



LMG News



THE LMG IN A NUTSHELL

The Land Matters Group (LMG) examines and resolves land issues related to energy infrastructure through a collaborative process.

The LMG is a forum for members to exchange information on the protection of the rights and interests of landowners, with the goal of achieving regulatory excellence.

The LMG advisory committee is made up of members from across the country who represent the membership. Members of the advisory committee provide advice and make comments and recommendations to resolve land issues.

Members are landowners, landowner associations, advocacy groups, as well as industry sector companies, land professionals and government officials.

Welcome to the *LMG News*, the e-newsletter for all members of the Land Matters Group (LMG)

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Figure 1: On the bank of a waterway, a man walks with a child in the direction of three electricity pylons.

Update from the Editor's Corner

December Progress Update

In February 2021, the members of the [Land Matters Group Advisory Committee](#) (LMG AC) participated in a series of virtual workshops designed to discuss priority issues previously identified in the [Work Plan](#). Attendees discussed different aspects involving the following issues:

- Landowner consultation;
- Company access to lands; and
- Damages incurred by landowners.

The comments and suggestions raised during the workshops were compiled into a summary document that can be viewed [here](#). Subsequently, this feedback was reviewed to prioritize the recommendations and determine how each one could be addressed and implemented.

The CER appreciates the input shared during the workshops, and also needs to acknowledge that some of these suggestions will take time to fully realize.

As of December 2021, the following initiatives have either been completed or are underway.

- In the past, the usage of the term “damage prevention” in CER lands publications could be perceived as misleading because it also referred to damage to property. “Damage prevention” is a term that is commonly used across industry, utilities, the excavating community and by regulators worldwide, including the CER’s own Damage Prevention team, and it describes the prevention of damage to buried infrastructure. To provide greater clarity, the CER utilizes the term “property damage”, which now refers specifically to the prevention of damage to a landowner’s property. For more information on this topic, go to [“Damage Prevention”](#).



Figure 2: Valve site in a canola field.

- The CER recognizes that in some cases, agricultural landowners may not necessarily undertake agricultural activities and conversely, people who undertake agricultural activities may not all be landowners. Consequently and in accordance with the [Pipeline Damage Prevention Regulations](#) (Regulations), the term **any person** now refers to anyone undertaking specific activities (in this case agricultural activities) in the prescribed area.
- After an extended consultation with staff and external users, including a prolonged developmental process, the CER launched on January 18, 2022, the improved [Participation Portal](#). Designed with the help of past hearing participants, this new portal features fewer steps, a more intuitive and appealing interface, as well as greater accessibility to make it easier for participants to share their input during CER hearings.

- References to [alternative dispute resolution](#) (ADR) have been updated in the [Land Matters Guide](#) to reflect that ADR is accessible to both landowners and companies. This update can be found under the “Who is ADR for?” sub-heading.

The members of the LMG AC continue to play an active role by representing the needs and interests of the multi-stakeholder groups they represent. Their contribution in an advisory capacity is valued because it ensures that the views and perspectives of the Canadian public will be considered and reflected in the information that the CER publishes.

The LMG News is an information tool to be shared. We encourage all of you to distribute this e-newsletter within your own circles and please do invite your membership to join the LMG. They can sign up at this address:

CER-REC.gc.ca/LMG

Véronique Duhamel
Director of Engagement



Figure 3: Rays of sunshine over a mix of urban developments and agricultural lands.

OTHER TOPICS OF INTEREST

Canada's Energy Futures 2021

Interested in what the future holds for Canada and its energy futures over the long term? Have a look at [Canada's Energy Futures 2021](#).

The report covers all provinces and territories, and all energy commodities like oil, solar, wind, and more. This year and for the first time, the report also features net-zero modelling.

Did you know... LMAS

Author: Anne-Marie Erickson

The Canada Energy Regulator (**CER**) has a service available to anyone who has questions about land matters. It's called the [Land Matters Advisory Service \(LMAS\)](#) and it was created to help Canadians understand and navigate the CER's activities and processes related to land matters.

The LMAS is made up of CER staff knowledgeable about land matters and capable of guiding people to the resources or information related to their land matters inquiry. This can include answering questions related to land matters, identifying relevant information on the CER website, explaining land related CER processes, and providing links to CER forms available to the public.

A useful tool promoted by the LMAS is the CER's [Land Matters Guide](#).

It is important to note that while the LMAS can provide information on CER processes, the LMAS does not replace the role of process advisors for CER hearings.

How does the LMAS work?

- CER staff skilled in land matters will receive your request, confirm receipt, and start working on a response.
- The LMAS team has access to other technical experts at the CER (such as engineers, environmental specialists, Indigenous relations specialists) to help us with your question and in providing you with a response.
- If your request is outside of the CER's mandate, the LMAS team will help point you in the direction of the resources that may be able to assist you.

What kinds of requests does LMAS receive?

The LMAS receives many kinds of requests from landowners; the public; Indigenous peoples; companies; municipalities; students, etc. Questions have included how to resolve a dispute with a company; understanding the CER's compensation dispute resolution process; how to contact a company about a land matter; concerns about damage prevention, and more.

What's so special about the LMAS?

- CER staff provide the service, free of charge and in the official language of your choice within two business days of being received.
- The CER provides this service to the public, regulated companies, and all levels of government

How do I contact the LMAS?

By phone: 1-800-899-1265

By email: LMAS.SCQF@cer-rec.gc.ca.

LMG Spotlight: Isabelle Bouffard

Author: Sandra Falconi

The CER is pleased to introduce **LMG Spotlight**, a new segment to this newsletter meant to provide readers with more insight about the people who speak on their behalf as members of the Land Matters Group Advisory Committee (LMG AC). The members represent the views and interests of multi-stakeholder groups from across Canada, including landowners and landowner associations, advocacy groups, as well as energy companies, land professionals and government officials.

In this issue, the spotlight focuses on one person who has accumulated years of experience as a member of the LMG AC: Isabelle Bouffard from Quebec's "Union des producteurs agricoles".

Isabelle Bouffard's role as a Land Matters Group (LMG) Advisory Committee member evolved from a fateful encounter with a flyer. She has been a member of the LMG since its inception in 2011.

"By chance, I found a flyer that described the Agricultural Economics program at McGill University, and it was love at first sight," recalls Isabelle.

Isabelle went on to study Agricultural Economics and has been working at the Union des producteurs agricoles (UPA) since 2005. The UPA represents all agricultural producers and forestry producers in Quebec's private forests.

Isabelle first became aware of the Canada Energy Regulator (CER), formerly the National Energy Board (NEB), in 2005 when a pipeline project under provincial jurisdiction was launched in Quebec. The UPA was called upon to defend the agricultural and forestry producers affected by this project. The energy company involved in the project regularly referred to the NEB for various standards and the UPA decided to contact them directly to get the facts.

"Energy matters is one of the files for which I am responsible, along with my team at UPA. Our role is to minimize the impact of energy projects on the land and on agricultural and forestry activities," says Isabelle. "We work on issues related to power lines, pipelines, wind farms and other energy infrastructure in agricultural and forestry areas."

One of Isabelle's daily challenges is to prioritize files to make sure she is working on the most important issues. She is motivated by the opportunity to influence laws and regulations that affect the agricultural sector to adapt them to the industry.

"My colleagues are very interested in the work the LMG does, particularly in the legislative or regulatory changes. Interactions and exchanges with the CER are important because when agricultural and forestry producers are faced with issues related to energy infrastructure on their



Figure 4 Isabelle Bouffard, Union des producteurs agricoles du Québec

land, it is important to have quick access to accurate information. During these discussions, our CER contacts always try to answer our questions quickly.”

Isabelle credits her parents have been the most influential people in her life. “Every day I still hear them tell me if you do something, you have to do it right and you have to finish it. As far as my career is concerned, I was fortunate enough to have inspiring superiors who always believed in me and led me to excel.”

When she’s not leading a wonderful team of dedicated professionals at UPA, Isabelle enjoys time with family, friends and the outdoors. Isabelle’s work and life are guided by her belief that “if we want things to change, we have to get involved.”

Onshore Pipeline Regulations Review

Author: Dan Barghshoon

The Canada Energy Regulator (CER) launched in December 2021, a [review](#) of the [Onshore Pipeline Regulations](#) (OPR), which can be defined as the principal set of regulations used to oversee federally regulated pipelines. This regulatory instrument applies to companies that are authorized by the CER to construct and operate pipelines.

While the CER regularly reviews its regulations, the scope of these reviews tends to vary. This particular review however, is the first ever comprehensive review of the OPR and our objective is to deliver a regulation that:

- supports the highest level of safety, security and environmental protection;
- advances Reconciliation with Indigenous peoples;
- addresses transparency by the operator and inclusive participation in all phases of a project's lifecycle;
- provides for predictable and timely oversight; and
- encourages innovation.

The OPR Review will:

- build on important work that has been done with Indigenous peoples, including the Indigenous Advisory and Monitoring Committees, as well as feedback received from other stakeholders;
- incorporate learnings the CER has gained through our oversight and implementation of the regulations since they were made in 1999; and
- cover all areas of the OPR and related regulatory documents and guidance, as needed (e.g., Guidance Notes for the OPR, the Filing Manual, Online Event Reporting Guidelines, Remediation Process Guide, Audit Protocol, Operations and Maintenance Activities on Pipelines – Requirements and Guidance Notes, and the Decommissioning and Streamlining Orders and Guidance Notes).

The first phase in our review involves a series of early engagement activities. During the coming months, we will ask for input from Indigenous peoples, regulated companies, and a diverse range of stakeholder groups about how they would like to be involved in our review over the next two years, including their perception of the key areas for improvement.

The [Onshore Pipeline Regulations Review Discussion Paper](#) was published last month to help guide the conversation during the comment period. To ask questions about the OPR Review, please email: opr-rpt@cer-rec.gc.ca.



Figure 5 CER Inspectors reviewing a map along a right-of-way.

Natural Disasters: Considerations when you have a Pipeline on your Land

Author: Shannon Neufeld

Natural disasters are harrowing and can be really frightening when they impact your family, property and livelihood. The effects of the fires, floods and landslides in British Columbia in 2021 will be felt by those landowners for a long time. These disasters can change contours and topography of the land through erosion, scour and debris left behind, and the drainage that was present before the disaster may not be there anymore.



Figure 6 Flooded farmland in British Columbia.

It's natural for people to want to get to work, clean up the debris and get everything back to normal as soon as they can, but there are some things that landowners must take into consideration before going into action, and pipeline companies have an obligation to provide you with the information you need to do this work safely.

If you have a pipeline on your property, flooding may have reduced the depth of earth cover over the pipe so that it may no longer be safe to drive across it,

even light equipment. Contact the pipeline company to request consent before driving across the pipeline or moving any soil to confirm that it is safe to do so. Pipeline companies are required to provide that information in writing, and it is information that you need to keep yourself and your family, as well as your property safe.

As always, any time that you are replacing fences/fence posts, removing earth cover, adding earth cover or changing/clearing drainage paths near a pipeline (30 meters either side of the pipeline), it is a ground disturbance. When you contact the pipeline company, you not only need to confirm the location of the pipe, but you also need to ensure that the depth of earth cover over the pipe is still adequate.

Care must be taken when adding soil, such as building a berm, so pipeline company and/or power line company consent is required. A berm changes accessibility for maintenance of a buried infrastructure, but also reduces ground to wire clearance when there is an overhead power line.

If you are hiring a contractor to do some work on your land, make sure they know that there is a federally regulated pipeline on your property, and that there are regulations they must follow that include contacting the pipeline company when they are planning the work and prior to starting it.

Across our country, millions of kilometers of buried lines keep us warm, connected, watered and lit. Before you start any work, make sure you contact your provincial one-call centre to have the buried pipes, cables and wires located.

www.clickbeforeyoudig.com

Click here for more information about the [CER damage prevention regulations](#).

Working to Share Pipeline Information and Transparency of CER Data

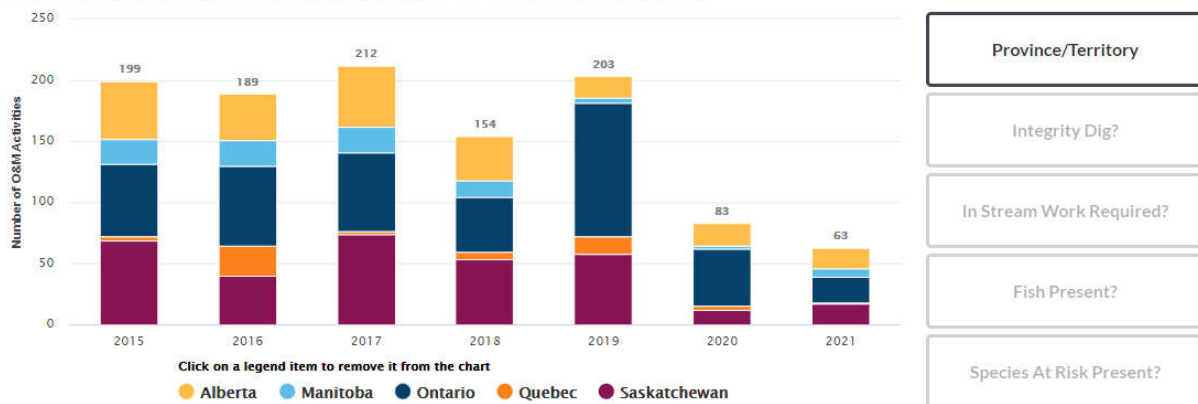
Author: Jackie Hoglund

The Canada Energy Regulator took a big leap this year by pairing advances in technology with providing more safety and environment information to Canadians. It's now easier than ever for landowners and others to access our online content through our [Pipeline Profiles](#) portal. Check out the information found in this portal:

- Discover where pipelines are located, what products they transport, and what volumes are transported
- Learn about recent maintenance work undertaken on the pipeline
- Improved access regulatory filing information
- Find emergency management plans
- Explore safety and environment information including details on conditions compliance and incidents
- Review traffic, tolls and tariffs, and financial information

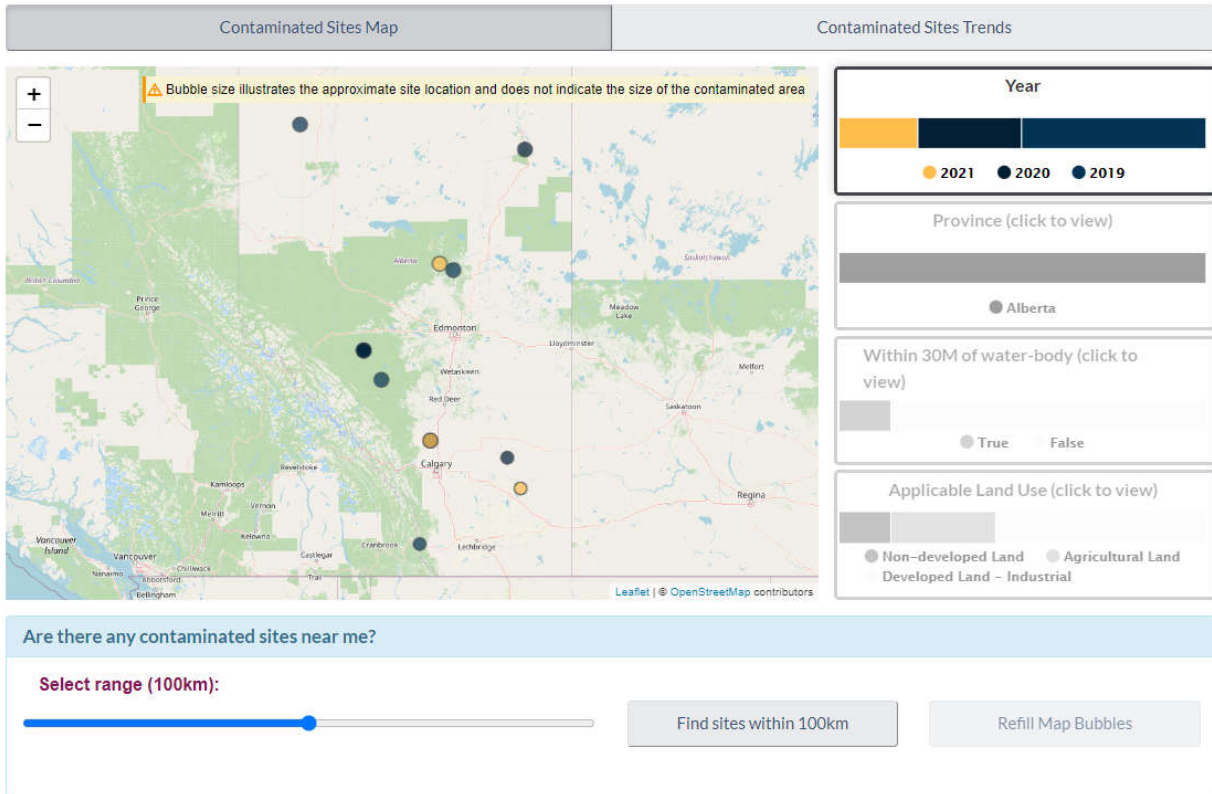
Two new dashboards provide information on operations and maintenance activities, as well as contaminated sites and remediation. The Operations and Maintenance Activities dashboard displays data on the operational and maintenance work done by companies on their pipelines that is required to be reported to the CER.

Dashboard: Enbridge Canadian Mainline - O&M Activities by Year



If a company finds contamination along its pipeline or right-of-way, the incident must be reported to the CER. From our Contaminated Sites and Remediation dashboard, you can explore the details contained in contamination reports, the location of the contamination and its source, and the remediation action taken to resolve the problem. You can even find out if there have been any contaminated sites reported near you or near locations of interest.

Dashboard: NGTL System - Contaminated Sites (post Aug 15, 2018)



We want your experience with Pipeline Profiles to be user-friendly. Developed using the latest technologies, these web pages allow for faster loading times and are also accessible whether you have high-speed or dial-up internet. As well, they are also accessible using different types of devices, including your mobile phone.

We invite you to explore this information and see for yourself how we are working to keep you safe and the environment protected. Check out a demonstration of how to use these tools: <https://youtu.be/NVxclYTKVC0>

To see this information and learn more about our Pipeline Profiles, visit: <https://www.cer-rec.gc.ca/en/data-analysis/facilities-we-regulate/pipeline-profiles/index.html>

Stepping-Up Participation

Author: Sandra Falconi

A cornerstone of our mandate is ensuring the Canadian public and Indigenous peoples can fully participate in our regulatory processes.

Recognizing that the existing participation process could be more accessible, CER staff worked closely with Code for Canada (C4C), a service provider hired for its expertise in developing innovative approaches to technology. The CER also worked with external users whose assistance helped us re-imagine the design and technology. This highly collaborative approach ensures the needs of all users are considered and as a result, initial feedback through user testing has been very positive.



Figure 7 Image depicting a communications network.

A core CER team worked with C4C to design, build, and test an updated [Participation Portal](#) to improve the user experience and better meet the needs of potential hearing participants.

On January 18, 2022, the improved Participation Portal was made available for use in two of our [upcoming hearings](#) with a much simpler interface and streamlined process. For example, this new portal allows commenters to log in and provide their input without having to go through as many steps.

This redesigned Participation Portal will help us increase transparency and improve ease of access, efficiency and user experience to ensure meaningful participation.

This new Participation Portal is getting us a step closer to an eventual CER Portal, which will provide one single entry point for industry, as well as groups and individuals to access all our services.

For up-to-date information about land matters,
sign up to the LMG News:

www.cer-rec.gc.ca/lmg