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November 13, 2015

Ms. Sheri Young
Secretary of the Board
National Energy Board
517 Tenth Avenue S.W.
Calgary, Alberta
T2R 0A8

Dear Ms. Young,

RE: 25 Day Comment Period on Proposed Amendments to Regulations for Pipeline Damage Prevention (File Ad-GA-ActsLeg-Fed-NEBA-RRG-DPR 0201)

On behalf of Niagara Gas Transmission Limited (“NGTL”) and 2193914 Canada Limited (“2193914”), Enbridge Gas Distribution Inc. (“EGD”) submits the following comments regarding the National Energy Board’s (“NEB”) Proposed Amendments to the NEB’s Damage Prevention Regulatory Framework.

In general, EGD supports the proposed amendments as written. However, please note the following comment which is provided:

On Page 2, Item 2a – Replacement of the word ‘excavation’ with the term ‘ground disturbance’

The term ‘ground disturbance’ as defined in the Pipeline Safety Act, does not include a ground disturbance caused by “cultivation to a depth less than 45cm below the surface of the ground”. This amendment has the effect of permitting landowners/farmers to cultivate to a depth less than 45 cm deep. The NEB Exemption Order MO-21-2010, *An Exemption Order Respecting Crossings by Agricultural Vehicles or Mobile Equipment*, permits landowners/farmers to use agricultural vehicles and mobile equipment used to perform agricultural activity across the pipeline as long as there is no disturbance of more than 30 cm of soil cover. Under MO-21-2010 Order, agricultural activity is defined as “includes the work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery, and sod operations and installation of conservation measures; but does not include construction of new buildings, impervious area (i.e., cement) or placement of footings, foundations, pilings or fence posts”.

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EGD submits that cultivation under the Pipeline Safety Act and the agricultural activity as defined under the MO-21-2010 Exemption Order should be consistent and the NEB should permit cultivation/agricultural activity to a depth of no more than 30 cm.

Sincerely,

(Original Signed)

Alexander Hadjis, P.Eng
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