



Kwilmu'kw Maw-klusuaqn
Mi'kmaq Rights Initiative

Our Rights. Our Future.

AUGUST 2021



MOOSE & WILDLIFE UPDATES

As we are slowly heading into the fall and the weather starts to cool off, we as Mi'kmaq have the inner urge of heading into the woodlands and forests to harvest our food from wild berries and wildlife. We must pay close attention to the safeties that are required to enter the wood during the fall. We all must wear hunter orange so the we eliminate the dangers of hunting accidents while venturing into the wilderness weather to hunt for wild game.

As we all know over the last few years, the Mi'kmaq along with our counterparts from the province have done a considerable amount of work with the moose populations in the Cape Breton Highlands - in and outside the park. Moose surveys have been conducted and we have witnessed a small decline of moose from an aerial survey perspective but also interviewing Mi'kmaw Hunters. We have to be more selective in how we hunt our moose, and we should try to the best of our abilities to take bulls as to maintain the breeding stock of female moose. Over a span of five years one cow can reproduce up to 10 animals so this is very important because a bull moose can mate with several moose so it makes perfect sense that we leave female moose alone until our populations go back up to what they were several years ago.

Over the last few years we have made changes on how Nova Scotians hunt in the Highlands of Cape Breton. One of those changes were in the *Wildlife Act*, there cannot be bear hunting in the highlands by non-Natives, Mi'kmaq can still hunt bear if they choose to, that hasn't changed. This action was need to prevent illegal hunters who disguise as bear hunters but poach moose while having able guns in moose habitat. We have installed cameras around the highlands exits to try to discourage this illegal activity.

We have initiated checkpoints over the last few years for science purposes as we have discovered brain worm infections on some moose that have been found dead or dying. This brain worm exists in deer populations and when its transferred from deer to moose, it has detrimental effects on the moose. **You can be rest assured this does not have any effects or issues when consumed by humans.** This transfer or infection occurs while grazing or coming into contact between the two animals. Although not a major concern at the moment, we have planned a deer antlerless hunt in the areas where moose coexists with deer. These check stations are very important and we need to get all the science we can obtain from hunters to get a better picture of what is taken and where these animals were harvested.

Please be safe and be careful as youth camps will probably be held this year in all parts of the Cape Breton Highlands and please practice Netukulimk and take only what you need for your family or community.

WILDLIFE



VIRTUAL COMMUNITY
— SESSION —

TUESDAY, AUGUST 31, 2021
2pm - 3pm

In-person gatherings have been heavily impacted by COVID-19 and we want to keep community members informed about our work. We will be hosting a virtual community session each month featuring a different department.
Sessions are recorded for viewing at a later time.


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Link coming soon!

www.mikmaqrights.com

Highlights from your KMK departments

Fisheries

Over the past three months, our team has had been able to lay the groundwork for an interim solution to support the livelihood fishery. With support of the Assembly and Potlotek Chief and Council, our Fish consultation and implementation (formerly “negotiations”) team has developed an instrument to support a livelihood fishery that is authorized by the community and is recognized by both DFO and Nova Scotia. This interim way forward does not require signing of agreements or licences with DFO, allowing our legal position to be maintained. Our community harvesters have the ability to harvest authorized by their community Netukulimk Plan, unimpeded by DFO, and to sell their catch to provincially licenced buyers.

This process may provide our community’s pathway for interim recognized livelihood fishing while we continue with our applications to the courts for clarification from Canada and Nova Scotia regarding their limiting regulatory frameworks.

Potlotek harvesters began fishing for livelihood during the first week of June in the St. Peter’s area, having been able to successfully fish lobster and engage in selling activities with recognized NS fish buyers in the area. DFO C&P has been very supportive working in collaboration with our fish team to develop an interim enforcement policy working group, to support Potlotek’s monitoring, education and oversight for this quickly developing fishery.

The Potlotek livelihood spring season ended July 20. A harvester meeting proceeded this season closure lead by the Potlotek Community livelihood liaison with support from the Lead of Fisheries and the KMK team to review and recap the challenges and successes for this monumental fishery.



Looking forward, five communities will be bringing their community Netukulimk Livelihood plans online in September 2021. Four of the five have been in Consultation with DFO since April, and the other will begin consultation the end of this month. Our Implementation team led by Eric Zscheile and Justin Martin, Fisheries Lead for KMK, also have a critical role in our Consultation team led by our Director of Consultation, Twila Gaudet.

Eric, has stepped into this role, with the recent retirement of Bruce Wildsmith and Viola Robinson and has supported Mi’kmaw rights for more than 20 years, including co-defending Donald Marshall Jr.

Maintaining both consultation and implementation processes with DFO on a Nation-to-Nation level, are essential for the continued protection of our Treaty Rights and a properly constructed legal position.

GIS

This summer our GIS Specialist helped the Archaeology Research Division by creating an application to help with their analyses, researched the Mi’kma’ki traditional districts and created maps to visualize these areas. He also spent much time out doing field work and helping with underwater archaeology research being conducted.

The GIS Specialist also assisted the Consultation team by georeferencing and digitizing project maps for Mining projects, conducted spatial analysis, provided notes, and created web maps and applications to visualize certain projects. They also discussed analyses on harvesting areas with the team and prepared for upcoming field projects. They also tested new field equipment which will benefit the team when conducting research in the field.

Cultural Tourism

June and July were very busy and exciting month as we met virtually with community members from Acadia, Bear River, Glooscap, Millbrook, Pictou Landing, Potlotek, and the Mi'kmaw Native Friendship Centre to discuss cultural authenticity. We were able to share copies of the Authenticity Guidelines in three different formats, to suit different reading preferences - a longer style research report, a shorter style community guide, and a one-page infographic. These guidelines are the basis of what we have been talking about our sessions. We have also included a list of questions to inspire thoughts and ideas. You may not necessarily think you are connected to cultural tourism, but really, if you are Mi'kmaq, then the conversation around authenticity will touch your life in some way - as a language learner, as a crafter, or artist, as an entrepreneur, as a holder of the knowledge, as someone who identifies themselves as Mi'kmaq, or as someone who worries about non-Mi'kmaw cultural appropriation and exploitation. Cultural authenticity is about ensuring that Mi'kmaw culture and heritage is protected. Here are some of the questions we have been asking during our sessions:

- **Defining Authenticity** - How do we know when something is authentically Mi'kmaw?
- **Mi'kmaw Content** - What Mi'kmaw stories and experiences should we share with the public? What is undeniably identifiable as Mi'kmaq?
- **Cultural Evolution** - How do we protect / represent Mi'kmaw culture and also acknowledge cultural evolution?
- **Band Role** - How can Chief and Council support entrepreneurs?
- **Certification** - How would we certify something as authentically Mi'kmaq? What could the process look like?
- **Spirit of the Mi'kmaq logo** - What do you think?
- **Collaboration** - How do non-Mi'kmaq find and engage with interested and willing partners?
- **Communication** - How do we share cultural tourism information with tourism operators and visitors?
- **Training** - What kind of training do tourism operators - Mi'kmaq and/or non-Mi'kmaq - need?

Please visit the KMK Cultural Tourism page for copies of the Authenticity Guidelines. We will be hosting more sessions in the fall and winter. If you would like to participate in a community session and have your say, please contact Shannon at smonk@mikmaqrights.com

Lands

The Lands department is nearing the end of its initial list of properties to be targeted by the Nova Scotia Department of Lands and Forestry. These properties will then be added to that department's inventory of lands and set aside for future negotiations with the Mi'kmaq of Nova Scotia.

When searching for candidate properties for lands to obtain for the Mi'kmaq of Nova Scotia, the KMK Lands Department selection process looks to the Assembly of Nova Scotia Mi'kmaw Chiefs' Lands Strategy. From there, properties are prioritized based upon: Culturally significant areas; Coastal/lake frontage; Possible future fishing; wharf locations; Larger parcels (~50+ acres); Adjacency to Mi'kmaw communities; Significant Traditional Use areas; and Economic Development.

This process has been ongoing since 2013 and has resulted in over 30,000 acres of property set aside for future negotiations. These lands are classified as Restricted Use.

One other means of acquiring lands for the Mi'kmaq of NS is through property divestitures and properties deemed surplus by the Federal and Provincial Government. KMK is constantly evaluating potential properties that fit the above priority areas. One example of this process is the newly named Diamond Bailey House on College Street in Halifax. This was a surplus property that was identified as a potential solution for affordable housing for Mi'kmaq in Halifax. This building was donated to the Mi'kmaw Native Friendship Centre and will be a 30 bed shelter, 10 room shared housing, and seven one or two bedroom units for urban Indigenous peoples.



MKK Update

Since June, we've hired four new positions to help us with our work: Marissa Prosper, Policy Analyst; Mary Googoo, Mi'kmaw Community Policy Liaison; Kinsey Francis, MKK Youth Coordinator and Toni Hynes, Summer Student. With a fourth Policy Analyst recently hired to the MKK Team, we are excited to have a full team to continue with policy drafting for the Mi'kmaw Child Welfare Regime. We are making good headway with the Mi'kmaw Child Welfare Policy Manual, and research continues to support policy development. Our Summer Student has been working on two additional draft policies: An Accountability Framework for social workers and the Ethical Review Committee policies and will be reviewing these with the team shortly. Our new Mi'kmaw Community Policy Liaison, has also been contacting all the Band Membership Clerks in Nova Scotia, conducting research into how that might impact policy development. She is also working to create a community engagement plan to take our Law and policies to our Leadership and then to community. And the MKK Youth Coordinator is currently working on setting up programs for Indigenous youth across the province. These programs will combine our culture with information about the MKK Initiative. We will also use information gathered by the youth to help us with the development of our Law and policies. An additional thing that the MKK Youth Coordinator is doing is looking at creating some graphics and comics for the youth to help them understand specific topics about the MKK Initiative.

Working Groups: Our working groups will restart in the fall in three rounds, September 2021, November 2021, and February 2022. The working groups will provide valuable insight for several pieces of the Mi'kmaw Child Welfare Policy Manual, so we are excited about holding our first meetings. All five working groups have been contacted and confirmed: 1) Foster Care 2) Prevention & Early Intervention 3) Systemic and Structural Barriers 4) Customary Care 5) Assessments

Law Development: The Law continues to be developed, review, and revised, with each group that we meet with. We are well into the Law's creation. We are working with Mi'kmaw language speakers to incorporate Mi'kmaw terminology in aspects of the Law.

Netaway App (An app on Child Welfare): Progress is being made on the Netaway App, and we are in the final reviews with the developers. We are hopeful that a launch of the app will take place in the fall.



Members of our Archaeology and GIS teams out doing some dive training this summer.

Energy & Mines

Fifteen Mile Stream: The Impact Assessment Agency of Canada (IAAC) have reviewed Atlantic Gold's Environmental Impact Statement (along with KMK's Energy Advisor, CBCL and other Mi'kmaw representatives from CMM, Paqtnkek and Millbrook). IAAC outlined deficiencies in their document and have sent inquiries to Atlantic Gold via "Information Requirements." All Information Requirements submitted to Atlantic Gold for elaboration can be found here: <https://iaac-aeic.gc.ca/050/evaluations/document/exploration/80152?type=1&culture=en-C>

Pleasantfield Exploration: Atlantic Gold has voluntarily paused their exploration work happening near Lake Rossignal after KMK and the Assembly voiced opposition to this work. A meeting is planned with Acadia Leadership to discuss next steps.

Ashfield Gypsum Mine: Representatives from Cabot Gypsum are preparing an Environmental Assessment for submission in fall 2021. Our Energy Advisor advised them on how to initiate consultation.

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Energy and Mines Continued...

Touquoy Mine Expansion (Atlantic Gold): Touquoy Mine is currently the only operating mine in Nova Scotia. Their current scope of work is set to finish this upcoming year. They have applied for an expansion that will allow them to process low and mid grade materials (they currently only process high grade materials). This has triggered a Provincial Environmental Assessment with ECC the lead in Consultation. KMK received a letter from The Impact Assessment Agency of Canada asking our office to provide more details on how the project may impact the Mi'kmaq of Nova Scotia. IAAC are looking for feedback to determine if a Federal EA is required which allow for more in-depth consultation and more oversight. KMK has hired CBCL to complete a technical review of the supporting documents to submit to IAAC and ECC.

Nova Copper: KMK provided direction to Nova Copper on initial steps to begin consultation and to reach out to Mi'kmaq communities regarding a potential copper mine in Coxheath, NS.

Nova Innovation continues to work towards receiving a *Fisheries Act* Authorization for their demonstration project in Petit Passage. KMK has reviewed their offsetting plan and sent a list of recommendations and concerns to the Department of Fisheries & Oceans.

Sustainable Marine Energy: The Energy Advisor coordinated a site visit with the Mainland Chiefs to tour Sustainable Marine Energy's Tidal Platform. Chief Potter, Chief Toney, Chief Robinson, and other guests visited and learned about the monitoring efforts being done in Grand Passage as SME prepares to move to the FORCE site.

Natural Forces spoke about their upcoming wind farm sites and that they have an MOU in place with the Assembly. The Energy Advisor connected NF with CMM to discuss offsetting plans and potential partnership.

Goldboro LNG: KMK hosted a virtual women's only Forum on June 30 to gather feedback on the potential impacts of the proposed Goldboro LNG work camp. On July 2, Pieridae announced that the project will not go ahead, and that management will begin looking at alternatives for the proposed project.

Consultation

Sable Island Sweat Bee - One of our Consultation Researchers has been working on the Sable Island Sweat Bee efforts, as this species, while only known to occur on Sable Island is now considered threatened. In 2019, KMK was invited to participate in species at risk recovery planning process for the Sable Island Sweat Bee. Since that time, a Proposed Recovery Strategy and Action Plan has been developed and discussions have been ongoing with Parks Canada on this important issue.

Mi'kmaq discussions with Parks Canada have taken place with CMM and UINR joining KMK to look deeper into this threatened species. This summer, field work is taking place on Sable Island and a debriefing is expected to take place in August, where CMM will talk about their trip to Sable Island and discuss a path going forward for future contracts and trips in partnership between the Mi'kmaq and Sable Island National Park on the Sable Island Sweat Bee.

Species at Risk - A species at risk is one that is determined to be extinct, extirpated, vulnerable, threatened or endangered. We are looking to have more Mi'kmaq participation in the monitoring of NS Species at Risk. If you would like to get involved in the monitoring process, or express your thoughts or wisdom on species at risk, you can reach out to our staff members Tamara Young or Sherilyn Young at 902-843-3880.

Highways: *Highway 104* Sutherlands River to Antigonish Project—KMK is continuing consultation and continue correspondence with NSTAT. As of August 2021, there are not any outstanding concerns raised.

Highway 103 Bridgewater Interchange (Exit 12A) Project—KMK is continuing consultation and continue correspondence with NSTAT. As of August 2021, our most recent letter had requested additional information for our review. If concerns are raised, KMK will address them immediately.

Highway 102 Aerotech Connector Project— KMK is continuing consultation and continue correspondence with NSTAT. As of August 2021, KMK is currently reviewing information provided by NSTAT. KMK will respond by early September 2021.

Forestry Update

The Forest Advisory Committee meetings have been ongoing to discuss the Mi'kmaq Forestry Initiative. Work continues with UINR and Quelph University on identifying various species. This month we conducted a site visit with the NS Department of Lands and Forestry (DLF) and their Deputy Minister to demonstrate importance of ecological holistic forestry. The Forestry Advisory Committee are working on a forestry management framework and also discussing moose management.



The IPCA Advisory Committee continues to work on the acquisition of lands for Indigenous Protected and Conserved Areas (IPCA). KMK representatives participated in the Eskasoni Crown Land Working Group meeting with Province and Port Hawkesbury Paper to discuss IPCAs, land use, and expectations moving forward. Work has also been done on the Mersey Corridor forestry & archaeology where we are developing shapes/polygons outlining important areas for IPCA consideration.

Invasive Species - We continue to work with the province to identify key areas where invasive species, native and exotic, will become more prominent due to biotic and abiotic factors. We are also working on developing community information sessions regarding these insects, the various outcomes of these insects, and how Rights may be impacted. These sessions will give community members an opportunity to express any further concerns they may have.



Western Harvests - KMK continues to review all harvest plans in western NS. In order to ensure that all values are being captured, we have initiated contact with Chiefs and Council, to identify specific areas of interest. Our GIS technician is also developing an interactive mapping system for ease of community members.

Port Hawkesbury Paper - The FAC is working with Port Hawkesbury paper to identify areas of past, present, and future concern. At this time, we have broken future work into two primary components: 1) Governance 2) Technical. We will continue work with PHP and Unama'ki to outline crown land uses and needs from all parties.

Work is still ongoing, as well, on Black Ash. We have been working with CMM on a Black Ash protocol and with the Forestry Advisory Committee on Black Ash found on the South Shore. This month we also conducted a wisqoq site visit in Port Hood where we participated in a

training and education exercise to familiarize the attendees with Wisqoqs appearance and habitat. We also conducted a wisqoq site visit for DLF and their Deputy Minister where we were able to reiterate why the trees can not be moved now, regardless of political pressure.