



Wildlife, Lands and Environment Department

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Robert Overvold
Head of Environment and Communities
Dominion Diamond Ekati Corporation
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Dear Mr. Overvold,

Please accept this letter in response to the July 21st letter and associated TLU/TK Baseline Report. We've had time to review the document and have the following comments to make to help guide the process of incorporating TLU/TK information into the designs and plans for the proposed Jay Project.

It should be noted that this desktop study of publicly available TK information does not represent "evidence of the ongoing efforts to maintain communication with communities," as mentioned in the Objectives section, in fact, it can be viewed as evidence that DDEC is not conducting ongoing TK collection for the purposes of this project, by relying on past information in the absence of recent, project specific information. As the Objectives section goes on to note, the comprehensive land claims process complicates the release of TK information, so it should be clear that any TK information released in the past is entirely specific to the context in which it was collected. TK and TLU studies completed for other projects do not relate to the proposed project, and new TK gathering is required if DDEC is truly seeking meaningful input and "aid in the evaluation of the specific impacts of the proposed Project," as stated in your letter.

There are outstanding concerns with LKDFN about the inclusion of TK in the Jay Project for several reasons.

- 1) There has been no TK/TLU study for the proposed project to date (with the DAR submission scheduled to come in the next month), and no discussion with LKDFN on plans for such.
- 2) Though it has been raised several times at community meetings with the company, to date there is no agreement in place for the use of our TK/TLU for the proposed project.

- 3) DDEC has stopped funding LKDFN's TK Archive project, which is at a critical stage of development, and a project that BHP had funded for several years; and,
- 4) LKDFN has rejected the proposed Elder's Council put forth by DDEC as a means to collect TK from communities.

With no real plan of TK engagement moving forward, we are concerned that LKDFN voices will not be heard or recognized in regards to the Jay Project.

TK is evolving, and many of the land-users, adults and elders have had time to understand mining impacts better since the time period of the majority of the studies referenced in the baseline report. It is important that the company recognize the enhanced understanding of mining and its impacts on land, water, and wildlife, and develop an agreement with the community on how DDEC will go about gathering and utilizing TK.

The pre-development conditions for the Jay project are significantly altered from the pre-development conditions of the original Ekati mine. In particular, the amount of development in the Bathurst Caribou range is extensive, enhancing the concern of further impacts, further alterations of migration routes, and loss of caribou habitat. The existing understanding of herd population is a significant deviation from 2 decades ago; and baseline knowledge of understanding mining impacts has grown substantially from the original assessment. So though there is some information in the TK Baseline Report that is of value, in terms of informing mine design and monitoring and mitigation priorities, there is still a lot of work to be done.

LKDFN is open to engaging with DDEC on TK/TLU work for the proposed project and would like the opportunity to discuss how we can be working together to better incorporate TK into the design of the mine and the managements plans associated with it.

Sincerely,



Mike Tollis
Wildlife, Lands and Environment Manager
Lutsel K'e Dene First Nation

CC

Chief Felix Lockhart – LKDFN
Stephanie Poole – Akaitcho IMA
Rick Bargery – DDEC
Ori Wah-shee – DDEC
Chuck Hubert - MVEIRB