



Canadian Federation of Agriculture (CFA) Submission

NATIONAL ENERGY BOARD

*Damage Prevention Framework for Federally Regulated
Power Lines – Request for discussion*

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The Canadian Federation of Agriculture:

This submission represents the official position of the Canadian Federation of Agriculture (CFA), Canada's largest farmers' organization, through its members representing approximately 200,000 Canadian farmers and farm families from coast to coast. CFA was formed in 1935 to answer the need for a unified voice to speak on behalf of Canadian farmers. It continues today as a farmer-funded, national umbrella organization representing provincial general farm organizations and national commodity groups. The CFA's mission is to promote the interests of Canadian agriculture and agri-food producers, including farm families, through leadership at the national level and to ensure the continued development of a viable and vibrant agriculture and agri-food industry in Canada.

The CFA works to coordinate the efforts of agricultural producer organizations throughout Canada for the purpose of forming and promoting national agricultural policies to ensure Canadian agriculture remains profitable, competitive, and has the stability needed to innovate and adapt to meet changing domestic and international conditions.

CFA's Perspective:

The CFA recognizes the importance of appropriate, effective and reliable infrastructure to ensure the economic competitiveness of Canada's natural resource sectors. The development and regulation of energy infrastructure, particularly linear features such as power lines that cross private agricultural land, must be done in a responsible way. As such, the CFA welcomes the opportunity to provide feedback on the damage prevention framework for federally regulated power lines under proposed Canadian Energy Regulatory Act. The CFA's responses to consultation's questions are provided as follows:

Question 1: Is a prescribed area of 30 metres on either side of the federally regulated power line adequate to maintain safety and prevent damage to the power line?

- The prescribed area of 30 metres on either side of the federally regulated power line is adequate to maintain worker safety and prevent damage to the power line

Question 2: Are the proposed safety measures adequate to maintain safety and prevent damage to the power line?

The proposed safety measures are adequate. **However**, in the event that a planned activity is an annual occurrence (e.g. seasonal farming activity), the newly proposed measure of requiring the conducting party to make a locate request before the start of every activity may create undue regulatory burden and duplication. If a locate request has already been recently carried out and the projected activity does not increase the disturbance depth, it is recommended that repeat authorization not be required for every routine farming activity near the power line.

Question 3: What other considerations, if any, need to be taken into account when a holder responds to a request for authorizations?

- Consideration must be given to the frequency of

Question 4: What other considerations, if any, need to be taken into account when making a locate request prior to conducting work near a federally regulated power line?

- As mentioned, in the event that a planned activity is an annual occurrence (e.g. seasonal farming activity), the newly proposed measure of requiring the conducting party to make a locate request before the start of every activity may create undue regulatory burden and duplication. If a locate request has already been recently carried out and the additional activity does not have an increased disturbance depth, it is recommended that repeat authorization not be required for every routine farming activity carried out near the power line.

Question 5: Do you have any comments on the proposed requirement for a holder to be a member of a One-Call Centre?

- Requiring holders to become one-call centre members is supported as it reduces the number of contact points required to obtain authorizations.

Question 6: Do you have any other comments on the requirements for construction of federally regulated power lines near facilities?

- When developing any related energy infrastructure, such as power transmission lines, minimization of road crossings and maintenance of infrastructure must be prioritized to ensure modern agricultural equipment does not face any undue mobility restrictions. This must include stringent enforcement of minimum height standards, to ensure that subsequent maintenance efforts continue to follow those standards.

Question 7: What other considerations, if any, need to be taken into account for a holder to have a damage prevention program for power lines?

- The Damage prevention program and associated public awareness elements provided in the framework appear to sufficiently address all relevant issues.

Question 8: Is a period of three months from the coming into force of the proposed regulations to develop and implement a damage prevention program sufficient?



Question 9: Are there any other comments related to the proposed regulations that you would like to provide?

- Landowners should receive clear and consistent messaging about activities that can or cannot occur in and around energy infrastructure and the associated Administrative Monetary Penalties for non-compliance. For specific regulatory items that address agricultural activity, language should be clear and set out the chain of communication between regulatory agency, company and landowner and their respective responsibilities. All communication requirements should include defined protocols and the schedule by which information will be delivered to landowners and its frequency should be, at minimum, yearly.

Thank you for this opportunity to provide feedback on provide feedback on the damage prevention framework for federally regulated power lines under proposed Canadian Energy Regulatory Act. If you have any questions regarding the positions of this paper, please contact CFA Director of Environment and Science Policy Frank Annau (frank@canadian-farmers.ca)