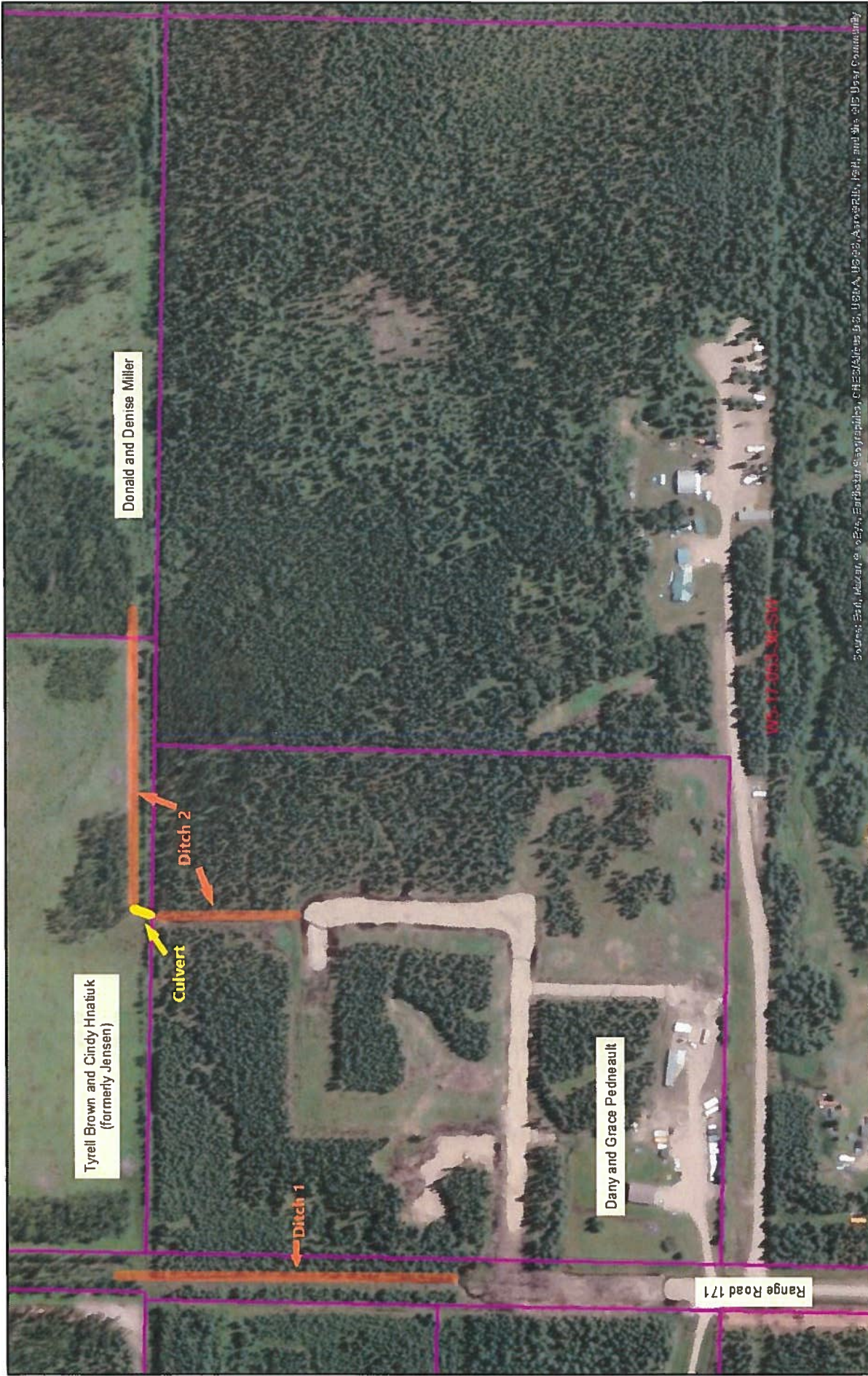
Jack McNaughton  
Compliance Manager  
North Region

**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:  
Alberta Environmental Appeals Board  
# 30 6 Peace Hills Trust Tower, 10011-109 Street,  
Edmonton, Alberta, TSJ 3S8  
Telephone 780-427-6207; Fax 780-427-4693.**

**Notwithstanding the above requirements, the Parties 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 the *Water Act* or any other legislation.**



Source: Earthstar Geographics, StreetsView, Esri, DeLorme, AeroMap, Path, and the GIS User Community

Figure 1. Location of Ditch 1 and 2. Property boundary lines in Purple.

## **Water Act**

### **CHAPTER W-3 R.S.A. 2000**

#### **Appeal to Board**

**114** A notice of appeal submitted under this Part initiates an appeal of the decision to which an objection has been made to the Environmental Appeals Board.

#### **Notice of appeal**

**115(1)** A notice of appeal under this Act may be submitted to the Environmental Appeals Board by the following persons in the following circumstances:

- (a) if the Director issues or amends an approval, a notice of appeal may be submitted
  - (i) by the approval holder or by any person who previously submitted a statement of concern in accordance with section 109 who is directly affected by the Director's decision, if notice of the application or proposed changes was previously provided under section 108, or
  - (ii) by the approval holder or by any person who is directly affected by the Director's decision, if the Director waived the requirement to provide notice under section 108(6) and notice of the application was not provided;
- (b) if the Director issues or amends a preliminary certificate, a notice of appeal may be submitted
  - (i) by the preliminary certificate holder or by any person who previously submitted a statement of concern in accordance with section 109 who is directly affected by the Director's decision, if notice of the application or proposed changes was previously provided under section 108, or
  - (ii) by the preliminary certificate holder or by any person who is directly affected by the Director's decision, if the Director waived the requirement to provide notice under section 108(6) and notice of the application was not provided;
- (c) if a preliminary certificate has not been issued with respect to a licence and the Director issues or amends a licence, a notice of appeal may be submitted
  - (i) by the licensee or by any person who previously submitted a statement of concern in accordance with section 109 who is directly affected by the Director's decision, if notice of the application or proposed changes was previously provided under section 108, or
  - (ii) by the licensee or by any person who is directly affected by the Director's decision, if the Director waived the requirement to provide notice under section 108(6) and notice of the application or proposed changes was not provided;

(d) subject to clause (e), the applicant for the approval or licence, if the Director refuses to issue an approval or licence;

(e) if the Director issues or refuses to issue a licence to the Government under section 51(2), the applicant for the licence and any directly affected person;

(f) the applicant, if the Director refuses to amend an approval, preliminary certificate or licence;

(g) the approval holder, preliminary certificate holder, licensee or registrant, if the Director suspends or cancels an approval, licence or registration or cancels a preliminary certificate;

(h) the licensee, if the Director refuses to renew a licence;

(i) if the Director renews a licence where there has been a public review, any person who previously submitted a statement of concern in accordance with section 109;

(j) if the Minister takes over any works or undertaking, the approval holder, preliminary certificate holder or licensee or the owner of the works or undertaking;

(k) if the Director provides notice that no further applications for licences are to be accepted, a person who wishes to apply for a licence for any water that was the subject of the notice;

(l) the owner of the works, if the Minister issues an order with respect to the use of another person's works under section 52(3);

(m) if an inspector or the Director issues a water management order or amends a water management order, except an order with respect to administering priority or an order that is only for the purpose of carrying out emergency measures, the person to whom the order is directed;

(n) if an inspector or the Director issues a water management order or amends a water management order with respect to administering priority, the person to whom the order is directed, or any person whose rights to divert water may be affected by the issuance of the order with respect to who has priority;

(o) a person who is entitled to divert water pursuant to section 21 and who is affected by a declaration by the Director that a diversion of water must cease;

(p) the person to whom an enforcement order is directed, if the Director issues an enforcement order directing

(i) the suspension or cancellation of an approval or licence or the cancellation of a preliminary certificate,

(ii) the stopping or shutting down of any activity, diversion of water or operation of a works if the activity, diversion or operation is the subject-matter of an approval or licence,

(iii) the ceasing of construction, operation, maintenance, repair, control, replacement or removal of any works or the carrying out of an undertaking, if the works or undertaking is the subject of an approval, or

- (iv) the removal or otherwise rendering ineffective of any works or obstruction;
- (q) if the Director requires a person to pay an administrative penalty, the person to whom the notice of the administrative penalty is directed;
- (r) if the Director approves or refuses a request for a transfer of an allocation of water, the applicant and any person who submitted a statement of concern in accordance with section 109 who is directly affected by the Director's decision.

**(2)** Notwithstanding subsection (1), a notice of appeal may not be submitted

- (a) if, pursuant to an order of the Minister under section 34, the Director
  - (i) refuses to issue an approval, preliminary certificate or licence, or
  - (ii) refuses to approve a transfer of an allocation of water under a licence;
- (b) with respect to any matter relating to a licence for the temporary diversion of water;
- (c) with respect to an amendment
  - (i) to correct a clerical error,
  - (ii) of a monitoring, reporting or inspection requirement in an approval, preliminary certificate or licence, or
  - (iii) to extend the expiry date of an approval, preliminary certificate or licence;
- (d) with respect to an amendment to reflect a disposition of land or an undertaking to which an approval, preliminary certificate, licence or registration is appurtenant.

**Submission of notice of appeal**

**116(1)** A notice of appeal must be submitted to the Environmental Appeals Board

- (a) not later than 7 days after
  - (i) receipt of a copy of a water management order or enforcement order, or
  - (ii) in the case of an approval, receipt of notice of the decision that is appealed from or the last provision of notice of the decision that is appealed from,

or

- (b) in any other case, not later than 30 days after receipt of notice of the decision that is appealed from or the last provision of notice of the decision that is appealed from.

**(2)** The Environmental Appeals Board may, on application made before or after the expiry of the period referred to in subsection (1), extend that period, if the Board is of the opinion that there are sufficient grounds to do so.

**(3)** A notice of appeal must contain the information and be made in the manner provided for in the Environmental Protection and Enhancement Act and the regulations under that Act.

**No damages, no compensation**

**117** If an inspector or the Director issues a water management order with respect to administering priority and that order or part of the order is successfully appealed by any person, no action for damages may be commenced and no compensation may be paid with respect to any impact on or losses incurred with respect to any person's priority as a result of the issuance or appeal of the water management order.