

WINDOW on the WEST

A look at businesses serving farmers in the 21st Century

THE *Western Producer*

Pipelines: out of sight, out of mind? Not for CAPLA

It doesn't matter what farmers know about the pipeline buried on their property, insists Dave Core, and it matters even less what they've been told about that pipeline. What really matters is what the law says about the pipeline.

What scares Core is the law is always changing, usually at the request of pipeline companies and often without consulting or even informing landowners.

As president of the Canadian Alliance of Pipeline Landowners' Association (CAPLA), Core's greatest concern is that farmers simply don't know enough about the pipelines on their property.

"People don't understand that pipelines are a liability to landowners," Core says. "They're a financial liability, an emotional liability and they're a liability to the future of their farms and livelihoods."

While some issues vary from region to region across Canada, most of the issues Core deals with on his southwestern Ontario farm are common across the country. That is especially the case where government regulation of pipelines falls to the National Energy Board (NEB).

"We naturally trust the NEB, but

the NEB is not an advocate for landowners," Core says. They're more likely to listen to the army of lawyers and lobbyists thrown at them by pipeline companies than to individual farmers.

"Landowners don't generally get their lawyers involved in any agreements," Core says. "Regardless, the NEB will not address easement agreements or get involved in compensation negotiations in any way, even though they're the ones making the regulations. And those regulations change almost every year."

Landowners must ask themselves what those regulations will look like 10 or 20 years down the road, when aging pipelines across the country have had another couple of decades to deteriorate. CAPLA points to the numerous pipeline breaches to date and asks what will happen when those breaches start adding up.

"For example, if the pipeline I have on my property were to leak and damage my neighbour's property, I could be held liable for damages," Core says. "The \$200 the pipeline company paid when they put their first pipeline through here won't even touch that cost. Is it

fair that I should be responsible for their pipeline?"

That may be a worst-case scenario, but pipelines also have many other day-to-day effects on farming operations. CAPLA is monitoring regulatory changes that have put greater restrictions both on where and how land near pipelines can be used.

"We have to ask permission to cross pipelines on our own land and they don't have to give it," Core says. In cases where new and heavier farm equipment is being used, the right to cross a pipeline to access adjacent fields may be denied.

"Even in those cases, where they say we can't use heavy equipment, we've asked them to describe what heavy equipment means. They have never come up with even a definition so there is no way to know where we stand."

The problem of pipeline abandonment is also high on the CAPLA agenda. Even though pipeline companies are making billions of dollars, they have no plan - nor have they been compelled to come up with a plan - to deal with their rapidly aging infrastructure. Once they're done with the pipeline, Core asks,

who will be left to clean up the mess?

"I'm not against pipelines and I'm not against pipeline companies making money. All I want is to make sure their pipelines are safe," he says. "It has been my experience that pipeline companies will only make their pipelines as safe as they have to, otherwise it will cost them more money to build and maintain."

"They must be forced to make them safe now and for generations to come. Instead, all they do right now is stop by every once in a while with little fridge magnets and calendars and ask us to watch their pipelines for them."

Core has little faith that politicians will do the right thing. He's seen too many politicians and bureaucrats slide into cozy positions with big pipeline companies to be under any illusions about their objectivity. Once landowners accept that reality, he says, they will understand why it's important to band together.

"They don't want us to form an association," he believes. "They want to keep things the way they are, but we have to be organized to get a fair deal for everyone."

CAPLA welcomes the support of other interested stakeholders but insists landowners need to present a united front. Landowner issues must be clearly defined, Core says.

"We are not just intervenors in this," he maintains. "Landowners must be at the same table - equally funded and with equal status - as pipeline owners and the NEB."

Core says CAPLA has had no choice but to retain lawyers and go to court to be taken seriously. A class action lawsuit is now before the Ontario courts.

"The big pipeline companies know that they can drag it out in the courts forever, until the individual farmer or landowner walks away," he says. "This is what we're up against. We know it's an uphill battle."

"CAPLA is the only organization that is looking out for landowner rights when it comes to pipelines," he says, referring people to the web site www.pipeline-landowners.com for more information. "We've got people here with a wealth of knowledge for farmers across the country."

AN IMPORTANT MESSAGE FROM THE CANADIAN ALLIANCE OF PIPELINE LANDOWNERS' ASSOCIATIONS (CAPLA)

**WE'RE PIPELINE LANDOWNERS
AND WE'RE NOT GOING TO TAKE IT ANYMORE!**

The truth about pipelines!

What have you got to lose?

**Your rights? Your livelihood?
Your investment? Your retirement?
Because of their pipeline!**

*CAPLA is battling pipeline giants TransCanada and Enbridge in a class action lawsuit over restrictions which the farmers insist are unfair and undemocratic. Farmers never agreed to nor were compensated for these restrictions beyond their easement agreements; restrictions which allow pipeline companies to avoid costs of ensuring pipelines are safe for modern agriculture. Landowners who avoid these restrictions incur regulatory risk and face fines of up to \$1 million or imprisonment of up to 5 years for contravention of the NEB regulations. CAPLA's members hope that this class action will end the injustice and alert pipeline landowners everywhere to the threat these restrictions pose to their operations. **You need to understand how this affects you!***

Details on the CAPLA web site.

www.pipeline-landowners.com

DO YOU KNOW...

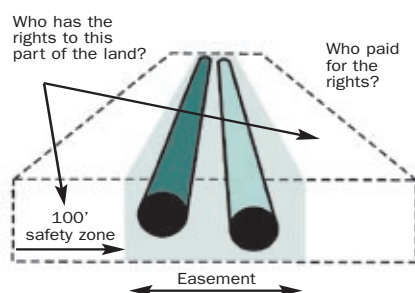
- You need permission to cross NEB pipelines on **your own farm with your own farm equipment?...** and you may not get it!

- Section 112 of the National Energy Board (NEB) Act and regulations also state that, without consent of the NEB or pipeline company, no power equipment can be used that would displace soil deeper than 30 cm for a distance of 30 m on either side of the pipeline? Do you know the locate wait time and the consequences? Do you have any voice?

Section 112 violates your rights!

- Have you been given, by your company, recently verified depth of cover measurements of the pipeline(s) across your farm, perhaps taken at 100' intervals if land is undulating? If not, why not?

We urge you to visit the CAPLA website.



DO YOU KNOW...

- If you are notified that your equipment is too heavy to cross the pipeline, how do you think this will affect the sale of your property?

- Is the pipeline on your property unsafe for today's farming? Do you know that the NEB or the pipeline company could reject your new combine, grain buggy or tractor from crossing the pipeline because of its increased weight? Is the pipeline too shallow? Is the pipe too thin due to corrosion? Is the pressure too high in the pipeline? Is this your fault?

- Who owns this pipeline? Should the pipeline owner not be required to make necessary modifications to make farming safe? Why should **YOU** pay?

**WHAT SHOULD I DO
AS A PIPELINE OWNER?**

JOIN CAPLA!

CAPLA
CANADIAN ALLIANCE OF PIPELINE
LANDOWNERS' ASSOCIATIONS