

Native rights balanced by science

by Shelley Denny

The “peaceful” protest this fall in St. Peter’s between commercial lobster fishers from St. Peter’s and surrounding area and Chapel Island food fishers has been disheartening and infuriating. After 20 years of Treaty Day celebrations, it seems that our closest neighbors don’t accept Mi’kmaq food fishing rights.

The irony in the situation is that this hostility and arrogance occurred during Mi’kmaq history month, a month of celebration for Mi’kmaq accomplishments and recognition for our Treaties with the Queen. Mi’kmaq Treaty Rights have been proven to be valid again and again in the Supreme Court of Canada. The SPAR-ROW decision (1990) guarantees our right to fish year-round for sustenance and ceremonial purposes. Our Treaties are valid. Accept it. Let’s move on.

But what about conservation, you may ask? Lobster conservation in this region is not an issue. Lobster stocks around Cape Breton are still reasonably healthy. With at least 59 licenses in LFA 29 at 250 traps per license, that amounts to 14,750 traps set in the season that are hauled nearly every day for 9 weeks. Does anyone actually think that 250 traps set by Chapel Island food fishers for two months is going to drive the lobster population to low levels? Not likely. It’s not a free-for-all. It’s a traditional food fishery. In these debates no one ever mentions the non-Native cottage harvest (also known as “poaching”).

Chapel Island and First Nations in general have been more than cooperative by adhering to commercial lobster fishing regulations for that area. In particular, we respect the minimum legal carapace length restriction, release female lobsters carrying eggs and newly molted lobsters back into the water, and report our landings to Department of Fisheries and Oceans (DFO). Chapel Island fishers have been generous in accepting a reduction in the number of traps they set by 40%, even if, by law, they don’t have too. I wouldn’t like to see the commotion the commercial lobster fishers would put up if they were faced with that drastic a reduction.

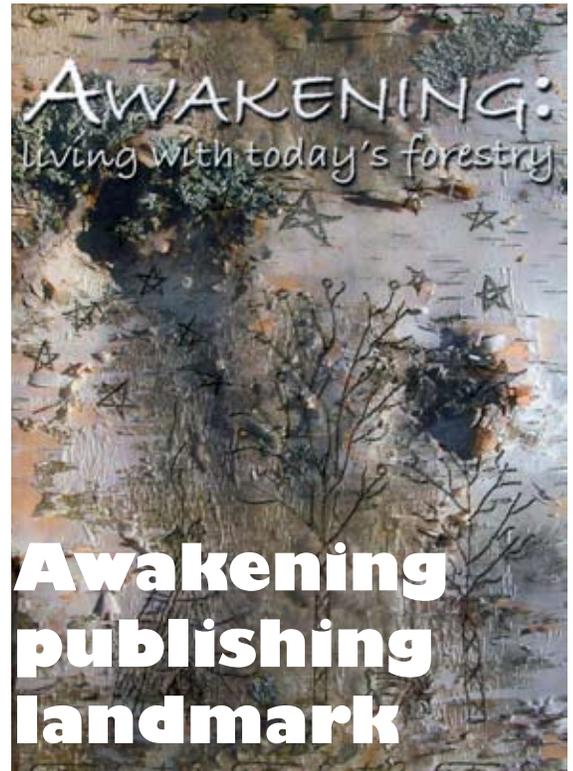
First Nations in Cape Breton have been involved in lobster conservation and marine habitat research for many years. We have invested years of research on lobster in the Bras d’Or Lakes and have installed artificial reefs to increase lobster habitat there. Through a Memorandum of Understanding with the Lobster Science Centre in PEI, we have made a commitment to continue research on this important species.

While First Nations fishers have the legal right to add up to 1000 more traps to their food fishery, in recognition of conservation of the lobster species, we don’t. And although we have licenses to fish in Areas 27–30, First Nations fishers do not exercise those rights. Eskasoni has 5 licenses that they don’t fish out of conservation concerns.

In Areas 27–30, non-native fishers place 158,250 traps in a season. In the same area, First Nations place approximately 350 traps for their food fishery (out of an allowable 1250 traps.) Do the math.

NOTE: Shelley Denny, has received approval from the Chiefs to develop an Unama’ki food fishing management plan for lobster.

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A new book has been published by the First Nations Forestry Program of Nova Scotia in cooperation with The Confederacy of Mainland Mi’kmaq. **Awakening: Living with today’s forest** is a comprehensive look at forestry in Nova Scotia from a uniquely Mi’kmaq perspective.

It is a phenomenal achievement that has taken over three years to produce. Photographs, illustrations, and easy-to-understand diagrams complement the comprehensive text that takes you through the history, science, and tradition of the forest in Nova Scotia and how it has been used and continues to be managed by the Mi’kmaq people of Nova Scotia.

The title was chosen to reflect a traditional perspective that can become a reality in today’s forest sector. A blend of traditional ways with new technology, a balance between economy and sustainability, all leading to what the authors hope will be a new beginning for the people who live and work in Nova Scotia forests.

Wholistic forestry is a term that rises again and again throughout **Awakening**. This philosophy includes humans and our interaction with the forest, and it balances our interests equally with the other parts of the forest ecosystem.

UINR’s Director of Forestry, Mark MacPhail, was involved in the writing and production of **Awakening**. Copies will be available for sale in January.

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On hand for the CEPI Senior Council meeting were:

Charlie Dennis, Executive Director–UINR/Chair CEPI

Fred Baechler, ADI Ltd.

John Boudreau, Warden–Municipality of Richmond County

Judith Sullivan-Corney, NS Department of Aboriginal Affairs

Bill Lahey, Deputy Minister–NS Department of Environment & Labour

Rick McCreedy, Planner–CBRM

Doug Foster, Director of Planning–CBRM

Jerry Ryan, Chief Administrative Officer–CBRM

Wilbert Marshall, Chief–Potlotek First Nation

Sandy Hudson, Chief Administrative Officer–Municipality of Victoria County

Wayne Budge, Warden–Municipality of Victoria County

Jim Abraham, Acting Regional Director General–Environment Canada

Susie Marshall, Elder–Eskasoni First Nation

Dougal MacDonald–Indian & Northern Affairs Canada

Bruce Hatcher, Chair in Marine Ecosystem Research–Cape Breton University

Faith Scattolon, Acting Regional Director General–Fisheries & Oceans Canada

Jason Naug, Project Leader, Bras d'Or Coastal Management Area–Fisheries & Oceans Canada

Nadine Bernard, Director of Natural Resources & Commercial Fisheries–Waycobah First Nation

Jason Pierro, Band Councillor–Wagmatcook First Nation

Tuma Young, CEO–Eskasoni First Nation

Sharon Carter, Bras d'Or Coordinator–NS Department of Environment & Labour

Justin Huston, Coastal Zone Coordinator–NS Agriculture, Fisheries & Aquaculture

Dave Duggan, Head of Coastal Management–Maritimes Region, Fisheries & Oceans Canada

Bill Lahey, Deputy Minister–Nova Scotia Department of Environment and Labour and **Judith Sullivan-Corney**, CEO–NS Office of Aboriginal Affairs are presented with a Charter by **Chief Wilbert Marshall**, Potlotek.



Charlie Dennis Pjila'si

Kesik

Winter and the circle is complete.

It was a gratifying moment to achieve the unity of the five Unama'ki Chiefs, the Mayors, and Wardens of Cape Breton, provincial and federal departments, all joining together to develop and implement a management plan for the Bras d'Or Lakes and watershed. An historic moment! As secretariat for the initiative, UINR provides staff, services, and resources to the project and I am proud to be the Chair at our monthly meetings in Eskasoni. What a great way to begin a new year!

In November, I was honoured by the people of Eskasoni when I was elected as their Chief. With the strong team we have at UINR, I will continue to work on the many initiatives at UINR and will work towards strengthening and expanding the role of our organization. Watch for some exciting projects in the new year.

I want to congratulate Blair Bernard, our Natural Resource Officer Coordinator, on successfully completing the Christopher Leadership course. We can look forward to many interesting public presentations from Blair in the coming months.

Looking back at the last year, I am very happy with the progress we have made at UINR in strengthening our position regarding natural resources and their sustainability. Over the coming months we will continue to represent the rights of species that cannot speak for themselves and to protect and preserve their environment.

Through our unique mix of science and traditional knowledge, we look forward to continued success for the communities of Unama'ki.

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GP Georgia-Pacific STORAENSO Scholarships

Eskasoni's Angela Morris was the big winner when a series of scholarships were awarded to Unama'ki Science, Technology, and Natural Resources students. There are three separate scholarship categories– the Stora Enso/UINR Scholarship Fund, Stora Enso/UINR Forestry Scholarships and the Georgia Pacific/UINR Scholarships.

Here are the winners:

Georgia Pacific/UINR (\$1,000): Lindsay Marshall–Membertou;

Janice Basque–We'koqma'q; Angela Morris–Eskasoni

Stora Enso/UINR (\$1,000): Lindsay Marshall–Membertou;

Janice Basque–We'koqma'q; Angela Morris–Eskasoni

Stora Enso/UINR Forestry (\$5,000): Angela Morris–Eskasoni

These scholarships are awarded yearly and students are advised to check our website for details on upcoming awards. www.uinr.ca

The Oyster Garden 6

A Story by Charlie Dennis

My stories usually begin in Malagawatch or 'Big Harbour Island' as it's called on the map. My principal Elders are Gabriel Sylliboy and Noel Francis. Other people were involved in some of the stories that were talked about around the campfire about the futuristic view of predicting the next day's weather:

My story begins with Gabriel Sylliboy. He had stories about traditional knowledge that he inherited from the past, but in most cases, he developed his own knowledge through spending time in Malagawatch and his travels around the plants, trees, and animals that he encountered.

One evening, while sitting out on the steps overlooking the sunset, a beautiful reflection bouncing on the shoreline and with the beautiful colors of the leaves showing their fall foliage—sometimes back then it was hard to tell which was which. It reminds me now of something out of the 'Forrest Gump' movie; it was a beautiful evening, a classic Malagawatch evening.

As the sun was setting, the thought on everyone's minds was that it was an excellent evening or night for spearing eels, or to use more familiar terms—an excellent night for torching. We knew that we were going to have eels for dinner the next day. That evening I went to visit Gabriel to see if he was going out that night to spear eels. We sat in his cabin and talked for a while, until the conversation came up about the weather and I asked if he was going eeling that night.

"Well," he said, "let's step outside and see if the weather is going to be good or not." We were standing outside while he touched his chin, gave a sigh, and spit his chewing tobacco out. "Well, my son, I don't think the weather is going to be good tonight."

I kind of looked confused to him, as the weather seemed perfect, as I stared into the beautiful sunset and calm water. I didn't ask him how he could tell because of the respect I had for Gabriel. After a while, he gave a chuckle and smiled.

"Let me tell you, my son, take a look at the leaves on the poplar tree and you can hear them dance and turn upside down. This usually means that the wind is going to pick up, so you had better leave your boat and spears where they are and forget about torching for eels."

Sure enough, a short time later the wind picked up and sadly, there were no eels for dinner the next day. That's one lesson for traditional knowledge I've never forgotten.

The other time, Noel Francis came over to Gabriel's cabin and spoke of his knowledge of predicting the weather. He also learned this from Elders and his observations of different species. Noel was also an oyster fisherman from Eskasoni (I did a story on Noel in our last issue).

While having a chat with Gabriel, Noel mentioned that there were some bad signs, noticing that the weather was not looking favourable for the next day. Of course, being interested (and nosy), I commented that the radio had said that it was going to be a nice day. He smiled and said, "you can't always believe the radio — this is Malagawatch weather; it can change in a very short time." He was telling Gabriel about his episode that morning with Mother Nature.

Gabriel said that while he was out picking up oysters from fishermen, Noel had run into his cabin and asked where his gun was (he was pretending he was mad about something). Gabriel commented that his gun was as old as he was, "That thing will never fire," he jokingly said to Noel. Gabriel then asked the question



"Why do you need the gun anyway?" Noel swore that a stupid bird was drying its wings on an old tree that was sticking out of the water. Gabriel said, "That's a bad sign." Of course, they were talking about the cormorant that usually sits on old logs—they believe that when these birds dry their wings, the weather takes a turn for the worse. Sure enough, when I saw the cormorants spread their wings to dry them out in my later years oyster fishing, in most cases the weather was terrible.

One of the key things I learned from these Elders on long-term weather prediction was about 1977 while trapping. Andrew Ben Johnson and I observed that muskrats were building huts, or muskrat houses all over the place. These were rarely seen early in the season and through the winter. We told this to Gabriel and Noel, and they explained that it was going to be a mild winter.

Well, through to the end of the season, Andrew and I were out with our boat with no trace of ice anywhere. I can still remember we were riding our vessels with our T-shirts on. I remember seeing Uncle Gabriel standing along the shore with his fancy cap and rolled-up shirt sleeves. Many times in my life I see this vision, and how beautiful the weather was. Another sign I remember is that a rainbow in the sky predicted unsettled weather.

I'm sure there are many observations made by our people that are now described as "stories." Times have changed, things are changing on a daily basis. With so much change, more than ever we need to observe the weather and its links to strange animals, fish migrating in the fall, and other signs.

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Atlantic saury visit

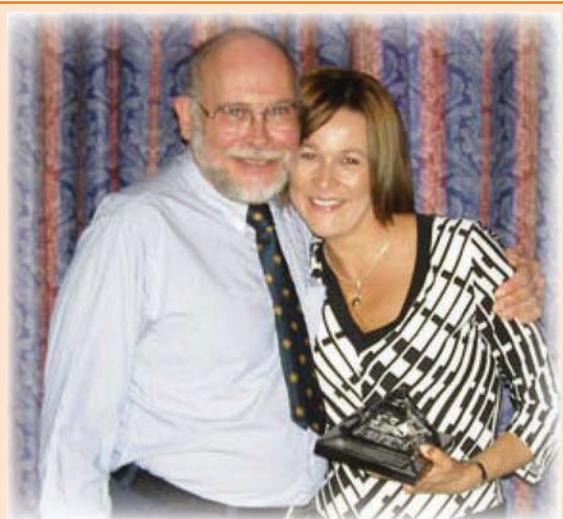
The Atlantic saury (*Scorpaenopsis sarus*), was found washed on shore and caught by fishers in East Bay. Sauries are also known as skippers because they skip along the surface of the water when escaping from their predators. Other common names include needlefish or billfish because of its distinct sharp beak.

The saury is a schooling species that is common to the warm and temperate waters of the Atlantic, Pacific, and Indian Oceans. They prefer warm waters of 8.2 to 24.8°C and feed on zooplankton and other small fishes. Predators include cod, mackerel, tuna, and dolphins. Sauries reach a maximum total length of 50 cm.

Local mortalities are most likely a result of the fishes not being able to find water temperatures within its preferred range (i.e. water above 8°C), or a result of low tolerance to low salinities. Near shore salinities have been 10 ppt in this area as a result of recurring heavy rainfall.

Reference: Scott, W.B. and M.G. Scott. 1988. *Atlantic Fishes of Canada*. Can. Bull. Fish. Aquat. Sci. 219:713 p.

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Shelley Denny shares a moment with Dr. George Newsome (Buck) after receiving a Young Alumni Award from St. FX University this fall.

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Alyssia is back

Those of you with a good memory will remember Alyssia worked at UINR last summer, helping put together a brochure on best boating practices in the Bras d'Or Lakes. She worked with her brother Norman, researching clean boating initiatives, visiting local marinas, and other boating hot spots to bring boaters the message on what they can do to protect the Lakes.

Alyssia is back, but this time she is a new research assistant and she will be working to finalize the Marine Environmental Quality module for the State of the Bras d'Or Lakes report. Her job will be to fill in the gaps in the last two sub-watershed sections of St. Andrew's Channel and the North Basin, and will edit the remaining sub-watershed sections of the background report.

This report will be used by the Bras d'Or Lakes Collaborative Environmental Planning Initiative (CEPI) to help develop a management plan for the Bras d'Or Lakes.

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Banff bound!

Lisa Young and Shelley Denny from UINR recently participated in the Banff Centre Aboriginal Leadership and Management Development Program. Lisa explains "I was more than impressed with the whole experience. The facilitators were knowledgeable and engaging. I would definitely recommend this program to any one of our leaders or managers who are interested in bettering their community or themselves."

Shelley Denny adds, "I found the course really helped me put my role within UINR into perspective. I enjoyed the scope of the topics, and how to make them apply to my situation."

The Banff Centre in Alberta offers a unique learning experience to First Nations through their Aboriginal Leadership and Management Programs. These programs assist in building capacity in First Nations to address many of the day-to-day challenges. The program facilitators have effectively managed to bring to the learning experience a blend of traditional values and modern management practices that is motivational, practical, and inspiring.

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The proceedings from our Traditional Ecological Knowledge Workshop are now available from our website. You can download a free copy from the Knowledge section of our website at uinr.ca

For a taste of some of our findings, here are some quotes from the workshop.

If the Elders before us were asked these questions about 50 years ago, they would have had all the answers. When they died, their knowledge died with them. We used to take home remedies from our Elders that worked for our ailments, but we didn't know what it was that we were taking and we still don't know but it worked.

When you see a fox, people don't like it. I don't like when people say things against fox. They are a native species. It's our fault for taking away their habitat. We forget how we interact with nature. We are imposing on this animal's habitat.

Before white man, the native people would migrate depending on where the food was. They would migrate to match the migration patterns of eels, salmon and certain species. The Grand Council would organize who went where so they wouldn't overhunt or overfish any area. During the winter they moved inland. They would eat dried stuff and hunt moose and beaver... They would keep eels and fish in pools so they would stay fresh until they would eat them.

A lot of our people think owls are bad luck. You can listen in between the hoots and there is a voice with a message from an ancestor. But it's not bad luck. Listen to him and try to understand the message.

When I was a kid I walked through eelgrass. They are great nurseries. You would see a lot of minnows, pinfish and eels and watch them swim away. I want to talk to youth to let them know that eelgrass beds are important nurseries. Eelgrass has decreased a lot. It is different today.



Bras d'Or Lakes Traditional Ecological Knowledge Workshop Proceedings

There is a lot less eelgrass around the Bras d'Or. I'm amazed by the infestation of green crab. I think the one most important single cause for the decline in eelgrass is the green crab.

I did a lot of diving in the 1970s on eelgrass beds. There is such a difference now. Now you only get a fraction of eelgrass beds that there once was. Eelgrass looks like there is a film of something on the leaves and fronds. It doesn't look healthy. This occurs in many places. In Georges River, eelgrass and wharves are covered in black tunicates, blanketing the eelgrass. It's [black tunicate] in more coves than ever before. Shallow species have died.

Legend had it that a large serpent existed in the Lakes, and people would stay away in the fall. It was later found to be an "eel ball". This ball of eels congregated in late February in a river mouth and rolled back and forth along the channel for up to two weeks. Fishermen would make a string of holes in the ice heading upstream and each would have an opportunity to fish as the ball rolled past their hole and on to the next. These "rolling eels" are disappearing.

In River Denys, there is a big oyster growing area. It was once the most productive oyster growing area in all the Bras d'Or. This area is now under silt. This is related to the cutting of trees.

Oysters used to be a big revenue thing in Malagawatch but now you can hardly find any anywhere.

Anywhere where they allow dragging in the Lakes, it destroys everything. Dragging turns an underwater forest into a desert with one pass.



Ancient Brother Man

By Clifford Paul

Armed with a series of maps, a compass, and a handy GPS device, Mi'kmaq archaeologist Roger Lewis attempts to recreate a 4500-year old story deep in heart of the Cape Breton Highlands. Using investigative techniques, combined with contour maps, Lewis is recreating a scene as to how a Mi'kmaq arrowhead made its way to one of the Wreck Cove spillways.

The story of how the arrowhead was found is much simpler. Five years ago, a Mi'kmaq moose hunter from the Annapolis Valley turned on to a side road next to a brook, he looked down, and right next to his boot was the arrowhead.

"Five thousand years ago, this little brook was a raging river," Lewis noted, spreading his maps across the tailgate of his silver Ford Ranger pickup. "Our ancestors are like every other people. They took the easiest route inland from the coast, and that was by water - coming into the Wreck Cove spillway through Indian Brook (a strong flowing brook that empties into the Atlantic Ocean)."

One of our ancestors must have taken a shot at a big game animal, leaving evidence upon the land, only to be discovered some 4500 years later. This ancient hunter must have been travelling with a family group from the Atlantic coast and up Indian Brook which takes them into the northern interior of Unama'ki.

Nova Scotia archaeologists determine this event as something that happened during the Archaic Period (some 9000-2500 years ago). The arrowhead is officially referenced as a "contracting stem projectile point" noted by the handiwork of its tapered design—a product of the technology used during the Maritime Archaic Period (5000-3500 years ago). From the Mi'kmaq perspective, this period is referred as "Mu Awsami Sagiwe'k"—literally translated "not so recent people."

The arrowhead is made of domestic rhyolite quarried from Ingonish Island. "This material has a distribution from Ingonish through Cape Breton, Antigonish and Pictou," Lewis noted. Artifacts made from this very same rhyolite can be found in those areas. Perhaps this distribution coincides with ancient migration routes for caribou.

At the time, the territory was experiencing great climatic change. Sea levels rose dramatically—consequently submerging much of the Mi'kmaq ancestral past in terms of artifactual evidence. The region became covered by mixed forests and temperatures were gradually increasing. Food varied according to season, with the Mi'kmaq matching their migrations to that of the natural resources available at the time. Fish and sea mammals were in abundance along the Atlantic coast. River systems provided transportation and access to fish and animals such as caribou, moose, deer, and beaver to name a few.

"Thank you my ancient brother man," Lewis concluded, citing the poetry of Nora Bromley's Ancient Brother Man, 1973. "I grasp within my hand a perfect tool, so long ago chipped carefully from stone...I touch with care its edges keen and fine. For once where you once placed your thumb there now is mine!"

Roger Lewis, from Indianbrook First Nation, is the Mi'kmaq Archaeological Researcher for Kwilmuk Maw-klusuaqn, Mi'kmaq Rights Initiative and is responsible for the archaeological component of KMK's research activities. Roger has been conducting reconnaissance and assessment of pre-contact and historical archaeological sites found in Nova Scotia and will document Mi'kmaq cultural activities in support of negotiations.

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Roger Lewis discusses his findings with Membertou Elder Lawrence Wells.



As man today, I greet you ancient brother man
and point with gratitude to these artifacts
you made in eons past.

The signature of man's slow rise on each and
every tool, each point, and each axe.

We can sense the human impact still.
Who smoked this pipe? Who played this flute?

Who used this hoe? Who threw this spear?
And was it made for deer or foe?

As man today, I kneel upon a mountain circled flat
to feel ancient ashes yellow and see a kinship gift
for which you have left for me.

I grasp within my hand a perfect tool, so long ago
chipped carefully from stone and now but for the
timing of our fates it might have been my own.

I touch with care its edges keen and fine.
Where once you placed your thumb
there now is mine!

by Nora Bromley, 1973



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Seasons Greetings! From UINR

There have been quite a few changes and some new developments in the UINR office over the past year...

And we don't just mean things directly related to our jobs or anything at all to do with work...

We've worked on our strengths...



Identified our weaknesses...



Made some new resolutions...



Even got a little bit of new recognition!



Our holiday wish for you is that we hope your work environment is as great as ours! From the staff of UINR, we'd like to say...



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