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National Energy Board  
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**Attention: Sheri Young, Secretary of the Board**

Dear Ms. Young:

**Re: Enbridge Comments on the Proposed Amendments to Regulations for Pipeline Damage Prevention**

Enbridge Pipelines Inc. ("Enbridge") wishes to thank the National Energy Board ("Board") for the opportunity to provide input with respect to the above-noted matter. In addition to supporting the comments submitted to the Board by the Canadian Energy Pipeline Association, Enbridge offers the following additional comments and recommendations.

In regard to the *National Energy Board Pipeline Damage Prevention Regulations, Part 1* ("DPR Part 1"), Enbridge has the following comments:

- Section 2 – There is no definition for "excavation", which could result in lack of clarity for persons undertaking activities across, on, along or under a pipeline in determining whether they need to make a locate request pursuant to section 3.1. "Project owner" is also not defined, which results in lack of clarity regarding who has responsibilities under section 3.2. How are "project owners" different from "facility owners" (which is defined)? The proposed definition of "pipe" could be limiting in that it is restricted to hydrocarbons which could have the effect of excluding other commodities.
- Section 4(b) – Enbridge suggests that the Board removes the words "or installation" to make this paragraph consistent with the other proposed changes to section 4.
- Sections 4(g), 5(b) and 6(g) – In the case of an emergency, it may not be possible to make a locate request in accordance with section 3.1 prior to the commencement of construction. These sections conflict with sections 4(f), 5(a) and 6(f), which include an exemption from the requirement to make a locate request in the case of an emergency.
- Section 5(c) – Enbridge notes that this paragraph refers to Canadian Standards Association Standard CAN/CSA-C22.3 No 1-M87, *Overhead Systems* published in 1987. Enbridge is requesting clarification on whether the Board intends to refer to the standard as amended from time to time, or to this specific version.
- Section 6(j)(ii) – Enbridge suggests that this subparagraph be revised for consistency to say "60 cm" rather than "six tenths of a metre".

- Section 7.1(2)(c) – Enbridge suggests the Board provide a definition for “minimal rutting” as this term is subjective. The definition should be consistent with 30 cm as the maximum allowable ground disturbance without pipeline company consent. Without clear definition of permissible ground disturbance, there is a risk that persons conducting agriculture activities, as defined in this section, will not seek leave for agricultural activities that could have an adverse impact.

In regard to the *National Energy Board Pipeline Damage Prevention Regulations, Part 2* ("DPR Part 2"), Enbridge has the following comments:

- Section 2 – Enbridge notes that the term “working days” is used in several sections of the DPR Part 2. Enbridge suggests that the definition of “working day” be added to the DPR Part 2 in addition to the DPR Part 1 for consistency.
- Section 4(b) – Enbridge would appreciate a definition or additional clarity regarding the Board’s expectations for “ongoing monitoring”.
- Section 10.1(b) – Section 10.1 makes it mandatory for a pipeline company to notify, in writing, specified individuals of the requirement to seek leave to cross the pipeline in certain circumstances. However, pipeline companies may not be aware of all persons who fall within the scope of paragraph (b). Enbridge suggests limiting this requirement to occupants who are listed on title or incorporating qualifying language, such as “persons who, to the knowledge of the pipeline company, are engaged in agriculture ...”

In the *National Energy Board Onshore Pipeline Regulations*, Enbridge suggests section 47.2 should refer to the *National Energy Board Pipeline Damage Prevention Regulations, Part 2*, rather than *National Energy Board Pipeline Damage Prevention Regulations, Part II*.

In the *National Energy Board Administrative Monetary Penalties Regulations*, Part 4 of Schedule 1, Item 5, Enbridge suggests that the word “install” be replaced with the word “construct” to align with proposed changes to section 5 of the DPR Part 1.

If you have any questions or concerns regarding this submission please do not hesitate to contact Abby Dorval, at 403-231-5952 or via email at [abby.dorval@enbridge.com](mailto:abby.dorval@enbridge.com).

Sincerely,



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