



# Native Council of Nova Scotia

The Self-Governing Authority for Mi'kmaq/Aboriginal Peoples residing Off-Reserve in Nova Scotia throughout traditional Mi'kmaq Territory

*"Going Forward to a Better Future"*

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 Program (CHIP)

E'pit Nuji Ilmuet  
 Program (Prenatal)

Mobile Aboriginal  
 Diabetes Initiative (MADI)

Netukulmewec'i  
 Commission

December 14, 2004

Mr. C. Andrew Parker  
 Manager, Environment  
 Canada - Nova Scotia Offshore Petroleum Board  
 6<sup>th</sup> Floor, TD Centre  
 1791 Barrington Street  
 Halifax, Nova Scotia  
 B3J 3K9

**RE: Cohasset Phase II Decommissioning  
 EnCana Corporation, response to "public comments on the ESR"**

Dear Mr. Parker:

We have retrieved from the CNSOPB Public Registry Site, EnCana Corporation response of November 29, 2004 to the public comments on the ESR.

With respect to the comments submitted to the CNSOPB by EnCana responding to the Native Council of Nova Scotia comments on the ESR, the views expressed about the NCNS a registered public interest in a project, do not provide the CNSOPB joint RA's with appropriate feedback on the NCNS comments to assist the RA's in their deliberation to produce a sufficient ESR filing for decision makers.

We remain that the proponents expressed views: "...it is our (EnCana) view that NCNS has not raised an interest in respect of which specific consultation with NCNS is required.", confirms our ESR comment on the absence of direct and specific consultation. Do we now assume that the proponent, by their reply comment views to the comments raised by the NCNS, exhausts their reply on the ESR public comments made by the NCNS?

The CNSOPB record, and that possibly of the EnCana File on the proposed project, contain specific reference to the Native Council of Nova Scotia community of Mi'kmaq/Aboriginal Peoples interest in the project. The record does contain our communal commercial fishery resource access interests in the

CNSOPB Rec'd			
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File No.:		CPS4,011 / 30,008.8	

-2-

fishery resources. The record does contain specific reference to our community rights holder interests in resources developments, and more.

From the response correspondence, it is obvious that EnCana's view of what constitutes "consultation" with a community of Aboriginal Peoples with expressed interest in a project, is different than that required and expected to be upheld by government empowered boards such as the CNSOPB and the CEAA Responsible Authorities, the Joint RA's responsible to produce the ESR, and invite public comment on the ESR.

Clearly, EnCana's view of consultation is also different than that of the Native Council of Nova Scotia as an Aboriginal Peoples Representative Organization. Indeed, the expressed response views on consultation even conflict with EnCana's corporate "Aboriginal Guideline" for engagement with Aboriginal Peoples.

The examples included to the CNSOPB serve to demonstrate the difference. The views expressed about the NCNS confirm our ESR comments on the absence of meaningful consultation with our community, consciously made by EnCana.

Even on reference to other general venue meetings, EnCana did not respond to a specific NCNS question raised by its FAC member where it indicated that EnCana would. That question still remains unanswered. Our FAC membership is identified in the EA, and what was the result? Please refer to the letter of March 1, 2004 on the matter.

How does the NCNS participation in a Public Review Process support the proponent's response view that the NCNS has no expressed interest? How does the view expressed by EnCana assure the RA's that appropriate meaningful consultation has occurred? How does the proponent's views about the NCNS comments made on an ESR provide additional feedback with new information to address the NCNS comments made to the CNSOPB RA's about the ESR?

In our comments; without precluding or limiting our right to further comments on the proposed project, to the CNSOPB joint RA's, we did share and provide narrative on a few obvious flaws with the ESR which substantiate information that the ESR is a deficient filing by the Joint RA's. The RA's have as of this day, not completed their review, determination and response on the ESR presented for public comment.

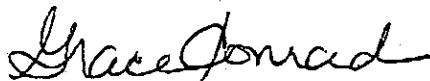
We also shared with the RA's their duty to ensure themselves that "consultation with Aboriginal Peoples" who have an expressed interest was undertaken, and all matters and concerns on the proposed project have been reviewed including comments from the public and all interests factored to produce a final ESR, as a sufficient filing before decision makers.

While it is helpful to have the proponent confirm their views for not undertaking specific consultation with the NCNS, and the suggestions expressed by the proponent about our interest in the project and process, the matter of our comments on the ESR, and other throughout this process remain the duty and responsibility of the RA's and decision makers to consider and factor in producing a sufficient ESR filing for decision makers.

We close with the position that the proponent's response comments with views and suggestions about our interests in the project, do not address nor provide any new information; save for their confirmation supporting our comment about their lack of direct and specific consultation. The proponents response views do not provide any feedback from which the NCNS could alter or change our comments on the ESR.

The ESR as presented for public comment, is a deficient filing with several obvious flaws, which should be remedied to produce a final sufficient ESR filing for decision makers determination on this proposed project.

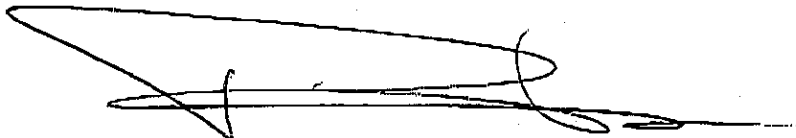
Going Forward To  
A Better Future



Grace Conrad  
Chief and President



Tim Martin  
Commissioner Netukulimkewé'l Commission



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The Honourable Cecil Clark  
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