EB-2013-0268

Ontario Energy Board
Commission de l'énergie de l'Ontario

IN THE MATTER OF the *Ontario Energy Board Act 1998,* S.O. 1998, c. 15 (Schedule B);

AND IN THE MATTER OF section 99 of the Act;

AND IN THE MATTER OF an application by Dufferin Wind Power Inc. for authority to expropriate interests in certain lands for the purpose of constructing a new transmission line and associated facilities.

WITNESS STATEMENT OF MARC ATKINSON

1. I am the principal of Atkinson Farms Limited. Atkinson Farms Limited owns Lot 27, Concession 3 West, Melancthon; and my wife and I own Lot 26, Concession 3 East, Melancthon (in total, the "**Property**").

2. I generally use the Property for agricultural purposes. In particular, we grow seed potatoes, grain crop and hay; and use the land for pasture for a beef operation. Crops, cattle, fencing and irrigation equipment are continually rotated from field to field, farm to farm, and barn to barn to ensure soil sustainability and pest and weed control.

3. DWPI has applied to expropriate interests in a portion of my lands (the "**Easement Lands**"), which are generally situated at the north border of Lot 26 and the south border of Lot 27.

4. DWPI's application to expropriate (the "**Application**") indicates that on the Property, DWPI requires a transmission easement for Transmission Facilities ranging from 25 to 30 metres in width, which will include all land rights required by DWPI for purposes of construction, maintenance and access.

5. The Easement Lands are partially wooded. We cut firewood to heat our home, repair shop, and office from the wooded area. The wooded area is primarily used, however, for:

   (a) Cattle shelter from the sun and wind. Cattle require shade in the summer, and protection from the wind in the winter. The woodlands allow us to

keep our cattle in the fields year-round. Keeping cattle in the field year-round improves the distribution of manure across the Property, and reduces the chances of *e.coli* getting into the groundwater because run-off from impermeable surfaces around the barns is reduced. Traditional animal husbandry practices are being challenged by consumers who would rather that cattle had more space to live and greater access to outdoors. In order to provide outdoor access and space to cattle, woodlands are essential to give them protection from the elements.

(b) Wind protection for the soil and crops. Without protection from the wind, soil blows away and crops are damaged. Additionally, woodlands enhance the quality of adjacent soils by improving water retention. The woodlands have rolling surfaces which capture pools of water during heavy rain, which is then absorbed slowly into the subsurface; rather than running off as it does on flatter surfaces.

(c) Providing a barrier between the Property and neighbouring properties which serves to reduce the drift of chemicals we apply to our potato crop onto nearby residential properties.

6. The non-wooded portion of the Easement Lands is used to grow crops.

7. DWPI attached to the Application a draft reference plan of the Property, and ortho-rectified aerial plans of the Property, to which I will refer during my oral testimony in describing the Property and the Easement Lands.

8. DWPI proposes to clear some of the woodlands from the Easement Lands. It is my understanding that approximately 30 metres of woodlands will be cleared from each of the north and west sides of the Easement Lands. Clearing the woodlands in this way will thin them out to such an extent that their ability to perform their windbreaking and sheltering functions is likely to be dramatically reduced.

9. In the course of farming the Property, I engage in a number of normal farm practices involving the use of large equipment. If DWPI is permitted to expropriate the Easement Lands and to construct above-ground Transmission Facilities on them, my agricultural operations will be negatively impacted. In particular:

(a) Growing crops involves spreading manure on the fields. Manure must be composted before it can be spread. We compost manure on an area of our field called the “headland.” The headland is a strip of land at the end of a field used for turning machinery around as it goes up and down the rows of potatoes. The headland is not planted, and is therefore the best place to compost cattle manure so as to prevent leachate from contaminating the potatoes. The Ontario Ministry of Agriculture, Food and Rural Affairs recommends that manure be turned if left on soil for more

than 60 days. We use a standard excavator to turn the manure, which allows the manure to compost without liquid seeping into the groundwater. We use the same machine to load the manure into the spreader for distribution in the field. The excavator reaches a height of over 30 feet. The excavator runs on steel tracks. The 230 kV transmission line is planned to be placed on the headland, with the lowest wire being 24 feet from the ground. DWPI has advised that it is prudent to stay 7 feet away from the transmission line. As such, there will not be sufficient clearance under the transmission line to operate our farm equipment.

(b) We use central pivot irrigation. A central pivot irrigation system is anchored at one end, with the other end moving in a circle. It is supported by several sets of wheels which drive to make the machine travel in a circular pattern. It is 1015 feet long with a gun at the end that throws water 120 feet. The Transmission Facilities, as proposed, would not allow my central pivot irrigation system to work. Shortening the pivot to allow it to pass by the poles would reduce the area on all four sides of the field that would be covered. The area between the poles and at the edge of the field would be too narrow for machinery to fit, which would sterilize that strip of land. Using a different irrigation method would require me to purchase new equipment and water lines, to hire additional labour, to use more fuel and water, and would reduce my crop yield.

(c) Similarly, other farm equipment would be too large to use in the presence of the Transmission Facilities. Harvesting equipment is approximately 40 feet long, 16 feet high and up to 40 feet wide; spraying equipment is 68 feet wide; tilage equipment is 40 feet wide.

February 28, 2014

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MARC ATKINSON