

# **SECTION 5**

# TRADITIONAL KNOWLEDGE



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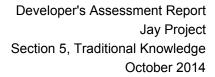


# **Section 5 Abbreviations**

Abbreviation	Definition
DAR	Developer's Assessment Report
Dominion Diamond	Dominion Diamond Ekati Corporation
Ekati Mine	Ekati Diamond Mine
EA	Environmental Assessment
MVRB	Mackenzie Valley Review Board
NWT	Northwest Territories
Project	Jay Project
TK	Traditional Knowledge
TLU	Traditional Land Use
TOR	Terms of Reference

# **Section 5 Units of Measure**

Unit	Definition
km	kilometre





#### 5 TRADITIONAL KNOWLEDGE

#### 5.1 Introduction

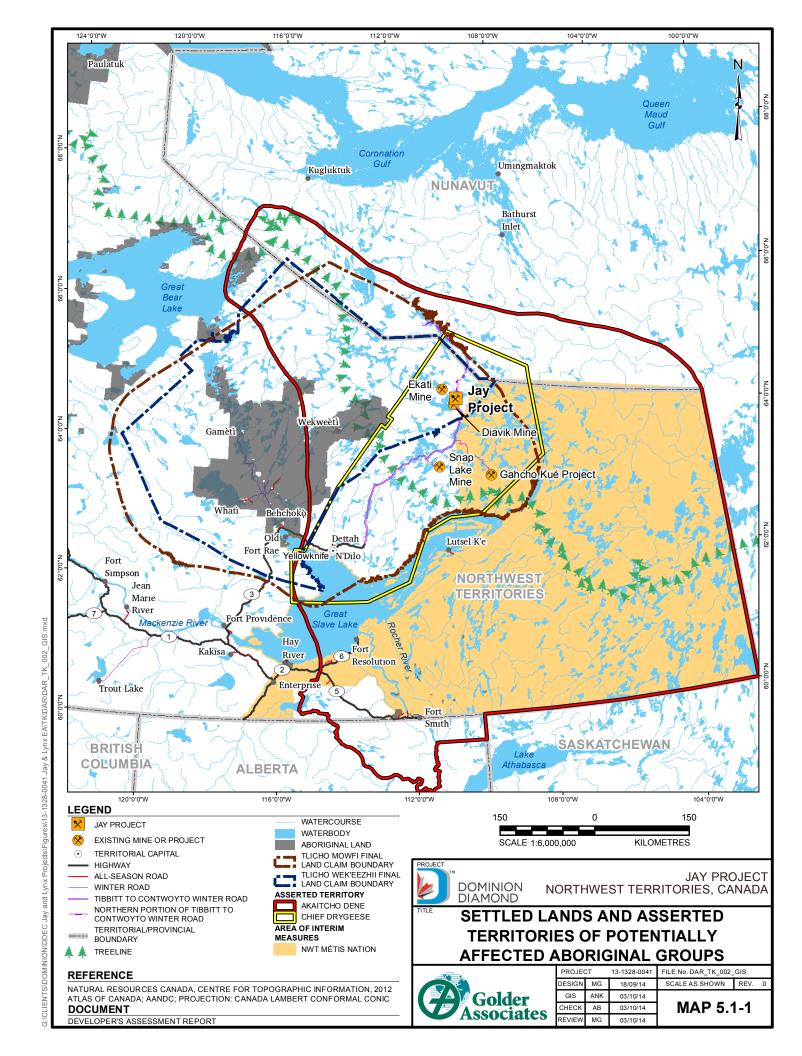
#### 5.1.1 Background

The Terms of Reference (TOR) for the Jay Project (Project) issued on July 17, 2014, state that the Mackenzie Valley Review Board (MVRB) values and considers both Traditional Knowledge (TK) and scientific knowledge in its deliberations (Appendix 1A). Further, a guiding principle for the MVRB is the importance of conserving the well-being and way of life of the Aboriginal peoples of Canada to whom Section 35 of the *Constitution Act 1982* applies and who use an area of the Mackenzie Valley. As such, Dominion Diamond Ekati Corporation (Dominion Diamond) has made all reasonable effort to provide assistance in the collection and consideration of TK relevant to the Project, to incorporate TK, and to engage Aboriginal TK holders to collect information and evaluate the specific impacts outlined in the TOR. Dominion Diamond will continue this effort as instructed by the MVRB. In its approach to TK integration, Dominion Diamond has consulted the MVRB's *Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment* (MVRB 2005).

The proposed Project is to extend the Ekati Diamond Mine (Ekati Mine) life by developing the Jay kimberlite pipe (Jay pipe). The Jay pipe is located in the southeastern portion of the Ekati claim block approximately 25 kilometres (km) from the main facilities and approximately 7 km northeast of the Misery site, in the Lac de Gras watershed. The Ekati Mine and claim block are located 200 km south of the Arctic Circle and 300 km northeast of Yellowknife in the Northwest Territories (NWT). The mine is located within the headwaters of the Coppermine River drainage basin, which flows north to the Arctic Ocean.

Local and TK information is summarized in the Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII). This report relied on local and TK information provided by Aboriginal communities that have traditional land and resource use areas that may be affected by the Project. The settled lands and asserted territories of potentially affected Aboriginal and Métis communities in the NWT are shown in Map 5.1-1.

In this section of the Developer's Assessment Report (DAR), the term "community" refers to the specified Dene and Métis groups within the Tłįchǫ and Akaitcho regions, including the Tłįchǫ communities of Behchokǫ, Whatì, Gamètì, and Wekweètì, and the Akaitcho communities of Yellowknife, Dettah, N'Dilo, Lutsel K'e, and Fort Resolution. It also includes the Inuit of the Kitikmeot Region, including the communities/settlements of Kugluktuk, Bathurst Inlet, and Umingmaktok.





Organizations representing seven culturally distinct communities that could be affected by the Project have been identified:

- Yellowknives Dene First Nation, largely of Yellowknife, Dettah, and N'Dilo;
- Łutselk'e Dene First Nation, largely of Lutsel K'e;
- Deninu K'ue First Nation, largely of Fort Resolution;
- · Fort Resolution Métis, largely of Fort Resolution;
- North Slave Métis Alliance, largely of Yellowknife;
- Tłjcho Government, representing Behchokò, Whatì, Gamètì, and Wekweètì; and,
- Kitikmeot Inuit Association, including the communities and settlements of Kugluktuk, Bathurst Inlet, and Umingmaktok (EAP 1996).

#### 5.2 Purpose and Scope

The purpose of gathering local and TK information relevant to the Project was to provide this information to the technical disciplines for inclusion in their respective sections of the DAR, to help determine the potential effects of the Project on culture and traditional land use (TLU), and to meet the requirements specified in the TOR.

This section of the DAR describes how local and TK information was integrated into Project planning, including the Project design, the environmental assessment, and the development of monitoring plans and the reclamation and closure plan.

## 5.3 Integration of Local and Traditional Knowledge

Each technical discipline was provided with a summary of relevant local and TK information, organized by headings for Key Line of Inquiry or Subject of Note, as applicable. This information was used to inform assessment methodology and pathways to ensure that TK was considered appropriately throughout the DAR.

## 5.3.1 Traditional Knowledge Program

Details on Dominion Diamond's engagement policy and approach with potentially affected communities can be found in Section 4.2.

## 5.3.2 Dominion Diamond's Ongoing Engagement

Dominion Diamond has engaged, and will continue to engage, with communities during key Project milestones. The key Project milestones are as follows:

- exploration and pre-Project application engagement (April 2013 to September 2013);
- land use permit and water licence application (October 2013 to December 2013);
- MVRB scoping workshops (December 2013 to February 2014);

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- initial TOR issuance (February 21, 2014);
- revised TOR issuance (July 17, 2014); and,
- post-Project application engagement (November 16, 2014).

Based on Dominion Diamond's Community Policy, NWT regulatory requirements, and community expectations, Dominion Diamond's engagement activities have focused on communicating the technical, environmental, and socio-economic aspects of the Project. These activities have also served as an opportunity for Dominion Diamond to develop its understanding of community concerns and aspirations related to Dominion Diamond's plan to extend the life of the Ekati Mine through the development of the Project.

The First Nations and Métis groups included throughout each engagement period are the following:

- Yellowknives Dene First Nation;
- Łutselk'e Dene First Nation;
- North Slave Métis Alliance;
- Tłjcho Government; and,
- Kitikmeot Inuit Association and Hamlet of Kugluktuk.

Potentially affected communities and groups that have been and are included during Project engagement include the following:

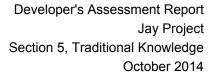
- Deninu K'ue First Nation;
- · Fort Resolution Métis Council; and,
- residents from the seasonal communities of Umingmaktok and Bathurst Inlet.

Specific engagement meetings were also held with, and will continue to be held with, regulators, government departments, and the IEMA.

The results of the engagement activities for each of the milestones identified above are provided in Section 4.4 (Community, Regulatory, and Public Engagement).

Dominion Diamond will continue with its quarterly engagement sessions with Impact Benefit Agreement groups to discuss all issues related to the Ekati Mine. The quarterly engagement meetings will include presentations on the Project.

Dominion Diamond is also planning a series of information workshops for communities, regulators, governments, and parties to the Environmental Assessment (EA) process to explain the Project and the contents of the DAR. These workshops are tentatively scheduled for the week of December 8, 2014.





Dominion Diamond is also developing a visualization program to assist in explaining the Project in the EA Hearing and in meetings with communities and stakeholders. This visualization program will include a physical model that will be used in engagement activities and computer generated images that show the various stages of the Project.

A Project newsletter is planned for early 2015, which will be distributed in communities to better explain the Project. Plain language summaries of the project in both English and translated into Aboriginal languages will also be distributed to communities.

Dominion Diamond also funded two community-led activities to identify TK related to the Project:

- The activities with the Yellowknives Dene First Nation included a site visit with an archaeologist to provide advice on locations of cultural significance around Lac du Sauvage, and to provide advice on the crossing of the esker for the Project (August 11 to 12, 2014). This project also includes funding for a workshop with Elders to provide additional TK on the Project and to enter relevant TK data for the Ekati area into the Yellowknives Dene First Nation's Community Knowledge Keeper (CKK) database.
- The What'aa Project with the Tłįchǫ involves the study by Tłįchǫ Elders of varying properties of
  natural eskers close to Mesa Lake, NWT, to identify community-based concepts that may be useful in
  planning, construction, and reclamation of mine waste rock piles. Dominion's activities included
  arranging a site visit for TG representatives and Elders with an engineer to provide advice on the
  crossing of the esker for the Project (July 16, 2014).

For additional information about Dominion Diamond's engagement with communities and other stakeholders, please refer to Appendix 4A: Dominion Diamond Jay Pipe Engagement Registry.

#### 5.3.3 Concerns, Comments, and Questions

After the MVRB held its scoping activities in January 2014, the MVRB released a draft TOR for the Project. Dominion Diamond responded to comments from reviewers on February 14 and 17, 2014. The MVRB issued the *Draft Terms of Reference for the Environmental Assessment of the Dominion Diamond Ekati Corporation Jay-Cardinal Project* on February 21, 2014 (MVRB 2014). Dominion Diamond then held the following workshops with Impact Benefit Agreement communities in Yellowknife in March 2014:

- North Slave Métis Alliance (March 10, 2014);
- Akaitcho Dene First Nations (March 11, 2014);
- Tłjcho Government (March 12, 2014); and,
- Kugluktuk (March 13, 2014).

After undertaking a full review of the Project, Dominion Diamond decided to mine the Jay pipe only and remove the Cardinal pipe from the Project. In making this change, Dominion Diamond responded to the feedback it received from Dominion Diamond's engagement meetings with communities and stakeholders.



Additional workshops in communities were held on the Jay Project following the release of the revised TOR:

- Lutsel K'e (12 participants on June 17, 2014);
- Lutsel K'e (11 participants on July 15, 2014);
- Tłįchǫ (16 participants in Behchokǫ̀ on June 24, 2014);
- Yellowknives Dene First Nation (9 participants on June 25, 2014);
- North Slave Métis Alliance (7 participants on June 26, 2014); and,
- Kugluktuk (7 participants on June 27, 2014).

The primary purpose of the workshops was to seek community input into the Project in the following areas:

- overview of the mine plan;
- fish-out of Lac du Sauvage;
- · fisheries offsetting;
- · road design and caribou crossings; and,
- incorporation of local and TK information.

While supportive of the Project, community members asked questions and raised issues during the workshop in the following areas:

- overall footprint of the Project and the extent of the dewatering of Lac du Sauvage;
- size of the fish-out of Lac du Sauvage;
- concerns about raising water levels in Duchess Lake; and,
- length of roads to be built, crossing of the esker and the how this may affect caribou that migrate through this area.

The comments and issues identified during the community workshops are summarized in Table 5.3-1.



Table 5.3-1 Summary of Terms of Reference Workshops with Impact Benefit Agreement Communities in Yellowknife, March 2014

Date	Stakeholder/Affected Party	Stakeholder/Affected Party Participants	Dominion Diamond Participants	Contact Method/ Location	Relevant Comments/Issues/Commitments
March 13, 2014	Kitikmeot Inuit Association/Kugluktuk	David Nivingalok (Councillor) Peter Taktogon (Harvester) James Algona (Elder) Chelsea Kapakatoak (Youth) Frank Ipakohak (Elder)	Dominion Diamond: Richard Bargery Ora-naja Wah-Shee Claudine Lee Golder Associates Ltd.: Cameron Stevens Darryl Arsenault Jim Rettie Shannon Hayden Fiona Esford Damien Panayi Facilitator: Maureen Van Overliw	Workshop/ Yellowknife	This workshop was intended to provide additional community input concerning fish and wildlife, and to assist Dominion Diamond in meaningfully linking Traditional Knowledge into the Jay-Cardinal Project and the extension of the Ekati Mine life. Dominion Diamond was specifically interested in community input on fisheries offsetting, fish-out, and the mitigation and management of wildlife, particularly caribou. A final report was provided to the community.
March 12, 2014	Tłįchǫ	Joseph Judas Samuel Mantla Jr. Noel Bishop Russell Drybones Sjoerd van der Wielen	Dominion Diamond: Richard Bargery Ora-naja Wah-Shee Claudine Lee Golder Associates Ltd.: Cameron Stevens Darryl Arsenault Jim Rettie Shannon Hayden Fiona Esford Damien Panayi Facilitator: Maureen Van Overliw	Workshop/ Yellowknife	This workshop was intended to provide additional community input concerning fish and wildlife, and to assist Dominion Diamond in meaningfully linking Traditional Knowledge into the Jay-Cardinal Project and the extension of the Ekati Mine life. Dominion Diamond was specifically interested in community input on the fisheries offsetting, fish-out, and the mitigation and management of wildlife, particularly caribou. A final report was provided to the community.



Table 5.3-1 Summary of Terms of Reference Workshops with Impact Benefit Agreement Communities in Yellowknife, March 2014

Date	Stakeholder/Affected Party	Stakeholder/Affected Party Participants	Dominion Diamond Participants	Contact Method/ Location	Relevant Comments/Issues/Commitments
March 11, 2014	Akaitcho Treaty 8 First Nation	Mike Tollis August Enzoe Terri Enzoe Ron Fatt Sunrise Lockhart Fred Sangris Bobby Drygeese Leroy Betsina Todd Slack Joanne Black Ricky Drygeese	Dominion Diamond: Richard Bargery Ora-naja Wah-Shee Golder Associates Ltd.: Cameron Stevens Darryl Arsenault Jim Rettie Shannon Hayden Fiona Esford Damien Panayi Facilitator: Maureen Van Overliw	Workshop/ Yellowknife	This workshop was intended to provide additional community input concerning fish and wildlife, and to assist Dominion Diamond in meaningfully linking Traditional Knowledge into the Jay-Cardinal Project and the extension of the Ekati Mine life. Dominion Diamond was specifically interested in community input on the fisheries offsetting, fish-out, and the mitigation and management of wildlife, particularly caribou. A final report was provided to the community.
March 10, 2014	North Slave Métis Alliance	Matt Hoover Wayne Langenhan Ed Jones Robert Mercredi Joel Dragon Smith	Dominion Diamond: Richard Bargery Ora-naja Wah-Shee Claudine Lee Golder Associates Ltd.: Cameron Stevens Darryl Arsenault Jim Rettie Shannon Hayden Fiona Esford Damien Panayi Facilitator: Maureen Van Overliw	Workshop/ Yellowknife	This workshop was intended to provide additional community input concerning fish and wildlife, and to assist Dominion Diamond in meaningfully linking Traditional Knowledge into the Jay-Cardinal Project and the extension of the Ekati Mine life. Dominion Diamond was specifically interested in community input on the fisheries offsetting, fish-out, and the mitigation and management of wildlife, particularly caribou. A final report was provided to the community.



#### 5.3.4 Contributions to Project Design

Local and TK information was considered in the Project Alternatives analysis (Section 2). For example, TK was a consideration in the Pre-Screening Assessment (Section 2.4.6), assessment of the alternative means of carrying out the Project (Section 2.4.7), and the Level 2 Assessments (Section 2.5).

#### 5.3.5 Contributions to Environmental Assessment Approach

Traditional knowledge was used in various ways when developing the approach to the EA. For example, local and TK information was used to develop valued components to be assessed. This was a result of the MVRB scoping sessions and the Dominion Diamond community workshops identified above in Section 5.3.3. Information resulting from the community scoping sessions was also considered in the pathways analysis (Section 6.4). Applicable Local and TK information was provided to the technical components for integration into their respective components. A summary of how local and TK information has been integrated into the EA is provided in Table 5.3-2.

Table 5.3-2 How Traditional Knowledge was Considered in the Developer's Assessment Report

DAR Section	How Traditional Knowledge Was Used	Source of the Traditional Knowledge
Section 2	Use of area for traditional activities was considered in noise,	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
(Project Alternatives)	visual, and harvesting considerations	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 6.2.1	List of valued components for the Project considered: local and traditional knowledge, and related concerns obtained during the community scoping sessions; and, traditional, cultural, and heritage importance to First Nations and Métis peoples.	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
(Valued Components)		Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 6.2.2 (Assessment Endpoints and Measurement Indicators)	Assessment endpoints and measurement indicators	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 6.4 (Pathways Analysis)	Pathways analysis	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 7.2.4 (Air Quality)	Summary of local and traditional knowledge relating to air quality	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
Section 7.3 (Air Quality)	Pathways analysis	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)



Table 5.3-2 How Traditional Knowledge was Considered in the Developer's Assessment Report

DAR Section	How Traditional Knowledge Was Used	Source of the Traditional Knowledge
Section 8.1.3 (Water Quality and Quantity)		
Section 8.2.6 (Water Quality and Quantity)	Summary of local and traditional knowledge relating to water quality	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
Section 9.1.3 (Fish and Fish Habitat)	Valued components, assessment endpoints, and measurement indicators	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 9.2.7 (Fish and Fish Habitat)	Summary of local and traditional knowledge relating to water quality	Traditional Land Use and Traditional Knowledge Baseline
Section 9.3 (Fish and Fish Habitat)	Pathways analysis	Report (Annex XVII)
Section 11.1.3 (Vegetation)	Valued components, assessment endpoints, and measurement indicators	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 11.2.1.4 (Vegetation)	Traditional use plant potential	Traditional Land Use and Traditional Knowledge Baseline
Section 11.2.3 (Vegetation)	Summary of local and traditional knowledge	Report (Annex XVII)
Section 11.3 (Vegetation)	Pathway analysis	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 12.1.3 (Barren-ground Caribou)	Valued components, assessment endpoints, and measurement indicators	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 12.2.3 (Barren-ground Caribou)	Summary of local and traditional knowledge	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
Section 12.3 (Barren-ground Caribou)	Pathways analysis	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 13.1.3 (Wildlife and Wildlife Habitat)	Valued components	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 13.2.3 (Wildlife and Wildlife Habitat)	Summary of local and traditional knowledge	Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)
Section 13.3 (Wildlife and Wildlife Habitat)  Pathways Analysis		Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)



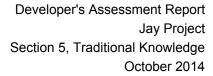
Table 5.3-2 How Traditional Knowledge was Considered in the Developer's Assessment Report

DAR Section	How Traditional Knowledge Was Used	Source of the Traditional Knowledge
Section 14.1.2.2 (Socio-Economics)	Scoping	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)
Section 15 (Cultural Aspects)	Used throughout as this section addresses effects on traditional use of land for harvesting and other cultural purposes	Community (including local and traditional knowledge), public, and regulatory engagement process (see Section 4)  Traditional Land Use and Traditional Knowledge Baseline Report (Annex XVII)

#### 5.3.6 Contributions to Monitoring

The TLU assessment included various measurement indicators to which no agreed-upon thresholds exist to assist in determining the level at which these indicators will prevent or discourage traditional use of the land. Therefore, the extent to which the measurement indicators may influence continued opportunities for TLU is difficult to measure. As a result, Dominion Diamond will meet with potentially affected Aboriginal groups about establishing a monitoring program that tracks the avoidance by traditional land users of the Ekati area. A potential goal of such a program, dependent upon the engagement with potentially affected Aboriginal communities, would be to track the existing TLU of the general Ekati area, changes resulting from the Project development, and the underlying reasons behind those changes.

Dominion Diamond currently has existing monitoring programs in place to track effects on wildlife, aquatics, and air quality. Dominion Diamond will discuss with potentially affected Aboriginal groups collaborative ways for community members to be involved in these programs. The goal of this involvement is to assist in mitigating residual concerns about effects on traditionally harvested resources and concerns about human and ecological health effects in the general Ekati area.





Aboriginal land users' intangible relationship with the land, while discussed within the assessment, was not considered in classifying residual impacts due in part to the personal and dynamic nature of this relationship that does not lend itself to measurement. For this reason, Dominion Diamond will support potentially affected Aboriginal communities' participation in meaningful programs designed to assist in the retention of their cultural connection to the land. Examples of potential programs include the following:

- collaboration between Dominion Diamond and potentially affected Aboriginal groups in reclamation design and implementation so that reclamation occurs in a way that is consistent with the needs of potentially affected Aboriginal groups;
- environmental monitoring programs;
- community ceremonies at Project milestones, such as initiation and decommissioning; and,
- cultural gatherings and camps in the general Ekati area.

#### 5.4 Summary

The TK baseline studies included the Yellowknives Dene First Nation, Łutselk'e Dene First Nation, Deninu K'ue First Nation, Fort Resolution Métis, North Slave Métis Alliance, the Tłįchǫ Government, and the Kitikmeot Inuit Association. The results of the studies and scoping activities done by MVRB and Dominion Diamond were used in the EA to develop valued components and to inform pathways analysis, and were used by the various technical components in their respective assessments. Local and TK information was also used in Project design to assess Project alternatives. The information was considered in the Subject of Note (Culture) which also makes recommendations for Project monitoring programs.

#### 5.5 References

EAP (Environmental Assessment Panel). 1996. Report on the NWT Diamonds Project. Environmental Assessment Panel Canadian Environmental Assessment Agency, Hull, QC, Canada.

MVRB (Mackenzie Valley Review Board). 2005. Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment. Mackenzie Valley Environmental Impact Review Board. Yellowknife, NWT, Canada. July 2005.

MVRB. 2014. Draft Terms of Reference for the Environmental Assessment of the Dominion Diamond Ekati Corporation Jay-Cardinal Project. February 21, 2014. EA 1314-01. Yellowknife, NWT, Canada.



# 5.6 Glossary

Term	Definition	
Aboriginal	Collective term for the original peoples of North America and their descendants, including First Nations, Métis and Inuit.	
All-season road	An all-season road is a road that is motorable all year by the prevailing means of rural transport.	
Baseline	Background or reference; conditions before Project development.	
Claim Block	Publicly owned land that Dominion Diamond has leased from the government of the Northwest Territories. Companies that hold a claim block must obtain a mining lease to proceed with the development of the property into a mine.	
Dewatering	Removal of water from a natural waterbody by pumping or draining.	
Drainage Basin	The area drained by a river or stream; see also watershed.	
Ekati Mine	Ekati Diamond Mine, Canada's first diamond mine.	
Environmental Assessment (EA)	An assessment of the environmental effects of a project as per the Mackenzie Valley Resource Management Act.	
Footprint	The proposed development area that directly affects the soil and vegetation components of the landscape.	
Headwater	The source and upper reaches of a stream; also the upper reaches of a reservoir. The water upstream from a structure or point on a stream. The small streams that come together to form a river. Also may be thought of as any and all parts of a river basin except the mainstem river and main tributaries.	
Kimberlite	Igneous rocks that originate deep in the mantle, and intrude the Earth's crust. These rocks typically form narrow pipe-like deposits that sometimes contain diamonds.	
Kimberlite Pipe	Vertical structures on which kimberlites occur in the Earth's crust.	
Métis	People of mixed North American Indian-European descent.	
Reclamation	The process of reconverting disturbed land to its former or other productive uses.	
Terms of Reference	The Terms of Reference identify the information required by government agencies for an Environmental Impact Assessment.	
Traditional Knowledge (TK)	Knowledge about the environment that Aboriginal people have gained through hundreds of years of living on the land. This knowledge is dynamic and relates to knowledge about the environment, knowledge about the use and management of the environment, and values about the environment (MVRB 2005).	
Traditional Land Use (TLU)	Use of the land by Aboriginal groups for harvesting traditional resources such as wildlife, fish or plants, or for cultural purposes such as ceremonies or camping.	
Valued Component	Valued components represent biophysical, economic, social, heritage and health properties of the environment that are considered to be important by society.	
Waterbody	A general term that refers to rivers, streams, and lakes.	
Watershed	The entire surface drainage area that contributes water to a lake or river.	
Wildlife	Under the Species at Risk Act, wildlife is defined as a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus that is wild by nature and is native to Canada or has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.	