

Assembly of Nova Scotia
MI'KMAQ CHIEFS

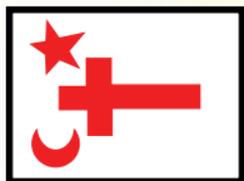


Tia'muwe'l Netuklimkewe'l
Unama'ki Moose Harvesting
According to Netukulimk

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2009





The Mi'kmaq, since time immemorial, have governed the relationship between themselves and the Moose. The Mi'kmaq Law of Netukulimk was told through stories from the time of the Elders:

Tia'm's Promise

In the face of an incredible winter dilemma, a Mi'kmaq family found themselves in a life and death situation. An early and harsh winter lay before them and prospects of surviving loomed unless an adequate supply of meat was harvested. With this, the protector / provider for the family prayed for sustenance. The very next day, a Moose appeared at the wigwam of the hunters. He told them that if they treated the moose with respect by taking a moose only when in need, by making offerings over the body of the moose, by using all parts of the animal and by treating as sacred even the bones of the moose, he would always return to feed the people. If they disrespected the moose, however, then the moose would leave and never return.

When the Mi'kmaq signed Treaties with the Crown they not only protected their right to hunt the moose, but also their right and responsibility to be stewards of the moose according to the Mi'kmaq Law of Netukulimk. This includes providing for the needs of Mi'kmaq families and communities while protecting the health and future of the moose.

Guideline I–SAFETY

The moose hunt has been a Mi'kmaq practice for thousands of years. Hunting moose is not only a way of providing for your family and community, but is an important cultural tie to the ancestors. Mi'kmaq hunters should show respect for the moose and respect for each other by following these safety practices:

- Ia All Mi'kmaq hunters and those helping them will wear a hunter orange cap or hat and a solid hunter orange shirt, vest or coat that can be seen from all sides.
- Ib All Mi'kmaq hunters will keep rifles unloaded when inside a vehicle, use proper care and attention when handling and firing a rifle, and follow provincial regulations respecting the distances required for firing rifles near schools, roads, houses, businesses, etc.
- Ic Mi'kmaq hunters will make sure that their campsites are kept clean and safe, and will make sure that sites are returned to their natural state when they leave.
- Id No Mi'kmaq hunter will hunt while impaired by drugs or alcohol.



- Ie Mi'kmaq hunters will always hunt in a safe and respectful manner.
- If Rifles must be properly registered and the hunter will have a Firearms Acquisition Certificate (FAC) and a Hunter's Safety Certificate.
- Ig Mi'kmaq hunters need to understand that any non-compliance with safety practices can lead to charges.

Guideline 2–COMMUNITY AUTHORITY AND HUNTING ADVISORY GROUPS

Mi'kmaq, as protectors and harvesters of the moose, know that Guidelines are necessary to preserve this important resource for future generations. By enacting these Guidelines, the Mi'kmaq of Nova Scotia are exercising their right to Nationhood, and, in so doing, have to appoint Mi'kmaq stewards to promote Mi'kmaq rules.

- 2a These Guidelines are applicable to all Mi'kmaq in Nova Scotia as an exercise of Community Authority and Nationhood. The Assembly will create an Assembly Hunting Technical Committee to advise the Assembly, Grand Council members of Nova Scotia and Chief and Councils in the administration and evolution of these Guidelines. The Assembly Hunting Technical Committee will also ensure that Community Hunting Advisory Groups are following the Guidelines.



- 2b To help communicate and administer the Guidelines Community Hunting Advisory Groups will be created by Chief and Councils to help hunters follow the Guidelines, provide hunter education and safety programs and to provide hunters with any necessary Certificate of Authority. Community Hunter Advisory Groups will collect all required data from local hunters consistent with these Guidelines.
- 2c If hunters feel that their Community Hunting Advisory Group has made a wrong decision, or is not properly following these Guidelines, the hunter can ask the Assembly Hunting Technical Committee to review the issue.

Guideline 3–THE NO HUNTING TIME

Mi'kmaq know they must allow the moose to rest and recover from the winter and remain healthy in the heat of the summer. They know that future moose are being born every season, and that the cows must be allowed to give birth in peace and those new born calves must be allowed to grow healthy if they are to feed Mi'kmaq families and communities.

- 3a Exercising their rights as stewards of the moose, Mi'kmaq will not hunt moose between January 1 to August 15 of each year.



Guideline 4—ID AND NON-MI'KMAQ HELPERS

Hunting and caring for the moose has been a right of the Mi'kmaq since time immemorial. This right was given legal protection through the Treaties with the Crown. As such, it is a Mi'kmaq right. Mi'kmaq have fought long and hard to make sure that the Crown honours this right. Over the years, however, the rules regarding Indian status and the acceptance of non-Mi'kmaq into Mi'kmaq families have made things complicated. Non-Mi'kmaq hunters are governed by all Provincial rules including seasons and licensing. The following rules are meant to ensure that only those with Community Authority are hunting moose in Unama'ki:

- 4a All Mi'kmaq with a Status Card will keep that card on them at all times while hunting as proof of identity.
- 4b In the event that a Mi'kmaq hunter is accompanied by a non-Mi'kmaq person, the Non-Mi'kmaq person will possess a Certificate of Authority from the Community Hunting Advisory Group allowing him or her to participate in the hunt. In order to receive a Certificate of Authority the following conditions apply:
 - 1. The Non-Mi'kmaq must be an accepted member of the Mi'kmaq hunter's family;
 - 2. The Non-Mi'kmaq will not be allowed to carry a rifle or to kill a moose. They will be authorized to help the Mi'kmaq hunter with all other aspects of the hunt.

Guideline 5–HUNTER REPORTING

By issuing these Guidelines, the Mi'kmaq are accepting stewardship responsibility for the moose in the Highlands. To fulfill that responsibility, Mi'kmaq resource managers need to know how many moose are being seen and harvested in Unama'ki. The knowledge that the hunters can provide is better than any scientific study. Without this knowledge we will never know if numbers are dropping until it is far too late. Mi'kmaq hunters will provide their Community Hunting Advisory Group or UINR with the following information:

- 5a The date and location for each moose harvested.
- 5b Whether the moose harvested was a bull, cow or calf and the approximate age of the animal.
- 5c If available, the hunter will turn in the jaw bone of each moose harvested.
- 5d Any reports of moose observed but not harvested.
- 5e Any reports of moose carcasses that were found and left unclaimed.

A reminder to all Mi'kmaq hunters that the Mainland Moose is a protected species at risk and is never to be hunted.



Process

These Guidelines are enacted by the Assembly of Nova Scotia Mi'kmaq Chiefs and are supported by the Grand Council members of Nova Scotia. They were created as a result of community sessions held all over Nova Scotia and based on the views of delegates sent to the Moose Gathering from all Nova Scotia Mi'kmaq Communities as well as the Nova Scotia members of the Grand Council.

Purpose

At this time, these Guidelines are voluntary. Efforts will be made over the next few hunting seasons to promote understanding and acceptance of these Guidelines in the Communities. It is the vision of the Mi'kmaq that these Guidelines will eventually be enacted as Mi'kmaq Law – enforced and judged by the Mi'kmaq themselves. These Guidelines apply to all Mi'kmaq in Nova Scotia. Protection and stewardship of the moose is the prime objective of these Guidelines

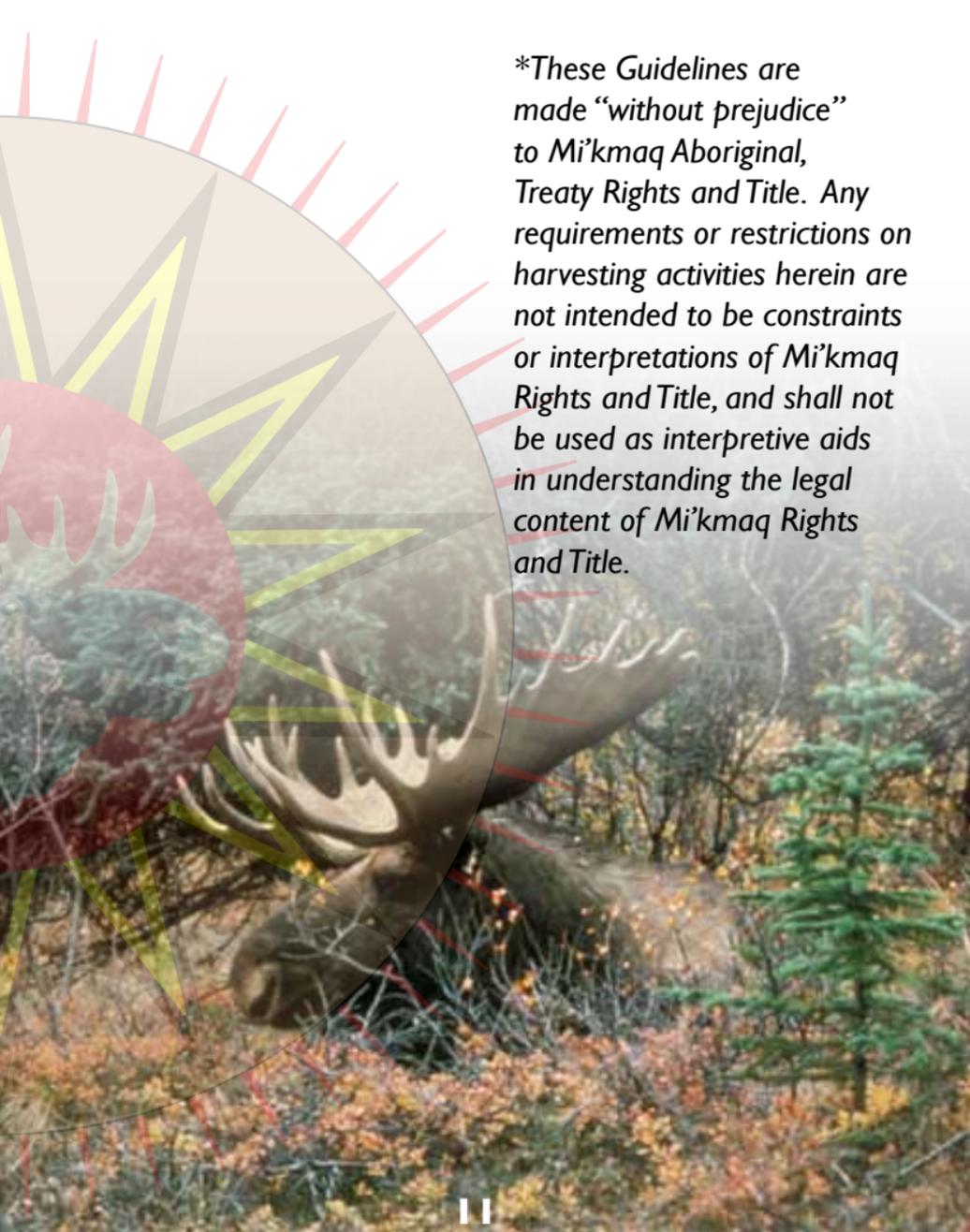
Conclusion

In the future, the Mi'kmaq will add to these Guidelines once consensus is reached on a number of issues involving the moose hunt; issues such as livelihood (mimajuaqn) and how it relates to Netukulimk. This is the beginning.

Bringing Back Animals

Now it is morning. The sun has come from beneath the earth. Waisisk Ketu'muaji Ji'nm (Man Who Sings to Animals) says to the visitors, "This is my work every night. I do not like to see the people waste anything, any part of the animal. They should treat those things with respect. They should save everything. They should save all parts of the animals. What they cannot save and use, they should bury with respect. They should not waste any hair or anything." He takes out a moose bone and sings over it. The moose jumps out of the bone and runs away.

A Mi'kmaq hunter at one of the community sessions felt a sense of honour that the moose, so important to the life and culture of the People, would be the spirit that returned Nationhood to the Mi'kmaq.



**These Guidelines are made “without prejudice” to Mi’kmaq Aboriginal, Treaty Rights and Title. Any requirements or restrictions on harvesting activities herein are not intended to be constraints or interpretations of Mi’kmaq Rights and Title, and shall not be used as interpretive aids in understanding the legal content of Mi’kmaq Rights and Title.*

The following general regulations are the most often enforced safety regulations by Nova Scotia Natural Resources.

For a complete list of all regulations see ***Nova Scotia Hunting & Fur Harvesting Licence & Summary of Regulations.***

1. No person shall have a loaded firearm in a vehicle. Special provisions apply to disabled persons.
2. No person shall possess a firearm in or on a vehicle at any time unless it is encased. (This includes vehicles as defined in the Off-Highway Vehicles Act.) Some exceptions apply to licensed fur harvesters.
3. No person shall enter any woods for the purpose of hunting unless that person possesses a compass in working order, a hand axe or hunting knife or jackknife, and a supply of waterproof matches or matches in a waterproof container or a source of flame. You must be able to demonstrate the ability to operate the compass to the satisfaction of a conservation officer.

4. No person shall at any time discharge any firearm or bow:
 - Within or across the travelled portion of any highway, or within 30m of the travelled portion of any highway.

5. No person shall at any time:
 - Hunt, take or kill, or attempt to hunt, take or kill wildlife or discharge a weapon within 804m of a school
 - Discharge a firearm loaded with a rifle cartridge, single ball, or slug within 402m of a dwelling, playground, golf course, athletic field, woods operation, place of business, or public building other than a school;
 - Discharge a shotgun loaded with shot or a bow within 182m of a dwelling, playground, golf course, athletic field, woods operation, place of business, or public building other than a school;
 - Hunt, take or kill or attempt to hunt, take or kill wildlife that is within 182m of a dwelling, playground, golf course, athletic field, woods operation, place of business, or public building other than a school.

6. As a driver of a vehicle you cannot refuse or fail to comply with any order or visible signal or direction of any conservation officer in uniform.

7. A conservation officer has the right to search any vehicle or vessel or box, bag, or container or any other receptacle if the officer has reason to believe a violation of the Wildlife Act or regulations has occurred.
8. Mi'kmaq hunters should also be aware that Federal and Provincial enforcement officers have and may again prosecute harvesters that hunt at night or try to hunt within National and Provincial Park boundaries.





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