

Netukulimkewe'l Commission

The Natural Life Management Authority for the Large Community of Mi'kmaq / Aboriginal Peoples who continue to reside on Traditional Mi'kmaq Territory in Nova Scotia undisturbed to Indian Act Reserves.

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June 21, 2004

Mr. C. Andrew Parker,
Manager Health, Safety & Environment
Chief Safety Officer
Canada - Nova Scotia Offshore Petroleum Board
6th Floor, TD Centre
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- Netukulimkewe'l Commission
- Mi'kmaq Harvest Management Office
- Netukulimk Prefects
- Aboriginal Fisheries Public Relations Facilitator
- Regional Netukulimk Advisory Councils
- Protocol Secretariat
- Mi'kma'ki Environments Resources Developments Secretariate (MERDS)

**RE: CEAA Screening Environmental Assessment
Cohasset Project Phase II Decommissioning Program
Amendments to Cohasset Project Development Plan**

Dear Mr. Parker:

Thank you for making available the above noted document, filed by EnCana with the CNSOPB as the Proponent's Screening Environmental Assessment for the Cohasset Project Phase II Decommissioning Program.

After preliminary review of the Screening Environmental Assessment, and Encana's Amendment to the Development Plan submitted to the CNSOPB, it appears to us that a fundamental concern and issue remains.

This is the first decommissioning abandonment of an Offshore oil and gas installation, and subsea flowlines in Atlantic Canada.

The opinion as to "consistency with international decommissioning practices as well as decommissioning and abandonment plans for Offshore developments in the Atlantic Region" is open for review.

The Canada-Nova Scotia Offshore Petroleum Board as a joint Canada-Nova Scotia Offshore oil and gas Resources Developments Management Board, and a Canadian Environmental Assessment Agency Regulatory Authority is by the Amendment application requested to make a fundamental, and precedent setting decision.

From the Office of:

The reference to another Offshore Development in the Report fails to reference an important fact. That Project due to its anticipated 25 year life span during its Application Approval had not prepared a detailed Decommissioning and Abandonment Plan. A Joint Panel agreed that at the time of the application it was not considered necessary to have a detailed Decommissioning and Abandonment Plan of the Offshore facilities given that "Industry Technology and Regulatory Requirements" are likely to change. Similarly, the CNSOPB Decision Report on that Project clearly qualified its decision by the first sentence:

"The Development Plan indicates that all Project facilities will be decommissioned and abandoned in accordance with regulatory requirements applicable at the time of such activities".

The Screening Report does present both options. The question of cost is not clear for both options. Does the Proponent have in place the adequate funds for both options? Unlike more recent approved Projects was there a "Decommissioning Abandonment Fund" established with the Cohasset-Panuk Project?

Do we have any information on the depth of sand cover over 85% of the Cohasset inter-field flowlines, power cable and PLEM? What is the depth of sand cover over approximately 50% of the Panuk export flowlines?

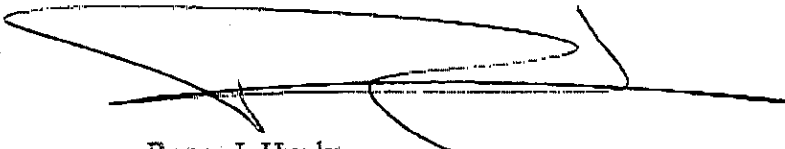
Is the additional 3,200 tonnes of subsea equipment added to the partial removal option of 4,700 tonnes predominantly the weight of the 512 seabed stabilization mattresses? If so, then the total weight of the flowlines and power cable is fairly minimal.

To what time and level of legally binding long-term liability and compensation is Encana or its legal successors prepared to commit to the CNSOPB Management Board, Nova Scotia, Canada and Share Users of the ocean environment?

Finally does the CNSOPB have the authority or mandate to derogate or abrogate from the spirit, intent, and articles of an international convention ratified by Canada?

The CNSOPB by this Amending Application is requested to set a precedent for the deliberate disposal in the marine environment of "Offshore installations and Offshore Pipelines". Are we considering the future and our living environment?

Progress through consultation, accommodation and participatory involvement and partnerships



Roger J. Hunka
MERDS, Advisor/Facilitator

c.c. Chief and President Grace Conrad
James G. Spurr, EnCana