GÉOMÈTRES PROFESSIONNELS DU CANADA
PROFESSIONAL SURVEYORS CANADA

Professional Surveyors Canada - C-69 Recommendations for Amendment

FIRST: Section 2 of the proposed Canadian Energy Regulator Act defines ground disturbance as follows:

> ***ground disturbance*** *means a ground disturbance other than one that*
>
> *(a) is caused by any activity that is specified in the orders or regulations made in respect of pipelines under section 335 or made in respect of international or interprovincial power lines under section 275;*
>
> *(b) is, in relation to a pipeline, caused by cultivation to a depth of less than 45 cm below the surface of the ground; or*
>
> *(c) is, in relation to a pipeline, caused by any other activity to a depth of less than 30 cm and that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was constructed. (remuement du sol)*

PSC suggests the following definition for ground disturbance, in Section 2 of the proposed Canadian Energy Regulator Act:

> ***ground disturbance*** *means a ground disturbance other than one that*
>
> *(a) is caused by any activity that is specified in the orders or regulations made in respect of pipelines under section 335 or made in respect of international or interprovincial power lines under section 275;*
>
> *(b) is, in relation to a pipeline, caused by any activity to a depth of less than 45 cm and that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was constructed. (remuement du sol)*

This two-depth definition is confusing to industry and the general public. A single definition of 45cm for all ground disturbance activity is easier to understand and does not impose any stress on the excavation industry or buried facility owners.

SECOND: Section 198 of the proposed Canadian Energy Regulator Act compels a company applying for a pipeline to notify all owners of lands that the pipeline crosses to be served notice of the application.

PSC suggests the following amendment to Section 198:

> ***Approval***
>
> *198 Except as otherwise provided in this Act, a company must not begin the construction of a section or part of a pipeline unless*
>
> *(a) the Commission has issued a certificate in respect of the pipeline;*
>
> *(b) the company has complied with all applicable conditions to which the certificate is subject;*
>
> *(c) the plan, profile and book of reference of the section or part of the pipeline have been approved by the Commission;*
>
> *(d) copies, certified by the Regulator, of the approved plan, profile and book of reference have been deposited in the land registry office or other office where title to land is recorded for the area through which the section or part of the pipeline is to pass; and*
>
> *(e) copies of agreements for easement or right-of-way over land within the prescribed area have been deposited in the land registry office or other office where title to land is recorded for the area through which the section or part of the pipeline is to pass.*

This amendment will ensure that current and subsequent landowners are properly consulted and compensated for the effect of any new pipeline on their land.

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