

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 DAVID COE

1. I am the owner of 98.5 acres of land legally described as CON4 OS W PT LOT 26 (the "**Property**").
2. I generally use the Property for agricultural purposes, in particular as a feed lot yard, for cattle grazing, and for growing various crops.
3. DWPI has applied to expropriate interests in a portion of the Property (the "**Easement Lands**"), which are generally situated along the south property line along County Road 24, and then northerly up the east side of the Property to about the half-lot line. If DWPI is permitted to expropriate the Easement Lands, access to County Road 24 from the Property will only be possible across the Easement Lands.
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 half wooded, and the remainder is grassland or land used in my crop rotation. My cattle use the wooded area for shade in the summer, and protection from the wind in the winter.
6. 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.

7. In the course of farming the Property, I engage in a number of normal farm practices involving the use of large equipment. In particular:
 - (a) I use a cultivator or a disc to till the soil in the spring. Both of these pieces of equipment are about 32 feet wide, and up to 12 feet high.
 - (b) I use a grain drill to plant cereal crops. It is about 45 feet wide with the marker down.
 - (c) Our crops are sprayed and fertilized using pieces of equipment with booms on them, ranging in length from 60 to 120 feet.
 - (d) I use a forage harvester to cut and pick up various crops including wheat, corn, barley, canola, soybeans and hay. A forage harvester is about 20 feet wide and 24 feet long. I have attached a picture of a forage harvester to my witness statement. The cut width for wheat, barley, canola and soybeans is 30-45 feet, depending on the type of header used to cut and pick up the crop. A corn stalker head has a 14 foot cut width. A corn cob stripper has a 20 foot cut width.
 - (e) I use a combine to harvest grain crops. A combine is about 30 to 45 feet wide and 28 feet in length. If the combine is unloading with the auger out, it is 42 to 57 feet wide and 28 feet long.
8. 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, as follows:
 - (a) I will have problems planting crops on the Easement Lands. In order to prepare the soil for planting, we have to plough in the fall, then cultivate or disc two or three times in the spring. Then we plant the crop. It is sprayed and fertilized as it grows. I will not be able to safely and efficiently manoeuvre my farming equipment around the poles and under the line. These lands may be sterilized from use for agriculture.
 - (b) If we are able to plant crops on the Easement Lands, the areas in close proximity to the poles will have to be maintained by hand to prevent the growth of weeds and grass, and to manage infestation by insects.
 - (c) Maintenance of crops on the Easement Lands generally would be rendered more difficult. Corn is susceptible to a fungus that is best treated using an aerial application of fungicide, in order to limit crop damage. Aerial spraying is also used to control corn borer and army worm, and is also used when the soil is too wet for the use of ground-based equipment. It will not be possible to apply fungicide in this way with the Transmission Facilities present.

- (d) If we plant crops on the Easement Lands, we will have difficulty harvesting them. I would have to move my harvesting equipment around the planned poles six to eleven times, which will take additional time and effort, if it is possible to harvest using the typical equipment at all.

February 28, 2014

DAVID COE