

Battle Lake Watershed Synergy Group

January 14, 2010

A meeting of the Battle Lake Watershed Synergy Group was held on Thursday, January 14, 2010 at the Lakedell Agricultural Centre with Krista Waters acting as Facilitator for the meeting.

CALLED TO ORDER:

- Krista called the meeting to order at 7:00pm.

ATTENDANCE:

- In attendance were 27 residents, industry representatives and government officials. (See attached list.)

INTRODUCTIONS:

- Introductions were done.

ACTION ITEM REVIEW:

- #63 – Steve Harrington suggested that we just fill the website form out and let Synergy Alberta do the rest.
- #92 – Pilot Project Review will probably happen in February 2010.
- The remaining action items got pushed to February's meeting.

FOLLOW UP:

- Larry Goulding (ERCB) brought up the Bonavista fire. He stated that he had sent information to Paul who was to forward it to the group. Dave Doze replied that he hadn't received them and asked if Larry could give brief update. Larry answered that there hadn't been much information regarding the fire and therefore he assumed it wasn't a big deal. He did say that it was a sweet gas fire.

- Larry said that next month he would address the issue about the criteria for inside and outside the Battle Lake area boundary. He'll get clarification in time for the next meeting.

N.E.B. PRESENTATION:

- Deborah Kuchinski (P. Ag.), a Lands Specialist with the National Energy Board (NEB) spoke about Regulations and Land Matters. She also mentioned that the NEB was starting to attend more synergy meetings and that TransCanada had taken over the Nova Gas system in April 2009.
- She stated that TransCanada thought that it would be a fairly easy, not complicated transfer, but because TransCanada had neglected to apply to the landowners prior to the change, there were experiencing complications.

History of the NEB:

- *Established in 1959, under the Pipeline Act.*
- *Reports to Parliament through the Federal Minister of Natural Resources.*
- *Based out of Calgary (as of 1999).*
- *Staff of 360. Includes Engineers, Economists, Social Economic People, Aboriginal Specialists, and Land Specialists.*
- *Holds public hearings for large projects.*

Purpose of the NEB:

To promote safety, environmental protection and economic efficiency in the Canadian public interest within the mandate set by Parliament in the regulation of pipelines, energy development and trade

What the NEB Regulates:

- *Construction/operation of inter provincial and international pipelines and power lines*

- *Traffic, tolls and tariffs of pipelines*
- *Export and import of natural gas*
- *Export of oil and electricity*
- *Oil and gas activities on frontier lands (north of 60)*

How the NEB Regulates:

- *Assess applications and decisions*
- *Construction and Operations Inspections*
- *Monitoring*
- *Complaints*
- *Incident investigations*
- *Audits*
- *Other: (Develop regulation/advise parliament re: energy matters.)*

Public Interest:

- *Inclusive on all Canadians and refers to the balance of economic, environmental and social interests.*
- *As a regulator, the Board must estimate the overall public good that a project may create.*

NEB Land Acquisition Requirements. (2-Step Process)

- *Notice to Landowners (Sec 87)*
- *Agreement Requirements (Sec 86)*

Section 87:

- *Description of the lands that are required.*
- *Details of the compensation to be offered.*
- *Value of the lands involved with respect to compensation.*
- *Description of detailed route procedure and approval.*
- *Description of Negotiation and Arbitration procedures*

Section 86: NEB ACT

- *Compensation for Acquisition of land- Landowner has the option to choose over 1. Lump sum 2. Annual or periodic payment.*

- *5-year review is done—only if annual/ periodic payments is chosen*
- *Compensation for all damages done by the company.*
- *Indemnification clause.*
- *Use of the land is restricted to the pipeline.*
- *Any additional matter as agreed upon.*

The NEB Act requires that Sec 87 notice is served prior to Sec 86 agreements or the agreement is void.

The Safety Zone is 30m (100') on either side, starting at the edge of right-of-way. Depths of the pipelines are varied.

- When Terry Wildman inquired as to when the approval of the transfer went through, Deborah confirmed that in April 2009, Nova Gas' 25,000km system were taken over by the NEB.
- Deborah believed one reason that TransCanada went to the NEB was for "consistency". All other systems were regulated by the NEB already.
- She continued to say that there had been a hearing in November 2008. A hearing order had been sent to the affected parties and to the local newspapers where the pipelines were located.
- However, landowners had not been notified by the ERCB prior to the transfer. And now landowners were expressing concerns over the additional 60' compared to what Nova Gas had. Deborah explained that although it is a wider right-of-way, digging is allowed within the zone as long as the company is contacted prior to excavation.
- NEB has grown as a result of this transfer. However, landowners are now forced to deal with the federal government rather than the provincial government. The ERCB has nothing to do with it. They claim that the decision had been made at a much higher level.
- Deborah did say that landowners are very upset; the NEB is receiving approximately 200 calls per day. TransCanada had told them that they would consult the landowners after the application

- went through. They had not considered it necessary because there weren't any changes to the surface.
- Terry expressed concern over the Federal government controlling areas that were once under Provincial jurisdiction; how will landowners be affected by decisions and regulations made at the Federal level.
 - Larry said that the ERCB often gets requests from MLA, etc to look into matters. He suggested that Terry contact his MLA and that they would probably look into why the switch went through.
 - But in a similar situation, Don Gateway Pipeline applied to NEB but the Ontario government turned it down because they felt it wouldn't be fair to the landowners.
 - When Ken Jenny inquired as to the kind of audits NEB did, Deborah explained that they audited the product levels in the lines. Also, they did safety audits and environmental audits.
 - Dave Doze explained that with Bill 50, the Government has the ultimate decision and that public projects don't necessarily have to be in the best interests of the public. Therefore, he felt encouraged that the NEB has the public interests in mind.
 - On February 8th, at the Camrose Norseman Inn, Deborah (NEB) would have a Q&A at the Alberta Surface Rights Annual Meeting. Dinner and registration fees were \$25.00 and all industry and landowners were invited. Deborah said that she would encourage a "Crossing Specialist" to attend the Camrose meeting, as well.

AB ENVIRONMENT:

- Dave Helmer reported the MEC License went through in November. He further explained that an appeal had been made by landowners. They are still early in the appeal process, not all paperwork in place yet. There was a 30-day period after the decision was made. (Ended about Dec. 13/09)
- Because the appeal came from landowners, it isn't open to the public. The first step is mediation. If that isn't successful, there

will be a hearing process, and that will be open to the public. The process may take until this summer.

- **Dave Doze** asked if Dave Helmer knew anything about the ice-fishing truck that fell through the ice on Battle Lake, 2 weeks earlier and whether it had been removed what damage had resulted to the lake, fish, etc. The truck had diesel in it and wondered if the fuel had been emptied yet. It was said that a contractor had been hired to remove it but so far the ice was too thin to safely remove the truck. **Dave Helmer** did say that although he didn't have any answers, he would get the name of someone who did and pass it along to the group. **ACTION ITEM #140**

ERCB:

- **Steve Harrington** announced that Larry Paslawski had left and that Richard Sommers was the new team leader.

LANDOWNER UPDATES:

- **DAVE DOZE** was only concerned with the truck through Battle Lake that he mentioned earlier.
- **KEN JENNY** had no concerns.
- **MICHAEL BLACK** said that Bob Whiteside was happy with the Trilogy decision. **Michael** also gave an update on the reclamation of the Alberg area. He said that it was in full swing, lots of trucks going through. The Albergs have retained the services of someone who will return the land to its original forested state. It was supposed that the soil was being hauled to Breton.
- **TERRY WILDMAN** had no issues.

- **ARNOLD RENSCHLER** inquired about Bonavista's attendance to the BLWSG. He suggested that EnCana should continue participation during the transition period until Bonavista is able to attend.
- Krista said that she would let Paul know that the Bonavista issue came up again.

- **MIKE TODOROW** stated that he was still waiting to hear from Baytex regarding the water contamination. Pat Schmaltz (Baytex) said that he had talked to Anthony Triverse and was told that Anthony was getting the Action Plan together and then he would contact Mike. Shane Koss (Baytex) said that he would call Anthony himself to remind him to call Mike back.

- **KARL ZAJES** announced that Warburg Surface Rights Group was the oldest and most active group. And that their meeting were held on the 2nd Tuesday of each month at the Warburg Community Hall at 7:30pm. There is no charge to attend the meeting. This month there will be legal counsel available to give a presentation.
- Next month, he said that there was the possibility that the Alberta Dept. of Environment were coming to do discuss Water Well issues, such as regulations and abandonment. Krista said that they often bring testing kits with them.
- He also reminded the group about the Surface Rights Annual Meeting in Camrose that Deborah had mentioned earlier.

COFFEE BREAK:

- Krista called for a short coffee break.

INDUSTRY UPDATES:

MEC Operating Co.:

- They had nothing new to report.

PennWest:

- Raymond Karlson stated that they had 3 work orders for 8-6-46-1, 9-6-46-1 and 1-32-46-1.

Conoco-Phillips:

- Rick Anderson said that he wasn't aware of any new work. But he did announce that the Rimbey and Rocky Mountain House offices would be shutting down and moving to Eckville. Although, it's moving to a new location, the personnel will stay the same. When he has the new contact information, he'll let the group know.

Trilogy:

- Landon Whitlock informed the BLWSG that Trilogy license was denied. Trilogy has asked for a review of the decision. There is a 30-day appeal period. (Dec 15/09-Jan 15/10)

Scollard:

- Myles Aitken said they had nothing new to report.

Baytex:

- They are reviewing their Holding Application from June. When it's complete they will contact landowners.

Advantage:

- Nothing new to report.

NOXIOUS ODOURS:

- Dave Doze said that he noticed a noxious odour when he drove past the Advantage Facility and on his own land, as well as, when on the Yeoford Road. Dave questioned what the odours were, and guessed that he had been 200m away from any facility. He asked if anyone knew what the odours would have been. (He mentioned a zero-tolerance for hydrogen sulphide.) Larry and Steve from ERCB explained when someone contacts the ERCB office to complain about an odour, an EMU is sent out.

- ERCB also reported that Daylight Energy had a sour gas release, near Lodgepole. They said it was an electrical component. It's believed that the corrosion on the conduit that runs down the well board caused the release. It was considered a minor leak. A water truck came in and killed the well. However, they did report readings of H₂S were in the air.

WEED CONTROL BMP:

- Michael Black read aloud from the Weed BMP. The BLWSG would prefer mechanical weed control to prevent damage from herbicides, etc to Battle Lake. They didn't want soil sterilants used. Meanwhile, industry confirmed that most of the time they aren't used anymore.
- Michael Black said that on his place, he moved his alpacas and llama onto the lease and they keep the weeds controlled.
- Some industry reps said they try to use mechanical means when possible but sometimes it depends on the weed species and special circumstances, such as terrain. Sometimes, in those instances a weed eater could be used.
- Michael commented that it may take time for the changes to happen because herbicides have always been the easiest. But that timing is very important when mowing the weeds, it must be done before they go to seed and create more problems.
- Mike Todorow asked if industry had anything in place to make sure that the mowing was done at the right time, before seeds are produced, rather than when it's convenient for the company.
- Dave Doze objected to a complete "no herbicides" policy. Because timing is so important, and a weed can get completely out-of-control, he felt that it's not practical to only use mechanical methods. And that choosing the most appropriate herbicide should be an option. He commented that at one time foxtail barley was only found in the south, but now it's all along our ditches. It is very difficult to eradicate because it's a grassy weed, if a chemical is used on it, the chemical will kill all the grasses along side it. Also,

- when the highway dept doesn't mow before they go to seed, then even more seeds. Besides, foxtail barley, thistles and scentless chamomile are also serious problems.
- Karl Zajes added that scentless chamomile produce 1 million seeds per plant and that the seed can develop even if the head was cut off, so mowing doesn't work. Also, equipment should be cleaned after leaving one land and before going onto another. Seeds can survive in the soil for up to 20 years. So can Club Root disease and it is easily transferred from one area to another. Noxious and invasive weeds need to be dealt with differently. Because it's so difficult to get rid of them, it's best to not get them in the first place. Therefore, all vehicles and equipment should be cleaned between properties.
 - Industry should discuss Weeds BMP internally and return to BLWSG before editing. **ACTION ITEM #141**

LANDOWNER LIABILITY BMP:

- Discuss it in February.

Next meeting is on Thursday, February 4, 2010 at the Lakedell Ag. Centre.

ATTENDANCE LIST

January 14, 2010

INDIVIDUAL	REPRESENTING
Monte Hurt	Advantage
David Helmer	Alberta Environment
Terry Kreese	Baytex
Shane Koss	Baytex
Pat Schmaltz	Baytex
Rick Anderson	Conoco-Phillips
Larry Goulding	ERCB
Steve Harrington	ERCB
Duane Kremp	MEC Operating Co.
Jason Shihinski	MEC Operating Co.
Alan Browse	PennWest
Cliff Ellis	PennWest
Raymond Karlson	PennWest
Michael Black	Resident
Dave Doze	Resident
Ken Jenny	Resident
Arnold Renschler	Resident
Mike Todorow	Resident
Terry Wildman	Resident
Myles Aitken	Resident
Karl Zajes	Surface Rights Consultant
Due Dsikun	Trilogy
Landon Whitlock	Trilogy
Tim Wood	Trilogy
Deborah Kuchinski	National Energy Board (NEB)
Krista Waters	Facilitator
Michelle Payne	Recording Secretary

ACTION ITEMS

January 14, 2010

#	ACTION	RECOMMENDED DATE	PERSON RESPONSIBLE	DONE
	From April 2/08			
63	Determine items to be posted on website.	Each Meeting	All in Attendance	
	From December 4/08			
92	Pilot Project Review	February 2010	Review Board	
	From May 7/09			
116	Re-circulate edited Noise BMP among industry to discuss how to implement the recommendation.	February 2010	All industry reps.	
118	Discuss Landowner Liabilities BMP	February 2010	All in Attendance	
	From October/09			
126	Fill in Synergy AB website form	Feb. w/Shane Koss	All in Attendance	
	From November/09			
130	Organize lake excursion and hike for industry reps with Dave Doze as tour guide.	June and Fall 2010	All in Attendance	
132	Find out who is Darcy Allen's boss	February 2010	Paul McLauchlin	
133	Get clarification from Darcy Allen re: mineral rights-Oct/09 minutes are unclear.	February 2010	Paul McLauchlin	
	From December 3/09			
137	Michael Black to bring edited Noise BMP.	February 2010	Michael Black	
138	Re-invite Bonavista to attend meetings	February 2010	Paul McLauchlin	
139	ERCB presentation on drilling mud	ASAP; when Dir 56 complete	Larry Goulding	
	From January 14/10			
140	Find the contact name re: the truck that fell through ice at Battle Lake for an update	ASAP	Dave Helmer	
141	Industry to discuss Weeds BMP and how to implement recommendations.	February 2010	All industry reps	

Weed Control BMP

Concerns

This practice is intended to address public concerns regarding proliferation of weed species, weed contamination from operator's lease sites and pipeline rights-of-way to off lease sites and aesthetics. This practice also addresses communication between the public and the operator with respect to weed management.

Practices

- The operator will manage weed control consistent with good agricultural practices, using qualified, and certified, persons to assist in the design and execution of weed control programs.
- It is strongly recommended that all members of the community, and members of the BLWSG, bring attention to identifying the emergence of problematic areas of weed infestations. Joint efforts within the group will help combat local weed propagation and control concerns.
- The operator will communicate the weed control practices to rural residents by making the practice available with handouts at Open-houses and inclusion of weed control practices in their initial discussion with landowners regarding development and or in Notification Packages.
- The operator will work closely with the local Municipal Agricultural Field representative to proactively identify and mitigate any potential for the propagation and spread of weeds.
- Operator will only employ mechanical weed control measures such as cutting or hand picking within the Battle Lake Watershed Protection District. No herbicides shall be used.
- Soil sterilants shall not be used.

Background

Weed control on the operator sites must be consistent with good agricultural practice and responsible environmental protection. Overuse of herbicides can result in weed resistance and build up of residual chemicals in the soil profile and watershed, therefore the use of herbicides and soil sterilants shall not be used within the Battle Lake Watershed Protection District.

References

Alberta Weed Control Act
Applicable Municipal Legislation
Local Municipal Agricultural Field Representative