



May 16, 2017

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Re: Measure 6-5 Traditional Knowledge Based Caribou Monitoring and Mitigation

Dominion Diamond Ekati Corporation (DDEC) is pleased to provide the following submission regarding the Jay Project (the Project) as per the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) *Report of Environmental Assessment and Reasons for Decision* (REA) Measure 6-5: Traditional Knowledge based caribou monitoring and mitigation regarding the development of a Traditional Knowledge Elder's Group (TKEG). This measure states the following:

Dominion will fund a Traditional Knowledge Elders group drawn from Aboriginal organizations that participated in the EA. This group will:

- o advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou*
- o monitor caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities*
- o report on the results of monitoring to Dominion, IEMA, regulators and Aboriginal organizations that participated in the EA*
- o recommend mitigation based on monitoring results*
- o recommend a contingency plan for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement*

This Traditional Knowledge group will be in place prior to construction, throughout operations and closure.

In May 2016, DDEC reached out to the Aboriginal organizations that participated in the Environmental Assessment to develop the TKEG and suggest participants. Based on engagement and feedback, the TKEG was put in place with participation of the following Aboriginal organizations:

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Template # EKA TEM 1852.13

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- Deninu Kue First Nation
- Fort Resolution Metis Council
- Kitikmeot Inuit Association
- Lutsel K'e Dene First Nation
- Tlicho Government
- Yellowknife Dene First Nations
- North Slave Metis Alliance

The initial TKEG meeting was held in Dettah in June 2016 where the discussion focused around the purpose of the TKEG and the development of the Terms of Reference. The final Terms of Reference is attached and sets out the objectives and expectations of DDEC and the TKEG.

The TKEG has met four times since it was put in place in, including twice at the Ekati Mine (October 2016 and April 2017), once in Dettah (June 2016), and once in Yellowknife (January 2017).

As per Section 8.2 of the TKEG Terms of Reference, the TKEG will allow the posting of the Summary Report and Summary Poster of each meeting, once it has been reviewed and approved by the TKEG. During the meeting in January 2017, the TKEG approved the documents from the June and October 2016 meetings to be submitted to the MVERIB and the Wek'eezhii Land and Water Board to be posted on their respective registries. These documents are attached with the meeting minutes removed, as these have not been approved for release to the public or for posting on the registries.

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

Sincerely,



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

Attached: Traditional Knowledge Elders Group Terms of Reference
 TKEG June 2016 Summary Poster
 TKEG June 2016 Summary Report
 TKEG October 2016 Summary Poster
 TKEG October 2016 Summary Report

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Dominion Diamond Ekati Corporation Traditional Knowledge Elders Group

Terms of Reference

1.0 Purpose

As per Measure 6-5: Traditional Knowledge-based caribou monitoring and mitigation of the *Report on the Environmental Assessment* for the Jay Project, Dominion Diamond will establish a Traditional Knowledge Elders Group (TKEG) drawn from Aboriginal organizations that participated in the EA to provide specific Traditional Knowledge (TK) input into the design and operations (including closure) of the Jay Project (“Project”) to further mitigate impacts on caribou.

The TK input will include the Project, and will be applied to the Ekati Mine site to further mitigate impacts on caribou, water, land, air and fish.

The TKEG shall serve in an advisory role.

2.0 Membership

The TKEG is an independent committee comprised of the following members from each of the four IBA groups:

- Tlicho Government (4);
- Kitikmeot Inuit Association (2);
- North Slave Metis Alliance (2); and
- Akaitcho Treaty 8 (two each representing the YKDFN and LKDFN); and
- Two members from the community of Fort Resolution (representing DKFN and FRMC).

Members would be determined by each of the groups represented and could be drawn from existing Elder’s Groups in the region. Members are appointed by the groups represented with consideration of maintaining continuity of participation in the TKEG. The recommended term is four years or as determined by the Aboriginal organizations. Appointed members are eligible for re-appointment by the groups represented.

Alternative participants will be identified by each group.

3.0 Meetings

The TKEG would meet four times a year unless otherwise determined by the group and DDEC. At least two of those meeting will occur at the Ekati mine so that the TKEG can visit the project site to provide first-hand advice and feedback.

One member from each group shall constitute a quorum of any meeting of the TKEG.

TKEG meetings will be open for observation by Dominion, its agents, representatives or appointees, or as requested by the TKEG.

4.0 Mandate

The TKEG shall:

- a) Provide advice of the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou;
- b) Provide input into the monitoring of caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities;
- c) Make recommendations for mitigation based on monitoring results;
- d) Make recommendations on contingency plans for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement;
- e) Provide advice on the development of an on-the-land camp in a traditionally used area around the Jay Project site; and,
- f) And any other matter that may be referred to it from time to time by Dominion Diamond, including but not limited to, water, land, fish, air and closure and post-closure of the Project and at the Ekati Mine site.

5.0 Support

5.1 Facilitator of TKEG

Dominion Diamond will provide resources for a part-time contract resource person to provide support to the TKEG. Dominion Diamond will provide recommendations of an appropriate candidate(s) to fulfill this role. The members of the TKEG will have final approval on the selection of the resource person.

5.2 In-Kind Support

Dominion Diamond will provide reasonable in-kind staff and other logistical support as required by the TKEG.



6.0 Appropriate Use of TK

Respecting intellectual property rights, all use and publication of TK information shared and collected by Dominion Diamond through the TKEG will follow appropriate community TK protocols, where applicable.

7.0 Compensation

7.1 Honouraria

A honourarium of \$500/day will be provided to members of the TKEG for participation in meetings, sites visits or other activities of the TKEG. Dominion Diamond will provide an honorarium of \$500/day for 1 day that will include preparation and time to provide briefings to chief and council.

For Alternates that participate in meetings, site visits of other activities of the TKEG in place of the participant, Dominion Diamond will provide the honorarium of \$500/day. Dominion Diamond will provide an honorarium of a half day (\$250) for the alternate to brief the TKEG participant per meeting.

7.2 Expenses

Dominion Diamond will pay appropriate travel, accommodation and meal expenses for TKEG based on Dominion Diamond travel policies. All payments and expenses must be pre-authorized by appropriate Dominion Diamond staff.

8.0 Reporting

8.1 Annual Reports

The facilitator of the TKEG will report after each meeting and on an annual basis to each of the Aboriginal groups represented on the committee, Dominion Diamond, Independent Environmental Monitoring Agency, the Wek'èezhii Land and Water Board, and the Mackenzie Valley Environmental Impact Review Board. The annual report will be provided on or before March 31 of each year.

8.2 Public Reporting

The reports of the TKEG would be submitted to the Wek'èezhii Land and Water Board and the Mackenzie Valley Environmental Impact Review Board for posting to the public registry. If agreed on by the TKEG participants.

TRADITIONAL KNOWLEDGE ELDERS GROUP

MEETING SUMMARY:
SUMMER 2016



During the first meeting held June 17, 2016, the TK Elders Group discussed the following Terms of Reference:

- Members will come from each IBA group and Fort Resolution, and are chosen by the Aboriginal groups
- The Elders Group is independent of Dominion Diamond, with a facilitator chosen by the members
- The Elders Group will provide advice on:
 - Jay road, esker crossing, and waste rock storage area ramps to reduce impacts on caribou
 - on-the-land cultural camp
 - other matters such as water, land, fish, air, closure, and post-closure
- Intellectual Property rights remain with the member Aboriginal groups; the Elders Group will respect member TK protocols





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Workshop Report

Traditional Knowledge Elders Group

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1.0 Introduction

On June 17, 2016, Dominion Diamond Ekati Corporation (DDEC) hosted a Traditional Knowledge Elders Group (TKEG) meeting at the Chief Drygeese Conference Centre in Dettah NWT. The TKEG was formed in response to Measure 6-5 (Traditional Knowledge-based caribou monitoring and mitigation) of the Report on Environmental Assessment (REA) for the Jay Project. The Mackenzie Valley Environmental Impact Review Board prescribed the formation of a Traditional Knowledge Elders Group to provide specific Traditional Knowledge (TK) input into the design and operations of the Jay Project (Project) to further mitigate impacts on caribou.

This workshop was a forum to discuss a proposed Terms of Reference for the TKEG. Each Impact Benefit Agreement (IBA) group and the community of Fort Resolution (DKFN and FRMC) selected Elders as members of the TKEG to serve for a two year term. These Elders, as well as support staff were in attendance at the workshop. A full list of attendants is included with the detailed meeting minutes in Appendix A. After providing an overview of the proposed Jay project, a round table discussion was facilitated of the draft Terms of Reference. A brief summary of the discussions is included in section 2.0.

2.0 Terms of Reference – Discussion Summary

A summary of each of the terms included in the proposed Terms of Reference is included below. There are 8 proposed sections: *purpose, membership, meetings, mandate, support (Staff resources and in-kind support), appropriate Use of TK, compensation, and reporting*. Each of the proposed terms is included below with summary points of the discussion.

2.1 Purpose

The draft Terms of Reference had the following description for Purpose:

As per measure 6-5: Traditional Knowledge-based caribou monitoring and mitigation of the Report on the Environmental Assessment for the Jay Project, Dominion Diamond will establish a Traditional Knowledge Elders Group (TKEG) drawn from Aboriginal organizations that participated in the EA to provide specific Traditional Knowledge input into the design and operations of the Jay project (“Project”) to further mitigate impacts on caribou.

The Terms of Reference of the TKEG will be finalized prior to the start of construction, and the second meeting of the TKEG will be held in September 2016.

The TKEG shall serve as an advisory role.

Comments:

- It is requested that the “Closure” of the Jay project be included with the design and operations of the “Project”.
- Question raised: what is the definition of the “project”. DDEC indicated that it includes the Jay Project, but should also include the Sable and Ekati project where appropriate and closure, post-closure, with respect not just to caribou but wildlife, water, aquatics, fish, air quality and esker.
- There was concern that “TK as an Advisory Role” will not have a lot of effect and that Western science will override the information provided from the Elders.
 - A representative from DDEC acknowledged this concern and asked the members how they would like to address this? Does the TKEG want to make recommendations, DDEC will respond to the recommendations. If the recommendations are accepted, explain how they will be implemented. If not accepted, they will give details for why?
 - The group agreed that providing recommendations and getting a response from DDEC on how and why they are or are not accepted would be good.
- To further mitigate impacts on caribou, water, land and wildlife (esker and land based things) should be included in the purpose statement.
- All groups agree that there should be 2 site visits a year, one in the fall during the caribou migration and in the spring when the snow is melting (this will let the Elders see what is happening when the snow melts).

DDEC updated the Terms of Reference to include reference to the Ekati Mine site.

2.2 Membership

The draft Terms of Reference had the following description for Membership:

The TKEG is an independent committee comprised of one member from each of the four Tlicho communities and two members from the Kitikmeot Inuit Association, North Slave Metis Alliance, the Yellowknives Dene First Nation, the Lutsel K'e Dene First Nation and from the Community of Fort Resolution (Representing the DKFN and FRMC).

Members would be determined by each of the groups represented and could be drawn from existing Elder's Groups in the region. Members are appointed for a two-year term.

Discussion:

- DDEC was asked to explain what is meant by “independent committee”
- The group is funded by DDEC but not run by it. An outside person will be hired to facilitate the group, and DDEC may observe meetings and make presentations with the permission of the TKEG. This is to remove any perceived influence of DDEC on the TKEG.
- For the two Groups/Communities that only have 1 representative (DKFN and FRMC), it was suggested that there be an alternate appointed to make sure that Group is always represented.
- DDEC agreed and asks that each group nominate the alternate participants.

DDEC has updated the Terms of Reference to reflect the new membership and to include alternate participant.

2.3 Meetings

The draft Terms of Reference had the following description for Meetings:

The TKEG would meet twice a year unless otherwise determined by the group and DDEC. At least one of those meetings will occur at Ekati so that the TKEG can visit the project site to provide first-hand advice and feedback.

Six members shall constitute a quorum of any meetings of the TKEG.

TKEG meetings will be open for observation by Dominion, its agents, representatives or appointees, except as requested by the TKEG.

Discussion:

- DDEC asked how many times a year the TKEG should meet and where?
- It was identified that 2 times a year, included in the Draft Terms of Reference was not enough. At other mines in the area there is a minimum of a 12 week a year monitoring program at the mine by two TK monitors who report to the Elders. It was suggested that either more meetings need to be set-up or a TK monitoring program.
- In different months the caribou act differently, there needs to be more monitoring. As construction happens, there should be more visits to site.
- DDEC asked the nominated Elders if they are available to be on site 6 times in a year. The response was that this was a lot of time and that it was more reasonable to expect that the Elders would be available 2-3 time a year.
- It was noted that it is good for the group to observe when caribou are in the area interacting with the construction. A question was asked of DDEC about how they monitor interactions with caribou. DDEC explained that they have a behavioural monitoring program, which records the behaviour of caribou when near infrastructure, roads and vehicles.
- It was recommended that the TKEG travel to site during the spring and fall migration to observe the caribou. Including the 2 meetings at site, it was suggested 2 additional meetings be held in Yellowknife to review results of monitoring by the mine. That would be a total of 4 meetings a year.
- Site visits will be 2 days long.
- Instead of quorum being six members, it should be changed to define the quorum as one representative from each group. A site visit will not happen unless all groups are represented and able to contribute.
- It was suggested that the meetings should be open to observations by any members on behalf of any of the bands. DDEC does not have a problem with this but it must be clear that non-members can only observe and not participate. It was noted by other groups that sometimes issues will be need to be discussed without observers.
- It was agreed that non-site based meetings will be held in different member communities.
- At the first site based meeting it was suggested that the TKEG discuss the proposed MOU, finalize the terms of reference, TK protocols, caribou and a site tour. Trip will be 2 days in total, 1 day for the site tour and caribou observation and 1 day of discussion.

DDEC updated the Terms of Reference to include the agreed on quorum being a representative from each group.

2.4 Mandate

The draft Terms of Reference had the following description for Mandate:

The TKEG shall:

- a) *Provide advice on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impact to caribou;*
- b) *Provide input into the monitoring of caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities;*
- c) *Make recommendations for mitigation based on monitoring results;*
- d) *Make recommendations on contingency plans for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement;*
- e) *Provide advice on the development of an on-the-land camp in a traditionally used area around the Jay Project site; and,*
- f) *And any other matter that may be referred to it from time to time by Dominion Diamond.*

Discussion:

- Add closure and post-closure of the Jay Project
- Include in the first mandate – wildlife, water, land, fish and air. Also include caribou, design of the road, caribou crossings, monitoring programs, impacts to air, noise and blasting, minimal use and disturbance of the eskers
- Include how fish-outs will work, dewatering related to the start of construction, and waste rock management and impacts on the land.

DDEC updated the Terms of Reference to include, but not limited to, water, land, air, fish and closure and post-closure of the Project and the Ekati Mine site.

2.5 Support

The draft Terms of Reference had the following description for Support:

Resource Staff Person

Dominion Diamond will provide resources for a part-time contract resource person to provide support to the TKEG. Dominion Diamond will provide recommendations of appropriate candidate(s) to fulfill this role. The members of the TKEG will have final approval on the selection of the resource person.

In-Kind Support

Dominion Diamond will provide reasonable in-kind staff and other logistical support as required by the TKEG.

Discussion:

- DDEC clarified that the contract resource person will be hired independent of the Company. Recommendations of names will be given to the group, but it will be the group's decision who is to be hired.
- The responsibilities of the independent resource person will include, setting up meetings, facilitation, helping the staff and participants with information, writing draft reports of meetings, distributing the reports to the participants, organizing comments and finalizing reports based on feedback.
- A TK monitoring program was proposed. To prepare for this, the group asks that Lauren King (with the LKDFN) provide some more detailed information.
- Translators required every time the group meets.
- DDEC indicated that arranging meeting logistics including travel, accommodation, honorariums, booking meeting halls and catering. The DDEC in-kind support will include getting Elders to site and coordinating the visits.
- It is recommended that DDEC prepare a job description for the part-time contract support person. If members know of individuals who may be appropriate for the position, they are asked to send the names to DDEC.
- It was suggested that each group nominate someone to fill the resource staff person. DDEC will shortlist the best 3 and the group will decide who will fill the contract.

DDEC has attached a job description for a facilitator and asks for the groups to provide recommendations of people that meet the requirements for consideration.

2.6 Appropriate Use of TK

The draft Terms of Reference had the following description for Appropriate Use of TK:

Respecting intellectual property rights, all use and publication of TK information shared and collected by Dominion Diamond through the TKEG will follow appropriate community TK protocols, where applicable.

Discussion:

- Any information shared by the group must be properly documented and acknowledged. The providers will be given appropriate credit.
- TK protocols from each Group/Community will be followed.
- The TK information provided by this group should only be used for the Jay project and not used as baseline data for other projects.

DDEC has included in the draft agenda for the next meeting time to present a summary of the TK Protocols that the groups are currently using.

2.7 Compensation

The draft Terms of Reference had the following description for Compensation:

Honoraria

An honorarium of \$500/day will be provided to members of the TKEG for participation in meetings, site visits or other activities of the TKEG.

Expenses

Dominion Diamond will pay appropriate travel, accommodation and meal expenses for TKEG based on Dominion Diamond travel policies. All payments and expenses must be pre-authorized by appropriate Dominion Diamond staff.

Discussion:

- It was suggested to include Translators rates in the Terms of Reference. DDEC has standard rates for all translators; therefore it does not need to be included in the Terms of Reference.
- It was suggested to include rates for participants to prepare and to brief chiefs and council following the meetings.

DDEC has included in the Terms of Reference an honorarium for \$500/day for 1 day to be used for preparation and time to provide briefings to chiefs and council.

2.8 Reporting

The draft Terms of Reference had the following description for Reporting:

Annual Reports

The TKEG will report on an annual basis to each of the Aboriginal Groups represented on the committee, Dominion Diamond, Independent Environmental Monitoring Agency, the Wek'eezhii Land and Water Board, and the Mackenzie Valley Environmental Impact Review Board.

Public Reporting

The reports of the TKEG would be submitted to the Wek'eezhii Land and Water Board for posting to the public registry.

Discussion:

- Recommendations and responses are to be reported to all the Elders and staff. And that is made public to everyone and sent to environmental monitoring agencies, all the chiefs and regulatory groups. The information is expected to be reported from here.
- A question was raised about the reports to Aboriginal groups, does that mean the TKEG will visit each of the communities represented? The answer is yes.

- It was requested that information be presented using a poster in addition to a written report to help the community review the information. The communities get many reports to read and many are not read. This is a good suggestion and can be implemented.
- Participants agree that a short report should be prepared and shared after each meeting.
- Reports will be prepared and submitted to the Wek'eezhii Land and Water Board to go on their public registry. Reports that are submitted for the public registry will follow the appropriate protocols as set by this group. (TK protocols will follow community protocols). If a group does not want these public, DDEC agreed to write a note for the group that states the meeting took place and a list of topics discussed.
- Reports should be sent by email to support staff in each community and hard-copies should be mailed as well.
- It is suggested that the annual report align better with DDEC's current reporting timeline. Instead of July 1, March 31st may be a more appropriate time.

DDEC has included in the Terms of Reference reporting after each meeting and annual reporting on or before March 31 of each year.

3.0 Action Items

The following list of action items came out of the workshop:

1. DDEC to discuss and determine if an honorarium is appropriate for the alternatives representing groups/communities with only one representative. This is complete and included in the updated Terms of Reference Section 2.0 Membership and Section 7.1 Honoraria.
2. Lauren King (with the LKDFN) will put together some information on the TK monitoring program, similar to that which exists at Gacho Kue.
3. Representatives to provide DDEC with appropriate protocols for TK use. At the next working group meeting, all TK protocols should be reviewed and a common understanding agreed to how this group will record and share the TK.
4. DDEC to prepare to share their own TK protocols for review and discussion.
5. DDEC will revise the Terms of Reference and distribute it to all groups for review.
6. DDEC to prepare a job description for the Resource Support Person.
7. DDEC will provide the report, notes of the meeting, revised Terms of Reference, job description, and the draft agenda for next meeting for the participant's review.

4.0 Next Steps

The meeting wrapped up at approximately 4:55 pm. The group agreed that the next meeting should be at site in the fall. Steps to complete prior to that meeting include:

- Completing action items
- Revise the Terms of Reference
- Planning for the first site visit in the Fall.

With acknowledgements and thanks from all the parties, the workshop ended with a prayer from Edward Sikyea of the Yellowknife Dene First Nations.

TRADITIONAL KNOWLEDGE ELDERS GROUP

MEETING SUMMARY: FALL 2016



The second meeting was held on October 12-13, 2016 at the Ekati mine site. During the meeting, the TK Elders Group:

- Finalized and approved the Terms of Reference
- Selected two co-facilitators, who are also members of IBA Aboriginal groups, Iris Catholique and John Bekale
- Discussed the Caribou and Roads Management Plan
- Discussed the location of the On the Land Cultural Camp
- Participated in a bus tour of the new Sable road
- Participated in a helicopter tour of the Jay Project site, the Lynx pit, the Beartooth pit, and Misery road

This is the first of many tours the Elders will participate in at the Ekati mine site.

The next meeting will be held in January 2017, with exact dates and location to be determined.



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For further information, contact
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Workshop Summary Report

Traditional Knowledge Elders Group

October 11-13, 2016



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Introduction

From October 11-13, 2016, Dominion Diamond Ekati Corporation (DDEC) hosted a Traditional Knowledge Elders Group (TKEG) meeting in the Lac de Gras Room, Ekati Mine site at Lac de Gras, Northwest Territories. As mentioned in the report for the initial June 17, 2016 meeting, the TKEG was formed in response to Measure 6-5 (Traditional Knowledge-based caribou monitoring and mitigation) of the Report on Environmental Assessment (REA) for the Jay Project. The Mackenzie Valley Environmental Impact Review Board prescribed the formation of a Traditional Knowledge Elders Group to provide specific Traditional Knowledge (TK) input into the design and operations of the Jay Project (Project) to further mitigate impacts on caribou.

This workshop was a follow up to the June 17th meeting to finalize and approve the Terms of Reference (ToR) for the TKEG discussed in Dettah. Also at this meeting the Elders chose their future facilitators from the applications received by DDEC in response to facilitator job posting. Tours by bus and helicopter were taken to observe the area for the proposed Jay Project as well as the Misery Road and Sable Road In addition a presentation on the Gahcho Kué caribou monitoring program by Stephanie Poole (LKDFN) and the Jay project road design, construction, monitoring, and Ekati caribou monitoring by Harry O'Keefe (DDEC) were viewed. A list of attendees, detailed meeting minutes, and slides of the presentations are included as appendices.

Review and Finalize Terms of Reference

1.0 Purpose

The Elders questioned the wording “but may be applied” from paragraph two of this section of the Terms of Reference (ToR):

The TK input will include the Project, but may be applied to the Ekati Mine site to further mitigate impacts on caribou, water, land, air, and fish.

DDEC explained that as per Measure 6-5: Traditional Knowledge-based caribou monitoring and mitigation of the Report on the Environmental Assessment for the Jay Project, which states that the TK input must be on the Jay Project and so that language in the Measure must be maintained in the ToR, but that as discussed in the June meeting they wanted to include the Ekati Mine site as a whole in this section. It was agreed that the wording would be amended to say “will include the Jay Project but could extend to the Ekati mine site”.

A question was asked as to whether the definition of ‘project’ includes on-going exploration. DDEC explained that according to the Measure it does not include on-going exploration. The point was then made by support staff personnel that the Elders should be made aware of any future on-going exploration.

Discussion:

- Concern about the phrase “but may be applied” and what the term ‘Project’ referred to. It was agreed to change the phrase to “will include ...” and it was explained that ‘Project’ referred to the Jay Project.
- A question was asked concerning on-going exploration and that the Elders should be kept informed. DDEC replied that informing the Elders would be no problem, but that there is little on-going exploration happening at that time.

2.0 Membership

There was discussion about the two year term for the Elders and the majority agreed that it was too short a time period to ensure continuity. DDEC would like to see the Elders involved for as long as possible but did not feel they should impose a longer term. It was agreed that the term would be a minimum of two years to incorporate the idea of continuity. The term served could be renewed by the organizations that appointed the Elders without limit.

Discussion:

- Concern that the stipulated two-year term for membership was not sufficient for the purposes of continuity; that of the two meetings held so far it was perceived that nothing had been accomplished, a four-year term was suggested as being preferable. DDEC would like the Elders to continue throughout the lifespan of the Project, but did not want to impose a time commitment that might prove onerous to the members. The Elders agreed that a longer time period would be preferable and that they would like to see the same members at future meetings.
- A question was asked about who appoints the members. DDEC replied that the members' organizations appointed them to the TKEG. If a member could no longer participate, their organization would appoint a replacement/alternate.
- An Elder brought up his concern about lack of education and literacy skills and that perhaps it would be better if their organization's councilors or the youth of their communities should be at meetings. The Elders were reassured that their participation was due to their role as TK holders.
- A question was asked about the Elders decision making process; did they vote on issues? DDEC replied that the Elders commented 'on-the-line' during the June meeting. It is up to the Elders how they choose to make decisions.

3.0 Meetings

The number of meetings per year was accepted as written: a minimum of two per year and more if deemed necessary. There was a strong suggestion that the members meet four times a year with the seasons, especially during the migration periods of the caribou for observation purposes.

Discussion:

- Three to four meetings a year, seasonally was suggested as preferable to two meetings a year. DDEC said a minimum of two meetings a year with more being called as needed.
- A question was asked concerning the revisions of the draft ToR about the number of meetings. DDEC explained that the TKEG could call more meetings as required, with a minimum of two meetings per year. At the June meeting some Elders felt that more than two meetings a year would be too much because of the travel time it took some members to get to and from the meeting place.
- Many Elders requested that their youth be brought to the TKEG meetings. DDEC replied that it would not be possible to accommodate this request because of the large numbers of people. Elders and youth are invited to participate in DDEC's annual Community Caribou Engagement at Ekati. IBA students participate in annual Ekati mine site tours. DDEC hired 5 IBA students this past summer to

conduct a Seed Reclamation Project. IBA youth will be invited to the Cultural Camp to be held in the fall of 2017.

4.0 Mandate

Revisions accepted as written.

5.0 Support

5.1 Resource Staff Person

Discussion:

- The title of 'Resource Staff Person' was requested to be amended to 'Facilitator'. DDEC agreed.

5.2 In-Kind Support

Accepted as written

6.0 Appropriate Use of TK

Accepted as written

7.0 Compensation

7.1 Honoraria

Revisions accepted as written. Discussion:

- A typographical error in the first paragraph of the revised text was pointed out ('prove' should say 'provide') and was noted:

Dominion Diamond will provide an honorarium of \$500/day for 1 day that will include preparation and time to *prove* briefings to chief and council.

7.2 Expenses

Accepted as written

8.0 Reporting

8.1 Annual Reports

Revisions accepted as written.

8.2 Public Reporting

Revisions accepted as written.

Review and Select Facilitator

From the 20 applications received for the one-year contract position of facilitator, six were chosen for the Elders' review and selection. Three applicants were chosen for their TK research background and three were chosen as Aboriginal applicants. The DDEC selection committee proposed the model used by Diavik of pairing a professional TK researcher with an Aboriginal applicant to co-facilitate.

Discussion:

- There was discussion on the roles the co-facilitators would play and whether or not they would have equal responsibilities with their team. It was suggested that this was something for the incumbents to concern themselves with and not the TKEG.
- The Elders felt that additional provisions should be made by DDEC to allow for the additional hiring of a note-taker, so that the co-facilitators could focus on the Elders Group. This was agreed to by DDEC.
- A probation period was suggested and approved.
- Clarification was asked and granted concerning the selection – that the Elders could choose any two applicants, they did not have to choose one Aboriginal and one professional facilitator but could choose two Aboriginal facilitators if that was what they wanted.

After the discussion, a secret ballot was cast by all members and Iris Catholique and John Bekale were chosen as co-facilitators. DDEC will contact the successful applicants.

Review of GK Monitoring Program: Presentation from LKDFN – Stephanie Poole

Stephanie Poole (LKDFN) introduced the Ni Hadi Xa program (<http://lutselke.com/programs/ni-hadi-xa>) the environmental monitoring and management program for Gahcho Kué Diamond Mine (De Beers) located in Łutselk'e Dene First Nation's traditional territory. The slides of the PowerPoint presentation are included in the appendices.

The purpose of the Ni Hadi Xa program (NHX) is the protection of the land and water. Ni Hadi Xa participates in the environmental monitoring of the De Beers' Gahcho Kué Mine and ensures that TK (in addition to science) is used in the monitoring of the mine and provides a formal mechanism for communities to make recommendations, as well as build community capacity.

Ni Hadi Xa is not a legal entity. All personnel are hired by their respective communities and all materials are owned by others and paid for with NHX agreement funds. The program operates as a strong central authority, with all decision making centered on the Governance Committee who retains oversight on all projects and most staff. NHX staff include a technical coordinator (Todd Slack) who is charged with reviewing the monitoring and management plans, financial management, and acts as general secretary to the Governance Committee; an environmental monitor (currently vacant) who will act as the eyes and ears of the Governance Committee at the mine site, reporting to the Committee on the site monitoring activities and all relevant events, and; traditional knowledge monitors who use their experience and skills on the land as they travel to and stay at the Family Cultural Region (FCR), observing any changes to the area.

Technical monitoring provides general support for reviewing on-site environmental management plans similar to the activities of IEMA/EMAB/SLEMA staff and additional dedicated resources can be allocated for more complicated issues which may require retaining subject matter experts.

The on-site environmental monitor reports directly to NHX and provides labour to De Beers' environmental team. The Governance Committee can ask the monitor to pay particular attention to an issue of their focus, for example, dust and the effectiveness of control measures. A limitation of this position is the 2x2 work schedule, wherein the monitor is away from site for two weeks out of every four. It is a difficult position as the environmental monitor is a member of the mine's environmental team and an NHX observer.

Traditional knowledge monitoring is focused on land users observing on the land for periods of time and making note of changes. These land users are a valuable tool for reporting change in the environment; their experience is a lens NHX can use to look for change.

It is more important to have the TK holders observing the land than collecting the TK. Limitations with this role are imposed by the seasons, as travel is inhibited during freeze-up and the summer thaw. The current part-time TK monitor is Herman Catholique of LKDFN; the full-time position is currently vacant.

The second part of the TK monitoring program involves having families travel to areas adjacent to the mine. While there they live as take part in their normal activities – hunting, fishing and practicing their customs. TK monitors work with these families to collect their observations, recollections, and expectations. The program is to start in summer 2017, with the implementation plan currently under development.

2016 accomplishments include:

- development of financial administration processes and policy development, creating the foundation for sound management;
- near completion of major infrastructure for the FCR;
- first major technical reviews (ICRP) completed, with minor reviews completed regularly (e.g. Construction Pond Monitoring Plan);
- program development for TK monitoring making good progress, and;
- Family Travel Program framework underway and slated for completion before the end of 2016.

Stephanie commended the TKEG for their desire to have on-site TK monitors and recommended the family group format of TK monitors who would inhabit their traditional lands according to their custom and observe the environment as they do so.



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Next Year's Camp

Charles Klengenberg (DDEC) led a discussion of the location of the camp for next year. The discussion took place around the maps posted on the wall and was not recorded. The narrows between Lac du Sauvage and Lac de Gras were suggested and Charles recommended a bay on the Lac du Sauvage side of the narrows that would provide good shelter for the boats and was near the ice road crossing (Tibbitt to Contwoyto Road). The red circle on the map in the detailed meeting minutes in the appendices indicates the recommended location.

Review of the Jay Project – Harry O’Keefe, Dominion Diamonds

Harry O’Keefe (DDEC) introduced information on the design of the Jay Road, where the caribou crossings are planned and what they would look like, how they plan to cross the esker, and the location of the waste rock storage sites. He invited the Elders comments and feedback throughout the presentation.

The presence of snow on the land proved to be a significant barrier to the Elders’ observations earlier that day while on the bus and helicopter tours. The Elders expressed concern about the changes and damage being done to the land and how it is effecting the environment as a whole, not just the wildlife. The general consensus concerning the current egresses seen for the caribou crossings is that they are too small in both width and length, as to allow for a very gentle and gradual slope. It is expressed that the large rocks and lack of smooth terrain caused by the mining activities could be harming the caribou. There was also concern about sufficient water flow and that there should be more culverts to allow for the water to flow as closely to their natural way of flowing as possible. Great concern was expressed about the many hills of waste rock. It was suggested that the finished pits should be filled with this waste rock to get it off the land, and that water run-off from the waste rock piles not be allowed into the lakes for fear of contamination. The Elders would prefer the esker not be changed or altered by the mine in any way as many animals make their dens and raise their young in and near the esker. Dominion responded that throughout the EA process many parties expressed concern with disturbing the esker. This site of the esker crossing was chosen through extensive consultation that involved in person meetings, on the ground site inspection and helicopter tours of the area. This location was chosen because it will have the least impact on the esker and the road routing allows for the greatest portion of the road to be built as caribou crossings.

A question was asked about the small ponds in the area, as seen in a slide, and the answer was that the plan is for the ponds to be emptied of their water. Harry also explained that in the case of the finished Bear Tooth pit, the used kimberlite was filling it in and that the cloudy water, would be drained, once the kimberlite had settled and 30 meters of clear water, of which the dirt had settled out, would be added."

A discussion about the different engagement groups occurred. Claudine Lee (DDEC) talked about the different programs they have for engaging the communities and soliciting their advice as well as sharing with community members about the operations and activities of the mine. There was a concern among the Elders that there might be conflict in the advice received from the Elders, TK Holders, and youth participating in the

provides their communities meat and clothing, even today. The caribou and their relationship to the caribou, other wildlife, and the environment directly relates to their identity as a people and their relationship to their ancestors. Also, just as emphatically, the Elders expressed concern that their youth were not present for these meetings. It was felt that this lack of youth involvement would break the continuity of the passing on of the TK that is important within their communities. It is for the youth and the future of their people that the Elders participate in the TKEG.

Community Caribou Engagement the following week. DDEC assured the Elders that theirs was the only TKEG being consulted. Harry made the important comment that work on areas like the Sable Road are works-in-progress and that DDEC will continue to adjust, modify, and make improvements as per the advice received from the TKEG.

A question was raised about the powerlines along the road and whether or not the electromagnetic radiation emitted by these powerlines might prove to be a deterrent or barrier to the wildlife, specifically the migrating caribou, as some research has indicated. Harry reported that there is monitoring being done on the Misery Road powerline, which was energized this September, to see if there may be any effect on the caribou.

The Elders strongly emphasized the important role of the caribou in their culture and lifestyle. The caribou provides their communities meat and clothing, even today. The caribou and their relationship to the caribou, other wildlife, and the environment directly relates to their identity as a people and their relationship to their ancestors. Also, just as emphatically, the Elders expressed concern that their youth were not present for these meetings. It was felt that this lack of youth involvement would break the continuity of the passing on of the TK that is important within their communities. It is for the youth and the future of their people that the Elders participate in the TKEG. As mentioned previously, DDEC replied that it would not be possible to accommodate this request because of the large numbers of people. Elders and youth are invited to participate in DDEC's annual Community Caribou Engagement at Ekati. IBA students participate in annual Ekati mine site tours. DDEC hired 5 IBA students this past summer to conduct a Seed Reclamation Project. IBA youth will be invited to the Cultural Camp to be held in the fall of 2017.

Action Items

The following list of action items came out of the workshop:

1. The wording in the ToR under 1.0 Purpose “but may be applied” was agreed to be amended to say “will include the Jay Project but could extend to the Ekati mine site”.
2. It was agreed that in the ToR, 2.0 Membership, the term served would be two years plus to incorporate the idea of continuity. The term served could be renewed by the organizations that appointed them without limit.
3. In the ToR, 5.1 the title of ‘Resource Staff Person’ was agreed to be amended to ‘Facilitator’.
4. DDEC will now arrange the contracts and hire the chosen co-facilitators.
5. DDEC provide the Elders with copies of the audio-recording of the workshop.
6. DDEC will provide Elders with an audio-recording of the June meeting, if one exists.
7. DDEC provide the Elders with both hard copies and digital copies of the reports and the poster.

Next Steps

The date of the next meeting was discussed. The end of January was agreed to be a good time for an off-site meeting to be followed by a meeting in April at site to coincide with the caribou migration.

Comments were made about the past and years when there were no caribou and the years when there were.

It was agreed that the audio recordings would be sent to each for inclusion in their organizations/communities digital databases.

Elders requested both a hard copy and digital copy of the report, as well as a hard copy of the poster.

With acknowledgements and thank from the Elders, the workshop concluded with a prayer from Albert Boucher of Łutselk'e Dene First Nations.