

Court battle looming over Lake Ainslie drilling

Lawyer Derek Simon says an appeal to Nova Scotia supreme court will take place within 30 days.

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Environment Minister Sterling Belliveau says due process was followed in allowing exploratory drilling in Cape Breton. (CBC)

The province says Toronto-based Petroworth Resources Inc. can drill a 1,200 to 1,500-metre exploratory oil well at West Lake Ainslie in Cape Breton as planned, despite efforts by an environmental group to stop it.

Nova Scotia Environment Minister Sterling Belliveau has rejected an appeal by the Margaree Environmental Association. He said his department has ensured conditions are in place to protect the environment and human health.

"I understand their concerns but I also know the right decision has been made and due process has been followed," he said Tuesday.

In anticipation of today's outcome association members have been fundraising to pay for a court challenge, where they will argue environmental protections are weak.

Lawyer Derek Simon said an appeal to the Nova Scotia Supreme Court will take place within 30 days, and that if Petroworth tries to act on its permit immediately an attempt will be made to block them.

"We will be looking for injunctive relief to prevent the drilling from actually going ahead," he said.

Simon said the planned drilling lacks adequate environmental planning.

"In this case none of those protections were there. No environmental assessment, no setback requirements for oil wells or flarestacks whatsoever," he said.

"The protections we consider necessary for wind turbines and the like are not there for petroleum."

Belliveau said due process was followed.

"I think what we need to understand is that there is an application process that was submitted to us. The process was followed and we reviewed this," he said.

"This is for an exploratory process of petroleum. This is not fracking. I want to emphasize that point."

Petroworth resources has exploration and development rights to approximately 380,000 acres on Cape Breton.

The company said Tuesday that what it is proposing has been done safely at thousands of wells around the world.

The company has until mid-July to drill.

The department approved the company's plan to drill in July, with conditions. The Department of Energy gave its approval in September.

This fall the Margaree Environmental Association asked the Dexter government to reconsider.

Some groups fear the drilling will harm the environment. Others worry it will lead to hydraulic fracturing — known as fracking — a process where water and chemicals are pumped into the ground.

The company does not have approval from the province for fracking.