

Myles and Associates
P.O. Box 628
Margaree Forks, N.S.
B0E 2A0

CNSOPB Rec'd	OCT 12 2006
Date:	
Distribution:	ET/CAP/RU/DD
Orig to file	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Doc. Reg. No.:	8427
File No.:	30,008.23/EDP50.001.3
Fax:	902-422-1799

October 12, 2006

Mr. Eric Theriault, Environmental Affairs
C-NSOPB
6th Floor, TD Centre
1791 Barrington Street
Halifax, NS B3J 3K9

Dear Mr. Theriault:

Re; Deep Panuke Offshore Gas Development Project
Comments from Interested Parties, pursuant to Section 1.4: Consultation

Myles and Associates as an interest group seeks to address specific concerns regarding aspects of the Deep Panuke project presently before the Board. Our specific interest is the potential harmful effects to human health and the marine environment should proposed pipeline activities or platform construction disturb discarded conventional munitions (UXO's), munitions containing the chemical warfare agent thickened mustard gas and discarded radioactive materials such as spent fuel rods.

This letter reiterates several questions posed to EnCana Co-ordinated Public Review Secretariat and NEB in 2003 which remain unanswered, and we respectfully request answers to these questions in a timely fashion before the commencement of formal hearings into this project.

On February 3, 2003 Myles and Associates queried the Deep Panuke Co-ordinated Review Secretariat with regard to the right of intervenors to subpoena witnesses at the Hearings. This question was forwarded to the NEB on February 4, 2003 for a response. Shortly thereafter the Review was halted, and no response was received to date by Myles and Associates.

We respectfully insist that this item be established by NEB / C-NSOPB / Stakeholders long in advance of formal hearings or proceedings, bearing in mind first and foremost the intent of the CFAA. Only through a full environmental assessment can the public and interested parties properly comment on the important aspects of Project design, development and implementation. C-NSOPB spokesman Mr. Neal Dawe recently stated "*the Board is open to a 'fair and open' debate about the science of the industry*" (Chronicle Herald, August 30, 2006). It follows that through dialogue such as can be generated by the subpoena of witnesses, this debate can proceed in a fair and open manner as the Board has committed itself to achieving.

In light of the emerging evidence of the potential dangers posed by seismic activity and seafloor pipeline construction activities on legacy munitions containing corroded and degrading chemical and conventional munitions, we suggest that the federal Department of National Defence's Formation Environment Group at Station Forces Atlantic (attn: Mr. Kyle Penney) be recognized by C-NSOPB / NEB as the sole authority responsible for management of this topic as it relates to all aspects of the Project.

Myles and Associates suggests that due to valid national security issues and the obvious environmental and health/safety issues posed by legacy munitions on the seafloor, wartime vessels on the seafloor, and similar hazards which may result in the harmful alteration, disruption or destruction (HADD) of fish habitat, private contractors **not be engaged** to identify, manipulate, re-locate, or otherwise remediate munitions encountered on the seafloor so as to minimize exposure to the environment of potentially viable chemical warfare agents (mustard gas, *etc.*), biologic warfare agents (weapons grade anthrax), nuclear materials (spent fuel rods, *etc.*) and degrading conventional munitions (DNT, picric acid, *etc.*). It is our opinion that this area of expertise be left to DND- Formation Environment so as to avoid an unfavourable international response to potential breaches of the terms and conditions of the Chemical Weapons Convention and the London Convention, to both of which Canada is a signatory.

To reiterate the request made to EnCana dated January 30, 2003, we request the following information be provided by EnCana and/or C-NSOPB / NEB:

1. Please supply copies/transcripts of all correspondence/meetings between EnCana and its affiliates and DND-HQ Ottawa and DND-Formation Environment on the topic of charted and uncharted military dumpsites of conventional, nuclear, biologic and chemical munitions (NBC, UXO's and nuclear materials) lying within the areas under consideration for this Project.
2. Please supply copies/transcripts of all correspondence/meetings on the above named topic (paragraph 1 of this letter) which transpired between EnCana and its affiliates and/or between: Environment Canada, C-NSOPB, Department of Fisheries and Oceans, Coast Guard, Natural Resources Canada, Department of Foreign Affairs (CWC), Federal Department of Public Safety and Emergency Preparedness, Indian and Northern Affairs, Health Canada, and Warfare Agents Disposal (WAD) Project. Include transcripts of the meeting of June 5, 2002 between C-NSOPB, EC and DND representatives on this topic.
3. Please provide your established emergency plans and procedures which will be enacted should there be a disturbance and/or release of the chemical warfare agent thickened mustard gas and subsequent exposure to workers or to the marine environment. Disturbance can be as a result of seismic testing, seafloor pipeline construction, drilling activities and platform placement.
4. Please indicate in detail EnCana's reasons and rationale for refusing to provide to the Department of National Defence a letter of indemnification should there be an accident resulting from accidental / unintentional detonation of undetected discarded legacy ordnance (ref: CEAA-DND-01; PR-DP-2023). Has such a letter been provided?
5. Is EnCana willing to provide the Nova Scotia Workers' Compensation Board (WCB), N.S. Department of Health, and Government of Canada with letters of indemnification should employees, contract workers, citizens or property owners be exposed to chemical warfare agents, biologic warfare agents, conventional munitions and/or discarded nuclear materials disturbed or released through Project related activities?

6. Identify the nature and results of all seafloor geophysical studies carried out to date by EnCana, parties affiliated with EnCana and/or DND or companies under contract to DND on the areas under consideration for the Project. Specify the depth of imaging (i.e. penetration depths below sea floor), and minimum size of features identifiable (i.e. resolution), specifically with regards to legacy munitions / ordnance and nuclear materials such as fuel rods.
7. Are there plans in place to utilize chemical warfare agent monitoring or detection equipment during drilling activities, platform placement, and pipeline construction and installation. Please specify the type of monitoring equipment and the contractor(s) responsible for chemical warfare agent monitoring and detection.
8. If chemical warfare agents or nuclear materials are detected, disturbed or released into the marine environment, or should there be accidental detonation of legacy munitions as a direct result of activities related to the Project, which Federal department has been identified by C-NSOPB as lead agency? Please supply supporting documentation.
9. Were high definition/ high resolution thermal scans (satellite, aerial, or surface IR imaging) conducted over the entire area of the proposed project? If not, why not? If so, Myles and Associates respectfully requests the right to inspect the results of the scans or the actual imaging.
10. Please provide a copy of the Neill and Gunter Report (2001): Report on the Identification of UXO Wrecks / Sites in the MARLANT OP Areas: HX00905; NGNS Project # 16307, and the follow-up report dated January 2005.

Myles and Associates wishes to thank the C-NSOPB for the invitation to respond to EnCana's Deep Panuke Project application, and trusts that the commitment to 'fair and open' debate espoused by the regulatory board will prevail. Debate requires a total sharing of relevant information and the answers to these and future questions will demonstrate the honesty of the board's own commitment.

Please mail your reply to the address on the letterhead, and fax a copy to Myles and Associates at 902-787-2245. Do note that these questions were posed to EnCana on January 30, 2003; therefore we expect a timely response (i.e. within 30 days).

Sincerely,

Myles Nehoe
Myles and Associates

cc. Mr. Malcolm Weatherston
Deep Panuke Project General Manager
EnCana Corporation, Halifax, NS
Fax: 902-425-2766