

## **Appendix D**

### **Dalhousie Mountain Mi'kmaq Ecological Knowledge Study**



# **MI'KMAQ ECOLOGICAL KNOWLEDGE STUDY**

Prepared for  
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## 1.0 INTRODUCTION

### 1.1 CMM Environmental Services

CMM Environmental Services is a program operated by the Lands, Environment, and Natural Resources Directorate of The Confederacy of Mainland Mi'kmaq (CMM) that provides fee for service environmental consulting services. CMM provides advisory services to six Mi'kmaw communities in the province of Nova Scotia: Paqtnkek First Nation, Annapolis Valley First Nation, Bear River First Nation, Glooscap First Nation, Millbrook First Nation, and Pictou Landing First Nation.

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### 1.2 Project Description

The Dalhousie Mountain Wind Farms, located north of the Trans Canada Highway (#104) Mount Thom, Pictou County, NS. The Proponent, RMSenergy Ltd. has completed almost four years of wind monitoring, land acquisition and extensive expert studies since June 2004. The proposal is to install and locally maintain 34 wind turbines. The Phase 1 locations on Fitzpatrick's Mountain, Dalhousie Mountain and Mount Thom are expected to generate four 190 Gwh of renewable power annually to Nova Scotia Power. The site was chosen for several features that compliments wind farm suitability such as a very large setback for homes, existing logging roads, land which has been farmed or forested located 30 kms inland and at an altitude above sea level of 300 metres.

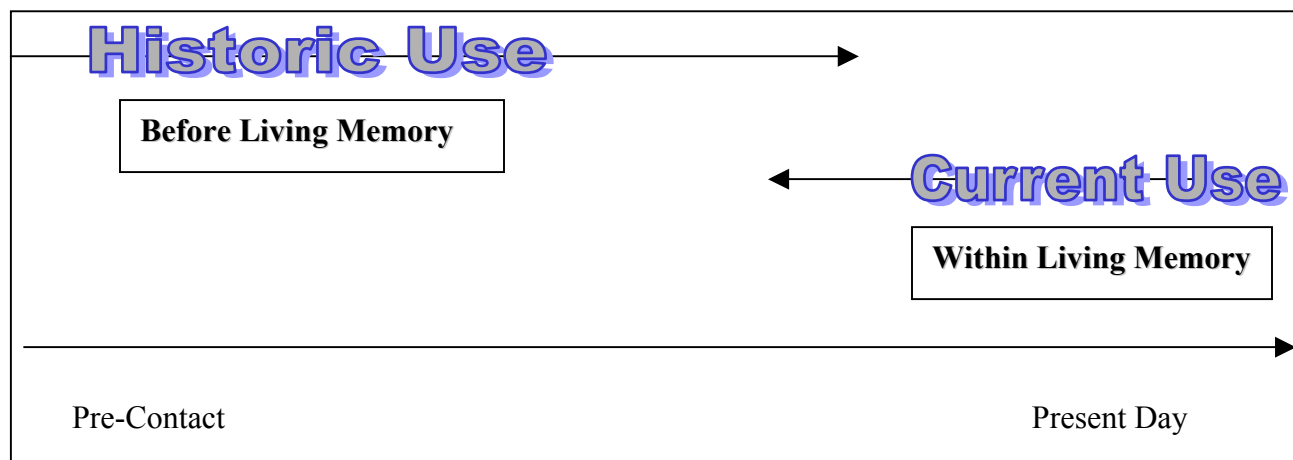
## 2.0 DEFINITION OF TERMS

**Living Memory** is the memory of living Mi'kmaw. 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 Use** 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'kmaw Ecological Knowledge** 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 mijuijij*", 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 are 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 have 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

This study encompasses all that area around the Dalhousie Mountain, around Pictou County, stretching from Merigomish Island, and running westerly towards Colchester County. The area for this research has focused around traditional use and occupation by the Mi'kmaq with the Pictou County area. Being that the Mi'kmaq were nomadic and would have traveled around the country, the study has been expanded to include the neighbouring Mi'kmaq communities at Pictou and Millbrook.

Pictou County lies on the Northern Shore of the Northumberland Strait, and has a length of about 50 miles. It extends inward to a distance of over 20 miles and is bounded on the south by Guysborough County, on the east by Antigonish County, and on the west by Colchester County.<sup>1</sup> It lies with the Mi'kmaq districts known as Epekwitk aq Piktuk and Sipekni'katik.

#### 4.1.2 Methods

Research was completed from within The Confederacy of Mainland Mi'kmaq research department library as well as the Nova Scotia Public Archives, Dalhousie University, Saint Mary's University, St. Francis Xavier University, and the Nova Scotia Museum. Secondary sources were consulted for this project, although some primary sources from the Nova Scotia Museum and the Nova Scotia Public Archives were used as well.

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<sup>1</sup> Patterson, George A. A History of the County of Pictou, p. 9

#### *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.

## **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
- 3) Mi'kmaw Communities

#### *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-kilometre radius surrounding proposed project site.

##### **4.2.1.2 Species of Significance to Mi'kmaq**

Study areas are marked on Figure 2.

#### 4.2.1.3 Mi'kmaw Communities

The study area for Mi'kmaw communities is a 5 km radius surrounding the proposed development area.

### 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'kmaw 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* and an application to complete research was submitted to Mi'kmaw Ethics Watch.

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 were surveyed in the spring and the fall of 2008. Information collected is reported in a general format only. The names of the species are not recorded.

#### 4.2.2.3 Mi'kmaw Communities

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 Introduction*

Mi'kmaq traditional use of the land in Nova Scotia involved semi-permanent and permanent settlements. Summer villages of the Mi'kmaq were usually located on the banks of streams or rivers. The most important factor in the choice of a site was the proximity of the site to a navigable body of water. Sites around the mouths of rivers with heavy spawning runs were highly favourable for use, as well as smaller rivers running back into a system of lakes.<sup>2</sup> It is therefore likely that the Mi'kmaq settled in the study area, which exhibits these types of natural features.

The Mi'kmaq may have valued this area because of the available water-routes that were used for travel by canoe. This area made it possible to travel across Nova Scotia to some extent, as well as travel across the Bay of Fundy to other parts of Nova Scotia and New Brunswick.

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<sup>2</sup> Donald M. Julien, **Historical Perspective of Micmac Indians Pre & Post Contact Period**, p. 3.

The Mi'kmaq lived mainly on the coast. Explorers and pioneer settlers found evidence of Micmac settlements on both the east and west sides of the East River estuaries; at West River, at the Big Island of Merigomish, at the mouth of Barney's River, at Middle River Point, at Caribou, and Little Harbour. Pictou was the centre of the district on Nova Scotia's north shore, those belonging to it being called "Pectougawak"(Pictonians). The Pictougawak tribe's headquarters was probably at Merigomish, and near here they buried their dead on Indian Island, a place that has religious and emotional significance to the remaining Indians who live on the Federal Government Reservation at Pictou Landing. The river-mouths on Pictou's coastline were advantageous campsites for the aboriginal inhabitants. The waters were filled with an abundant supply of shell and vertebrate fish, the water surface was filled with wild fowl, and the forests were stocked with small game, moose, and caribou.<sup>3</sup>

The name Pictou was supposed by many to have been a corruption of Poictou, the name of an old Province of France. The Mi'kmaq have a traditional story as to the name of Pictou: Their story or tradition is that at one time there had been a large encampment up the West River. On one occasion they all left on their canoes on a cruise down the harbour. During their short absence, the whole encampment was burned up, including the woods surrounding it. No person could tell how the fire originated. They always spoke of the event as the "Miskeak Bucto", or big fire, which naturally became associated with the place. When the whites came, hearing the Mi'kmaq speak of it in this way, they corrupted the name and called the whole north side of the harbour Pictou, because they could not pronounce it right.<sup>4</sup>

Of the seven divisions, Pictou was the centre of the district extending along the north shore of Nova Scotia. Merigomish however, seems to have been their headquarters. This was a favourable position for them because it was near the fishery of the Gulf; the islands abounded in wild fowl, the rivers swarmed with fish, and the woods in rear were plentifully stocked with game.<sup>5</sup> Their principle place of encampment was at the foot of Barneys River, on the east side, where they had some clearings on which they grew Indian corn and a few beans, at the time of English arrival. Other places such as: the Big

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<sup>3</sup> Cameron, James M. Pictou County's History, p.1

<sup>4</sup> Patterson, Rev. George A. A History of the County of Pictou, p. 23

<sup>5</sup> Patterson, Rev. George A. A History of the County of Pictou, p. 23.

Island, some of the smaller islands in the harbour, and some of the points on the shore were also sites of their encampments.<sup>6</sup>

### *5.1.2 Post Contact*

There is a tradition that happened just before the arrival of the Europeans between the Mi'kmaq and the Mohawk in Pictou County. The Mi'kmaq had concealed themselves in the woods on Little Caribou Island. Between this and the mainland, the passage is very narrow, not 200 yards wide. The Mohawks had detected the hiding place of the Mi'kmaq, and supposing that they might be readily by wading or swimming, resolved to cross by night and attack their enemies while they were asleep. But the tide was too powerful for any man to swim across. The Mohawks, not knowing this, had plunged in and the tide swept them away. In the morning the returning tide brought back their dead bodies, each with a tomahawk tied on his head. The Mi'kmaq coming out of their place of concealment, were filled with joy at the sight of their dead foes and danced in triumph for their deliverance. At the time of the arrival of the English settlers the affair was still fresh in the memory of the Mi'kmaq and was represented as having taken place during the wars between the English and the French. The place is still named by the Mi'kmaq Tedootkesit, meaning the place of running to the brushes from the Mi'kmaq taking refuge in the woods.<sup>7</sup>

The settlement of Pictou County by English and Gaelic speaking settlers began after French power in Nova Scotia had ceased, and with it the Indian opposition to the British. Mi'kmaq leaders in 1760 appeared before the Legislative Council in Halifax to make peace. In 1762 a proclamation was issued to prevent encroachment on Indian lands, which was a follow up to a ten-year-old statute that forbade acts of aggression against the Indians.<sup>8</sup>

As the settlers fanned out from Pictou, they found Indians with small plots under primitive cultivation, e.g., Middle River Point, and Barney's River. These and others were purchased from the Mi'kmaq for a meagre amount, by the whites. The Indians' principal district, Merigomish (an Anglicized spelling and pronunciation of the Indians

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<sup>6</sup> Patterson, Rev. George. *A History of the County of Pictou*, p. 27.

<sup>7</sup> Patterson, Rev. George. *A History of the County of Pictou*, p. 33.

<sup>8</sup> Cameron, James M. *Pictou County's History*, p. 2.

name for the district “Mallogomichk”, meaning a hardwood grove) was taken over entirely by the whites, except two small islands.<sup>9</sup>

Some Indians were living at Chapel Cove before contact. This land was later set aside as Fisher’s Grant (what is today recognized as Pictou Landing). It was recognized as Indian land by the Province of Nova Scotia and was transferred to the Dominion at Confederation. Following Confederation, a number of land parcels at Pictou Landing-Chance Harbour were acquired by the Dominion as a reserve for the Pictou Landing Indians—89 acres in 1874, 16 acres in 1876, etc. until the total encompassed 1158 acres, classified by the Federal authorities as Fishers Grant Indian Reserve No. 24. Additionally, Chapel Island and Wooley Island, 30 acres and five acres respectively in Merigomish Harbour were set aside. In 1960 they were designated Merigomish Harbour Indian Reserve No. 31 for the use and benefit of Pictou Landing Indians.<sup>10</sup>

For the Indians, the white man brought disaster. In 1775 Magistrate Harris reported their number in the County to be 885. The first federal census almost a century later, 1871, reported the County’s Indian population to be 125, which was a shocking decline, said to have been caused by Indians lacking immunity to the white man’s diseases; small pox, and tuberculosis. By 1961 the census showed the Pictou Landing Indian band had increased in the intervening 90 years to over 200. White settlements on the coast and up-river crowded them off their fishing and hunting grounds.<sup>11</sup>

The Mi’kmaq burial ground, when the English settled, was near the west end of Big Island on the south side, a short distance east of Savage Point. Here they buried up till the early part of the nineteenth century. The Mi’kmaq then buried on Indian Island. When the English arrived there was an Indian village at the mouth of the East River.<sup>12</sup>

Edward Mortimer recommended that part of the Philadelphia grant near Caribou Point be granted to the Indians in the county. He stated, “It would make a good reserve. There is plenty of grass, good soil, no roads, continuous hunting grounds, plenty of timber convenient for water carriage.”<sup>13</sup> During the years 1819 – 1820 the government of the province finally divided the province into 10 areas in which there was to be land set aside

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<sup>9</sup> Cameron, James M. Pictou County’s History, p. 2.

<sup>10</sup> Cameron, James M. Pictou County’s History, p. 2.

<sup>11</sup> Cameron, James M. Pictou County’s History, p. 3.

<sup>12</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 3.

<sup>13</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 3.

for the Indians. Unfortunately for the Indians in Pictou, they were not considered in the plan. In 1828, the Indians were prevented from planting crops and cutting firewood by a Mr. Mudie (to whom the land had been granted) even though the Indians lived on the spot for more than 50 years prior.<sup>14</sup>

In 1842, Robert McKay and some other people of Pictou petitioned the assembly for an allotment of land for the Indians in Pictou and again there was no action. On November 30, 1842, J. Dawson wrote to Joseph Howe asking if the Indians could reasonably expect anything in the shape of “Royal Bounty because the Indians never had more need of it.” The Indians at the time were destitute and in need of clothing. On December 5 of that same year, Howe replied by sending a few blankets and coats to be given to the aged, or poor families only. In addition, Howe asked if there were crown lands available that would suit them for there would be no difficulty in getting a grant of 500 to 1000 acres for them. Mr. Dawson wrote to the government in January 1843 suggesting that Mr. McArthur at Boat Harbour would be willing to sell his land to the crown and later be used by the Indians. The government did not adopt Mr. Dawson’s recommendations, and it was some time before land was reserved for the Indians at Pictou.<sup>15</sup>

It wasn’t until the eve of Confederation in 1867 that the Indians in Pictou were granted land. The amount of land purchased after more than 80 years was 50 acres. The land was not purchased by government funds, but funds collected from the sale of Indian land, which had been encroached upon in Cape Breton.<sup>16</sup> In 1874 another 89 acres were purchased from Wm. Ives for \$1157 which became known as Fisher’s Grant, 24 A. In 1876 sixteen acres were cut off and exchanged for eleven acres of land, which became known as Fisher’s Grant, 24 B. The Indians received less in the exchange but it gave the reservation access to both the Northumberland Gulf Shore and Boat Harbour. Additional parcels of land were acquired in 1888 of 30 acres known as 24 C, 25 acres in 1903 and was known as 24 D, 80 acres in 1907 known as 24 E, 120 acres in 1910 known as 24 F, and 128 acres in 1928 known as 24 G. All these parcels of land were acquired for firewood, which was much needed by the Indians.<sup>17</sup>

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<sup>14</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 6.

<sup>15</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 7.

<sup>16</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 7.

<sup>17</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 9.

Indians from Indian Island moved to Pictou Landing to live where work was available close by. Now the island is uninhabited, but Indians all over the Maritimes visit each year in July to celebrate the “Feast of St. Anne’s.” Prior to 1838 the Indians used to have a similar celebration, usually in the month of September at Fraser’s Point or Middle River Point. There would be about 100 to 150 canoes drawn up on shore while the two days would be spent in racing and other events.<sup>18</sup>

The area around Colchester County is mix of vegetation including Sugar Maple, Beech, Yellow Beech, Red Maple, Hemlock and Pine. The rivers and estuaries that run through this region were formed by water drawing in from the Bay of Fundy. There is a mix of different birds and animals have migrated to this area in spring and fall due to a mixture of forest and vegetation.

In 1873, a Mi’kmaq hunter by the name of Charles Wilmot found a good piece of land near the Hilden area, running along the Old Halifax Road. He informed the people at Christmas Crossing that this land was full of wild game and there was plenty of ash growing in that area. The Mi’kmaq elected a spokesperson to talk with the Indian agent about exchanging their land at Christmas Crossing for this new piece of land later known as Millbrook Reserve.

The original Truro Reserve had an area of 35 acres. The Mi’kmaq realized that they were in need of a wood lot, for fuel, supplies and crafts such as baskets, chairs, and hockey sticks, axe handles and butter tubs. Between 1904 and 1910 an additional 120 acres of land was purchased for the Reserve.

On December 6, 1917, the Mont Blanc, French ship carrying munitions and explosives collided with the IMO, a Norwegian ship on her way to New York to load supplies for Belgium. Some of the Benzene drums on board spilled over and caught fire. At 9:05am, the Mont Blanc exploded, flattening an area of two kilometres, devastating 325 acres, and killing over 1600 with the blast. The Mi’kmaq living at Tufts Cove, on the Dartmouth side of the Harbour, had run to the shoreline to watch the incident as it was unfolding. A total of 11 of the Halifax County Indians were killed, and the village destroyed.

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<sup>18</sup> Francis, Barry. Pictou Landing Reserve: A History, p. 9.

The remaining Halifax County Mi'kmaq were requesting that they be relocated to other areas, close to the railway. These Mi'kmaq were told that they could move to Millbrook; but felt that they were not close to job opportunities or the railway.

By May 30, 1919, Henry Creelman offered to sell 100 acres of land to the Department for \$2500 for the use of the Halifax County Indians. At this time, the Department was trying to get rid of the reserves at Ship Harbour, Sambro and Ingram River. They thought that they could surrender these reserves, and the money made from the sale could be used to purchase lands for the Halifax County Indians. The Truro Reserve was the first experiment on the part of the Department of Indian Affairs to centralize Mi'kmaq to settle on reserves.

1919, October 14, a lot of land amounting to 93 acres was purchased for the use of the Halifax County Indians. This lot of lands is situated on the west side of the Old Halifax Road, and situated west of the Inter-colonial Railway. In the correspondence, it states that this lot was subdivided into 24 parcels, and was assigned according to numbers drawn from a hat.

By March 30, 1920, J.D. McLean is stressing the importance of getting the Indians to settle on the Truro Reserve. Their hopes were to concentrate the Indians onto central reserves, and to do away with the smaller reserves. Some of them had petitioned the Department to become members of the Truro Reserve, while others moved back closer to the city in order to secure employment. By 1923, the Department had intended to pay for the construction of a road running through the reserve. The estimated cost, which was voted in Parliament, was \$3000; but the road cost was \$3495. The municipality paid for the balance of the cost for the road construction.

In January of 1924, H.J. Bury informed the Deputy Minister that it would be advantageous to do whatever was possible to promote Truro as a settlement. He added that with the influx of Mi'kmaq settling on Millbrook Reserve, they were running out of wood for fuel, leaving them in the position of purchasing more fuel or buying a woodlot.

On March 26, 1924, the Department made an application for the Rifle Range property. Five acres was purchased from H.D. Smith and James Archibald. The Department claimed that this was part of the old Millbrook Reserve and that Archibald had no title to



it. This parcel being separated from the rest of the Range property by the Canadian National Railway.

In 1939, the original 35 acres was re-subdivided and the names of the occupiers and the extent of their occupations are shown on plan 5207. Following the end of WWII, approximately 15 veterans received benefits from Veterans Affairs for housing at Millbrook. These arrangements appear to have implied some land interest to the Veterans, which in turn may have encumbered the Band interest in those lands.

By 1954, the Old Rifle Range was acquired as a source of wood supply. A road Right-of-Way was purchased to provide access to 27A, B and C from the Halifax/Truro Road. At this time, the Crown Asset Disposal Corporation transferred 590 acres to the Department of Citizenship for an addition to Millbrook Reserve. The Department of National Defense had assembled this land for a Rifle Range, which had no longer been needed. These lands were wooded and situate entirely on the west side of the railway.

In 1959, Her Majesty divided the Mi'kmaq into 11 bands under the Nova Scotia Provincial Agreement setting apart reserves, including Truro #27, which includes the satellite reserves at Sheet Harbour #36, Bear Dam #17 and Cole Harbour #30.

In 1965, Millbrook Reserve and the council was approached by the Department of Highways to surrender 58.38 acres of land for the new public highway 102 which runs to Halifax and connects with the Trans Canada Highway to the north of the town of Truro which passes through the lands of the Millbrook Reserve. In exchange for the 58.38 acres of land, the Millbrook Band would receive 75 acres of farmland. The final agreement was made on February 26, 1966.

Then in 1969, a debate arose over whether or not the Department of Highways legally owned the land since a band council resolution was not signed. In the meantime, before and during this time, the Band was working on an access route to a proposed model Mi'kmaw village site between them and the Department of Highways. After several years of legal disputes regarding the ownership of the land, the Department of Highways agreed to build an access route to the proposed model Mi'kmaw village Site.

In 1962, the Reserve lands east of the railway were again subdivided this time into 84 lots. Both the original 35 acres and the Creelman Properties were included. The final survey plan did not reflect the subdivisions of the 1921 or 1939; neither did the new survey reflect the recent land transactions that had occurred in relation to the Indian Veterans Grant Program during the 1950's.

In 1972, as a result of an exchange agreement with the Province of Nova Scotia, 84.7 acres was added to Millbrook Reserve, while 58.38 acres of former reserve land was transferred to Nova Scotia for Highway 102. The land added was situate east of the No. 2 Highway and stretched from the southern boundary of the original 35 acres southward to lie adjacent to the north boundary of Truro No. 27A.

### 5.1.3 *Archaeology*

On October 10 1955, Kenneth Jopps was digging a drain on his property at Lowdens Beach near Pictou, N.S, where he discovered a burial ground. The copper-pot burial discovered that day, and the second burial site found nearby a year later have provided a wealth of information through the quality and quantity of both the Native-made and European made grave gifts, and their relatively good state of preservation. In the 1980s, the date of the burials was established as being 1580-1590.<sup>19</sup>

The two pits found at the Pictou site contained secondary burials—in which the bodies are first laid out on scaffolding in the open air for a period of months or years, and the bones then buried in the earth. The first pit contained the skeletal remains of an adult male. Only small pieces of bone were recovered. The second pit held skeletal fragments of a child, a woman, and five other adults, whose gender could not be determined.<sup>20</sup>

The first Burial Pit was excavated in 1955, and was divided into two distinct areas or sections. Section One was a circular depression of 6' diameter and 3' deep. A second depression, Section Two, lay to the north and slightly overlapped the first section. The floor of Section One was covered with twigs and small branches. Over these, there was a carefully prepared birch bark sheathing, which covered the entire floor and then reached

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<sup>19</sup> Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 49.

<sup>20</sup> Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 51.

up along the sides to a height of 1'6" from the bottom. Five layers of pelts lay above the bark on the floor. The final pelt layer lay with flesh side up and was painted red. Three intact, inverted copper kettles lay on the painted skin. Beneath each kettle was a very black layer of decayed organic material. Several grave gifts lay on the black stratum and were protected by the kettles from the earthen grave fill. These included a wooden bow, iron trade axe with handle, awls, fragments of cloth, and a glazed pottery beaker.

Section Two adjoined the first part on the northerly side. Seemingly the carefully prepared portion was not large enough to receive all gifts necessitating the hasty preparation of an extension. All the kettles in the second section were mutilated; some were badly crushed by deliberate flattening under heavy pressure and the rest were slashed with an axe. Many French trade objects and some native artifacts thrown into the grave along with the kettles were scattered about in no definite order.<sup>21</sup>

The second burial pit was a circular excavation with a total depth of 48" along the northerly side and 40" on the southerly; the floor was level and the difference in depth was a result of the sloping surface of the ground. The sides were virtually vertical to a depth of 34" when they sloped inwards to make a pit bottom measuring 68" x 63". The lowest 14" contained skeletal remains from either three or four bodies together with a compact mass of grave goods. In the next 15" were skeletal fragments from a single body together with two inverted copper kettles and stone and earthen fill; the third section, 11" deep, showed traces of two fires lit over the grave, evidently of a ceremonial nature.<sup>22</sup>

Other artifacts that were found included: a porcupine skin, with quills still attached; a hair roach of moose neck hairs, painted with red ochre and slip-knotted at one end over sinew cordage, the cord then coiled into a tubular headdress (probably from the suspected male burial in Pit 1); and a collection of nine beaver molars and pre-molars. Five smooth round pebbles coated with red ochre, labelled "Pit A," may represent symbolically the firestones dropped into bark containers of water to bring them to a boil. Pelts included moose, deer, bear, and beaver.<sup>23</sup>

The known archaeological sites of Merigomish harbour comprise 18 shell-heaps, the prehistoric cemetery excavated by Patterson, a modern cemetery, and places that may

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<sup>21</sup> Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 53.

<sup>22</sup> Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 55.

<sup>23</sup> Whitehead, Ruth Holmes. *Nova Scotia: The Protohistoric Period 1500-1635*, p. 60.

possibly be, respectively, a modern wigwam site, a burial place of “battle field”, an earthwork, and workshop.<sup>24</sup> A single wigwam site is said to be located at Hardwood point, about 3/4 of a mile north of Merigomish. The spot is among alders; about 150 feet back from the beach and about the same distance west of the east line of the Olding farm. It was probably the site of a modern Mi’kmaq Indian camp.<sup>25</sup>

There is a consecrated French and Indian cemetery on the high land at the south side of Big Island, on the north side of Savage cove. It is 1 5/8 miles northwest of Merigomish. Patterson states that the Mi’kmaq Indians used it as a cemetery until about 1837; but he gives its location at about a 1/2 west of a prehistoric cemetery. This cemetery was located on the farms of Mr. James McGlashan and Mr. Donald McGregor; the McGregor land now being owned by the son, Mr. George McGregor. Patterson claimed that it had been distributed in a search for specimens before he excavated it, and a number of stone axes and arrowheads taken away.<sup>26</sup>

A site at the east side of the Barney River bridge is thought, by Mr. Wallace Copeland of Merigomish, to be a burial place or “battle field” because many bones have been ploughed up at the place.<sup>27</sup> A supposed earthwork, locally known as the “Boars Back”, is near Barney River. Patterson relates to a tradition recorded by Silas T. Rand, to the effect at the time of the last war there, in which the Mi’kmaq of the harbour fought other Indians. The Mi’kmaq were entrenched in a blockhouse or a fort at the mouth of Barney River. These blockhouses were constructed of logs raised up around a vault first dug in the ground. The old Indian fortifications were a sort of palisade enclosures, formed of trees and stakes driven into the ground between them, with branches of trees interlaced. In times of war the women and children were always kept in such fortifications, but that after obtaining axes from Europeans they may have made one like the blockhouse referred to above. This supposed earthwork, however, is probably natural or made by white-men, as earthworks of aboriginal origin are not known in the Maritime Provinces or nearer than Massachusetts.<sup>28</sup>

Many chipped points for arrows and a very great number of chippings have been found on Thomas Patton’s point, now owned by Mr. R. Patterson, at Lower Barney River. The

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<sup>24</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 7.

<sup>25</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 9.

<sup>26</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 10.

<sup>27</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 14.

<sup>28</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 14.

site may have been a workshop where stone was chipped into points for arrows, knives, and scrapers.<sup>29</sup>

There are a number of sites on Pictou harbour, at the beaches, and at Fisher's Grant. There is a small adze made of stone from the beach at Pictou, a fragment of adze made of stone from Town gut, two adzes made of stone, one of them double bitted, from Bug gut, East River, Pictou. In the same collection from East River, Pictou, are two adzes made of stone, one of them grooved on the rounded side of the head. There is also a shell-heap, which is the site of old campfires, composed of oyster, clam, and mussel shells on Ives Point, on the east side of East River, Pictou.<sup>30</sup> Stone axes and knives were found a few hundred yards north of Indian Cross point, a little below Ives point.

Many shell-heaps have been found in this area of study, including: Quarry Island, Indian Island, Olding Island (Point Betty island), Savage Cove, Big Island, Smashem head, Finlayson Island, Pig Island, Kerr Point, Smith Point, Barney River, Central Ponds, Little Harbour, Ives Point, East River, Fraser Point, and Caribou Island.<sup>31</sup>

When European voyagers first visited our coasts, the walrus was still found in this latitude; and with the memory of the persons still living, the seal was also in abundance. The first visitors to Pictou describe in glowing terms the size and abundance of the oysters to be found in our harbour and the shell heaps on the site of old Indian encampments.<sup>32</sup>

The Mi'kmaq lived mainly on the coast. Explorers and pioneer settlers found evidence of Micmac settlements on both the east and west sides of the East River estuaries; at West River, at the Big Island of Merigomish, at the mouth of Barney's River, at Middle River Point, at Caribou, and Little Harbour. Pictou was the centre of the district on Nova Scotia's north shore, those belonging to it being called "Pectougawak"(Pictonians). The Pictougawak tribe's headquarters was probably at Merigomish, and near here they buried their dead on Indian Island, a place that has religious and emotional significance to the remaining Indians who live on the Federal Government Reservation at Pictou Landing. The river-mouths on Pictou's coastline were advantageous campsites for the aboriginal

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<sup>29</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 14.

<sup>30</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 15.

<sup>31</sup> Smith, Harian I. The Archaeology of Merigomish Harbour, p. 7-15.

<sup>32</sup> Patterson, Rev. George. A History of the County of Pictou, p. 20.

inhabitants. The waters were filled with an abundant supply of shell and vertebrate fish, the water surface was filled with wild fowl, and the forests were stocked with small game, moose, and caribou.<sup>33</sup>

Down the river, south of where Fisher's Grant is located to day is another burying place. A large iron cross stood here at the arrival of the English settlers, which was about 10 feet high. Hence the place is still known as Indian Cross Point, though the locality is known among the Mi'kmaq, as Soogunagade, or rotting place. Erosion is wasting away the bank, so at times human bones may be found exposed on the shore.<sup>34</sup> It was believed that each time the water had eroded the banks and the graves were exposed, the Indians returned to that area to move them to higher ground, further in on the land.

Mr. Donald McGregor of the Big Island was ploughing a spot on his field when he turned up a human skull. Upon examination, he found a mass of decayed human bones; among them a skull, transfixed by a flint arrowhead which yet remained in its place. Along with these remains were a large number of ancient implements, stone axes, flint arrowheads, etc., but none of them showing contact with Europeans. The transfixed skull, and the whole appearance of the place, plainly showed that these were the bodies of those who had fallen in some battle and had been heaped together, "in on red burial blent."<sup>35</sup>

A paleo-Indian site was discovered in Debert in 1948 on a lot owned by Mr. Eaton. The construction of a parking site at the Debert military base had uncovered several artifacts, which were collected by Mr. Eaton, who was interested in archaeology. It was believed to be a seasonal camping site of the Mi'kmaq. Due to the acidity of the soil, small stoned artifacts were all that remained, which were believed to be using as hunting materials.<sup>36</sup>

Archaeological sites have been discovered in other areas of Cobequid, and the outskirts. Belmont, near Debert, has significance evidence of other paleo-Indian sites. Over 700 artifacts were collected over two sites known as Belmont 1 and Belmont 2.

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<sup>33</sup> Cameron, James M. Pictou County's History, p.1

<sup>34</sup> Patterson, Rev. George. A History of the County of Pictou, p. 29.

<sup>35</sup> Patterson, Rev. George. A History of the County of Pictou, p. 29.

<sup>36</sup> MacDonald, George Frederick. Excavations at Debert, Nova Scotia: A Study of Lithic Technology and Settlement Pattern at a Fluted Point Site.

Sometime during the late 1700's and the early 1800's, the Mi'kmaq lived along the banks of the Salmon River, which runs between the Town of Truro and the Village of Bible Hill.

The exact location was close to the formed Archibald property location. This parcel of land was sold in 1885 to the school of agriculture. When the school started expanding, the Mi'kmaq were moved to the property of King St, where the St. Mary's school is located. The Mi'kmaq called this Christmas Crossing.

## **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'kmaq 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

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**

TYPE OF SITE	DESCRIPTION OF ACTIVITIES IN STUDY AREA
HUNTING/KILL	Trout, Deer
BURIAL/BIRTH	
CEREMONIAL	

GATHERING	Food Plant, Wild Berries, Wild Fruit, Logs
HABITATION	

### 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 fall and spring surveys.

**Table 2: Number of Species of Significance to Mi'kmaq Present in the Study Areas Spring 2008**

TYPE OF USE	NUMBER OF SPECIES PRESENT SPRING 2008
MEDICINAL	25
FOOD/BEVERAGE	16
CRAFT/ART	6

**Table 3: Number of Species of Significance to Mi'kmaq Present in the Study Areas Fall 2008**

TYPE OF USE	NUMBER OF SPECIES PRESENT FALL 2008
MEDICINAL	49
FOOD/BEVERAGE	20
CRAFT/ART	6

### 5.2.3 *Mi'kmaw Communities*

There are two Indian Reserves located within the current use study area, however, there are two reserves located in within approximately 50 kilometres of the project area.



**Pictou Landing First Nation #24** is located 9.6 kms north of New Glasgow in Pictou County, and is located 55 kms more or less from the study area. The community is registered in the Indian Lands Registry as Fisher's Grant #24 and was established in 1866. The band has three other parcels within Pictou County at Boat Harbour #37, Merigomish Harbour #31 and a small parcel adjacent to Boat Harbour known as Fisher's Grant #24G.

**Millbrook First Nation #27** is located in Colchester County, 8 kms east of Truro. The acreage of the community is 742.30 acres (300.4 hectares) and is located 52 kms more or less, from the study area. The band has members spread out over four parcels: Cole Harbour IR #30, Sheet Harbour #36 and Beaver Lake #17, and at Millbrook. Millbrook was originally established in 1866 and is registered in the Indian Lands Registry as Truro IR #27. They officially changed the name of their community and the corporate name of the band to Millbrook in 1985 (Registration #100621). Millbrook also has the parcels adjacent to the reserve known as Truro #27A (41.26 acres), #27B (40.53 acres) and #27C (23.48 acres), each established in the early 1900s.

The following is a list of Mi'kmaq place names:

Pictou Island.....Cunsunk  
 Moody's Point.....Poogunipkechk  
 Merigomish.....Mallegomichk.....a hardwood grove.  
 Caribou Harbour.....Comagun.....a decoy place, duck decoys were set  
 Green Hill.....Espakumegek.....High land  
 Mount Thom.....Pamdunook.....A mountain chain  
 Middle River.....Nemcheboogwek.....Straight flowing  
 West River.....Wakumutkook.....Clear water  
 East River.....Apchechkumooch-waakade.....Duckland  
 Saw Mill Brook.....Nawegunichk.....Saw mill brook  
 Fisher's Grant..... Soogunagade .....rotting place, (Burying ground)  
 Roger's Hill.....Nimnokunaagunikt.....Black birch cove  
 Narrow entrance of Caribou Harbour.....Tedootkesit.....running into the bushes

Toney River.....Bucto Taagun.....spark of fire  
 Little harbour.....Munbegweck.....little harbour  
 Sutherland's Island.....Coondawaakade.....A stone quarry  
 Point Betty Island.....Mkobeel.....Beaver place<sup>37</sup>  
 We'kopektik....Truro and Millbrook reserves  
 Plamuey.....Salmon River  
 Taqamikujk..... Tatamagouche ..... Extending across  
 Matawipukwejk.....North River.....River of the Fork  
 Iskenisk.....Debert River ..... Place of Eel Weirs  
 Mimskuajk ..... Little Bass River ..... Curving round and round<sup>38</sup>

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<sup>37</sup> Patterson, George. A History of the County of Pictou, p. 32.

<sup>38</sup> Stevens, Arlene. Mi'kmaq Place Names; UCCB

## 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**

<b>POTENTIAL IMPACTS ON MI'KMAQ LAND AND RESOURCE USE</b>	
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.
6.02	Several species of significance to Mi'kmaq have been identified in the study area. Permanent loss of some species is an impact of the project.

## 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
<p>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.</p>	<p>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.</p>
<p>6.02 Several species of significance to Mi'kmaq have been identified in the study areas. Permanent loss of some specimens is an impact of the Project.</p>	<p>7.2.02 The plant species of significance to Mi'kmaq identified within the 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 to Mi'kmaq is evaluated as not likely significant.</p>

## 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 David Christianson at the Nova Scotia Museum and with Donald M. Julien at The Confederacy of Mainland Mi'kmaq.

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'kmaw claimants for this area may not submit land claims in the future.

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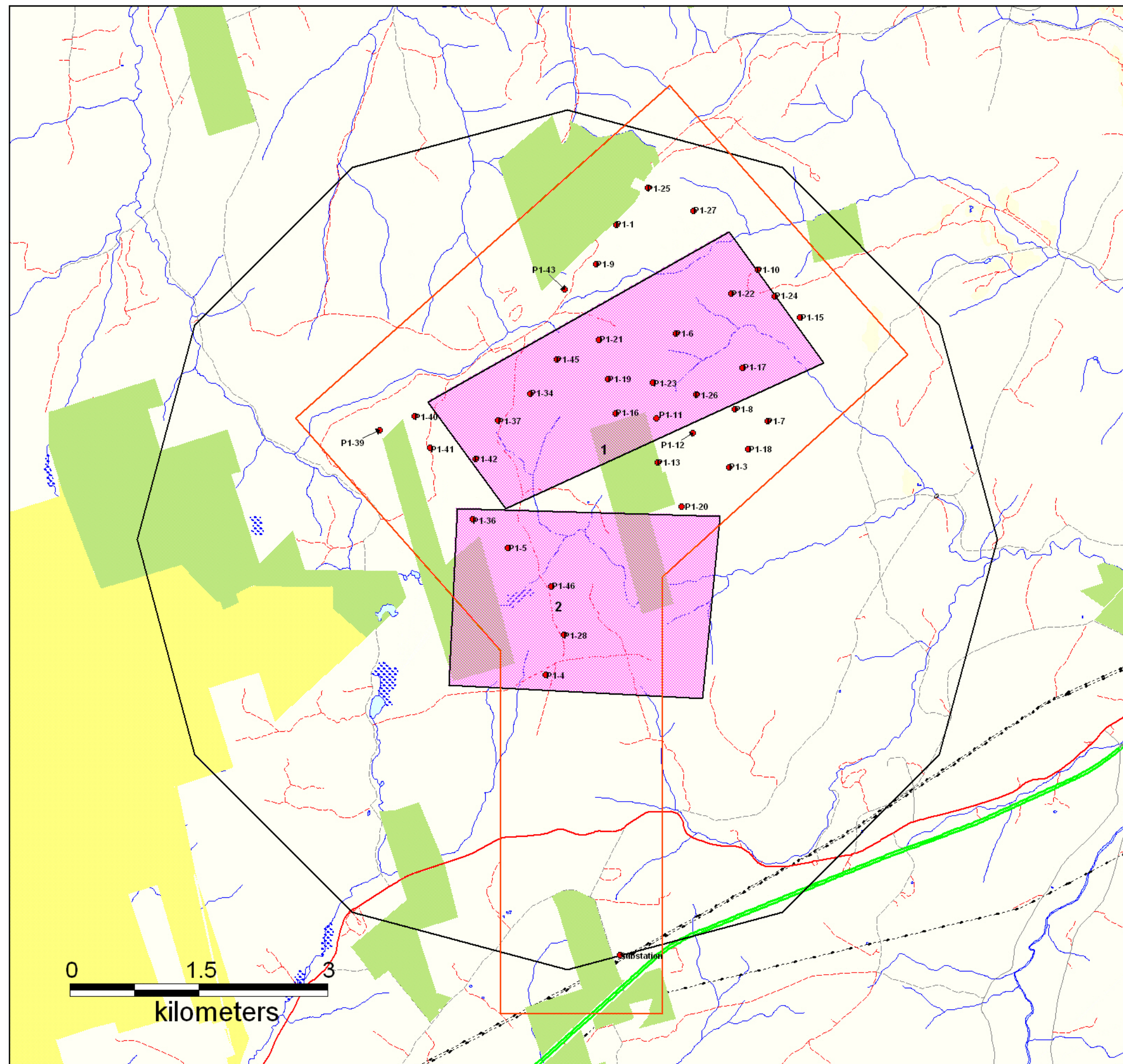
X14931	X14932	X14933	X14934
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X14890	X14921	X14922	X14919
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C-11121	RG 10	Volume 1957	File 4671
C-11171	RG 10	Volume 2159	File 33,038
C-11106	RG 10	Volume 1892	File 1635
C-11158	RG 10	Volume 2103	File 18,671
C-12048	RG 10	Volume 7758	File 27047
C-12049	RG 10	Volume 7758	File 27047



# Figure 2

## Current Mi'kmaq Land and Resource Use Study Area



### Study Areas 1 & 2

Current Mi'kmaq Land  
& Resource Use Sites

### Legend

- Local Highway
- Resource Access Road
- Hard Surface Road
- Highway 104
- Loose Surface Road
- Railroad
- Collector Highway
- Power Line
- Lake, River, Brook
- Water body
- 5 km Buffer
- Gully Lake Wilderness Area
- DNR Crown Land
- Proposed Turbine Sites
- Dalhousie Project Boundary



