

“NEB hearing process is a farce”

E-mail to Ezra Levant of Sun Media
From Stephanie Fradette

[Recently, Mr. Levant was kicked out of an NEB Hearing. Upon hearing this, Stephanie Fradette, a Saskatchewan landowner, e-mailed him to share her experience with the NEB hearing process and pipeline abandonment.]

Mr. Levant,

I am happy to hear that you think the NEB hearing process is a farce. I fully agree, but I think we are coming at it from different angles.

In November 2011, I took part in an NEB hearing about the Vantage pipeline project (it is a proposed ethane line from North Dakota to AB). Now before I am painted as a Birkenstock wearing, granola crunching, leftist earth muffin for not supporting this proposed pipeline project I want you to understand who I am. I am a landowner. My husband and I ranch and raise our family in SK. I am a strong proponent of a free market economy. I believe the government should keep its nose out of business and let the market dictate what happens. Which is why I was at the NEB hearing.

Almost every product or service that is required for the construction of this pipeline is acquired solely through private contractual agreement, as it should be. The exception to that is the acquisition of land. That can be acquired by government order. This is based on old legislation from when land was taken "for the public good" like providing railways, roads and power to Canadian citizens. Now it is being used to give private, for-profit corporations access to privately owned land.

The kicker to all of this is that the land that is taken for the pipeline is not expropriated, rather the corporation is granted right-of-entry. This means that the landowner can be left with the liability of the pipeline. For example, when the NEB approves abandonment in place at the end of a pipeline project, the easement is discharged and the pipe is left in the ground. That means that any contamination, clean-up costs, pipe removal for other development, etc... are the responsibility of the landowner.

Here in SK, the landowner can be (once again) ordered by the provincial government to clean up any historical contamination. (Cozy set up, hey? Ordered to take it, ordered to clean it up). Knowing this, landowners should be able to either (a) enter into an agreement that clearly states that we will not be responsible for this pipe or (b) charge an appropriate land rent rate to offset the liability.

But with the bureaucratic mess that is the NEB we cannot get either done.

I gather that you have recently been in (and out) of an NEB hearing so you have had your opportunity to witness them in action. So now, how would you feel if they were in charge of deciding what happens on *your* property? Me, too.

There needs to be a major overhaul in the NEB and some common sense policies implemented. Right now it is just an expensive waste of time. We have been told by NEB staffers and by the Chief Operating Officer of a pipeline company that the process is "just not right" and that things need to change. So it seems like everyone agrees. Now to figure out "how"? I am open to suggestions.

Thank you for taking the time to read this. I appreciate it.

Stephanie Fradette
Lake Alma, SK