



CANADA - NOVA SCOTIA OFFSHORE PETROLEUM BOARD

6th Floor TD Centre 1791 Barrington Street Halifax Nova Scotia B3J 3K9 Tel 902-422-5588 Fax 902-422-1799 www.cnsopb.ns.ca

File No.: 30,008.23
EDP50,001.2

July 20, 2007

Mr. Paul Schafer
Canadian Environmental Assessment Agency
22nd Floor, Place Bell
160 Elgin Street
Ottawa, Ontario
K1A 0H3

Dear Mr. Schafer:

Re: Deep Panuke Offshore Gas Development Project (the Project)

The Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) is pleased to provide responses, on behalf of all the responsible authorities for the Project, to the comments received during the public input period held from June 11, 2007 to July 10, 2007 on the comprehensive study report (CSR) for the above project.

The other responsible authorities for the Project are the National Energy Board, Fisheries and Oceans Canada, Transport Canada and Industry Canada. Expert input to the CSR was received from Environment Canada and Natural Resources Canada. The responsible authorities and expert federal departments have discussed each comment to ensure that all comments have been considered.

It is the opinion of all the responsible authorities, as well as the expert federal departments, that the comprehensive study and the information provided in the CSR have adequately addressed the issues identified during the public comment period. The responsible authorities have considered the comments and have determined that the conclusion reached during the comprehensive study process, that the project is not likely to result in significant adverse environmental effects, remains valid. Attached is a table detailing the responsible authorities' and expert federal departments' response to the public comments.

I have attached letters supporting the above statements from all the responsible authorities, as well as the expert federal departments. The CNSOPB looks forward to receiving your Minister's environmental decision statement with

respect to this Project. If you require further information, please contact Eric Theriault, at (902) 406-0742.

Yours sincerely



Diana Lee Dalton
Acting Chief Executive Officer

ELT/kh

Attachments

cc Faith Scattolon, Fisheries and Oceans Canada
Sandy Lapointe, National Energy Board
Michel Doiron, Transport Canada
George Hastings, Industry Canada.
Eric Hundert, Environment Canada
Iannick Lamirande, Natural Resources Canada
Derek McDonald, Canadian Environmental Assessment Agency
David Robinson, Canadian Environmental Assessment Agency

Mr. Paul Schafer
Canadian Environmental Assessment Agency
22nd Floor, Place Bell
160 Elgin Street
Ottawa, Ontario
K1A 0H3

Ms. Faith G. Scattolon
Regional Director-General
Maritimes Region
Fisheries and Oceans Canada
1 Challenger Drive
P. O. Box 1006
Dartmouth, Nova Scotia
B2Y 4A2

Iannick Lamirande
Science Policy Integration
Natural Resources Canada
580 Booth Street
3rd Floor, Room A9-4
Ottawa, Ontario
K1A 0E4

Michel Doiron
Regional Director General
Transport Canada
P.O. Box 1013
45 Alderney Drive, 14th Floor
Dartmouth, Nova Scotia
B2Y 4K2

George Hastings
Atlantic Regional Director SITT
Industry Canada
1045 Main Street, 4th Floor
Unit 103
Moncton, New Brunswick
E1C 1H1

Sandy Lapointe
Business Leader, Applications
National Energy Board
444 Seventh Avenue SW
Calgary, Alberta
T2P 0X8

Derek McDonald
Canadian Environmental Assessment Agency
1801 Hollis Street
Suite 200
Halifax, Nova Scotia
B3J 3N4

David Robinson
Canadian Environmental Assessment Agency
1801 Hollis Street
Suite 200
Halifax, Nova Scotia
B3J 3N4

Eric Hundert
Environment Canada
Environmental Protection Branch
16th Floor, Queen Square
45 Alderney Drive
Dartmouth, Nova Scotia
B2Y 2N6



Fisheries and Oceans
Canada

Pêches et Océans
Canada

P.O. Box 1035
Dartmouth, NS
B2Y 4T3

JUL 19 2007

Ms. Diana Lee Dalton
Acting Chief Executive Officer
Canada - Nova Scotia Offshore Petroleum Board
6th Floor, TD Centre
1791 Barrington Street
Halifax, NS B3J 3K9

Dear Ms. Dalton:

**Re: Deep Panuke Offshore Gas Development Project
Response to Comments Received on the Comprehensive Study Report**

05-HMAR-MA7-000-000273	
CNSOPB Rec'd	
Date:	JUL 20 2007
Distribution:	
DLD, ET , TC, BM	
Original <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Doc. Reg. No.:	9303
File No.:	30,008-23 / EPPSO, vol. 2

Fisheries and Oceans Canada (DFO) has reviewed the comments received during the public input period, held from June 11, 2007 to July 10, 2007, on the Comprehensive Study Report for the above-noted project.

DFO has discussed each comment with the other responsible authorities - Canada-Nova Scotia Offshore Petroleum Board (CNSOPB), the National Energy Board, Transport Canada, Environment Canada, and Industry Canada - and has provided responses to those comments that fall within DFO's mandate. It is DFO's opinion that the comprehensive study and the information provided in the Comprehensive Study Report have adequately addressed the issues identified during the public comment period. After consideration of the comments, DFO has determined that the conclusion reached during the comprehensive study process (i.e. that the project is not likely to result in significant adverse environmental effects) remains valid.

I understand that a letter supporting the above statements will be forwarded to the Canadian Environmental Assessment Agency by the CNSOPB. DFO looks forward to receiving the Minister of the Environment's environmental decision statement with respect to this project. If you require further information, please contact Mark McLean, Senior Environmental Analyst, at (902) 426-9898.

Yours sincerely,

Faith G. Scattolon
Regional Director-General
Maritimes Region

cc: Mark McLean, DFO

Canada





Transport
Canada

Transports
Canada

Regional Director
General

Directeur général
régional

July 19, 2007

Your file *Votre référence*

Our File *Notre référence*

Ms. Diana Lee Dalton
Canada-Nova Scotia Offshore Petroleum Board
6th Floor TD Centre
1791 Barrington Street
Halifax, NS B3J 3K9

Dear Ms Dalton:

**Subject: Deep Panuke Offshore Gas Development Project -Response to
Comments Received on the Comprehensive Study Report**

Transport Canada (TC) has reviewed the comments received during the public input period held from June 11, 2007 to July 10, 2007 on the comprehensive study report (CSR) for the above noted project.

TC has discussed each comment with the other responsible authorities, Canada-Nova Scotia Offshore Petroleum Board (CNSOPB), the National Energy Board, Fisheries and Oceans Canada, Environment Canada, and Industry Canada. It is TC's opinion that the comprehensive study and the information provided in the Comprehensive Study Report have adequately addressed the issues identified during the public comment period. After consideration of the comments, TC has determined that the conclusion reached during the comprehensive study process, "that the project is not likely to result in significant adverse environmental effects, remains valid".

I also understand that a letter supporting the above statements will be forwarded to the Canadian Environmental Assessment Agency (CEAA) by the CNSOPB. TC looks forward to receiving the Minister of Environment's environmental decision statement with respect to this Project. If you require further information, please contact Jim Cormier, Regional Manager, Environmental Affairs - Maritimes at (506) 851-7553.

Yours truly,

Michel Doiron
Regional Director General

P. O. Box 42, Moncton, NB E1C 8K6

Canada



Natural Resources
Canada

Ressources naturelles
Canada

July 20, 2007

NRCan File # NS-049

Ms. Diana Lee Dalton
A / Chief Executive Officer
Canada - Nova Scotia Offshore Petroleum Board
6th Floor TD Centre, 1791 Barrington Street
Halifax Nova Scotia B3J 3K9

**Deep Panuke Offshore Gas Development Project – Comprehensive Study Report
and Natural Resources Canada Response to Public Comments**

Dear Ms. Dalton,

Natural Resources Canada (NRCan) participated in the review of the comprehensive study report (CSR) of the proposed Deep Panuke Offshore Gas Development as a federal authority with expertise and information relevant to the project pursuant to section 12(3) of the *Canadian Environmental Assessment Act*. NRCan confirms again that it does not have any decision-making role for this proposal.

We understand that Canada – Nova Scotia Offshore Petroleum Board (CNSOPB) have, on behalf of the Responsible Authorities, provided to the Canadian Environmental Assessment Agency, a response to comments received during the public review of the CSR. NRCan, as a federal expert department was requested by CNSOPB, as per 12(3) of CEAA, to review public comment #2 and provided expertise on As and Hg distribution. NRCan's review was therefore limited to that matter. As such, NRCan confirms that the CSR has adequately addressed the concerns related to public comment #2.

We look forward to receiving notification regarding the Minister of the Environment's decision statement in respect of this project. Also, Natural Resources Canada requests that we be provided with a copy of the proponent's final environmental protection plan once available, as well as any results that come about as a result of that plan. If you require further information, please contact Curtis Lockett, Senior Environmental Assessment Officer, at (613) 482-1444.

Sincerely,

Team Leader – Science Policy Integration
cc. Distribution List

Canada

Distribution List.

Eric Theriault, Canada – Nova Scotia Offshore Petroleum Board
Marcus Eyre, National Energy Board
Paul Schafer, Canadian Environmental Assessment Agency
Mark Mclean, Fisheries and Oceans Canada
Jayne Roma, Environment Canada
George Hastings, Industry Canada
Carl Ripley, Transport Canada
Tim Shanks, Natural Resources Canada



Industry Canada

1045 Main St., 4th Floor
Unit 103
Moncton, New Brunswick
E1C 1H1

Industrie Canada

1045, rue Main, 4^e étage
Unité 103
Moncton (Nouveau-Brunswick)
E1C 1H1

July 20th, 2007

Ms. Diana Dalton
Chief Executive Officer
Canada -Nova Scotia Offshore Petroleum Board
6th Floor TD Centre
1791 Barrington Street,
Halifax, Nova Scotia
B3J 3K9

Re: Deep Panuke Offshore Gas Development - Comprehensive Study Report

Dear Ms. Dalton:

This letter is provided in reference to public comments received for the above noted comprehensive study report during the 30 day public consultation period which ended on July, 10th 2007.

It is Industry Canada's opinion that the comprehensive study and the information provided in the Comprehensive Study Report have adequately addressed the issues identified during the public comment period. Industry Canada has considered the comments and has determined that the conclusion reached during the comprehensive study process, that the project is not likely to result in significant adverse environmental effects, remains valid. The public comments have not provided cause for Industry Canada to reconsider its conclusions in the CSR.

It is our understanding that you will, on behalf of all Responsible Authorities and Expert Federal Departments, transmit to the Canadian Environmental Assessment Agency the collective responses to the public comments.

We greatly appreciate your coordination efforts with respect to this environmental assessment. Please do not hesitate to contact Steve Mills, Regional Environmental Assessment Coordinator, at (506) 851-3323 for any further assistance with the environmental assessment process.

Sincerely

George Hastings
Atlantic Regional Director SITT

Canada

National Energy
Board



Office national
de l'énergie

File OF-Fac-Gas-E112-2006-02 02
20 July 2007

Mr. Paul Schafer
Project Analyst
Canadian Environmental Assessment Agency
Place Bell Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

Dear Mr. Schafer:

**Hearing Order: GH-2-2006
EnCana Deep Panuke Offshore Gas Development Comprehensive Study Report
Responsible Authorities' Response to Public Comments Received**

This letter is provided in reference to public comments received for the above-noted Comprehensive Study Report during the 30 day public consultation period which ended on 10 July 2007.

We understand that the Canada Nova Scotia Offshore Petroleum Board has forwarded the Responsible Authorities' response to the public comments received to the Canadian Environmental Assessment Agency. The National Energy Board is in agreement with this response, and can confirm that the concerns expressed have either been adequately addressed in the Comprehensive Study Report, or fall outside of the scope of the Comprehensive Study.

We look forward to receiving the Minister's recommendation on the appropriate course of action that should be taken with respect to this project. Should you require additional information, please contact Marcus Eyre at 403-292-4911.

Yours truly,

A handwritten signature in cursive script that reads "S Lapointe".

Sandy Lapointe
Business Leader, Applications

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

Telephone/Téléphone : 403-292-4800
Facsimile/Télocopieur : 403-292-5503
<http://www.neb-one.gc.ca>
Telephone/Téléphone : 1-800-899-1265
Facsimile/Télocopieur : 1-877-288-8803



Environmental Protection Operations Directorate
Environmental Stewardship Branch
16th Floor, Queen Square
45 Alderney Drive
Dartmouth, NS B2Y 2N6

July 20, 2007

File no. 2005-295

Ms. Diana Lee Dalton, Acting Chief Executive Officer
Canada-Nova Scotia Offshore Petroleum Board
1791 Barrington Street
Halifax, NS B3J 3K9

Dear Ms. Dalton:

Re: Deep Panuke Offshore Gas Development Comprehensive Study

Environment Canada has reviewed the comments received on the Deep Panuke Comprehensive Study Report during the 30-day public consultation period which concluded on July 10, 2007. Environment Canada is satisfied that the responses to the public comments, which have been offered by the Responsible Authorities, adequately reflect a consideration of the department's input as an expert federal authority.

If you have any questions or concerns, please do not hesitate to contact me.

Yours sincerely,

Eric Hundert
A/Director
Environmental Protection Operations Directorate
Atlantic

cc: J. Roma E. Theriault, CNSOPB
 B. Jeffrey D. McDonald, CEAA
 M.T. Grant M. McLean, DFO
 K. Moir C. Ripley, TC
 M. Grondin, NEB S. Mills, IC



Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
Submission #	Originator and Issue	RA Response
1	<p>EnCana Corporation</p> <p>1) Suggest revised wording in 2007 CSR regarding required mitigation for wetland disturbance (pg 167 and 194) as follows:</p> <ul style="list-style-type: none"> • If a wetland must be disturbed, ensuring that: <ul style="list-style-type: none"> ○ vehicle use in this area of wetland, required for pipeline placement, will be limited to <u>necessary machinery related to the project</u>; otherwise these vehicles will be kept out of wetlands; ○ <u>work room, access roads, and laydown areas</u> will be organized, where feasible, to minimize impacts from equipment movement and material storage. <p>2) Suggest revised wording in 2007 CSR regarding required mitigation measure for Betty's Cove Brook (pg 195) as follows:</p> <ul style="list-style-type: none"> • Establishing an appropriate buffer zone to minimize direct and indirect effects on Betty's Cove Brook wetland area if it <u>can</u> be avoided through final pipeline rerouting. This buffer zone shall be determined in consultation with EC. 	<p>The RAs will take the suggested revised wording into account during the development of the onland Environmental Protection Plan (EPP).</p>

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
Submission #	Originator and Issue	RA Response
2	<p>Guysborough County Regional Development Authority, Petroleum Office</p> <p>Comments focus on the potential impacts on inshore fisheries and aquaculture leases if horizontal directional drilling is not chosen to install the pipeline in the nearshore.</p> <p>1) As, Hg Contamination in the nearshore On page 108, Section 8.1.1. Biophysical Environment</p> <p>"Arsenic and mercury concentrations in surface sediments at the sampling point nearest EnCana's proposed nearshore pipeline corridor indicated arsenic levels between 4-10 ppm and mercury concentrations between 5-43 ppb (EnCana Corporation, 2006). Furthermore, sampling during the Deep Panuke 2001 nearshore pipeline route survey found no evidence of sediments contaminated from old mine tailings (Section 6.3.9.3 of the approved 2002 CSR). Therefore it is not expected that sediments contaminated by old mine tailings will be encountered during construction of the M&NP Option pipeline."</p> <p>A provincial environmental review of the Keltic/Maple LNG project was privy to the same data that EnCana, SOEP, and the GSC had in terms of As, Hg distribution in the nearshore area including Dung Cove. The UARB still recommended as a condition of environmental approval that a sediment sampling survey be conducted in all areas</p>	<p>NRCan's research in the vicinity of the proposed pipeline routes suggests that sediment trenching in this area is not likely to disturb unacceptably high levels of contaminants (As and Hg). Disposal of historical gold mine tailings has resulted in concentrations of As and Hg in marine sediments that exceed CCME environmental quality guidelines in the vicinity of Hurricane Island; however, concentrations drop off quickly in the area south of Dung Cove.</p> <p>The proposed pipeline route is in a relatively sandy area that is not a zone of high sedimentation, thus it is very unlikely that elevated concentrations of As and/or Hg are present in sediments</p>

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)			
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	<p>of the nearshore of Goldboro including Dung's Cove prior to any construction activity. It is unclear if the SOEP data used by EnCana were taken at depths sufficient to cover down to the depth that the pipeline will be buried. These contaminated sediments sit well below the surface.</p> <p>As per the recommendation of the UARB we would recommend that the report add an additional recommendation that EnCana conduct a pre-trench sediment sampling survey along their proposed inshore route of sufficient detail and depth to determine that indeed the pipeline route sediments are free of mercury and arsenic.</p>	<p>deeper than those sampled during the SOEP survey in 2001. The proponent's environmental protection plan (EPP) will identify additional contaminant survey(s) to be undertaken, if necessary, prior to the construction activities, both in the marine environment and along the land-based portion of the pipeline route. As such, NRCan believes that the Comprehensive Study Report has adequately addressed the public comments related to our department's mandate</p>	
	<p>2) Suspended Sediment, Page 157 "The sediment in the study area is composed of fine to coarse grain sand that settles quickly upon disturbance. Installation will result in localized increases of suspended particular matter (SPM)."</p> <p>EnCana has agreed to the use of sediment silt curtains where feasible to reduce the impact of suspended sediments in the water column. Our conversations with the local fishing industry and aquaculture lease holder have indicated that from their perspective the above quoted statement was certainly far from accurate during the SOEP pipelaying experience. Sediments drifted up</p>	<p>The issue of suspended sediment from nearshore pipeline construction was addressed in the 2002 Comprehensive Study Review and at that time EnCana committed to the use of silt curtains during pipeline construction. This commitment will be applied to the current proposed project as noted in Table B.1 "Relevant Commitments from 2002 CSR" in the 2007 CSR which includes the commitment, "Silt curtains will be employed during nearshore</p>	9.8

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
Submission #	Originator and Issue	RA Response
	<p>Isaacs Harbour and over to Fishermen's Harbour. The degree of impact will vary greatly depending on wind direction, strength, duration of wind and the pipeline pre-lay and installation method.</p> <p>We would like the CSR report and recommendations to specifically address the use of silt curtains to reduce the impact and dispersion of sediment during pipeline installation.</p> <p>3) Post Lay Survey of Benthos</p> <p>Should EnCana opt to use an anchor pipe laying vessel to install the export pipeline, we would like the report to specifically address that the post lay survey assess the impact of the anchors on those areas of the benthos where the anchors touched or dragged the bottom. There are 6-8 anchors on this type of vessel and in the course of pipeline installation it should touch down over one hundred times on the way in to shore.</p>	<p>dredging."</p> <p>The assessment of the impact of the anchor on the benthos during the post lay survey would be characterized as environmental effects monitoring. As stated on page 197 of the CSR, EnCana will be required to develop an EEM program following the intent of the CNSOPB EEM Framework. Through this framework an EEM review committee will be established, which will consist of the CNSOPB, DFO, EC and the CEA Agency, as well as additional advisors with project specific expertise as required. The EEM review committee will work with EnCana and determine the detailed requirements of the final EEM program requirements. At that time, the EEM review committee will decide whether there is a need that the post lay survey assess the impact of the</p> <p>11.1.2</p>
		Section in CSR

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)			
Submission #	Originator and Issue	RA Response	Section in CSR
3	<p>Greyhawk Ridge Minerals Inc.</p> <p>1) The revised List of Issues to be considered by the Joint Review Panel (an in particular the NEB Member) included: "8. The potential impact on landowners, mineral rights holders and communities affected by the selected route of the onshore portion of the proposed pipeline." [ref. Letter to All Parties from Debi Noye, Secretary to the Deep Panuke Coordinated Public Review Secretariat, dated 18 December 2006].</p> <p>2) Greyhawk Ridge Minerals Inc. ("Greyhawk") was then and continues to be a mineral rights holder whose mineral rights will be negatively impacted by the onshore portion of the EnCana's proposed pipeline.</p> <p>3) As an affected mineral rights holder, Greyhawk provided a Letter of Comment to the Deep Panuke Coordinated Public Review Secretariat, respecting the impact the onshore portion of EnCana's proposed pipeline would have on Greyhawk.</p>	<p>anchors on those areas of the benthos where the anchors touched or dragged the bottom.</p> <p>The CSR reference to Greyhawk and McAllister in section 6.1.1 clearly refers to written comments received on the scope of the CSR (Greyhawk, 10 October 2006; and McAllister, 9 October 2006). The CSR goes on to explain in the last paragraph of section 6.1.1, to what extent the scope was adjusted based on the comments received at that time.</p> <p>Subsequently, following a further consultation period with respect to the List of Issues for the Public Review, as per Secretariat letter of 18 December 2006, the List of Issues was modified to include Greyhawk's concerns.</p> <p>It should be noted that the concerns of mineral rights holders was included in issue # 8 in the List of Issues and is</p>	6.1.1

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
Submission #	Originator and Issue	RA Response
	<p>4) Additionally, Mr. Wayne Lockerby, P.Eng., President of Greyhawk, provided oral comment in this regard, on behalf of Greyhawk, at the Public Review Hearing of EnCana's Deep Panuke Offshore Gas Development Project Hearing GH-2-2006.</p> <p>5) We note from our review of the Joint Environmental Assessment Report for the proposed Deep Panuke Offshore Gas Development project, prepared by the Commissioner and the NEB Member, that, at page iv of same, "Greyhawk" is defined as being Greyhawk Minerals Inc.". We further note that paras. 5.4.3 and 5.4.4 of the Joint Environmental Assessment Report identify Greyhawk Ridge Minerals Inc. as being an Oral Statement Provider and a Letter of Comment Provided, respectively.</p> <p>6) We find no reference, whatsoever, in the Joint Environment Report, to mineral rights holders. Notwithstanding that the potential impact on mineral rights holders by the selected route of the onshore portion of EnCana's proposed pipeline is an issue which was to be considered by the Commissioner and NEB Member, there is nothing in the Joint Environment Report which would indicate that they considered this issue.</p> <p>7) The Deep Panuke Offshore Gas Development Comprehensive Study Report, October 2002, did not meaningfully, if at all, deal with the potential impact on mineral rights holders of the onshore portion of EnCana's proposed pipeline.</p>	<p>identified as an NEB issue. It should also be noted that this is distinct from joint NEB / CNSOPB issue # 2 that references the scope of the CSR:</p> <p>"The potential environmental and socio-economic effects of the proposed facilities including those described in the Scope of the Environmental Assessment for the Comprehensive Study under the <i>Canadian Environmental Assessment Act</i>."</p> <p>Consistent with Greyhawk and McAllister's comments on the CSR, the Joint Environmental Report (JER) at sections 5.4.3 and 5.4.4 acknowledges their participation in the hearing process and identifies their comments as being pertinent to NEB matters.</p> <p>In Part II of the JER, section 6.0 on the NEB's Methodology notes that:</p> <p>"The purpose of Part II of the JER is to provide an EA for that portion of the proposed Project that is within NEB jurisdiction, based on the evidence on the public record for the Deep Panuke hearing process,</p>
		Section in CSR

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)			
Submission #	Originator and Issue	RA Response	Section in CSR
	<p>8) At para. 6.1.1, while the Comprehensive Study Report acknowledges that written comments were received from Greyhawk Ridge Minerals Inc. the Report does not identify Greyhawk as being a mineral rights holder. Further, we find no reference, whatsoever, in the Comprehensive Study Report to mineral rights holders. Notwithstanding that the potential impact on mineral rights holders by the selected route of the onshore portion of EnCana's proposed pipeline is an issue which the Commissioner and the NEB Member were required to consider, there is nothing in the Comprehensive Study Report which would indicate that this issue was considered by them.</p> <p>9) At page 313, para. 8.2.1 – Land Use, of the Comprehensive Study Report, it is stated that the zoning of the subject lands within the Industrial Park is "Industrial Resource Zone (M-3)." Minerals are an industrial resource. The Municipality of the District of Guysborough has advised that mining can be carried out on M-3 Zoned lands. In fact, mining is a matter of Provincial, not Municipal, government jurisdiction, and the granting of access to lands for mineral exploration is, under sect. 100 of the Mineral Resources Act, determined by the Minister of Natural Resources, not the landowner.</p> <p>10) It is stated at page 133, para. 8.2.1 – Land Use; of the Comprehensive Study Report: "No other formal or informal uses of the land have been identified to exist within the Goldboro Industrial Park or along the RoW for EnCana's</p>	<p>including public comments. The NEB Member has reviewed all the evidence on the record and has given due consideration to all public comments raised throughout this proceeding. The comments and concerns that relate to the potential environmental and socio-economic effects of the proposed Project have been considered in the preparation of this JER.</p> <p>In addition, the NEB Member received comments on a number of other matters. Those comments that relate to matters that may be more appropriately considered under the NEB Act will be addressed in the final NEB Member's Report and Recommendations and will cover all relevant matters (i.e., supply, markets, engineering, etc.) for that portion of the proposed Project that is within NEB jurisdiction."</p> <p>Included among other matters that are more appropriately addressed in the</p>	

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
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	<p>proposed pipeline." This is a most inaccurate and incorrect statement. Substantial and substantive evidence was presented to the Review Panel which clearly indicates that Greyhawk and Mr. Kevin McAllister have long held the mineral rights to the subject lands, have carried out mineral exploration no the subject lands, desire to continue to carry out mineral exploration on the lands in the future, and, if warranted bring a mine(s) into production on those lands.</p> <p>11) It is stated at page 89, para. 10.0 – Public Comments; of the Comprehensive Study Report: "In the socio-economic context, public concerns centred on interference of the pipeline with fishing activity. Other industrial land users in the Project's onshore area raised concerns about potential adverse affect on their interests. See Appendices C & D for details.</p> <p>Notwithstanding that mineral exploration is a socio-economic industrial activity and long standing use of the subject lands, no mention is found in Appendices C & D of mineral rights holders and the concerns they raised at the Public Review.</p> <p>12) In accordance with the revised List of Issues, the Commission and NEB Member were required to consider and to report upon fourteen (14) Issues, one of those Issues being "The potential impact on landowners, mineral rights holders and communities affected by the selected route of the onshore portion of the proposed</p>	<p>NEB Member's Report and Recommendations is the issue of potential impacts on mineral rights holders</p> <p>Consequently, the concern of Greyhawk and McAllister is not included within the CSR, nor the JER, and will be addressed in the NEB Member's final and full report to the NEB.</p>
		Section in CSR

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
Submission #	Originator and Issue	RA Response
	<p>pipeline.”</p> <p>While the Comprehensive Study Report exceeds 241 pages in length, it fails to even acknowledge that the potential impact on mineral rights holders of the onshore portion of the EnCana’s proposed pipeline was one of the issues the Commissioner and/or the NEB Member were required to consider, let alone does it address this important issue. This, notwithstanding that in previous pipeline related Hearings, the NEB determined that the interests of mineral rights holders in Nova Scotia area activities which must be considered in relation to the activities of pipeline companies [ref. NEB Reasons for Decision MH-3-98 and MH-4-98].</p> <p>This is clearly not acceptable to Greyhawk, and in our view, it should not be acceptable to the Canadian Environmental Review Agency.</p> <p>The failure of the Comprehensive Study Report to address the issue of the potential impact on mineral rights holders of the onshore portion of the EnCana’s proposed pipeline may well indicate that the Commissioner and the NEB Member failed to properly consider and/or to report upon other issues they were required to consider, and that the Comprehensive Study Report is deeply flawed. There is an appearance that EnCana’s application is being “fast tracked” to meet a time line, and that due and thorough consideration of the many important issues involved has not been given.</p>	Section in CSR

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
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		Section in CSR
	<p>In any event, Greyhawk respectfully asks that the Comprehensive Study Report not to be accepted in its present form by the Canadian Environmental Review Agency, and that the commissioner and NEB Member be required to amend their Report such that the Issue of the potential impact on mineral rights holders of the onshore portion of the EnCana's proposed pipeline is openly and fully dealt with in the amended Comprehensive Study Report.</p>	
4	<p>Seafood Producers Association of Nova Scotia</p> <p>Group represents the views of: Atlantic Herring Cooperative Ltd., Groundfish Enterprise Allocation Council, Midshore Independent Groundfish Vessel Owners, Nova Scotia Swordmen's Association, Scotia-Fundy Mobile Gear Fishermen's Association, and, South West Seiners Ltd.</p> <p>We are looking for confirmation through the CSR mitigation requirements that EnCana will be required to live up to its commitments.</p> <p>We were bolstered by the Joint Environment Report prepared in part by the CNSOPB Commissioner, Linda Garber, which included:</p>	<p>Economic losses would be from accidents and malfunctions, which have been discussed in the CSR and it was found that significant adverse effects from potential accidents or malfunctions are unlikely.</p> <p>Recommendation # 5 of the Joint Environmental Report recommended that EnCana compensation commitments be made a condition of the approval of the proposed project. It should be noted that "conditions of approval" are applied to Development Plans and activity authorizations by the</p> <p>Appendix D</p>

Deep Panuke Offshore Gas Development Comprehensive Study Report RA Response to Public Comments on CSR (June 11-July 10, 2007)		
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	<p>#5 The Commissioner recommends that EnCana compensation commitments be made a condition of the approval of the proposed project.</p> <p>The compensation commitments to which the Commissioner referred were initially introduced by SPANS in our written evidence during the review process. We tabled a proposed "Principles of Agreement between Offshore commercial Fisheries Interests and EnCana" with the full support of the fisheries groups listed here. [Table is provided as a separate document]. At the public hearing EnCana's representative specifically accepted six of the seven elements of the Principles of Agreement. This was highlighted by the CNSOPB Commissioner in three paragraphs on page 68 of the Joint Environment Report:</p> <p>"EnCana modified some of its commitments from the 2002 CSR including the decision not to develop a compensation program in consultation with fishing interests but instead to adopt the CNSOPB <i>Compensation Guidelines Respecting Damages Related to Offshore Petroleum Activity</i>.</p> <p>SPANS objected to this change and requested that an agreement between the offshore fisheries industry and EnCana be a condition attached to the CNSOPB's approval of the Development Plan. SPANS outlined Seven Principles which would form the basis of the agreement.</p> <p>During cross examination of the EnCana witness panel by SPANS, David Kopperson, EnCana VP Atlantic Canada,</p>	<p>CNSOPB; and also, many of EnCana's commitments related to compensation are outside of environmental assessment. Also the project is not likely to result in any significant impacts on fishing resources and therefore is unlikely to cause any economic impacts as a result of changes to fish abundance or distribution.</p> <p>In Appendix D of the CSR, the RA's provided the following response to the commissioner's conclusions and recommendation:</p> <p>"The RAs agree that EnCana adhere to the CNSOPB's Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity and encourage EnCana to continue discussions with the fishing industries on issues outside the CNSOPB Guidelines."</p> <p>During the CNSOPB's review of EnCana's Development Plan, the CNSOPB considered this recommendation. The CNSOPB's decision on this recommendation will be addressed in the CNSOPB's Decision</p>

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	<p>agreed to all of the Principles with the exception of Principle #3, the Fisheries Observer Program."</p> <p>Together the six of seven Principles of Agreement that were accepted by EnCana are the compensation commitments recommended by Ms. Garber for inclusion in the CSR.</p> <p>We note, moreover, that Mr. Kopperson specifically agreed that EnCana would include compensation and indemnification of the fishery for "damage to the resources" in its commitments. Here is the excerpt from page 67 of the Joint Environment Report referencing this commitment:</p> <p>"SPANS also expressed concern that EnCana was not prepared to compensate the fishery for actual lost to the "resource upon which we depend."</p> <p>EnCana stated it would agree to such "compensation [and] indemnification ...but...would like to see this as a condition of approval." It would be prepared to compensate the fishery from "operational impacts beyond the 500 metre radius safety zone even if such loss is the result of activities permitted under the law or by regulations."</p> <p>We were expecting these recommendations from the Joint Environment Report would be brought forward into the CSR by the Responsible Authorities (RAs). The RAs failed to follow the recommendations. The mitigation</p>	<p>Report.</p> <p>Please see RA response above. The RAs considered the Commissioner's recommendation from the Joint Environmental Report and determined</p>
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	<p>requirements related to the fishery outlined in section 10.0 Socioeconomic Effects of the Project retain but do not go beyond the 2002 CSR mitigation requirements, which themselves are outlined in Appendix B. Here is the RAs conclusion:</p> <p>"The RAs have determined that, taking into account the mitigation measures identified in the 2002 CSR, the Project is not likely to cause significant adverse environmental effects on other land and ocean economic uses." (p. 190).</p> <p>These mitigation requirements, upon which the conclusion of no significant adverse environmental effects on us being likely is dependent, do not reflect the current commitments by EnCana and do not reflect the advice of the Joint Environment Report. The 2002 CSR was a document written by EnCana and accepted by the RAs. In 2007, the word of EnCana in the oral hearings serves as EnCana's input, which was accepted by the CNSOPB Commissioner in the Joint Environment Report, and so must be reflected in the CSR. EnCana's current commitments must become the CSR mitigation requirements.</p> <p>The only reference by the RAs to the Joint Environment Report's discussion of the full range of EnCana's commitments comes in Appendix D of the CSR where they "encourage EnCana to continue discussions with the fishing representatives on issues outside the CNSOPB Guidelines." This is insufficient and there is no</p>	<p>that some of EnCana's commitments were outside the scope of EA. Consideration of the Commissioner's recommendation (as a condition of approval) is more appropriate during the CNSOPB's review and decision on EnCana's Development Plan.</p> <p>Not all EnCana's commitments relate to mitigating environmental effects. The mitigation in the CSR are specific to mitigation of potential environmental effects.</p>
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	<p>explanation why the RAs ignored the recommendations.</p> <p>The six Principles accepted by EnCana and the agreement to compensate and indemnify the fishery for damage to the resource go significantly further in a number of areas than the CNSOPB Compensation Guidelines. Rather than encouraging discussions, the RAs should have recognized the extent of the commitments EnCana made and the JER endorsed. This failure requires address in the CSR. EnCana's commitments must be the subject of a specific mitigation requirement in section 10.0 of the CSR in order to match the Joint Environment Report recommendation and in order to ensure EnCana in fact lives up to commitments made in 2007, not 2002. Really, what is the public environmental review process all about if serious commitments made by the proponent during the process are not included in the final document and in Ministerial decisions. The Minister should not approve the CSR until these changes have been made.</p> <p>Those without detailed knowledge of the history of the relationship between the fishery and oil and gas projects off Nova Scotia may not have a clear understanding why a specific mitigation requirement for each of the accepted Principles and each commitment is needed. It is untenable to rely upon EnCana's public stated commitments alone. Here is why:</p>	<p>Section in CSR</p>
	<p>i. During the oral hearing component of the public</p>	

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	<p>review, EnCana representative, Mr. Kopperson, made the commitment that EnCana accepted six of the seven Principles. This included number six which specifically relates to a direct fisheries-EnCana liaison committee to further develop the relationship and elaborate the Principles. Later in the oral hearings, another EnCana representative, Mr. Grant, rejected the concept of a liaison committee in favour of another approach. While this may be a misinterpretation rather than back-peddling, we nevertheless view this as a cause for concern regarding how committed EnCana is to its commitments.</p> <p>ii. A written agreement between another oil and gas project on the Nova Scotia offshore was unilaterally altered by the oil and gas company in contravention of the agreement which stated changes would be mutually agreed.</p> <p>iii. In a similar vein as (b), the predecessor company to EnCana operating the Cohasset-Panuke project also unilaterally terminated one component of an agreed program of cooperation it had with fishery representatives at the time.</p> <p>With respect to the Proposed Principle of Cooperation EnCana has not accepted, that being the Fisheries Observer Program, we are displeased the Joint Environment Report and the Comprehensive Study Report</p>	<p>The RAs are of the opinion that a full time fisheries observer does not add any additional mitigation of environmental effects. There has been</p>	

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	<p>both ignore the request by the fisheries interests listed above to require a full-time program. We fundamentally disagree with EnCana's view and firmly hold that the Fisheries Observer Program is an essential element to a "mutually constructive relationship" between the fishery and EnCana, as espoused by EnCana. The oral hearing transcript details our perspectives as well as EnCana's objections. We ask that you review the record and our request with a view to incorporate a requirement for a full-time Fisheries Observer Program in the mandatory mitigation conditions of the Deep Panuke Project.</p> <p>We cannot stress enough how the fishery, as the traditional user of the marine resources in the subject area, faces the largest potential direct impact from oil and gas operations in the area. In allowing oil and gas exploration in selected offshore marine areas such as the Sable Island area, government must require, not merely encourage, oil and gas operators work closely with fishery representatives on the basis that the fisheries interests propose. Merely encouraging a "mutually constructive relationship" is insufficient because impacts on the fishery could become more significant if the relationship breaks down. We do not seek a right of refusal over Deep Panuke, of which we have been accused. We seek a solid working relationship based on all seven of the Principles we proposed in order to fully protect the interests of the fishery. We will not oppose the Deep Panuke project providing there is a "mutually constructive relationship" that includes the Fisheries Observer Program and all other</p>	<p>no demonstrable value in having fisheries observers onboard an operating platform that is stationary to the ocean floor. However, for specific construction activities, the CNSOPB will require a Fisheries Observer on site.</p> <p>The CNSOPB has a comprehensive compliance monitoring program for all offshore activities, and conducts offshore inspections and audits as necessary.</p>
		Section in CSR

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	accepted commitments related to the fishery.	
5	<p>Canada Parks and Wilderness Society, Nova Scotia Chapter</p> <p>1) On p. 12 of the 2007 Comprehensive Study Report (the CSR), it is noted for the SOEP option that "the pipeline(s) will traverse a region of Sable Island Bank noted for its heterogeneous surficial geological characteristics". A recently presented research project carried out by researchers at the Bedford Institute of Oceanography and the Northwest Atlantic Fisheries Centre on the spatial utilization of benthic habitats by demersal fish on the Scotian Shelf suggests that areas where higher numbers of demersal fish are found tend to be areas with more complex surficial characteristics at both large and small spatial scales. Hence, if the area to be traversed by the pipeline in the SEOP option has heterogeneous surficial geological characteristics, then this may be an area of particularly good demersal fish habitat. CPAWS-NS recommends that EnCana be required to examine pipeline routing options for the SOEP option that would avoid such good habitat areas where possible in favour of less complex benthic environments, in order to minimize impacts on marine fishes and benthic environments.</p>	<p>Although some areas of heterogeneity exist on Sable Bank, as noted in recent DFO surveys on the Scotia Shelf, the benthic environment on Sable Bank primarily consists of sand which is subject to sediment movement during storm events.</p> <p>If the pipeline was to transverse one of those areas of heterogeneous benthic habitat, the pipeline would likely be buried as that area of Sable Bank is less than 85 meters deep (<i>it is anticipated that the pipeline will be buried in the zones where the water depth is less than 85 m for on-bottom stability reasons – EnCana's 2006 Development Plan.</i>) Therefore, any impacts to benthic habitat would be minor and short term (i.e., during construction).</p>

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		<p>In addition, EnCana has committed to (in response to Information Request DFO-ECA-9) "a pre-construction route survey will be conducted to confirm the assumptions (i.e., no corals or other sensitive habitats) along the unsurveyed sections of the export pipeline and flowline routes. As noted in the 2007 CSR, in the unlikely case of corals or sensitive habitats being found along the proposed route(s), avoidance or other mitigative measures will be developed to minimize environmental effects.</p> <p>Please refer to above response.</p>
	<p>2) In addition, on p.110 of the CSR it is stated that "Sable Island Bank is known to be an area of relatively homogeneous, sandy benthic habitat." However, the above-mentioned BIO and NAFC study, which included sidescan sonar of select locations on Sable Island Bank, found that some locations that were previously thought to be predominantly sandy were actually more complex, containing areas of gravel, boulders, etc. These features were apparent in the sidescan surveys, though they had not been apparent in multibeam surveys of the same locations. The presence of more complex benthic features in some areas of Sable Island Bank, rather than the predicted homogenous sandy habitat, could alter some of the expected effects and results of construction, operation,</p>	

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	<p>and decommissioning of the Project. The commitment to conduct a pre-construction route survey for the SOEP pipeline will be necessary and important to determine just what types of seafloor and habitat exist in the previously unsurveyed area for the proposed pipeline route. This survey must be rigorously conducted, as it is now known that some areas of Sable Island Bank are more complex than previously thought. Furthermore, any areas that could constitute important habitat for marine life on Sable Island Bank (e.g. areas of higher than average benthic complexity) should be identified and avoided to the greatest extent possible.</p> <p>3) On p.224 of the CSR, it is stated that a herpetile survey will be conducted prior to the commencement of onshore construction to determine if four-toed salamanders are present in the areas identified as having high potential for breeding habitat. In addition to examining the presence of four-toed salamanders in the area, it should also be considered whether four-toed salamanders might have made use of this habitat in the past, and the possibility that this species could make use of the area in the future. If there may be potential for the area to play a role in species stabilization/recovery, then this should be taken into account as well. A continued monitoring program for the presence of this species may be worthwhile.</p> <p>4) In the 2002 CSR, EnCana committed to conducting terrestrial surveys to evaluate the status of any plant</p>	<p>Since 2002, EnCana has committed to conducting terrestrial field surveys during final pipeline design/routing to confirm their species list and associated effects predictions. EnCana will also consult with regulatory authorities on the methodology to be used for these surveys. In addition, should any species at risk or species of conservation concern be encountered during those surveys, the 2007 CSR requires EnCana to contact the regulatory authorities to discuss the need for mitigation and monitoring.</p> <p>Please see the RAs' previous response.</p>
		9.11 and 11.1.1

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	<p>species at risk existing in the area of the onshore RoW, and also that rare plant locations would be flagged. Monitoring of any rare/at risk plants adjacent to the RoW, access locations, and other areas should also be carried out to ensure that the plants are not being impacted by EnCana's activities and to determine whether further mitigation measures may be necessary.</p> <p>5) On p.27 of the CSR, it is stated that "WBM that is no longer required will be disposed of overboard, along with WBM cuttings in accordance with the Offshore Waste Treatment Guidelines." While it is recognized and encouraged that EnCana will reuse drilling muds to the extent possible to minimize the volumes of waste produced, it would be preferable if EnCana would not dispose of muds and cuttings directly into the marine environment. Instead, CPAWS-NS would encourage EnCana to seek methods of disposal with decreased environmental impact such as retaining used drilling muds and cuttings for treatment, re-injection, or safe disposal onshore.</p>	<p>Treatment of all waste, including drilling fluids (muds) and cuttings will be required to adhere to the Offshore Waste Treatment Guidelines (OWTG) as stated in the CSR. Based on current knowledge and experience, waste discharged at the concentrations specified in the OWTG and in the specified manner is not anticipated to cause significant adverse environmental effects in the Deep Panuke areas.</p> <p>These guidelines are reviewed by a multi-stakeholder group every 5 years to ensure that the best available technology that is economically feasible is used to minimize wastes discharged and environmental effects. The Guidelines are slated for review commencing this year. EnCana will be required to adhere to the latest published version of the guidelines</p>	<p>11.1.1 11.1.2</p>

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	<p>6) On p.30 of the CSR, a two-part study is described for assessing the impacts of chemicals to be released into the marine environment through the hydrostatic testing process. Similarly, there is a requirement noted on p.36 of the CSR for EnCana to have platform-based laboratory facilities for the testing of produced water discharges. Such testing and monitoring is important, and CPAWS-NS is in favour of such studies being rigorously carried out and the results applied to the greatest extent possible toward the goal of improving the environmental performance of EnCana's operations. We would also encourage that the results of this and similar studies be made available to the public for their review. Such information should be included as part of the Deep Panuke environmental effects monitoring program.</p> <p>7) CPAWS-NS also supports the commitment by EnCana to review and apply research by ESRF on the oiling of birds, and for working with COOGER to investigate the fate and effects of produced water. We encourage EnCana to continue making sincere efforts to better understand, and to find ways to decrease, the environmental impacts associated with this and other projects.</p>	<p>throughout the life of the project.</p> <p>The RAs are in agreement with this comment. Under the CEAA the results of follow-up programs (including environmental effects programs) are publicly available.</p> <p>The RAs are in agreement with this comment. In the mitigation (s.11.1.1) and follow-up (11.1.2) section of the CSR, it states: “reviewing the results of the ESRF study on the effects of on oiling of birds and incorporating any associated changes into the EPP as necessary”; and “co-operation with COOGER on investigating the fate and effects of produced water”.</p>	

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	<p>8) CPAWS-NS applauds the commitment of EnCana to make its environmental effects monitoring program results publicly available, to supporting the archiving of environmental monitoring data in a regional database, and to supporting the creation of a regional EEM mechanism, which includes regulators, industry and other stakeholders.</p> <p>9) On p. 154 of the CSR, The RAs recommend that EnCana consider options for reducing greenhouse gas emissions from substantial sources such as the Project's flare and combustion systems, as per the waste minimization provisions of the OWTG. They also recommend the use of best available technologies and best management practices to reduce emissions, such as those described in the <i>Compendium of Methane and CO2 Emission Reduction Measures for the Natural Gas Industry</i>. CPAWS-NS echoes these recommendations, and encourages EnCana to take every step possible to work toward reductions in GHGs and all other emissions from this and other projects. Moreover, CPAWS-NS would welcome a stronger role taken by the RAs in requiring, rather than simply recommending, minimization measures for various Project emissions.</p>	<p>Agree. The results of follow-up programs (including EEM) are required to be publicly available under the CEAA.</p> <p>The Notice of Intent and Federal Regulatory Framework for Industrial Air Emissions will mandate reductions in greenhouse gases and air pollutants from a number of industrial sectors including upstream oil and gas. Although details continue to unfold, it is anticipated that the Framework will result in "requirements" for emissions management.</p>	

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	<p>10) On p. 158 of the CSR, the RAs require ramp-up when commencing pile driving to minimize the potential impacts on marine mammals. If it is not already required, CPAWS-NS would also recommend that trained observers be employed to monitor the presence of marine mammals in the area surrounding pile driving activities, and that pile driving is only commenced if there is no evidence of the presence of marine mammals in the area.</p>	<p>Trained observers will be onsite to monitor the presence of marine mammals in the area surrounding pile driving activities. Specific to pile driving activities, ramp-up will be required by the CNSOPB as a condition of associated activity authorization and pile driving will not commence if a marine mammal or turtle species at risk is within 500 m of the pile driving activity zone.</p>	9.9 and 11.1.1
	<p>11) CPAWS-NS is concerned that the Project may impact wetlands in the onshore portion of the Project area, including alteration and disturbance of wetland function, and disturbance of wildlife that use the wetland, as stated on p.163 of the CSR. This runs counter to the spirit of both the Federal Policy on Wetland Conservation and the provincial Environmental Goals and Sustainable Prosperity Act, both of which aim to prevent the net loss of wetland area and function. We recognize that EnCana will make efforts to avoid wetland areas when determining the routing for its onshore pipeline, and that a wetland evaluation would be carried out and compensation and monitoring programs developed in the case that the wetland is affected. Nonetheless, CPAWS-NS would strongly suggest that both the area and function of any existing wetlands in the Project area be conserved and that measures are taken to ensure that both the wetland and all wildlife inhabiting the wetland areas are protected</p>	<p>The RAs encourage the consideration of the Federal Policy on Wetland Conservation (FPWC) in the planning and design of the Project as best practice, including striving to meet the goal of No Net Loss of wetland function. The FPWC advocates a three step hierarchal approach to mitigation of wetland impacts, including avoidance, minimization, and as a last resort, compensation. The 2007 CSR reflects a hierarchical approach to wetland mitigation that is consistent with the FPWC. Application of the hierarchical approach in this case has resulted in identification of specific avoidance, minimization and compensation measures that will be implemented if</p>	

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	<p>from Project impacts.</p> <p>12) Should EnCana proceed with the M&NP option, CPAWS-NS would highly recommend that monitoring of terns species and their foraging activity in the area of Country Island and the proposed pipeline landfall area be carried out as described on p.178 of the CSR.</p> <p>13) On p.185 of the CSR, it is stated that cumulative effects as a result of interactions of the Deep Panuke Project with both the Maritimes and Northeast Pipeline and with the Kelitic Petrochemical Plant and Maple LNG Facility include loss of terrestrial habitat. It should be noted that continued incremental loss of terrestrial habitat through developments such as these must be balanced through the creation of an effective system of terrestrial protected areas if significant impacts are to be avoided. Likewise, impacts on marine species and habitats from offshore development and industrial activity must be mitigated through the creation of an effective network of marine protected areas, and other spatial management methods. CPAWS-NS encourages co-operation and active support for the creation of protected areas networks, both on land and at sea.</p>	<p>EnCana selects the M&NP Option</p> <p>The RAs agree with this recommendation.</p> <p>Compensation for habitat loss will be applied or encouraged as best practice in accordance with applicable federal and provincial policies such as the Policy for the Management of Fish Habitat and the Federal Policy on Wetland Conservation.</p> <p>As a means of acknowledging and mitigating potential cumulative impacts on foraging terns, the 2007 CSR requires EnCana to coordinate monitoring efforts with the proposed Kelitic/Maple project, if that project proceeds and if project timing overlaps with the installation of the M&NP Option.</p> <p>The CSR also includes a description of the federal activities related to Marine Conservation and Planning in Section 8.2.4 Other Ocean Users.</p>
		<p>Section in CSR</p> <p>9.11, 9.12 and 11.1.2</p> <p>9.11, 9.12 and 11.1.2</p> <p>8.2.4</p>

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	<p>14) Finally, it is the opinion of CPAWS-NS that, if it is determined that the SOEP subsea pipe-line option would not traverse any sensitive areas of seabed (i.e. areas where corals are present, or any other areas where vulnerable or important species or habitats are found), then the SOEP subsea single pipeline option would be the preferred option, should the Project proceed. This option appears to offer the possibility for the least impact on benthic habitat and communities, marine water quality, marine wildlife (including fish, mammals, turtles and birds), and tern colonies on Country Island and environs. This makes this option preferable to either the M&NP option or the SOEP twinned pipeline option. The M&NP option would appear to be the least desirable option for this Project due to its larger footprint and proportionately greater impacts, and the additional onshore and nearshore impacts this option would create.</p>	<p>The Proponent has committed to conducting a pre-construction survey of the pipeline route. In part, this survey will be to confirm the prediction that no rare deep sea coral colonies, sensitive habitats or munitions, exist along the unsurveyed sections of the export pipeline and flowline routes. The Board will require that the results of this survey be submitted as part of an application for authorization to install the subject pipeline and flowlines. If rare deep sea coral colonies or sensitive habitats are found, the Board's Chief Conservation Officer will ensure that the modified EPP reflects this new information.</p> <p>Both pipeline options have been considered in the CSR. CSR demonstrated that neither the SOEP Subsea nor M&NP Option is likely to cause significant adverse environmental effects.</p>	

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6	<p>Kevin McAllister</p> <p>Concern regarding lack of information EnCana has supplied in its Report dealing with Mineral Exploration Licenses. Their offshore and onshore pipeline route will extinguish my rights and interests leaving my license which I have held for over thirteen years worthless in the proposed Pipeline Corridor. The offshore area of my license where very promising alluvial gold deposits are known to exist are in the Isaac Harbour gold district where gold mining has been carried on profitably since 1862.</p> <p>EnCana being in the exploration business I believe is fully aware of the disastrous effect its project will have on my gold claims but has chosen to ignore key stakeholders in the community by not stating in clear terms what mitigation and commitments they would make regarding Mineral License holders that are negatively affected by their pipeline and infrastructure.</p> <p>In their Comprehensive Study Report, EnCana references Ocean Users completely ignoring the offshore portion of my Exploration License. In 2003, I was named as Intervenor for their original project but EnCana called a time-out before any of my concerns had been addressed leaving the issues unresolved.</p> <p>I was also shocked after reading the report that in Section</p>	<p>Please refer above to RA Response to Greyhawk Ridge Minerals Inc.</p>

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	<p>(6.1.1) page 99 that EnCana acknowledges written comments that were made by Greyhawk Ridge Minerals and myself Mr. Kevin McAllister, stating that Public Concerns raised during the Public process are summarized in Appendices C and D. After reviewing the appendices, the report makes no references to our public comments and once again ignores the issues stated by Key Stakeholders in their project.</p> <p>The report also references Section 8.1.3 Geology and Soils, stating (The GSC further indicates that bedrock and surficial materials in the Goldboro area contain naturally elevated levels of arsenic associated with the abundant arsenopyrite in the mineralize rocks throughout the Goldboro gold district. Bedrock and surficial materials exposed during blasting and excavation may therefore contain high levels of reactive arsenopyrite bearing rock and must be disposed of in a manner that does not lead to accelerated leaching and release of arsenic.)</p> <p>What the previous paragraph by EnCana fails to mention is that the arsenopyrite bearing rock which they intend to dispose of is what carries the bulk of the gold and is strictly protected under the National Energy Board Act. Section 80 of the Act reads, (A company is not, unless they have been expressly purchased entitled to mines, ores, metals, coal, slate, oil, gas or other minerals in or under lands purchased by it or taken by it under compulsory powers given to it by this Act, except only the parts thereof that are necessary to be dug, carried away or used in the</p>	

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	<p>construction of the works and except as provided in this section, all such mines and minerals shall be deemed to be excepted from the conveyance of the lands, unless they have been expressly included therein and conveyed thereby.</p> <p>EnCana if allowed, will be breaking numerous Act and Regulations regarding Mineral Exploration Licenses which were put in place to protect Exploration License Holders including themselves and therefore should not be granted any necessary approvals until they have complied with all provincial and federal regulations regarding mineral rights.</p>		