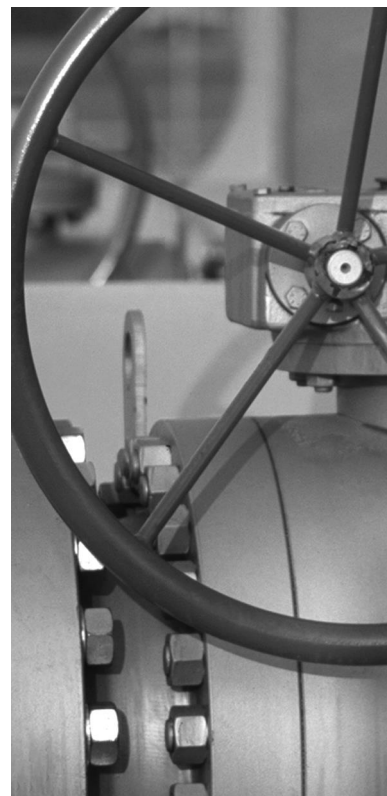


| MI'KMAQ ECOLOGICAL
KNOWLEDGE STUDY



SNC • LAVALIN



 **BearHead**
LNG
A subsidiary company of Liquefied Natural Gas Limited

Draft
Mi'kmaq Ecological Knowledge Study
Bear Head LNG, 2015

Prepared for: SNC-Lavalin
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February, 2015

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1.0 INTRODUCTION

1.1 Mainland Mi'kmaq Developments Inc.

The Confederacy of Mainland Mi'kmaq Environmental Services is a program operated by the Lands, Environment, and Natural Resource of The Confederacy of Mainland Mi'kmaq (CMM) that provides fee for service environmental consulting services. This division is currently known as Mainland Mi'kmaq Developments Inc. CMM provides advisory services to seven Mi'kmaq communities in the province of Nova Scotia: Paqtnkek Mi'kmaq Nation, Annapolis Valley First Nation, Bear River First Nation, Glooscap First Nation, Millbrook First Nation, Pictou Landing First Nation and Sipekne'katik.

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1.2 Project Description

The Mainland Mi'kmaq Developments Inc. have been selected to complete a second MEKS for the Bear Head Liquefied Natural Gas (LNG) facility at the Bear Head site in Point Tupper, Nova Scotia, for the capacity to export LNG. The original Mi'kmaq Ecological Knowledge study was prepared by CMM's Environmental Services in August of 2004. A re-assessment of the study area is currently underway and will be completed in June of 2015.

2.0 DEFINITION OF TERMS

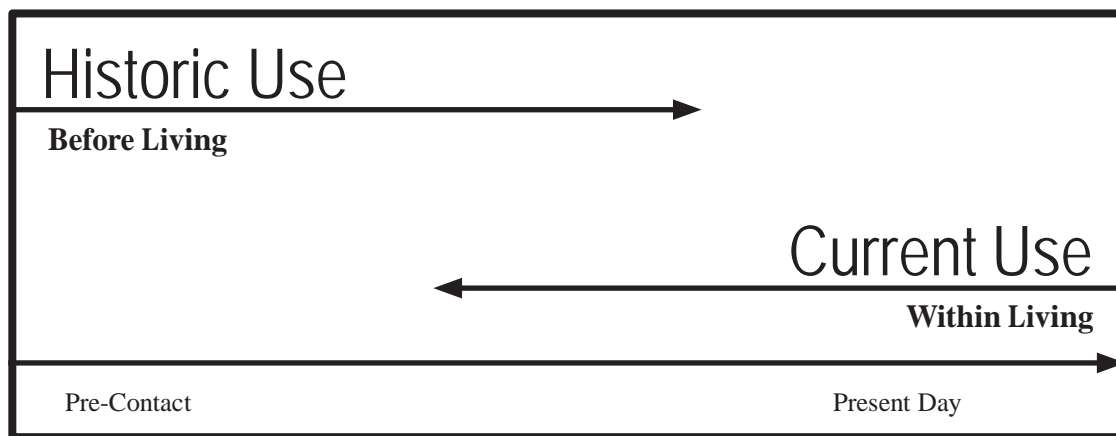
Living Memory is the memory of living Mi'kmaq. The period of time included in living memory varies from knowledge holder to knowledge holder. Living memory often extends to the parent and grandparent of the knowledge holder and can be estimated at three to four generations.

Current Mi'kmaq Land and Resource occurred within living memory or is occurring at the present day

(Figure 1)

Historic Mi'kmaq Land and Resource Use occurred before living memory (Figure 1)

Figure 1: Historic and Current Use Timeline



Mi'kmaq Ecological Knowledge (MEK) is the collective body of knowledge which Mi'kmaq possess based on their intimate relationship with their natural surroundings, which involves exploitation, conservation and spiritual ideologies, and has been passed on from generation to generation, “*kisaku kinutemuatel mijuiji*”, elder to child.

Mi'kmaq Land and Resource Use Sites are locations where Mi'kmaq land and resource use activities have taken place or are taking place at present day. These sites may or may not display physical evidence of Mi'kmaq use.

Mi'kmaq/Mi'kmaw: *Mi'kmaq* means the Family and is an undeclined form. The variant form, *Mi'kmaw*, plays two grammatical roles: 1) it is the singular of Mi'kmaq and 2) it is an adjective in circumstances where it precedes a noun.

Mi'kma'ki is the Mi'kmaw homeland (Atlantic Provinces and Gaspé Peninsula)

Specific Land Claim arises when a First Nation alleges that the federal government has not honoured its treaties, agreements or legal responsibilities. According to federal policy, a valid specific claim exists when a First Nation can prove the government has an “outstanding lawful obligation”. The Mi'kmaq is currently pursuing several specific land claims in Nova Scotia.

Comprehensive Claim is based on underlying Aboriginal Title to traditional territory that has not been dealt with by treaty or other means. Aboriginal Title to lands exists as a legal right derived from First Nations historical occupation and possession of their tribal lands. The process of negotiating the settlement of comprehensive claims, which is known as modern-day treaty making, clarifies access and ownership to land and resources. Currently, the Mi'kmaq has a comprehensive claim to all lands within the province of Nova Scotia including all inland and adjacent waters.

3.0 PURPOSE AND SCOPE OF THE MI'KMAQ ECOLOGICAL KNOWLEDGE STUDY

3.1 Purpose of the Mi'kmaq Ecological Knowledge Study

The purpose of the Mi'kmaq Ecological Knowledge Study is to support the integration of Mi'kmaq knowledge of use and occupation of Mi'kma'ki into development decisions via the environmental assessment process.

3.2 Scope of the Mi'kmaq Ecological Knowledge Study

The MEKS includes:

- 1) a study of historic and current Mi'kmaq land and resource use;
- 2) an evaluation of the potential impacts of the Project on Mi'kmaq use and occupation and constitutionally based rights;
- 3) an evaluation of the significance of the potential impacts of the Project on Mi'kmaq use and occupation; and
- 4) Recommendations to proponents and regulators that may include recommendations for mitigation measures, further study, or consultation with Mi'kmaq.

3.3 Not included in the scope of the Mi'kmaq Ecological Knowledge Study

3.3.1 Section 35 Consultation

This study is not consultation for justification of the infringement of constitutionally protected aboriginal and treaty rights. If the project involves possible infringements of Mi'kmaq constitutional rights, the MEKS recommends

further action.

3.3.2 Archaeological Screening and Resource Impact Assessment

The study is not an Archaeological Screening or Archaeological Resource Impact Assessment. Results presented in the study can inform and be informed by archaeological screenings and assessments.

3.3.3 Notification of Mi'kmaw individuals or communities of the Project

The study is not intended to inform or notify Mi'kmaw individuals or communities of the Project, solicit the opinions or concerns of Mi'kmaw individuals or communities on the Project, or promote the Project to Mi'kmaw individuals or communities.

4.0 METHODOLOGY

4.1 Historic Mi'kmaq Land and Resource Use

Historic Mi'kmaq land and resource use occurred before living memory. The study of historic land and resource use paints a broad portrait of Mi'kmaq use and occupation of Mi'kma'ki in centuries past.

4.1.1 Study Area

The study area is located in Point Tupper, Richmond County, NS. For the purposes of this project, an investigation of the Richmond, Inverness and Guysborough Counties will be undertaken, with close attention to the Chedabucto Bay, to demonstrate Mi'kmaq occupancy and activities have taken place.

4.1.2 Methods

Research is being completed from within the Confederacy of Mainland Mi'kmaq department library as well as external sources from the Nova Scotia Public Archives, Nova Scotia Museum, the Archdiocese, local archives, and CBU libraries.

4.1.3 Limitations

Recorded documents are the primary source of information for the study of historic Mi'kmaq land and resource use. There are no recorded documents in the pre-contact period and recorded documents in the post-contact period are not comprehensive. Furthermore, existing documentation has largely been written by people of a different culture. This means that information may either not be completely accurate or may be incomplete.

While every attempt was made to document all available Mi'kmaw knowledge, the knowledge gathering process may not have captured some available Mi'kmaw knowledge. It is also recognized that over generations of cultural and political suppression, much Mi'kmaq knowledge has been irretrievably lost.

4.2 Current Mi'kmaq Land and Resource Use

Current Mi'kmaq land and resource use occurred within living memory or is presently occurring. The MEKS includes a study of:

- 1) Current Mi'kmaq land and resource use sites
- 2) Species of Significance to Mi'kmaq

4.2.1 Study Areas

The study areas are described in Figure 2.

4.2.1.1 Current Mi'kmaq Land and Resource Use Sites

The study area for current Mi'kmaq land and resource use sites is the proposed area of development – five-kilometer radius surrounding proposed project site.

4.2.1.2 Species of Significance to Mi'kmaq

Field study will commence in the summer of 2015.

4.2.2 *Methods*

4.2.2.1 Current Mi'kmaq Land and Resource Use Sites

Mi'kmaq knowledge on current land and resource sites will be gathered through a review of information collected through oral interviews with Mi'kmaq knowledge holders.

All individuals, whom will be interviewed, will sign consent forms. Knowledge will be gathered in accordance within the spirit of the *Mi'kmaq Ecological Knowledge Protocol*.

Knowledge collected is reported in a general format only. No names or specific locations are published. Collected knowledge will be digitized and compiled to allow for an analysis of potential impacts of the project on current Mi'kmaq land and resource use.

4.2.2.2 Species of Significance to Mi'kmaq

A system of stratified random sampling was employed to identify flora species present in the study areas of significance to Mi'kmaq. Plants will be surveyed during the summer of 2015. Information collected is reported in a general format only. The names of the species are not recorded.

4.2.2.3 No Record Land Claims

A review of outstanding specific land claims within the study area was undertaken by CMM. There are no known specific land claims identified within the project area, however, the record of outstanding specific land claims in no way infers that specific land claims may not arise in the future.

4.2.3 Limitations

While every attempt was made to document all available Mi'kmaw knowledge, the knowledge gathering process may not have captured some available Mi'kmaw knowledge. It is also recognized that over generations of cultural and political suppression, much Mi'kmaq knowledge has been irretrievably lost.

5.0 RESULTS

Results of the study are divided into two categories:

- 1) Historic land and resource use, that is, use that occurred before living memory, and
- 2) Current land and resource use, or use that occurred within living memory or is occurring at the present day.

Land and resource use may be for hunting, burial/birth, ceremonial, gathering, or habitation purposes.

5.1 Historic Mi'kmaq Land and Resource Use

5.1.1 Pre-Contact

The Mi'kmaq called the Bear Head area Red Rock Bank or Mekwa'sikewe'jk.¹ A variation of this name is Mekuasikewe'jk.²

The soil in the Bear Head area is a sedimentary lowland type, which promotes the growth of spruce and mixed hardwood common in the coastal areas of Nova Scotia.³ The acid content of this soil type would not facilitate the preservation of

¹ Arlene Stevens, *Mi'kmaq Place Names*. (DocuShare). p. 30.

² Helen Sylliboy, *Mi'kmaw Place Names in Cape Breton*. (Mi'kmaq Resource Centre).

³ Derek S. Davis and Sue Browne, eds., *The Natural History of Nova Scotia: Theme Regions Volume 2*. (Halifax: Nimbus/The Nova Scotia Museum, 1996). pp. 216-217.

any organic Mi'kmaw artifacts,⁴ thereby likely leaving little if any archaeological evidence.

Geographical factors suggests that long-term occupation by the Mi'kmaq of the Bear Head area would be unlikely. It is relatively exposed to winds in every direction except out of the north. The site is accessible by land only from the north, thereby limiting its connection to any inland resources through overland methods. Climate conditions contribute to the unsuitability of the location for historic Mi'kmaq use and occupation. The heavy rain and fog in conjunction with the exposed conditions at Bear Head suggests that it would have proved to be an inhospitable habitat.

The area to the east of Bear Head consisting of the Basque Islands and Isle Madame provided a more attractive site for Mi'kmaq use and occupation. This area is the breeding ground for winter grey seals, which was a mainstay in the diet of the Mi'kmaq.

St. George's Bay, the Strait of Canso, Chedabucto Bay, Lennox Passage, and St. Peters Bay formed an important travel way between the mainland and Unama'kik (Cape Breton).

5.1.2 Post Contact

European fishermen visited Cape Breton's shores in the sixteenth century to cure fish and trade with the Mi'kmaq. However, these were seasonal visits and it was a few years before any serious attempts were made to form more permanent settlements: "The extremes of climate, scarcity of good level farmland, and heavy forest cover discouraged agricultural settlement."⁵ Another description states that the "south-east coast, from Bear Head at the entrance to the Strait of Canso to Scatarie Island, is a tattered, ragged edge of land."⁶

Nicholas Denys established a trading post at St. Peters around 1650.⁷ It was located close to what is now the St. Peters Canal access to the Bras d'Or Lakes.

"It was a strategic location for trade with the Indians, for this portage was used by most of the peripatetic groups of Micmac who came and went between the Acadian mainland and

⁴ Stephen A. Davis, **Mi'kmaq**. (Halifax: Nimbus Publishing, 1997). p. 4.

⁵ A. A. MacKenzie, **The Irish In Cape Breton**. (Wreck Cove: Breton Books, 1999), p. 11.

⁶ Jim and Pat Lotz, **Cape Breton Island**. (Great Britain: Latimer Trend & Co. Ltd., 1974), p. 21.

⁷ Phyllis Christena Wagg, **Families in Transition: Richmond County, Nova Scotia, 1871-1901**. Ph.D Thesis (Halifax: Dalhousie University, 1996), p. 43.

the interior of the island.”⁸ The Mi’kmaq constantly travelled throughout the area and their numbers fluctuated greatly although they did tend to camp on the shores of the Bras d’Or Lakes when they stayed during the winter.⁹

The spot that Denys chose to build his settlement was more conducive to long-term habitation. This area had a considerably wider diversity of wildlife and resources that attracted settlers. By 1745 the Mi’kmaq had established a burial ground at Port Tholouze¹⁰. This was likely Port Toulouse, which was also known as St. Peters. The Mi’kmaq brought their furs to St. Peters to exchange them for European commodities. Approximately 450 Mi’kmaq lived in Cape Breton in 1800.¹¹ Several mentions are made to Mi’kmaq encampments especially in the Bras d’Or Lakes area in several places on the seashore. One author noted that he watched Mi’kmaq spearing eels from their canoes along the shallows of the Bras d’Or Lakes.¹²

European countries were not interested in establishing a permanent colony in the Canso area until well into the eighteenth century. Between 1770 and the early 1800s, approximately 17,000 Highland Scots and Irish immigrated to Cape Breton Island.¹³

In Thomas Chandler Haliburton’s account of Nova Scotia he notes that Bear Island Point at the southern entrance of the Straits of Canso was the termination point for the series of French fishing, coasting and boat-building settlements.¹⁴

The closest reserve is located at Chapel Island, which is about seven miles from St. Peters. It was also known as Christmas Island, Indian Island, Isle Famille and Island of the Holy Family.¹⁵ Father Maillard preached his first sermon to the Mi’kmaq of Chapel Island in 1735.¹⁶ In 1766 there were four or five Mi’kmaq families that lived on Chapel Island. During the summer months they moved around the Bras d’Or Lakes for hunting

⁸ Andrew Hill Clarke, **Acadia: The Geography of Early Nova Scotia to 1760**. (Madison: University of Wisconsin Press, 1968), p. 264.

⁹ Andrew Hill Clarke, p. 267.

¹⁰ Ruth Holmes Whitehead, **The Old Man Told Us: Excerpts from Micmac History 1500-1950**. (Halifax: Nimbus Publishing, 1991), p. 105.

¹¹ Robert Morgan, **Early Cape Breton: From Founding to Famine 1784-1851**. (Wreck Cove: Breton Books, 2000), p. 83.

¹² Brian Tennyson, **Impressions of Cape Breton**. (Windsor: Lancelot Press, 1973), p. 189.

¹³ Derek S. Davis and Sue Browne, eds., **The Natural History of Nova Scotia: Topics and Habitats, Volume 1**. (Halifax: Nimbus/The Nova Scotia Museum, 1996), p. 313.

¹⁴ Thomas Chandler Haliburton, **An Historical and Statistical Account of Nova Scotia: In Two Volumes**. (Halifax: J. Howe, 1829), pp. 223-224.

¹⁵ Brian Tennyson, **Impressions of Cape Breton**, pp. 18 & 30.

¹⁶ Jim and Pat Lotz, p.146.

purposes.¹⁷

Chapel Island was granted in 1792 to the Mi'kmaq so that they could establish a Church. The first church built on Chapel Island was started soon after and Mi'kmaq men from nearby St. Peters were employed during its construction.¹⁸

Father Vincent estimated that five to six hundred Mi'kmaq would arrive at the Chapel Island Mission upon the arrival of a missionary.¹⁹ The Feast of St. Ann is held annually at Chapel Island on July 25-26. During this time marriages and baptisms were performed. The burying ground was located here as well.²⁰ The Mi'kmaq assembled here yearly, put up wigwams for the occasion and spend a week in reviving games and ceremonies.²¹

The area around the Bras d'Or Lakes was more suited to agriculture. An account of the Indians within the County of Richmond taken on July 26th, 1841 at Chapel Island notes that several of the Mi'kmaq on Chapel Island were farmers.²² Writers of the period noted that the Mi'kmaq had some very fine farms in the Bras d'Or area.

5.2 Current Mi'kmaq Land and Resource Use

The study of current Mi'kmaq land and resource use is comprised of a study of current Mi'kmaq land and resource use sites, species of significance to Mi'kmaq, and Mi'kmaw communities.

5.2.1 Current Mi'kmaq Land and Resource Use Sites

Current Mi'kmaq land and resource use activities are divided into five categories:

- 1) Kill/hunting
- 2) Burial/birth
- 3) Ceremonial
- 4) Gathering food/ medicinal
- 5) Occupation/habitation

¹⁷ D. C. Harvey, ed., **Holland's Description of Cape Breton Island and Other Documents**. (Halifax: Public Archives of Nova Scotia, 1935), p. 67.

¹⁸ Ruth Holmes Whitehead, pp. 180-1.

¹⁹ Ruth Holmes Whitehead, pp. 206-7.

²⁰ Brian Tennyson, **Impressions of Cape Breton**, p. 116.

²¹ Brian Tennyson, **Impressions of Cape Breton**, p. 188.

²² MG 15, vol.3, #65.

Table 1 provides a description of activities undertaken at the sites.

Table 1: Description of Activities Undertaken in Current Mi'kmaq Land and Resource Use Sites 2004

TYPE OF SITE	DESCRIPTION OF ACTIVITIES IN STUDY AREA
HUNTING/KILL	Deer, eel, scallop, urchin, rock crab, jonah crab
BURIAL/BIRTH	
CEREMONIAL	
GATHERING	Firewood
HABITATION	Trapping, overnight site, group camp site

***Data collection will be continued in March and April of 2015 to record the description of activities in the study area and included in the final MEKS in June of 2015.**

5.2.2 Species of Significance to Mi'kmaq present in study area

Species of significance to Mi'kmaq in the study area are divided into three categories:

- 1) Medicinal
- 2) Food/Beverage
- 3) Craft/Art

The following table describes the number of plants of significance present in the study areas during the summer surveys of 2004.

Table 2: Number of Species of Significance to Mi'kmaq Present in the Study Areas Summer 2004

TYPE OF USE	NUMBER OF SPECIES PRESENT SUMMER
MEDICINAL	113
FOOD/BEVERAGE	32
CRAFT/ART	8

***Species of significance will be underway in the Summer of 2015 and recorded in the final Bear Head LNG Mi'kmaq Ecological Study in June of 2015.**

6.0 POTENTIAL PROJECT IMPACTS ON MI'KMAQ LAND AND RESOURCE USE

The following table presents potential project impacts on historic and current Mi'kmaq land and resource use.

Table 3: Potential Project Impacts on Mi'kmaq Land and Resource Use

POTENTIAL IMPACTS ON MI'KMAQ LAND AND RESOURCE USE	
6.01	The historic review of Mi'kmaq use and occupation documents historic Mi'kmaq use and occupation in the study area, and potentially the project area. A potential impact of the project is the disturbance of archaeological resources and rights based fishery, as noted in the 2004 Bear Head LNG MEKS.
6.02	Several species of significance to Mi'kmaq have been identified in the study area in 2004.

7.0 SIGNIFICANCE OF POTENTIAL PROJECT IMPACTS ON MI'KMAQ LAND AND RESOURCE USE

The concept of significance in the Mi'kmaq Ecological Knowledge Study is distinct from the concept of significance under the *Canadian Environmental Assessment Act* or the *Nova Scotia Environmental Assessment Regulations*. Significance to Mi'kmaq is evaluated only in accordance with the criteria listed below. The MEKS evaluation of the significance of the potential project impacts on Mi'kmaq should be used by regulators to inform their determination of the significance of the environmental effects of the Project.

7.1 Significance Criteria

The following criteria are used to analyze the significance of the potential project impacts on Mi'kmaq use:

- 1) Uniqueness of land or resource
- 2) Culture or spiritual meaning of land or resource
- 3) Nature of Mi'kmaq use of land or resource

- 4) Mi'kmaq constitutionally protected rights in relation to land or resource.

7.2 Evaluation of Significance

Table 4: Significance of Potential Project Impacts on Mi'kmaq Land and Resource Use

POTENTIAL IMPACT	EVALUATION OF SIGNIFICANCE
6.01 The historic review of Mi'kmaq use and occupation documents Mi'kmaq use and occupation in the study area, and potentially the project area. A potential impact of the project is the disturbance of archaeological resources and potential Mi'kmaw fishery.	7.2.01 Mi'kmaq archaeological resources are extremely important to Mi'kmaq as a method of determining Mi'kmaq use and occupation of Mi'kma'ki and as an enduring record of the Mi'kmaq nation and culture across the centuries. Archaeological resources are irreplaceable. Any disturbance of Mi'kmaq archaeological resources is significant. Impacts on potential Mi'kmaq fishery is likely significant.
6.02 Several species of significance to Mi'kmaq have been identified in the study areas in 2004. Permanent loss of some specimens is an impact of the Project.	7.2.02 The plant species of significance to Mi'kmaq identified within the 2004 study area exist within the surrounding area. The destruction of some specimens within the study areas does not pose a threat to Mi'kmaq use of the species. The impact of the permanent loss of some specimens of plant species of significance is not likely significant for the 2004 study and will be determined in the 2015 MEKS.

8.0 CONCLUSIONS AND RECOMMENDATIONS

- 8.01** In the event that Mi'kmaw archaeological deposits are encountered during construction or operation of the Project, all work should be halted and immediate contact should be made with Laura Bennett, Special Places Coordinator, at the Nova Scotia Museum and Janice Maloney, Executive Director, KMKNO (Kwilmu'kw Maw-klusagn Negotiation Office).

- 8.02** There are no land claims registered with the Specific Claims branch of Indian and Northern Affairs Canada in Ottawa for any of the Mi'kmaq communities in Nova Scotia within the Project area. However, that does not suggest that any other Mi'kmaq claimants for this area may not submit land claims in the future.
- 8.03** Eel, scallop and sea urchin harvesting for food was occurring during the initial MEKS in 2004, within the study area. It was recommend at that time for the proponent maintain on-going communications with Mi'kmaq fishers and the Assembly of Nova Scotia Mi'kmaq Chief, for the project duration.
Any rights-based issues relating to loss of access to Mi'kmaq fishery, would involve the Kwilmu`kw Maw-klusagn Negotiation Office (KMKNO) and the Assembly of Nova Scotia Mi'kmaq Chiefs.

**There may be other conclusions and recommendations once entire Bear Head LNG MEKS 2015 is completed in June of 2015.

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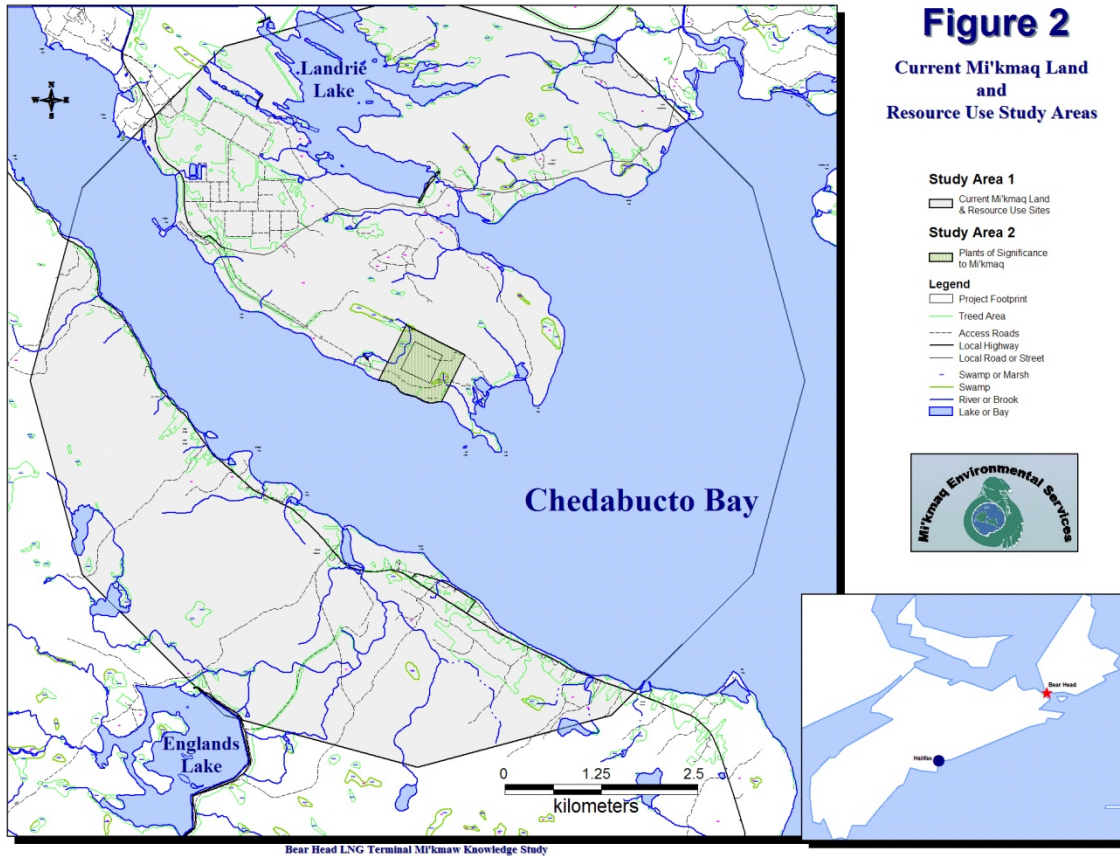
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*This map will be updated in June 2015.