

CEAA-009

Comment:

The EIS Guidelines set out the requirement to provide a summary of Aboriginal traditional knowledge provided by Aboriginal groups, and to describe where and how traditional knowledge was incorporated into the assessment.

In addition, on January 27, 2016, the Minister of Environment and Climate Change announced an interim approach that includes principles for major projects. These principles are the first part of a broader strategy to review and restore confidence in Canada's environmental assessment processes. Principle 2 is: "Decisions will be based on science, traditional knowledge of Indigenous peoples and other relevant evidence"

Provide a summary of the Aboriginal traditional knowledge received from each Aboriginal group on a group-by-group basis or provide a rationale as to why the information was not included in the EIS (e.g. confidentiality agreement, Aboriginal group lack of response to requests).

Provide a description of where and how Aboriginal traditional knowledge has been incorporated into the assessment of both the severity of the impacts to rights and the significance of the changes to the environment resulting from the project with respect to Aboriginal peoples, including but not limited to current use of lands and resources for traditional purposes. Provide a description of how the inclusion of Aboriginal traditional knowledge influenced the outcomes of the assessment.

Response:

The main sources of Aboriginal traditional knowledge reviewed in detail for this report are listed in Section 12.0 and include the following:

- Aboriginal Groups' official websites;
- Indian and Northern Affairs Canada First Nation Profiles;
- Consultation conducted with Aboriginal Groups from 2011 to 2015;
- Ethnographic studies and reports;
- Environmental assessment or other permitting applications developed by other proponents (as available) (e.g., Related to New Afton or Trans Mountain Pipeline Project);
- Applicable evidence filed before the National Energy Board for the Trans Mountain Pipeline Project; and
- Reports provided by Aboriginal Groups, including the following:
 - Preliminary Mitigation Report drafted in 2014 by SSN to identify any Project related concerns and suggested mitigation;
 - SSN Cultural Heritage Study (CHS) drafted in 2014 by Marianne Ignace to demonstrate traditional use and occupancy of the area involving and surrounding the Project. The report focuses on historic land uses in the area;

- Lower Nicola Indian Band (LNIB) Community Profile drafted in July 2014 to provide socio-economic information for LNIB; and
- Métis Nation British Columbia (MNBC) - KGHM/Ajax Mine Initial Project Report, drafted December 2014 to provide a summary of MNBC members' feedback on the proposed Project and land use information.

A detailed list of what has been provided by each Aboriginal Group is presented in Table 1.

Table 1: Summary of Traditional Knowledge/Traditional Land Use Information Received from All Aboriginal Groups

Aboriginal Group	Aboriginal Traditional Knowledge Received
Stk'emlupsemc Te Secwépemc Nation (SSN)	Cultural Heritage Study (2014). In December of 2012, KAM and SSN entered into a Study Funding Agreement providing capacity for SSN to research and provide KAM with a CHS report. SSN provided this report to KAM in December 2014. This is the key primary information document that SSN has provided KAM for use in the Application/EIS. KAM and SSN agreed that in carrying out the CHS, certain information would not be shared with KAM. Each of the parties acknowledges and agrees to be bound by the intellectual Property Rights statement in respect of information disclosed in connection with the CHS. Notwithstanding the foregoing, KAM would be entitled to share the Reports with relevant government and regulatory decision makers as part of the Environmental Assessment process or any other regulatory, permitting or approval process for the Project. The copyright of the final produced document(s) remain with SSN. For these reasons KAM did not share the CHS as an appendix within the Application/EIS. Preliminary Mitigation Report (2014)
Ashcroft Indian Band (AIB)	None provided. Prior to the updated General Arrangement, AIB expressed an interest in completing a Traditional Knowledge/Traditional Land Use (TK/TLU) study for the Project. However, following the announcement of the revised General Agreement and signing of the Consultation and Benefits Agreement, AIB has not pursued a TK/TLU study further. AIB has indicated they support the Project and wrote a letter to this effect to the British Columbia (BC) Environmental Assessment Office, Canadian Environmental Assessment Agency, BC Ministry of Aboriginal Relations and Reconciliation, and BC Ministry of Forestry, Lands and Natural Resource Operations on October 24, 2014.
Lower Nicola Indian Band (LNIB)	LNIB Community Profile (2014) After a series of negotiations, the LNIB and KAM signed a Capacity Funding Agreement on July 28, 2015, that provides a range of support to facilitate LNIB's involvement in the Environmental Assessment process, including the development of a TK/TLU study. No study has been received to date.
Whispering Pines/Clinton Indian Band (WP/CIB)	Funding provided, in part, to facilitate the WP/CIB's preparation of a TK/TLU study for the Project. No report or information has been received to date.
Métis Nation British Columbia (MNBC)	KGHM/Ajax Mine Initial Project Report (2014) MNBC Working on Behalf of Métis People in BC (2014) MNBC-KGHM/AJAX Mine Socio-economic Report (2015)

Non-confidential Aboriginal Traditional Knowledge information and other concerns expressed by Aboriginal Groups were disseminated to the scientists and researchers involved in development of baseline studies and the effects assessments through bi-weekly meetings and issues tracking tables. In addition, meetings were held with key discipline leads to review relevant TK/TLU information (e.g., plant and wildlife species important to Aboriginal Groups) as well as other comments and concerns raised by Aboriginal Groups.

The Aboriginal Traditional Knowledge provided to KAM has been carefully considered and incorporated into the Application/EIS, in particular to inform the collection of baseline information, the Project design, the identification or modification of mitigation measures, the determination of significance of the Project effects on Current Use of Land and Resources for Traditional Purposes (CULRTP) and Aboriginal rights, and the design of monitoring and follow-up programs. The following table provides a summary of how and where Aboriginal Traditional Knowledge was incorporated into the assessment.

Table 2: Consideration of Aboriginal Traditional Knowledge into the Application/EIS

TK/TLU	How it was Considered in the Application/EIS	Section of the Application
Range of traditional use plants identified in the CHS and through literature reviews	Additional fieldwork and analysis was done to better understand the presence of traditional use plants within the Local Study Area (LSA) and Regional Study Area. TLU plants were included as indicators for the assessment of effects on the Rare Plants Valued Component (VC). Examples of traditional use plants considered (and also found within the rare plants LSA) include yarrow, Saskatoon berries, kinnikinnick, big sagebrush, sedges, red-osier dogwood, scouler's hawkweed, rocky mountain juniper, lemonweed, qweoewile / large-fruited desert-parsley, ponderosa pine, douglas fir, willows, soapberries and cattail.	Section 6.8 Section 8.5 Part C
The CHS, literature reviews, and consultation identified species of interest (wildlife, fish). This information was provided to discipline leads	During the selection of VCs, discipline leads screened species identified by Aboriginal Groups for inclusion in baseline studies and to be considered as indicator species for the assessment of effects on VCs. For example, the American Badger, noted to be a species of concern to SSN, was included as an indicator species in Section 6.17 and Section 8.5. Input received on issues related to moose was incorporated in the effects assessment and mitigation and influenced the writing of the Wildlife Management Plan.	All VCs included in Part B of the Application/EIS
Information in the CHS and from consultation with respect to the cultural and ceremonial values of Jacko Lake and Pípsell (including the Hunting Blind Complex)	CULRTP was added as a new VC (Section 8.5) under the Social Pillar (Section 8). This VC considers the uses — including ceremonial and other cultural uses — for all the components of Pípsell as stated by SSN. CULRTP informs the assessment of effects of the Project on Aboriginal Rights and Other Interests. A supplementary analysis on the Trout Children Story was added to the Application/EIS (Addendum # 3) to assess changes to the environment that could affect SSN's cultural heritage or any structure, site or thing that is of historical, archaeological, paleontological, or architectural significance for SSN in relation to the Trout Children Story.	Section 8.5 Part C Addenda
Concern about effects to the integrity of Jacko Lake	The drilling program required for the geotechnical investigations adjacent to Jacko Lake was modified to avoid, if possible, or minimize effects on Jacko Lake and surrounding areas. The Project has been designed to maintain the integrity of and access to Jacko Lake.	Appendix 6.6-A Addenda

TK/TLU	How it was Considered in the Application/EIS	Section of the Application
Concern about effects to heritage resources and use of SSN field assistants (during archaeological investigations)	Assisted in developing an understanding of the Hunting Blind Complex and Pípsell. Information provided during archaeological investigations from field assistants influenced the level of effort and areas to focus survey effort.	Chapter 9 Section 8.5 Part C
Information in the CHS regarding heritage and archaeological resources	The assessment on heritage and archaeological sites utilized information in the CHS to inform understanding of cultural values in relation to the Hunting Blind Complex.	Chapter 9 Section 8.5 Part C
Information on the seasonal round and early spring trout fishery in Jacko Lake	The fish habitat and fish populations VC recognizes that Jacko Lake has unique features due to its lower elevation; providing earlier trout fishing opportunities in comparison to other lakes in the region. The Conceptual Fish Habitat Offsetting Plan is currently being re-designed. The new plan is to make Jacko Lake the area where habitat losses would be offset, increasing the area available and increasing productive trout habitats in Jacko Lake. It also includes Project re-design to allow access to the mouth of Peterson Creek as well as Jacko Creek in the Project area for the SSN fishery. See supplemental memo 0706_KAM_Fish Offsetting Plan.	Section 6.7 Section 8.5 Part C Addenda
Traditional use plants identified in the CHS	The Reclamation and Closure Plan has objectives of re-establishing grasslands and wildlife habitat. Opportunities to include traditional use plant species into the reclamation seed mix will be pursued with SSN.	Section 3.17
Consumption of country foods and fear of potential contamination identified through consultation with Aboriginal Groups	A Country Foods VC was added to the Application/EIS. An Aboriginal Receptor was included in the Human Health and Ecological Risk Assessment (HHERA). Information provided in the CHS informed the assumptions with respect to species and consumption rates for country foods incorporated in the HHERA for the Aboriginal receptor.	Section 10.4 Section 8.5 Part C
Other traditional use sites or culturally important sites	The Project was re-designed to avoid impacts to Inks Lake, initially proposed to be used as a tailings storage facility seepage pond and then as an area for fish off-setting. Inks Lake will no longer be affected by the Project.	

In addition to the considerations described above (Table 1), Aboriginal Traditional Knowledge has also directly influenced the assessment of significance of residual effects of the Project on CULRTP and Aboriginal rights through its consideration in the *context* attribute. The definition of *context* and how *context* is applied incorporates the use of Traditional Knowledge and affects the determination of significance or seriousness of effects. *Context*, as described in Section 13, refers to the ability of the Aboriginal interest to accept change. This reflects the level of importance of the practice, resource or site to the Aboriginal Group and whether there are other similar resources, locations or sites available in the larger traditional territory where the Aboriginal interest could also be practiced. As stated in Section 8.5, context is a measure of the resilience of traditional use areas to additional change (i.e., is there an abundance of traditional use areas and opportunities). For example, for SSN, *context* is considered high because of the importance of Pípsell to SSN for the practice of fishing, hunting and gathering, as well as its status as an asserted cultural keystone place, whereas for AIB, LNIB, WP/CIB, and MNBC, *context* is considered low.

In October of 2014, KAM and SSN entered into a Pre-Application Capacity agreement. As a part of that agreement, the SSN was provided additional funding to complete the second phase of CHS work. Both parties agreed this work was to be completed by February 2015. In the spring of 2015, SSN notified KAM that the additional capacity provided would not be enough to complete the work. In July, SSN provided KAM with a budget submission that proposed the additional funding to complete the second phase CHS. In September of 2015, KAM provided SSN with additional funding to complete the second phase of the CHS. SSN agreed to provide KAM with a preliminary report by November 2015. No second phase CHS reporting had been made available at the time of writing the Application/EIS or during the Technical Review Phase to date. The second phase CHS will be taken into account by KAM during ongoing Project planning, as long as it becomes available.