

Power Lines

(1) An application by Hydro-Quebec for NWPA approval of a 735 kv overhead power line, crossing the Ottawa River in front of Lot 11, Parish of St. Andrews in Argenteuil and in front of Lot 1 of the Village of Pointe-Fortune, in Vaudreuil.

(2) An application by Hydro-Quebec for NWPA approval of a 735 kv overhead power line crossing the Beauharnois Canal between Lots 83 and 84 subdivided and Lots 13, 14, and 15 subdivided, of the Parish of St.-Louis-de-Gonzague, in the County of Beauharnois.

I will attempt to summarize each case separately. In each synopsis, relevant dates and procedures pertaining to the discussions between the two parties will be listed in order to show the chain of events that led up to the Transport Canada issuance of an NWPA document, approving the Hydro-Quebec works.

In the first case, the Ottawa River crossing on January 9, 1978, Hydro-Quebec submitted an application requesting NWPA approval for the subject overhead power line.

The application was directed to the regional director, Canadian Coast Guard, Laurentian region, who had been delegated signing authority by the minister to approve overhead power lines. In keeping with the usual procedures for administration of this act, the site of the work was inspected by the NWPA investigation officer from the coastguard base at Montreal. A site investigation report dated February 21, 1978, was forwarded from the Montreal base office to the regional office. The report stated the vertical clearance between the lowest point of sag of the line and the high water line to be 92.7 feet.

Recommendations for construction of the crossing were as follows: first, that Hydro-Quebec would advise the Montreal coastguard office of the start of construction, together with a schedule of the work, two weeks in advance of construction to permit the issuance of a notice to mariners; and second, that Hydro-Quebec would be required to paint the towers red and white in accordance with the Department of Transport standards for air traffic obstructions. The requirements for marking of the towers was transmitted to Hydro-Quebec in a letter dated February 27, 1978, from the regional superintendent of airways, Department of Transport. On March 2, 1978, only seven weeks after the application, approval under the Navigable Waters Protection Act was granted by the regional director, Laurentian area, acting on behalf of the then minister of transport. The approval document issued was in the form of a declaration of exemption, which is granted under section 5(2) of the Navigable Waters Protection Act.

Section 5(2) of the act was utilized because, upon investigation of the site and plans, the proposed vertical clearance more than adequately provided sufficient clearance for the type of marine navigation currently utilizing the area. Consequently, the proposed work did not present a substantial interference to the public right of navigation at the site, and a declaration of exemption document was issued.

In the covering registered letter dated March 2, 1978, dispatched with the section 5(2) document, the requirement to advise the coastguard of the construction schedule was brought to the attention of the applicant.

On October 6, 1978, a report from the Laurentian region advised that a construction schedule had been established: construction of foundations for the towers, December, 1978; erection of the towers, March, 1979; and installation of the power line conductors, May, 1979. The construction schedule was later revised on October 26, 1978, to indicate that the lines would be put in place between March 15, 1979, and August 15, 1979.

● (1740)

A notice to shipping which reads as follows was issued in August, 1979:

A report dated October 17, 1979, from Laurentian Region confirmed that the overhead line has been completed as per schedule and conformed to the plans approved under the Navigable Waters Protection Act. Subsequently, on November 29, 1979, the Canadian Hydrographic Service was provided with two copies of the work plans for charting action.

In the other canal crossing, on April 15, 1977, Hydro-Quebec submitted an application requesting NWPA approval for the overhead power line. The application was directed to the district manager, Canadian coastguard base, Montreal.

According to the usual practice, the site of the work was inspected by the NWPA investigation officer at the Montreal base office. A site investigation report dated April, 1977, was forwarded from the Montreal base office to the regional director, Laurentian region, to whom signing authority had been delegated by the minister to approve overhead power lines. The minimum vertical clearance of the overhead power line crossing the St. Lawrence seaway is 160 feet. Recommendations for construction of the crossing were as follows: First, that Hydro-Quebec would advise the Montreal coastguard office of the start of construction two weeks in advance of construction to permit the issuance of a notice to mariners; second, that Hydro-Quebec would mark each tower pylon situated in the water by fixed white lights; and third, that Hydro-Quebec would ensure that construction material or temporary structures used in construction of the line were removed from the waterway upon completion.

In this case, approval was obtained even faster. On May 2, 1977 approval under the Navigable Waters Protection Act was granted by the regional director, Laurentian region, acting on behalf of the then minister of transport. The approval document issued was in the form of a "declaration of exemption", which is granted under section 5(2) of the Navigable Waters Protection Act. As in the case of the Ottawa river crossing, section 5(2) of the act was utilized because the vertical clearance of 160 feet was greater than the standard seaway clearance requirement of 130 feet, which is also the standard minimum vertical clearance for all commercial shipping channels or waterways in Canada. Consequently, the proposed work did not present a substantial interference to the public right of navigation at the site, and a declaration of exemption document was issued. As in the Ottawa river case, all additional requirements were covered in a separate letter to Hydro-Quebec.

On October 26, 1978, a report was received from the Laurentian region indicating that the overhead power line