

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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September 2, 2004

Mr. Eric Theriault, P.Eng.
Advisor, Environmental Affairs
Canada - Nova Scotia Offshore Petroleum Board
1791 Barrington Street, 6th Floor
Halifax, Nova Scotia
B3J 3K9

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**RE: BEPCo. Canada Company - Environmental Assessment Report
Exploratory Drilling on EL 2407**

Dear Mr. Theriault:

The Native Council of Nova Scotia, is an Aboriginal Peoples Representative Organization, organized in 1974 by the large community of Mi'kmaq/Aboriginal Peoples to be a "voice to the councils of Government", and to work "to go forward to a better future".

The Mi'kma'ki Environments Resources Developments Secretariat (MERDS) established under the NCNS Netukulimkewe'l Commission, the natural life management authority for the community, has reviewed the EA. Without limiting our right to make further comments and presentations on the Proposed Project throughout the regulatory review process, and any other interventions as may be required, we provide the following comments on the above noted EA in response to the "Review notice of August 11, 2004", issued by the Canada Nova Scotia Offshore Petroleum Board..

We request the Canada Nova Scotia Offshore Petroleum Board to:

- review our comments;
- provide us feedback together with explanation on how the Board used our comments in preparing the Comprehensive Study Report;
- forward our comments to the Proponent;
- invite the Proponent to respond;

From the Office of:

- Netukulimkewe'l Commission
- Mi'kmaq Harvest Management Office
- Netukulimk Projects
- Aboriginal Fisheries Public Relations Facilitator
- Regional Netukulimk Advisory Councils
- Protocol Secretariat
- Mi'kma'ki Environments Resources Development Secretariat (MERDS)

We welcome BEPCo. to oil and gas exploration and production opportunities in the Canada Nova Scotia Offshore.

We comment on the following EA Sections:

Section 1.3 page 1-3

Does BEPCo have an "Aboriginal Peoples" involvement corporate policy or guidelines for encouraging the involvement of traditionally under represented groups and Aboriginal Peoples in BEPCo's works, activities and procurement of goods and services?

Will BEPCo and CNSOPB include provisions for the involvement of traditionally under-represented groups and Aboriginal Peoples in developing the "Benefits Plan" for the multi-year exploration drilling program on EL 2407?

An objective of the Canada Nova Scotia Offshore Accord and mirror legislation, is to advance opportunities from oil and gas resources developments for the "social and economic situation of Nova Scotia and Nova Scotians". The Accord Parties right of input into the Benefits Plan require at minimum items specified in legislation and any other which the Parties agree as appropriate. The requirement of a Benefits Plan for all works and activities in the Canada Nova Scotia Offshore is an integral part of the Regulatory Review Process. While the Benefits Plan approval decision is made by the Board and is not required to be addressed in an EA, the issue of social and economic effects and impacts from an oil and gas resource development project is important to consider in the decision making process.

Can the Board with the proponent satisfy our concerns and have addressed in the Benefits Plan and specifically identify in the CSR the social and economic effects and impacts on under represented groups and our community of Aboriginal Peoples in this oil and gas project?

Section 2.2.4 page 2-4

How would BEPCo, or its sub-contractors, conducting exploratory drilling on EL 2407 propose to "communicate directly with the N.C.N.S. Aboriginal Communal Commercial Fishery"?

While we are not presently "fishing in the project area", the proposed exploratory drilling program projects activities well into 2009. Our community manages many licences and has a large fleet of fishing vessels, and we continue to acquire new licenses in new areas and expand our fleet for community benefit. We request given the anticipated five year timeframe for exploratory drilling on EL 2407, that the Board based on this EA, encourage BEPCo to establish with the Native Council of Nova Scotia a mechanism process for direct communications about our growing fishery activities to ensure complete and clear understanding over the life of the project.

Section 2.3.2 page 2-7

We reserve our right to make comments on this section and its four sub sets, to such time when the evolving sciences and acceptable practices for "seismic testing" issue or emerge at the time of each proposed drilling activity. We also anticipate that CNSOPB evolving guidance for seismic testing will continue to set evolving seismic testing parameters for each drilling activity as they come on stream, considering that the sciences are evolving on the matter of seismic testing.

Section 2.3.4 page 2-9

When read together with section 2.2.4 (safety zone) we have a concern. "...whichever area is greater" appears to mean a 500 m radius. Can the proponent confirm that it does not intend to establish or continue a "permanent exclusion zone" for each exploratory well drilling in the area waters following the abandonment process documented for the exploratory drilling on EL 2407?

Section 3.1.2.3 pages 3-4

The meaning of the second paragraph in this section is better reflected in the first paragraph on page 5-63. The Native Council of Nova Scotia community always has an interest in the ocean areas for "communal commercial fisheries", and is evolving with new licenses, new fisheries and fishery opportunities.

We raised with the consultants, and the proponent, the important value of establishing effective project term consultation and ongoing collaboration for a direct working relationship to include many aspects of the project with its many works and activities which can be spelled out in concrete effective and feasible ways to achieve mutual goals through a protocol of cooperation and understanding between BEPCo and the Native Council of Nova Scotia.

EA Generally

Throughout the EA there is identified undertakings and commitments by the proponent to be effected on approval of the project. While the development of these commitments and undertakings must ultimately satisfy the Regulatory Authorities, a Comprehensive Review Panel reviewing the Sable Offshore Energy Project (SOEP) several years ago determined a prudent course to take for ongoing involvement of Aboriginal Peoples was to include in the Panel Report a specific recommendation for Aboriginal Peoples involvement through a project term protocol.

It is clear from the "Environmental Assessment Track Report" of July 7th, 2004 that a factor to be considered in the Minister's decision to proceed by way of CSR rather than a Public Review Panel on this project was the Regulators and Federal Expert Authorities cumulative knowledge, expertise and guidance continuum gained over the past several years in oil and gas resources development in the ~~Canada~~ Nova Scotia Offshore.

Will the CNSOPB likewise build on the continuum, and include in their CSR that the effective way to define and deal with project term effects and impacts on Aboriginal interests, ongoing needs, concerns and issues throughout the project term is best achieved directly between the Proponent and the Native Council of Nova Scotia under the umbrella of a protocol detailing the Proponent and Aboriginal role and responsibilities for ongoing consultation, cooperation and monitoring.

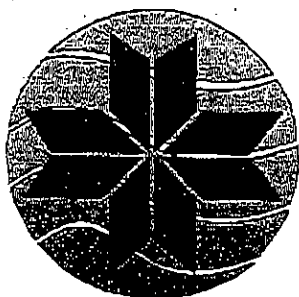
Thank you for the opportunity to comment. We look forward to the response and we look forward to receiving and reviewing the CSR.

In closing we wish BEPCo Canada Company every good success with their proposed exploratory drilling project for EL 2407.

Progress through consultation, accommodation and participatory involvement and partnerships

Roger J. Hunka
MERDS, Advisor/Facilitator

c.c. Chief and President Grace Conrad
Patrick Blanchard, BEPCo
Derek MacDonald, FEAC, CEAA
K. Fleet, Jacques Whitford



Netukulimkewe'l Commission

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FACSIMILE TRANSMITTAL SHEET

DATE: SEPTEMBER 2/2004

TO: ERIC TARRAUD

COMPANY: CNSORB

FAX #: 1902-422-1799

FROM: Rob. Howe

Subject or Message: Curran

- 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 Development Secretariat (MERDS)

Total pages including this page: 5

Signature of sender : 

From the Office of:

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