Tobique First Nation, NB ***August 2014***

Wulustuk Times

Wulustuk - Indigenous name for St John River

This publication produced monthly at Tobique, NB, Canada E7H 5K3

Table of contents August 2014

Wulustuk Times:
Each month we gather and publish the latest, most current and relevant native information for our readers. Proceeding with this concept, we feel that a well informed person is better able to see, relate with, and assess a situation more accurately when equipped with the right tools. Our aim is to provide you with the precise tools and the best information possible.

Contact:
We can be reached at Box 3226, Perth-Andover, NB. Canada, E7H 5K3, or at Box 603, Ft. Fairfield, ME 04742. Call us at 506-273-6737. pesun (at) nbnet.nb.ca

ABORIGINAL TITLE TO LANDS GRANTED - TSILHQOT'IN DECISION BY THE SUPREME COURT

For the first time ever on June 26, 2014 a court of the Crown has granted Aboriginal title to a specific land area in Canada. Aboriginal title confers on Aboriginal groups the exclusive right to use, occupy and possess the land, and to decide how the land is to be used, and they have the exclusive right to benefit from those uses. Some people believe this is a "game changer."

Background:

In 1983 British Columbia proceeded to make plans and issued forestry licences regarding lands that the Tsilhqot'in First Nation claimed to be their traditional territory without consulting with them. The Tsilhqot'in objected to this. Over three decades later the Supreme Court has now concluded that the BC government had breached its duty to consult with the Tsilhqot'in FN.

In 2002, the Tsilhqot'in added their claim for Aboriginal title to the growing list of land claims and went to court. The federal and provincial governments opposed the title claim. The trial lasted five years and the trial judge found enough evidence to award Aboriginal title over the land, BUT rejected the Tsilhqot'in claim for "procedural reasons" under Crown laws. The BC Court of Appeal had rejected the claim for Aboriginal title based on the evidence that the Tsilhqot'in were "semi-nomadic." The Court of Appeal found that a claim for Aboriginal title could only be granted for "specific, intensively occupied areas", and that the land area claimed by the Tsilhqot'in was too broad and ill-defined. However, the BC Court of Appeal recognized the Tsilhqot'in's rights to hunt and fish for all of the land they had claimed. The Tsilhqot'in were then granted permission to appeal to the Supreme Court of Canada. The Supreme Court in giving their decision also described how the test for Aboriginal title can apply to a semi-nomadic indigenous group such as the Tsilhqot'in. This test for Aboriginal title will be important in future situations that are similar.

First, the test for Aboriginal title must be based on "occupation" prior to the European assertion of sovereignty. This occupation must be proven to be (1) sufficient, (2) continuous, and (3) exclusive." The Supreme Court stated that these three criteria should be considered together to qualify as "pre-European sovereignty interests." In regards to "sufficiency" it must be established that the Aboriginal group historically acted in a way that would demonstrate that it held and used the land for its own purposes. The Supreme Court rejected the BC Court of Appeal's original approach that aboriginal title must be based on occupation of a specific location such as villages to find sufficiency. The Supreme Court stated that sufficiency of occupation should be culturally sensitive. It should take into consideration the Aboriginal claimants' type of land use and the frequency and intensity of use. For example, presenting evidence that the land was regularly and exclusively used for hunting, fishing, trapping and foraging.

"Continuous occupation" requires that evidence be shown that occupation of the land being claimed existed prior to European sovereignty. It does not apply to occupations of lands since that time.

"Exclusive use" can be proven where the Aboriginal group can show that historically they had acted in a way that shows that they had exclusive control of the land in question.

The Supreme Court said that "Aboriginal title" gives the Tsilhqot'in exclusive use and occupation of the land for a variety of purposes as stated. The Tsilhqot'in can decide how their land may be used and they have the right to benefit from those uses. The Crown has no beneficial interest in Aboriginal title lands. Aboriginal title requires that the uses of the land must be consistent with the communal nature of that First Nation's attachment to the land and its enjoyment by future generations. This is important.

This proof of title is somewhat akin to the old Land Grant system when subjects of the British had to provide evidence that they had been living on a specific parcel of land, cleared trees from portions of it, built a house, out buildings, planted crops and raised livestock. Having proof of this they could be granted title to that piece of land by the Surveyor General. The holder of title to that land can transfer title to another person, that is, sell the land and real property to someone else. However, Aboriginal title land for a group is different from individual private property ownership because Aboriginal title can only be transferred / sold to the Crown (government), similar to the historic concept of "reserved lands" under the British proclamation of 1763. Also, the Aboriginal land cannot be used or developed in a manner that would deprive future generations of the ability to benefit from the land in a meaningful way.

In the case of Aboriginal title, if the Crown desires to make any kind of use of a First Nation's land, it must get consent from the title-holding First Nation. The Crown must demonstrate to the First Nation the intended use of the land and the type of use. The title-holding First Nation may refuse to give their consent. If the title-holding First Nation does not give consent to the Crown, there is one overruling condition.

The Crown can justify overruling the First-Nations refusal of consent if it is in the interest of the general public. In this case Aboriginal title may be "infringed" by the Crown where it can establish a "compelling and substantial" objective that is consistent with the "fiduciary duty" owed by the Crown to the Aboriginal group (basically as per the Indian Act). The Crown (government) must have meaningful consultation before doing so.

Also, the Supreme Court has clarified that existing provincial laws still apply to Aboriginal title lands. In other words, under Crown law all provincial governments are permitted to regulate over areas within their constitutional jurisdiction, even where that regulation may affect Aboriginal and treaty rights, for example in the areas of forestry, mining, hydroelectric power, and other resource development. This clarification was made two weeks after the Tsilhqot'in ruling when the Supreme Court delivered its decision on Keewatin (Grassy Narrows First Nation) v Ontario (Natural Resources), on July 11th, 2014. It upheld the Ontario Court of Appeal's ruling that the province of Ontario could "take up" lands so as to limit treaty rights in the Keewatin area of Treaty 3 and by extension, in other treaty areas across the province. No federal approval is required to do this. In 1873 the federal government had entered into Treaty 3 with the Ojibway which established reserve lands to be retained by the Ojibway, and also identified other areas in which the Ojibway could harvest the non-reserve lands (which included the Keewatin lands) until such time as these lands were "taken up" for settlement, mining, forestry, or other purposes by the federal

government.

How do these situations differ from the Maliseets or Wolastoqiyik Nation? To begin with the Tsilhqot'in had never signed any treaty as have the Maliseets. Nor have the Tsilhqot'in ever been involved with any land claims until now. The Crown has entered into modern land claims with other First Nations of B.C. but never with the Tsilhqot'in. They had a clean slate with which to start their negotiations. With regards to the treaties with the "St. John River Indians" (Wolastoqiyik), they were Peace and Friendship treaties, and land was never addressed within their wording. To the extent that land was not a part of any negotiation makes the Maliseets similar to the Tsilhqot'in. It is then a matter of proving "sufficient, continuous, and exclusive title." This said, however, the Wolastoqiyik traditional lands extend into the present day State of Maine and that complicates the situation since the Supreme Court of Canada has no jurisdiction there. Furthermore when going back in time to prove their sovereignty before European's coming here, they were a larger nation that included present day Passamaquoddies and Penobscots who Champlain referred to as the Etechemin Nation (also spelled Etchemin).

While the ruling of the Supreme Court sounds like a very positive step in aboriginal rights in Canada, a "game changer", the reality is that this latest ruling is just that, a ruling of the Supreme Court of Canada within the Crown laws that govern all people living within the boundaries of Canada, and that includes Aboriginals or "registered Indians" under the Crown's Indian Act. It is not a treaty or agreement between two distinct nations. In the Indian Act - "Indian" means a person who is registered as an Indian or is entitled to be registered as an Indian. The term First Nations is not used in the Indian Act except to refer to the First Nations Fiscal Management Act. In the First Nations Fiscal Management Act "first nation" means a band named in the schedule of names. The actual schedule uses "first nation" and "band" interchangeably after each group's name. Statistics Canada makes no distinction between "band" and "First Nation."

Membership in a First Nation or Indian band refers to whether a person reported membership in a First Nation or Indian band. A band is defined as a body of Indians for whose collective use and benefit lands have been set apart or money is held by the Crown, or who have been declared to be a band for the purpose of the Indian Act.

This is a very fuzzy area within Crown laws, but historically the Maliseet people, or Wolastoqiyik, know that as a collective people they were and still are a nation distinct from other peoples who are subject to the laws of the French or British Crowns. Entering into legal negotiations with the Crown to prove that the lands occupied by a First Nation actually belong to the Crown, begs the question should the dispute not be settled by the World Court of the United Nations (aka International Court of Justice) and not by using the Crown's own legal processes?

The United Nations Declaration on the Rights of Indigenous Peoples states a concern "that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests." This would seem to be the logical place to resolve this dispute.

In keeping within Crown laws, proving "sufficient, continuous, and exclusive title" will require a team of experienced lawyers, land use and occupancy mapping technicians, historians, anthropologists, project managers and several years of dedicated labour. Whether it is successful or not, this exercise will be valuable for the Wolastoqiyik to finally get all their history, culture and traditions digitally mapped to a specific region on the earth, the Mother Earth for which they were once, and still are, the chosen stewards.

If the reader is interested in what kind of work needs to be done to record evidence of land use and occupancy follow the link to this document: Terry Tobias' guidebook on Land Use and Occupancy Mapping.

http://www.ubcic.bc.ca/files/PDF/Tobias_whole.pdf

... all my relations, Nugeekadoonkut.

TSILHQOT'IN WIN EXTENDS ACROSS THE COUNTRY AND TO VARIED RESOURCES PROJECTS

www.canadians.org

The Council of Canadians celebrates the precedent setting 8-0 unanimous decision by the Supreme Court of Canada acknowledging aboriginal title to more than 1,700 square kilometres of land to the Tsilhqot'in Nation in British Columbia.

This evening, the Toronto Star reports, "Maude Barlow, chair of the Council of Canadians, which intervened in support of the Tsilhqot'in at the high court, said, 'At last, this is a sign to Enbridge that there is no blank cheque for the Northern Gateway project'." The article cites the example that, "The Haida have an active title case claiming ownership of lands and B.C. coastal waters through which the Northern Gateway project would dispatch oil tankers to ship Alberta bitumen to Asian markets."

The Georgia Straight adds, "[Grand Chief Stewart Phillip] noted it could have 'enormous' implications for resource projects proposed for B.C., including Enbridge's Northern Gateway pipeline and Kinder Morgan's Trans Mountain pipeline, as well as natural gas terminals and pipelines encouraged by the government of Premier Christy Clark." He also commented, "Today is a new day. We are in an entirely different ballgame. ...We're moving away from the world of mere consultation into a world of consent."

Not surprisingly, the Harper government opposed the Tsilhqot'in claim and had only a limited comment on the ruling today.

What implications does the ruling have for Aboriginal title on unceded traditional territories in British Columbia, parts of Ontario and Quebec, and much of the Atlantic region? How might it affect other controversial pipelines, as well as mining, fracking and logging projects

opposed by First Nations?

CBC reports, "In its decision, Canada's top court agreed that a semi-nomadic tribe can claim land title even if it uses it only some of the time, and set out a three-point test to determine land titles, considering:

Occupation.

Continuity of habitation on the land.

Exclusivity in area."

"The court also established what title means, including the right to the benefits associated with the land and the right to use it, enjoy it and profit from it. However, the court declared that title is not absolute, meaning economic development can still proceed on land where title is established as long as one of two conditions is met:

Economic development on land where title is established has the consent of the First Nation.

Failing that, the government must make the case that development is pressing and substantial, and meet its fiduciary duty to the aboriginal group."

The ruling also has implications for Indigenous Nations with treaties. The CBC article notes the ruling "will apply wherever there are outstanding land claims." And the Toronto Star adds, "Even for treaty holders, the ruling builds on previous Supreme Court decisions that underline the Crown's need to reconcile the concerns of aboriginal people and to take their claims seriously, said Bob Rae, chief negotiator for the Matawa First Nations Tribal Council that represents nine First Nations located around the Ring of Fire mining plays in northern Ontario."

For further analysis on this ruling, please see the APTN report 'Tears and cheers' greet historic Supreme Court ruling handing Tsilhqot'in major victory, the Globe and Mail article Supreme Court expands land-title rights in unanimous ruling, and the CBC TV interview with Pam Palmater at First Nation activist on landmark land claim ruling.

Brent Patterson's blog

B.C. FIRST NATION SERVES LAND EVICTION NOTICE TO CN RAIL, LOGGING COMPANIES

-CP

Buoyed by a landmark Supreme Court of Canada decision, hereditary chiefs of the Gitxsan

First Nations have served eviction notice to CN Rail, logging companies and sport fishermen to leave their lands.

Chief negotiator Gwaans Bev Clifton Percival says these companies have until Aug. 4 to cease operations and leave 33,000 square kilometres of Gitxsan territory along the Skeena River in northwestern British Columbia.

Clifton Percival says the band has been trying to negotiate a treaty with the Crown since 2001 but hasn't made any progress and hasn't had any negotiations for several years.

She says in 2012, some of the lands awarded to the Gitxsan in an earlier high court ruling were given to the neighbouring Kitsumkalum and Kitselas nations in an agreement in principle signed with the provincial and federal governments.

The Gitxsan say because of the Crown's failure to consult them, the companies are trespassing.

Clifton Percival says timber sales, fishing licenses and rail shipments can continue after the Crown has obtained the consent of their chiefs.

UPDATE: Gitxsan Treaty Society

GITXSAN TERRITORIES, BC, July 10, 2014 - Simgiigyet'm Gitwangak and Gitsegukla have issued eviction notices today to all Sports Fisheries, Forest Industry and CN Rail to leave Gitxsan lax yip by August 4, 2014. This notice is pursuant to ayokim Gitxsan supported by the decision by the Supreme Court of Canada that the Crown must obtain consent and preserve the interests of the Gitxsan before carrying on any activities on Gitxsan lax yip, 33,000 sq km of territory in northwestern British Columbia.

This eviction notice affects all sports fisheries on the Skeena River and tributaries, all forest activities authorized by BC Timber Sales and FLNRO, and CN Rail. All are expected to vacate and cease activities on August 4, 2014 until both Crowns have obtained the required consent of the Gitxsan Hereditary Chiefs.

The Crowns have carried on what the Gitxsan Chiefs believe to be a fraudulent consultation process by FLNRO BC Timber Sales and have not implemented any consultations before permitting sports fisheries and transportation of goods by CN Rail. This is a huge trespass on Gitxsan lands by the Crown and makes futile any efforts by the BC LNG Team to develop any meaningful relationship or reconciliation with the Gitxsan Hereditary Chiefs.

Sagum Higookw, Vernon Smith states: "In line with our ayookw, the Supreme Court of Canada says repelling trespassers is a necessary element of our title."

The Crowns refuse to abide by the rulings of BC courts that the Gitxsan have strong prima facie rights and good prima facie title to these lands since contact in 1846. "There is no legislative authority," says Negotiator Beverley Clifton Percival, "for these government bureaucrats to make determinations regarding Gitxsan strength of title and rights. Without the consent by the Gitxsan Hereditary Chiefs they are trespassers."

"The Crown has never been honourable in their engagement with the Gitksen since 1997," says Tenimgyet, Art Mathews, "Harvesters of trees and fish are now evicted."

FIRST NATIONS PREPARE FOR FIGHT AGAINST ENERGY EAST PIPELINE

The Globe and Mail

First Nations activists are turning their attention to TransCanada Corp.'s proposed Energy East project, vowing to mount the same kind of public opposition that threatens the Keystone XL pipeline in the United States and Enbridge Inc.'s Northern Gateway in British Columbia.

Some 70 First Nations leaders met in Winnipeg recently to plan a strategy they hope will block TransCanada's ambitious plan to ship more than 1 million barrels a day of crude from Western Canada to refiners and export terminals in the East, despite widespread political support for the $12-billion project.

TransCanada has been holding consultations with communities across the country, including some 155 First Nations, to inform them of the Energy East project and seek their support. The company has hired Phil Fontaine, former chief of the Assembly of First Nations, to represent it in meetings. But one leading activist says the company has a tough sell.

"In this era of the Harper Conservative government, there is dramatic pressure that has been placed on the shoulders of First Nations peoples, with our constitutionally protected rights, to defend Canada's air, water and earth from the agenda of Big Oil and other extractive industries like the mining sector and the forestry sector," Clayton Thomas-Muller, a Manitoba Cree who helped organize the Winnipeg session, said in an interview.

"And so it will be First Nations' interventions and the assertion of aboriginal and treaty rights that is going to stop the plan to build this 4,000-kilometre pipeline."

Mr. Thomas-Muller works with the Polaris Institute, a left-leaning think tank in Ottawa, and is a spokesman for the Idle No More movement, which has built alliances with environmental groups across the country to oppose resource developments, particularly oil sands pipelines. A loose coalition of groups is launching a campaign on Tuesday to build opposition to the Energy East line.

TransCanada chief executive Russ Girling said last week he expects Energy East to face a relatively easy ride through the regulatory process, compared with Keystone XL, which is stalled by the Obama administration in the United States. TransCanada expects to submit an application to Canada's National Energy Board by the end of the summer.

"We don't see any reason we wouldn't get our regulatory approvals," Mr. Girling told The

Globe and Mail's editorial board. "We don't think [the review process] can be hijacked by environmental activists."

Mr. Thomas-Muller criticized Mr. Fontaine - whom he described as a "living hero" - for representing TransCanada; he said the former national leader has let his business affiliations impair his judgment.

Mr. Fontaine said he fully supports the right of First Nations communities to reject resource projects on their traditional territories, but said the decisions must be based on facts.

"The right to say 'No' also includes the right to say 'Yes,'" Mr. Fontaine said. "These very important decisions should be left to the communities."

Enbridge also faces fierce opposition from aboriginal communities to its Northern Gateway project, which would transport 525,000 barrels per day of diluted bitumen to Kitimat, B.C., to be loaded onto supertankers for export to Asia. The federal government is expected to approve Northern Gateway next month, but First Nations leaders have vowed to challenge any approval in court, and have warned of direct action if legal routes were to fail.

Environmental groups are also gearing up to battle TransCanada on Energy East. Several groups have asked the Superior Court of Quebec to issue an injunction stopping TransCanada from doing construction-related drilling around Caouna, a town on the St. Lawrence River where the company plans to build an export terminal. The environmentalists say TransCanada's project threatens beluga whales that calve in the area.

WHEN CANADA PLANS PIPELINES, IT FORGETS THE FIRST NATIONS AT ITS PERIL

The Globe and Mail

A funny thing happened on the way to the pipeline hearings. On Jan. 9, 2012, the eve of the Joint Review Panel hearings in British Columbia to review Enbridge's proposal to build a twinned "Northern Gateway" pipeline from the oil sands of Alberta to the Pacific Ocean, then-natural resources minister Joe Oliver published an open letter in newspapers across the country. His endorsement of the project was clear, but he cautioned that "there are environmental and other radical groups that would seek to block this opportunity" and that, with foreign funding, "these groups threaten to hijack our regulatory system to achieve their radical ideological agenda."

Many, including us, sighed at another over-the-top political blunder by a politician who had been in the news for melodramatic statements before. But that open letter had a number of important effects, some of which are only becoming visible now.

The first effect was to put many people on the defensive, which was surely part of his intent. At the JRP hearings, ordinary citizens often opened their comments with statements

clarifying that they did not belong to any organization and that they were not "radicals."

Another effect, however, was to frame the pro and con sides of the debate as one over the environment. In some instances, this was depicted as the opposition of environmental and economic interests, frustrating any attempt to have a conversation about their mutual dependency. More importantly, it suggested the opposition to the Northern Gateway pipeline was from environmentalists, period.

This obscured the opposition of aboriginal peoples, which many observers, including a couple of Globe and Mail journalists, had already figured out was "one of the biggest risks to Enbridge in its efforts to move Northern Gateway forward." First Nations' political mobilization against the project was already well underway and it was serious. According to the Fraser Declaration that was drafted by an alliance of B.C. First Nations in the fall of 2010: "This project...and the federal process to approve it, violate our laws, traditions, values and our inherent rights as Indigenous Peoples under international law."

Silencing the opposition to the Northern Gateway project from First Nations who claim title to the land it proposed to cross is, frankly, a very bad idea. Why? Because British Columbia is in the unusual position of not holding clear legal title to the territory it claims. The Canadian government negotiated treaties with First Nations covering most of the rest of Canada (though the meaning and application of several remain strongly disputed). But in British Columbia, with few exceptions, claims to territory by the Crown are not based upon transfer of title through agreement with First Nations, but on the assertion that the territories in question were unoccupied wilderness prior to the arrival of European settlers.

In 1973, in Calder v. British Columbia (Attorney General), the Supreme Court of Canada declared that aboriginal title pre-existed its articulation in the Royal Proclamation of 1763. A task force recommended the treaty process recommence in B.C.; twenty years after Calder, the B.C. Treaty Commission began its work. The Nisga'a Treaty that was signed in 1998 was the first modern treaty to be enacted in B.C. and the culmination of 113 years of effort on the part of the Nisga'a Nation (the plaintiffs in the Calder case). Since then, a further handful of treaties have been signed, several other nations are in negotiations, but most refuse to participate in the treaty process.

First Nations, business and industry (particularly natural resource industries, an enormous chunk of the B.C. economy), and the B.C. provincial government under the previous premier Gordon Campbell all agreed that resolving the question of aboriginal title was urgent. While several court decisions have recognized both the idea of aboriginal title and some specific claims, they have also established that recognizing or extinguishing aboriginal title is solely the responsibility of the federal government. The Harper government has shown little-to-no interest in taking up that responsibility, preferring to deal with things on a "case by case" basis.

All parties, except the federal government, have explicitly recognized that for reasons of law, economics, and social justice, the question of aboriginal title in B.C. must be comprehensively addressed and resolved. Deferring or ignoring it is the equivalent of putting our heads in the sand. The courts do not support such an approach, and First Nations in B.C. are well-informed and well-organized. This question is not going away, nor

should it. Putting it off only increases the tension and conflict, and reduces the chance of a peaceful solution.

Patricia Burke Wood is professor of Geography at York University. David A. Rossiter is associate professor of Geography and Environmental Studies at Western Washington University.

ABORIGINAL GROUPS WANT OIL AND GAS MORATORIUM IN GULF

Old Harry site could hold 2 billion barrels of recoverable oil

CBC News

Aboriginal groups on the East Coast want a moratorium on any oil and gas exploration in the Gulf of St. Lawrence until a comprehensive environmental assessment is done.

The groups believe a recent Supreme Court of Canada ruling gives them the right to make that demand.

Innu, Maliseet and Mi'kmaq leaders say too little is known about the possible effects of oil and gas projects on what they say is the Gulf's fragile ecosystem.

"It is not a necessity that has to be done tomorrow, let's be cautious," said Chief Claude Jeannotte, a Mi'kmaq chief from Gaspé, Que.

So far, there's only one area of interest in the Gulf of St. Lawrence, a site known as Old Harry. The area is located midway between Quebec's Magdalen Islands and Cape Anguille in western Newfoundland.

Old Harry has been estimated to hold up to two billion barrels of recoverable oil - twice the size of Hibernia, east of St. John's.

A recent Supreme Court ruling gave aboriginal groups greater control over ancestral lands, and requires governments to consult and accommodate First Nations needs before deciding how lands are used.

Oil spill could destroy fishing grounds, say groups

The native groups believe that ruling applies to natural resource exploration in the waters off the coast.

Ghislain Picard, regional vice-chief of the Assembly of First Nations for Quebec and Labrador, said "I think any First Nation in the country will agree, it goes as far as how Canada was before the newcomers came. For me, it is really the definition that is proper for

any First Nation in this country."

The groups say an oil spill could destroy their way of life.

"If you look just at the Mi'kmaq in the commercial fishing, it represents $72 million to our communities, hundreds of jobs," said Jeannotte.

As the chiefs spoke in Halifax Wednesday, boats belonging to the Mi'kmaq of the Gaspé region were set to arrive at the proposed drill site at Old Harry and leave a buoy to mark their presence.

The region has also been the source of discord between Quebec and Newfoundland and Labrador because it straddles a disputed boundary between the two provinces.

No one from the Canadian Association of Petroleum Producers was available for comment, but Corridor Resources - the company which has a licence on the area - has said, in the past, it believes it can drill without causing adverse environmental consequences.

The Canada-Newfoundland and Labrador Offshore Petroleum Board is currently conducting an environmental assessment of an exploration well proposed at Old Harry. The report is expected before the end of the year.

SOUTHERN MEDUCTIC TRAILS

A five mile portage from Meductic south to the Eel River gives one several interesting choices. The Eel River flowed from First Eel Lake. Some enjoyed taking the much more beautiful western side of the oxbow, with its cold thirst quenching spring that ran in summer and winter, rather than the quicker more direct route to First Eel Lake. A cup was left at the spring for all who passed by to use. Hugh Judge, a popular Woodstock hunter and fisherman and owner of a small machine shop in Woodstock who often employed Maliseet boys during seasonal rush periods built a hunting camp on the oxbow early in the 20th century. It was still there in the middle of the century. About 1915 Hugh killed a moose near his camp, the last moose known to be killed in the area. Moose were moving out of southern New Brunswick at that time. They began returning about 1950. Molly's Rock was a popular land mark. In 1950 no one could identify who the Molly was so honored for the rock to be named for her. It was a large rather flat gray rock protruding a foot or two above the River. It was not large enough for soils to become established but the only place on the River to stop for a tea-smoke break.

The First Eel Lake was the first of a chain of bountiful lakes to the east running to the east. The water level of First Eel Lake was a foot or two above that of Eel River thus providing the river with a steady flow of water. The flow from the Lake to the River produced a short very easy to run rapids. A stand of large canoe birch grew on one side of the rapids. All the Eel Lakes had streams running into them. Some of the streams led to small trout ponds where

hungry trout fed. Another trail split off to the west from First Eel Lake, the canoe trail becoming a three mile portage to North Lake.

North Lake is an odd-shaped body of water. The northeastern shore has an abundance of small waterworn rocks, perhaps dumped by a melting glacier. On the south shore there is a sandy beach with a back drop of white birch, a beautiful camping spot. I suggested that it was time to make camp for the evening. Peter Paul was a bit hesitant. I added that we didn't know what was ahead of us, but there could not be better camping spot than this. Soon camp was set up, supper was cooking, and the kettle singing. I could see that Peter was enjoying it there. During supper he stated that we were on Crown Land and could be kicked off. It didn't look to me like anyone had been around there for a long time. I replied, "If we are caught here, what more can they do but tell us to get a long to somewhere else?" We enjoyed a good night's rest and an early morning start in on this magnificent stretch of the trail. There was not even a hoof print in the sand. Were we the only ones who disobeyed the Crown Laws? Since then this small enchanted tract has become a small Provincial Park for the public to experience.

North Lake drains into a beautiful short river, much narrower than the Eel, bordered on either side by tall majestic spruce, quite different from the boggy borders of the Eel. The landscape changes fast here on this short stretch known as The Thoroughfare. In less than a mile we are out on East Grand Lake, also known as Chiputneticook Lake, the third largest lake in Maine. The border line between Canada and the U.S. runs down the middle of the lake separating the two countries. The border continues in the middle of a stream flowing south into the west side of Cheputneticut Lake. It was in the northern part of the Lake that prisoner John Gyles excitedly noted a huge bird flying over head. His Maliseet captor told John that it was the giant wind bird that lived on the top of Katahdin. This 1689 record is the earliest Maliseet traditional story that can be traced back 400 years. Northwest winds dominant the Lake that runs north and south often piling up six to seven foot waves. An early morning or evening paddle down the Lake is best when the wind is down. Shiner's Rock in Davenport Cove was a popular camping spot. It was customary for the Maliseet on this section of the trail to travel in the calm of the evening and after dark. Young men went a head and established themselves on Shiner's Rock. They gathered fuel for a bonfire, a signal fire that could be seen for miles. This was a customary practice where day time winds make canoeing unsafe such as on St. Paul's Island on the voyage from Cape Breton to Newfoundland.

A trail from Shiner's Rock continued southwest by a portage to Baskehegan River that led to the Mattawamkeag River flowing into the Penobscot. The rivers seem to have been considered "international waters" for the Maliseet, Passamaquoddy, and Penobscot. The Penobscot led to Mount Desert Island and other favorite coastal spots. This was Penobscot country.

The southern end of Cheputneticut Lake emptied into Spednick Lake and that into Tomah Stream named for a popular chief and guide, a favorite of Franklin D. Roosevelt. This was the route used by the Maliseet to support the American Revolution. There is a beautiful easy to run falls on Tomah Stream said to be a camping place used by the Maliseet supporting Machias troops. All these trails became major highways for moving Indian warriors to battle locations during the Colonial Wars and Revolution in the northeast. When peace was made,

they became the routes bringing settlers to Indian lands. All these waters and the water levels have been changed by a number of dams on the rivers just as they have been in New Brunswick.

---Nicholas Smith

DAN'S CORNER: THE THEFT OF OUR HOMELAND THROUGH GENOCIDE BY THE MOON BUYERS

In 1604 when the european invaders arrived in our homeland they were always asking our people to sell some portion of our beloved Sacred Earth Mother to them.

Having never thought in such terms, the concept of buying or selling our Sacred Earth Mother was completely foreign and offensive to our people and remains so today.

One did not sell or buy our Sacred Earth Mother. As with our biological mother she is the one who gave us life, who nurtures life, who sustains life, and the one who loves, provides for, protects and respects her Indian children.

Our traditional teachings tell us that our Sacred Earth Mother does not belong to humans, instead humans belong to Mother Earth.

To our people, then and now, the idea of buying and selling our Sacred Earth Mother was so ludicrous, so profane, so disrespectful and demonstrated such contempt for Great Creator and all of her creation, that in time we began referring to the white invaders as ""moon buyers"" in their attempt to buy a portion of the Great Earth Mother.

And our reply to the white invaders each and every time that they asked to buy our homeland was with laughter and derision.

After hearing this same request over and over again of ""sell us some land"" we made the fatal mistake of allowing the white invaders to construct a few wigwams for shelter, but we did not sell any of our homeland.

As with all things white, they made great assumptions of our peoples'' permission to construct a few wigwams. With the assumptions being based on their white more-superior-than-thou arrogance along with their white is right and might is right attitude.

The consequences to our people for this act of humanitarian kindness has been, and continues to be, very devastating and lethal for our spiritual ancestral homeland and for the Ancestors, the People, and the Seventh Generation.

We felt sorry for these poor, ignorant and homeless white invaders so we gave them permission to build some wigwams within our homeland. They in turn demonstrated their

appreciation and gratitude by stealing our homeland through genocide and through colonization.

It is through this conscious exertion of brutal power that our now white oppressors continue to hold on to their ill-gotten gains, our homeland.

Over time our people were forced, at the point of a gun, to sign whiteman written treaties. But in none of those white treaties did our people sign away any of our homeland.

Once the illegitimate and genocidal nation state of Canada was formed by our white oppressors they immediately set about enacting different laws/legislation as a means of isolating, controlling, confining and terrorizing the Indian. And began in earnest their work, which continues into the present, of colonizing the Indian so as to create a terrorized, obedient, compliant and christianized brown-skinned white Canadian.

Which is the situation we have today. The Indian incarcerated on those white-made Indian reservations where the brutal colonization continues. And where that iron collar of colonization is continually being tightened around our collective necks so as to keep Indian from remembering that he once was free, and that this is still his homeland and that it was stolen by our white oppressors through the art of genocide.

All of this from our ancestors'' simple gesture of humanitarian kindness toward those ""moon buyers"" whom we considered our brothers. ----All My Relations, ---Dan Ennis

---

DEAN'S CORNER: WHO WAS I?

I was driving down the highway

When I saw it hydroplane

As it slid and then it side-slipped

I was swerving in my lane,

The last thing I remember

I was fighting with my door

As my car went in the river

And I fought to reach the shore,

I climbed the busted guardrail

Then took off on the run

My mind was in a maelstrom

Was it something I had done?

I finally stopped - exhausted

And bewildered thru and thru

Where was I, and, "who" was I

I simply didn't have a clue,

I hitch-hiked and I hobo'd

Wondering whom that I might be

I saw places, people, faces

But no one was seeing ... me!

At last I sort of settled

In a small town in the West

Reconciled to start a new life

With God's help I'd do my best,

While playing hook-up hockey

I dropped to block a shot

The puck caught me in the forehead

In an unprotected spot,

As I was blacked out lying there

All my life just seemed to pause

But when I regained my conscious

I knew, then ... "who" I was,

I went back to my hometown

I'd be a big surprise

Back - without forewarning

Something logic yet denies,

The whole place was a buzzing

So, I stayed out of the way

Everyone seemed to be so happy

It was "her" wedding day,

It seems my missing body

Of course, never could be found

So, she too, was now moving on

She thought I must have drowned!

Her mourning days were over

And she now at last was free

And so ... 'presumed drowned'

Forever ... I must be!

----D.C. Butterfield

COURSE FOR CREATING MORE SKILLED ABORIGINALS WORKERS

City of Saskatoon promises full-time employment for graduate ---CBC News

A course training First Nations and Metis people to operate heavy machinery is being called a success.

The program, operated in conjunction with the City of Saskatoon, trains aboriginal people to use heavy machinery like graders and excavators. It also gives graduates their 1A drivers license, which can be used for everything from driving a city bus to a semi-trailer truck.

This week, eight students are learning how to use the equipment in a field on the outskirts of

Saskatoon.

The course is in high demand. This year alone, around 200 students applied to join the program.

"It's been a lifelong dream since I was a kid, to be a heavy equipment operator," said student Ramsey Herman. "I just like seeing the way these machines work, ripping out ground, and making new developments for people out there."

Andrea Bluehorn is the only woman in this year's program. Her favourite piece of machinery is the excavator, one of the largest pieces of equipment in the class.

"I'm really proud of myself," she said. "I'm here as a woman, representing women in trades and I have daughters at home too that I'm a role model for, so it's pretty exciting for me."

This is the fifth year the program has been taught by the Saskatchewan Indian Institute of Technology(SIIT).

Project organizers say the course is a good way for aboriginal people to break into the job market.

"A lot of our aboriginal people don't have the skills needed to go out and get jobs, and it's tough for people to get entry-level jobs," said Terry Young, Coordinator of Industrial Initiatives at the SIIT. "Everybody wants experience."

The City of Saskatoon is a big part of the program as well. The city promises to hire any graduate from the program and give them an entry-level position. The worker could then work their way up into more specialized jobs.

Administrators say the program is a necessary way to find more skilled workers, something that is always very difficult to do.

"When we take a look at trying to increase the aboriginal participation in the workforce, we take a look at where is the demand going to be," says Gilles Dorval, Director of Aboriginal Relations with the City. "We knew there was a shortage of heavy equipment operators within our organization as people retire and move up the system."

Organizers are happy with the program's graduation rate, which sits between 85 and 90 percent.

SIX NATIONS PROTESTORS STOP ENBRIDGE LINE 9 DIG IN NORTH DUMFRIES

Media Advisory: FOR IMMEDIATE RELEASE :

Individuals from Six Nations and their allies have interrupted work on a section of Enbridge's Line 9 pipeline. The work stoppage began around 10am this morning. Individuals involved asked workers to leave, asserting that the land is Haudenosaunee territory guaranteed under the Haldimand deed, and that Enbridge's workers were present without consent or consultation.

"Meaningful consultation isn't just providing information and going ahead without discussion - it's giving the opportunity to say no and having a willingness to accommodate." says Missy Elliot.

"Enbridge left a voice message on a machine with one person. That's not meaningful - it's not even consultation." Emilie Corbeau, there in support of Six Nations points out.

Those involved intend to host an action camp, filling the time with teach-ins about Six Nations history, indigenous solidarity and skill shares centering on direct action.

The group states that they've tried the other processes available to them and here out of necessity. "We've tried pursuing avenues with the NEB, the township and the Grand River Conservation Authority. Our concerns were dismissed. What other choice do we have if we want to protect our land, water and children?" Missy Elliot of Six Nations asks.

Under bill C-45 the section of the Grand River adjacent to the Enbridge work site and pipeline is no longer protected. Approximately half a million people rely on drinking water provided by the Grand River.

"This isn't just about line 9 - or Northern Gateway, Energy East or Keystone XL. This is about pipelines - all of them." Daniell Boissineau, of Turtle Clan, asserts. "This is about the tarsands and how destructive they are to expand, extract and transport."

"This is a continental concern. It's not just a Six Nations issue or an indigenous issue. We share the responsibility to protect our land and water as human beings." Elliot states.

Updates / Pics: @risingtidetor

Media Contacts:

Lana Goldberg, 416-275-0123

Get the latest and most updated information on aboriginal events in our monthly publication,

The Wulustuk Times

---Tobique First Nation, NB. Canada