



KMKNO Consultation News

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The Five Pillars of Mi'kmaq Values

1. To achieve recognition, acceptance, implementation and protection of Treaty, Title and other Rights of the Mi'kmaq of Nova Scotia;
2. To develop systems of Mi'kmaq governance and resource management;
3. To revive, promote and protect a healthy Mi'kmaq identity;
4. To obtain the basis for a shared economy and social development; and
5. To negotiate toward these goals with community involvement and support.

Message from KMKNO



Janice Maloney,
Executive Director
KMKNO

I am pleased to introduce the first newsletter from the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) Consultation Department!

In our community sessions last year, we heard loud and clear that the Mi'kmaq of NS want to know more, and be informed of the work that

we do. We hope that these Consultation updates will become part of the solution to that request.

As you will read, our Consultation Department was established in 2007 and is led by Twila Gaudet, from Glooscap. There is no question that Twila and her team are very busy, as they are currently overseeing over 300 active consultations!

Although in this newsletter you will see just a glimpse of the work that this team does , we hope that this information will make you want to learn more, become part of the discussion and feel confident in the work that KMKNO and the Assembly are doing to protect the environment and Mi'kmaq Rights and Title.

Our Rights. Our Future.

Meet the Consultation Team



Twila Gaudet from Glooscap First Nation joined the team at KMKNO in 2007 to support the Assembly as the Consultation Liaison Officer. Twila is a practicing Mi'kmaq lawyer and has been involved in the drafting, review process and the implementation of the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process*. Twila has been instrumental in coordinating the Crown to Mi'kmaq consultation since its drafting and brings not only a practical, but legal perspective to the consultation process.



Melissa Nevin from Indian Brook, joined KMKNO as a Consultation Researcher in 2007. Melissa has an Advanced Major in Geography from St. Mary's University and has worked for a number of government and FN organizations, including UINR, Healing our Nations and the Department of National Defense.



Michael Cox, from Rexton, NB, recently joined KMKNO as a Consultation Researcher. His BSC in biology has led him to work in the area of Environmental Science and protection for several different government and First Nation organizations including INAC, CMM, DFO and Environment Canada.



Heather MacLeod-Leslie joined KMKNO as the Staff Archaeologist in 2008 after teaching archaeology for several years. She holds a BA from SMU, a Masters from Carleton and a PhD from Memorial University. Heather is very passionate about how artifacts tell a story, making a difference to the present and future.



Priscilla Beadle from Pictou Landing, began working for KMKNO as the Working Group Administrator in 2008. Priscilla is a graduate of NSCC's Business Administration program.

Message from the Consultation Department



Twila Gaudet
Consultation Liaison
KMKNO

KMKNO has been working on behalf of the Mi'kmaq of Nova Scotia, to ensure the protection and implementation of our Aboriginal Title and Treaty Rights.

In September 2007, KMKNO established a Consultation Department and I joined the organization as the Consultation Liaison Officer along with Melissa Nevin, who is one of our Mi'kmaq Consultation Researchers. Our role is to coordinate the many consultation requests that we receive from the Federal and Provincial governments.

Since this time, our department has grown to include Dr. Heather MacLeod-Leslie,

Archaeologist; Michael Cox, Consultation Researcher, and Priscilla Beadle, as our Administrator.

Many of you may already know some of these individuals as most of them are from our Mi'kmaq communities, including: Pictou Landing, Shubenacadie, Millbrook and Gloscap.

The development of this newsletter has been a work-in-progress. Both the Chiefs and our organization knows that it is extremely important to keep community members informed of the work that we do. After all, the Rights and Title that we are working so hard to protect, belong to the Mi'kmaq Nation.

Although we currently have

over 300 active consultations, it is important that the Mi'kmaq of Nova Scotia know that this newsletter, will be the first of many. Each quarterly report will be an overview of what we are doing, and highlight work in different department.

We learn a lot with each file, as undoubtedly you will too, but each day we know that we are working to ensure that our children, our grandchildren and our great grandchildren will be able to enjoy the Mi'kma'ki that means so much to us today.



The primary focus of the Consultation Process is to ensure that our Mi'kmaq Rights and Title are protected.



Why do we need consultation?

In 2004 and 2005, the Supreme Court of Canada handed down three landmark decisions (Haida and Taku, 2004; Mikisew Cree, 2005) that found that the Crown (provincial and federal governments) has a duty to consult with Aboriginal peoples regarding any decisions or actions that might adversely affect their established or potential Aboriginal and Treaty Rights.

In response to this, one of the first priorities of the negotiations table was to develop a formal process to address the Crown's duty to consult with the Mi'kmaq on proposed activities that are happening in

Nova Scotia.

On August 31, 2010, after a three-year pilot period, the Assembly of Nova Scotia Mi'kmaq Chiefs signed an historic agreement with the Governments of Canada and Nova Scotia called the *Terms of Reference for a Canada-Nova Scotia Mi'kmaq Consultation Process*.

This important document, clearly lays out a process for the parties to follow during consultation with the Mi'kmaq. This process ensures that the Mi'kmaq are involved and to have a say in what is happening to our lands and waters.

In Nova Scotia, our consultation process requires that written notices on any requests for Consultation is sent to each of the Chiefs and Councils, as well as the KMKNO office.

Once the community receives written notice, the 12 communities that are members of KMKNO, can either choose to respond individually, or to respond as a group through KMKNO.





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The Assembly's Portfolio System

The Assembly of Nova Scotia Mi'kmaq Chiefs have developed a portfolio system, much like Federal and Provincial Ministers, they have appointed Lead Chiefs to oversee specific subject areas.

Although Lead Chiefs receive all authorities and instructions from the Assembly, the Lead Chief's role is to meet, and gather important information that

the Assembly should be made aware of in their respective portfolios.

This portfolio system is critical for helping to organize the vast information that comes through KMKNO's Consultation Department.

These next two pages will be just a few of the projects and files currently being reviewed, discussed and researched by the Con-

sultation team. We have divided these by Portfolio.

Each quarter, a newsletter will be released from the Consultation Department that will have a section that will focus specifically on one Portfolio.

Below you will see this issue's portfolio feature of ongoing work in the Energy Portfolio.

Energy - Interim Lead Chief: Chief Paul J. Prosper

Consultation work in the Energy Portfolio has the team looking deep into many hot topics, including hydraulic fracturing, drilling, seismic testing, etc. Currently the KMKNO is working on a position paper for the Assembly on hydraulic fracturing, and continuing to voice community and Assembly concerns against fracking in Nova Scotia.

Seismic Testing - Seismic testing is a form of scientific testing which can be used to predict the occurrence of earthquakes or to discover natural gas reserves. It was developed in the early 1920's as a tool to predict patterns that indicate an impending earthquake. It was later discovered that this testing also identified the presence of natural gas in the ocean floor. Seismic testing involves the transmission of waves of energy through the earth's crust and recording how the waves are reflected back.

The Assembly of Nova Scotia Mi'kmaq Chiefs, through KMKNO, has requested consultation with the Provincial Department of Energy regarding the recent Call for Proposals for seismic testing made by the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB).

Chief PJ Prosper, the Assembly's newly appointed Interim Energy Lead, met with the CEO of the CNSOPB on January 20th, 2014 to discuss concerns with the three seismic testing programs, all of which are in different phases of development. The more recent call for bids has posed the greatest concern given the location and the number of communal commercial licenses in that area. KMKNO has been advised that there were no successful applicants to the recent call. The proposed program is in a highly lucrative fishing area and the potential impacts on the marine species and habitat are a serious concern.

Because of our standpoint, the relationship with CNSOPB has had its challenges, but we must say that it is certainly improving. At the January 20th meeting, Chief Prosper was informed that a second call for bids is being prepared for that area, but we were assured that the Mi'kmaq area of concern would not be included in this second round.

Crab Fishing Zone 23 - which is used by our Mi'kmaq communities - falls within the area of proposed exploration and although evidence of the effects of seismic testing is still inconclusive, there are concerns that any negative effects could have long term consequences to our fish and waters.

Current studies offer no conclusive proof that seismic activity does not disturb fisheries. The effects of seismic testing on fish habitat and reproduction are unknown. We are concerned about any negative impacts on the fish that could have a long lasting effect from which it may be difficult to recover.

The Consultation department at KMKNO will continue monitor this situation as we strongly feel this is necessary to ensure all of our environmental concerns are properly addressed.

Energy - *continued*

Hydraulic Fracturing - The topic of fracking has been one that has been on the forefront for the Mi'kmaq. The Assembly and KMKNO share in the concerns of the Mi'kmaq of Nova Scotia who are worried about the potential environmental and health concerns of hydraulic fracturing.

The Assembly has continued to express concerns of the potential environmental impacts of hydraulic fracturing throughout and remains unwavering on the fact that further consultation is required before any decisions are made to approve further activity.

The Consultation team at KMKNO understand the importance of protecting the lands and resources of our traditional lands and have continued to push that consultation with the Mi'kmaq is required before any permits and/or approvals for disposing, transporting or treating the wastewater happens anywhere in Nova Scotia.

KMKNO will be working on a special newsletter devoted to the topic of fracking and will continue to stay on top if this priority issue on behalf of the Assembly and the Mi'kmaq of Nova Scotia.

Lands - Lead Chief: Chief Rod Googoo

Topics Overview:

Bowater - KMKNO continues to meet with Provincial representatives from OAA and DNR on a bi-weekly basis. This process is referred to as the Western Crown Land Planning Process and is intended to identify future uses and management of the former Bowater lands.

Mi'kmaq Forestry Initiative - A process is currently underway to develop a Mi'kmaq Forestry Initiative where approximately 10,000 -15,000 hectares has been identified for Mi'kmaq management in the St. Margaret's Bay area. UINR and CMM continue to provide significant input into this initiative.

Crown Lands - After much dialogue with the Assembly and community members, KMKNO presented recommendations of lands that should be included in the Province's selection of Protected Lands. All of these lands were marked by community members as being lands of Mi'kmaq cultural significance. Discussion continues with the province on the management of Crown Lands and the Mi'kmaq land use for traditional activity.



Parks - Interim Lead Chief: Chief Leroy Denny

Prescribed Burns - Parks Canada completed their prescribed burn in the Cape Breton Highlands National Park, and the Mi'kmaq were invited to attend. Mi'kmaq representatives have been identified to attend any prescribed burn with the opportunity to harvest any medicinal plants and/or birch bark in the location of the intended burn. KMKNO will continue to work with Parks Canada on the participation of the Mi'kmaq in these prescribed burns.

Sable Island—On October 17th, 2011 a Landmark Agreement signed between Canada and Nova Scotia, both agreeing to take necessary steps to protect Sable Island as a National Parks Reserve. This status is used when “there are outstanding claims by Aboriginal people regarding Aboriginal Rights and Title”.

KMKNO has been working with Parks Canada to ensure the claims for Aboriginal Rights and Title are recognized. In July 2013, we received confirmation from Parks Canada that work will be done to identify the cultural connection between Mi'kmaq of Nova Scotia and Sable Island, including both a historical and archaeological review.

We are also pleased to say that the governments have also agreed to endorse a legislative ban on drilling from the surface of Sable Island and out to one nautical mile.

Wildlife and Forestry - Lead Chief: Chief Rod Googoo

Topics Overview:

Mainland Moose - Ongoing discussions on the recovery efforts completed over the last five years. The Team is developing a recovery action plan that is focused on scientific activities to collect data on the moose and its habitat along with public awareness and safety activities.

Fisheries - Lead Chief: Chief Terrance Paul

Topics Overview:

Atlantic Salmon—Research is currently underway to determine salmon requirements of the Mi'kmaq. Working in collaboration with UINR and MCG, the team is reviewing the science available in order to determine the health of our river systems. This information will allow KMKNO to advise the ANSMC of the status of each system in order to develop management plans.



Moderate Livelihood - The Consultation Department has been providing research and support at the Negotiations Main Table to work towards developing a plan for a Mi'kmaq Livelihood Fishery. A technical committee meeting was held this month with the Fisheries Managers from our Mi'kmaq communities.

Aquaculture - Underwater archaeology and access to fisheries have formed a large part of the discussion at the Aquaculture Consultation Table. Focus has been on items such as the protection of the wildstock and cultural resources, protection of traditional access, improved guidelines and consultation on any new regulations as well as ways to improve Mi'kmaq participation in the industry, benefits and future partnerships.



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Mi'kmaq Rights Initiative

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Kwilmu'kw Maw-klusuaqn Negotiation Office works on behalf of the Assembly of NS Mi'kmaq Chiefs in the negotiations and consultations between the Mi'kmaq of Nova Scotia, the Province of Nova Scotia and the Government of Canada.

KMKNO was developed by the Mi'kmaq for the Mi'kmaq.

The purpose of these negotiations and consultations is to implement our Aboriginal and Treaty rights from the treaties signed by our ancestors in the 1700's.