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Attached Schedules

- Schedule A – Mi'kmaq Traditional Sites and Areas
- Schedule B – Mi'kmaq Fishing Sites and Areas
- Schedule C – Mi'kmaq Hunting Sites and Areas
- Schedule D – Mi'kmaq Plant Gathering Sites and Areas
- Schedule E – Mi'kmaq Land Occupation Sites and Areas

1.0 INTRODUCTION

1.1 Membertou Geomatics Consultants

Membertou Geomatics Consultants (MGC) is a Membertou First Nation company that was developed as a result of the 2002 Supreme Court Donald Marshall Jr. Decision. MGC was established as a company which would provide GIS expertise and environmental services from a Mi'kmaq perspective. Membertou Geomatics Consultants is one of several companies established by the Membertou First Nation – Membertou Corporate Division. These companies not only provides consultant services, but also provides employment opportunities for aboriginal persons and contribute to Membertou's efforts to provide high quality social programs and services to its community members. As well, Membertou's excellent management and accountability of their operations is further enhanced by their ISO 9001:2000 certification. Most recently, Membertou has undergone an ISO audit, and have been successfully recertified as ISO 9001:2000 for another three years.

MGC brings to the front table a team of five individuals who have expertise and specialized skills with regards to land documentation and the development of Mi'kmaq Ecological Knowledge Studies. The MGC team skills include expertise within the area of historical Mi'kmaq research, GIS data analysis, Mi'kmaq environmental knowledge and sound Mi'kmaq community connections and understandings.

1.2 Xstrata Donkin Coal Development Alliance and the Donkin Mine Site

Xstrata Coal is a Swiss company that has recently begun to undertake a feasibility study to consider the future development and mining of the coal resources located in Donkin, Cape Breton, Nova Scotia. The Donkin mine site is estimated to have 200 million tones of coal resources. Over the next year Xstrata will undertake an exploratory program which will identify whether there is the potential to develop the coal resources located here. The Donkin coal mine that is located here has not been in operation since the 1980's, although one mine did operate until 5 years ago. Since then, the mines have been allowed to fill with water and the exploratory work being considered will involve draining the flooded coal mines and then assessing the remaining coal resource.



Donkin Mine Tunnel

2.0 MI'KMAQ ECOLOGICAL KNOWLEDGE STUDY SCOPE & OBJECTIVES

2.1 Mi'kmaq Ecological Knowledge

The Mi'kmaq people are the first people of the area we call Atlantic Canada, also known as Mi'kma'ki, and they have inhabited this land for thousands of years. Long before the arrival of European peoples in Mi'kma'ki, the Mi'kmaq relied on the land and its' various resources for all aspects of their livelihood, including sustenance, spirituality, and cultural knowledge. This reliance on the natural world allowed the Mi'kmaq to establish a long-existing, deeply entrenched relationship with the land and its' resources, which continues to exist. This relationship is intimate in its' overall character, as it has involved collective and individual harvesting of the resources for various purposes, be it sustenance, medicinal, ceremonial and/or conservation. This endearing relationship has allowed the Mi'kmaq to accumulate years and years of ecological information and it is this knowledge that continues to be maintained by the Mi'kmaq people and is passed on from generation to generation, youth to elder, *kisaku kinutemuatel mijuijij*.

It is this wealth of Mi'kmaq Ecological Information which is held by the Mi'kmaq that Mi'kmaq Ecological Knowledge Studies, also referred to as Traditional Ecological Knowledge Studies, focus on gathering and identifying. Specific ecological information regarding Mi'kmaq/Aboriginal use of various lands, waters, and resources are documented within an MEKS, providing a more accurate and thorough understanding of how the Mi'kmaq people may use the land that is being considered by the study. In this manner, it would be accurate to state that MEKS are similar to environmental impact assessments in their overall scope, as EIA also seek to measure the present and lasting impact of human activity on the environment and its' resources, often by prioritizing significant effects of project activities in accordance with specific federal or provincial legislation, such as Species at Risk. However, Mi'kmaq Ecological Knowledge Studies find their distinctiveness from that of an overall environmental impact assessments through the idea that although MEKS are concerned with the impact of developmental activities on the land and its' resources, MEKS seek to identify such in accordance with Mi'kmaq land and resource practices. This is quite significant if indeed the goal is to develop an environmental study that provides a thorough understanding of a particular area, as Mi'kmaq use of the land, waters and their resources differs from that of dominant society. Thus, in order to identify the ecological impacts of developmental activities on Mi'kmaq land and resource use, we must first evaluate such in accordance with Mi'kmaq understandings of land and resource significance. At the end of the day, although such effects identified may indeed correlate with the findings of EA's, MEKS ensure that Mi'kmaq land activity in the study area is identified in accordance with Mi'kmaq ecological knowledge and uses of the land.

2.2 Mi'kmaq Ecological Knowledge Study Mandate

As a manner in which to identify Mi'kmaq traditional land use activity within the study area, Xstrata Coal has contracted MGC Consultants to undertake a Mi'kmaq Ecological Knowledge Study. The mandate of this MEKS is to identify and gather Mi'kmaq ecological information with respect to land and resource use within the study area located in Donkin, Cape Breton County, Nova Scotia. The MEKS will identify, gather, and document the collective body of ecological knowledge which is held by the Mi'kmaq people. The information that is gathered by MGC will be documented within this report and will present a more thorough understanding of the Mi'kmaq peoples land and resource use within the study area. This study may accompany the Environmental Assessment that is submitted by the Company to the regulators and should be utilized as an identifier of Mi'kmaq traditional land and resource use of the site area. **HOWEVER, this study is not intended to be used for Consultation purposes by government and/or companies and cannot be used for justification of the Infringement of S.35 Aboriginal Rights.**

2.3 Mi'kmaq Ecological Knowledge Study Scope & Objective

The MEKS objective is to identify Mi'kmaq Ecological information regarding Mi'kmaq land and resource use within the study area. This will occur through an interview process where various Mi'kmaq people will be asked to provide information regarding their land and resource use in and around the study area. The information they provide will then be documented on land maps and this data will then be analyzed by team members. The final results will then be detailed within this MEKS, although in a manner which will not disclose the identity of the individuals who have provided their ecological knowledge to this study. The results will then allow a more thorough manner in which to identify the current and past use by the Mi'kmaq people, within and around the area that is being considered for development with regards to the Donkin mine project. As well, this report will ensure that Mi'kmaq Ecological Knowledge is incorporated and considered by all interested parties who will review the implications of the project on the study area.

Although it is not the intent of this study to consider whether the project may have implications for aboriginal rights infringements, should the MEKS data identify the likelihood of such infringements to occur by the project activities, it will provide recommendations on the necessary steps that the company and government must undertake to engage in formal consultation with the Mi'kmaq.

2.4 MEKS Study Area

The Donkin underground coal mine project will be located in the area of Schooner Pond, extending eastward to the Wreck Point coast and southward for about 1000 meters. The entire study area is approximately a 10KM radius around the project site. The primary activity that will occur here is the dewatering of two coal mine access tunnels that have been filled with water since the mid eighties. The project will also construct a new access road which will run from the northern part of the study area to the previous mine site. The new construction part of the road will be somewhere near 1000 meters on length. In addition, a component of the feasibility activities include a disposal pile and a land fill site, both of which will be adjacent to the previous mine site.

