



May 16, 2017

Chuck Hubert - Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre P.O. Box 938
Yellowknife, NT
X1A 2N7

Re: Measure 7-1 Traditional Knowledge Management Framework

Dominion Diamond Ekati Corporation (DDEC) is pleased to provide the following submission regarding the Jay Project (the Project) as per the *Report of Environmental Assessment and Reasons for Decision* (REA) Measure 7-1: Cultural Aspects and Traditional Knowledge regarding the development of a Traditional Knowledge (TK) Management Framework. This measure states the following:

In order to mitigate the Jay Project's cultural impacts to traditional use areas or culturally valued components like caribou, water or aquatic life, Dominion will develop a Traditional Knowledge Management Framework that describes protocols for collecting, storing, managing and using Traditional Knowledge. This will be done in a manner that is culturally suitable for each community. Dominion will use the Traditional Knowledge gathered through the framework to inform Project decision making. This framework will be developed prior to the construction phase of the Project and will apply for the lifetime of the Jay Project (construction, operations and closure phases).

In developing the Traditional Knowledge Management Framework, Dominion will consult with each Aboriginal group affected by the Jay Project, in a culturally appropriate manner, while developing the protocols. Dominion will report annually on how Traditional Knowledge influenced Jay Project decision making.

In the development of the TK Management Framework, DDEC conducted a literature review on available TK Protocols in governments, local Aboriginal organizations, and other relevant protocols. DDEC reviewed these documents to identify TK values and procedures for collecting, storing, managing and using TK. The following organizations were approached to request protocols that may have already been developed:

- Deninu Kue First Nation
- Dehcho First Nations
- Gwich'in Tribal Council
- Inuvialuit Regional Corporation

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- Lutsel K'e Dene First Nation
- Tlicho Government
- Yellowknife Dene First Nations
- The Firelight Group

The following documents were reviewed:

- Dehcho First Nations TK Research Protocol
- Gwich'in Tribal Council-TK Policy
- TK Guide for the ISR, NT. Volume II: Using TK in Impact Assessments
- KIA Standard TK Guiding Principals
- CEMA Indigenous TK Framework
- GNWT TK Policy
- MVEIRB Guidelines for Incorporating TK in Environmental Assessments

The Project REA also included Measure 6-5 for the development of a Traditional Knowledge Elders Group (TKEG). This TKEG was formed in June 2016 and has met 4 times over the year, with 2 meetings at the Ekati diamond mine. During meeting #2 at the Ekati mine in October 2016, the TKEG provided advice and guidance on the development of the document, which was incorporated into the final document. The TKEG provided important direction on the appropriate use of TK, maintaining their intellectual property rights to their TK, and only using the TK for the project that it was provided in relation to.

At meeting #3 in Yellowknife in January 2017, the TKEG reviewed the draft of the TK Management Framework and were satisfied with the content and that the framework will be "a living document" that can be reviewed periodically as needed to adapt to changes for the inclusion of TK for environmental decision making. As recommended, "*Value of the environment is their livelihood. Take a great importance to preserve their environment to continue their traditional way of life*" was included under Values of the Environment. The TKEG indicated that the TK Management Framework may lead to an agreement with the local Aboriginal organizations regarding the appropriate use of their TK. DDEC agreed that the TK Management Framework can be used as a starting point for an agreement with their Aboriginal governments and it will be up to each group to decide how they may want to proceed.

As well, the TKEG recommended that DDEC look at other past community based TK research studies that were done by the regional Aboriginal groups. During meeting #4 at the Ekati mine in April 2017, DDEC provided a summary of the past community based TK research studied for review and to be further discussed at future meetings.

As recommended by the TKEG, this TK Framework will be a living document to be reviewed periodically, and updated to include new information, therefore this Framework will continue to evolve throughout the life of the Ekati mine and Jay Project.



If you have any questions or concerns regarding summary of activities, please contact me at 867-669-6116 or Claudine.Lee@DDCORP.CA.

Sincerely,

A handwritten signature in black ink that reads 'Claudine Lee'.

Claudine Lee, M.Sc., P.Geol.
Head – Environment

Cc: Violet Camsell-Blondin, Chair - Wek'èezhii Land and Water Board

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Traditional Knowledge Management Framework Dominion Diamond Ekati Corporation

The following Traditional Knowledge Management Framework is intended to outline how Dominion Diamond Ekati Corporation (DDEC) will use Traditional Knowledge (TK) in environmental decisions for the Ekati Diamond Mine and Jay Project.

1. Purpose

As per the 2016, Mackenzie Valley Environmental Impact Review Board (MVEIRB), Measure 7-1: Cultural Aspects and Traditional Knowledge the *Report on the Environmental Assessment of the Jay Project* (REA), states:

In order to mitigate the Jay Project's cultural impacts to traditional use areas or culturally valued components like caribou, water or aquatic life, Dominion will develop a Traditional Knowledge Management Framework that describes protocols for collecting, storing, managing and using Traditional Knowledge. This will be done in a manner that is culturally suitable for each community. Dominion will use the Traditional Knowledge gathered through the framework to inform Project decision-making. This framework will be developed prior to the construction phase of the Jay Project and will apply for the lifetime of the Jay Project (construction, operations and closure phases).

In developing the Traditional Knowledge Management Framework, Dominion will consult with each Aboriginal group affected by the Jay Project, in a culturally appropriate manner, while developing the protocols. Dominion will report annually on how Traditional Knowledge influenced Jay Project decision-making."

The Traditional Knowledge for making environmental decisions about land, water and air and will extend to closure and post closure reclamation activities at the Ekati Diamond Mine.

2. Definition of Traditional Knowledge

DDEC recognizes the importance of Aboriginal TK and that it represents unique identities, understandings and ways of life. DDEC is committed to assisting Aboriginal communities impacted by the Ekati Diamond Mine and Jay Project

to share their oral and recorded TK with and for the benefit of their respective members and the Ekati Diamond Mine.

There are three key elements in the definition of TK:

a. Knowledge of the Environment

This is factual or “rational” knowledge about the environment. It includes shared information within the community and over generations through:

- Specific observations
- Shared Information
- Patterns
- Social, Cultural & Spiritual
- Cause & Effect
- Impact Predictions

b. Knowledge about Use and Management of the Environment

This is the knowledge that people have about how they use the environment and how they manage their relationship with the environment. Examples include:

- Cultural Practices
- Social Activities
- Land-use-patterns
- Archaeological Sites
- Harvesting Practices
- Harvesting Levels Past & Present

c. Values of the Environment

This knowledge consists of peoples’ values and preferences. Spirituality and culture determine strong values. These may include:

- Peoples’ Values & Preferences
- Significant Valued Components
- Significance of Impacts
- Relationships between Humans, Animals, the Environment

- Moral & Ethical Statements, “The right way to do things.”
- Value of the environment is their livelihood. Take a great importance to preserve their environment to continue their traditional way of life.

3. Traditional Knowledge and Science

The 1997 Environmental Agreement states:

- DDEC shall incorporate all available TK in the Environmental Plans and Programs and shall give all available TK full consideration along with other scientific knowledge as the Environmental Plans and Programs are developed and revised.

The 2005 Government of the Northwest Territories, Traditional Knowledge Policy, Summary of Best Practices for Applying Traditional Knowledge States:

- ...to effectively incorporate TK as a meaningful component of activities, “the knowledge system associated with the internal generation and maintenance of TK must be assigned the same value and respect as that assigned to scientific findings...”

4. Free, Prior, and Informed Consent

DDEC will respect local, national and International standards concerning the use of TK.

- The United Nations identifies the need for free, prior and informed consent when engaging with Aboriginal people.
- DDEC must be clear concerning the intended purpose of the Traditional Knowledge project.
- Informed consent usually requires some form of documented statement or oral agreement with the Aboriginal group.

5. Traditional Knowledge Protocols

- DDEC acknowledges and fully respects that Aboriginal people own and control their TK, and will only use their TK with their consent.

6. Intellectual Property

- The TK and data resulting from the Project shall be the property of the Aboriginal group and its members including, but not limited to, oral, disclosure, visual disclosure, written documentation, spatial data, electronic data and images.
- TK will only be used for the specific project for which it was gathered and will not be shared without the consent of the participating Aboriginal groups.

7. Reporting and Communication of Traditional Knowledge

- DDEC will report back to the Aboriginal groups the results of any TK reports in a timely and appropriate manner and format.
- DDEC will provide oral communications in both English and the Aboriginal language.
- DDEC will translate reports into the Aboriginal languages.
- DDEC will have appropriate review and approval by the participating Aboriginal groups prior to releasing any reports.
- DDEC will provide copies of all reports to the participating Aboriginal group for the use and benefit of their respective membership.
- DDEC will report on an annual basis on how TK influenced Jay Project decision making.

8. Storage of Traditional Knowledge

- TK reports and data will be stored by DDEC and as per the Intellectual Property section, and will not be shared without the consent of the participating Aboriginal groups.
- TK reports and data will be stored on DDEC online document SharePoint management system, which can only be accessed by authorized DDEC users. DDEC network servers are properly maintained, managed and protected by firewalls.
- Copies of all reports will be provided to the participating Aboriginal group for the use and benefit of their respective membership.



9. Review

- The DDEC Traditional Knowledge Framework is a living document and will be reviewed periodically as needed to adapt to changes over-time in a legal, political and regulatory context, and to incorporate best practices for Traditional Knowledge inclusion into environmental decision making processes.

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