

**3rd Meeting of a Working Group to assist in establishment of the
Environmental Monitoring Advisory Board for the
Diavik Environmental Agreement**

**January 30, 2001
9:00 am-4:00 pm**

Scotia Centre, Lower Level Boardroom, Yellowknife, NWT

Participants

Charlie Catholique	Lutsel K'e Dene Band
Bob Turner	North Slave Metis Alliance
Stanley Anablak	Kitikmeot Inuit Association
Brett Hudson	GNWT-RWED
Chris Nichols	GN-DSD (Conference Call)
Brenda Kuzyk	Diavik Diamond Mines Inc
David Livingstone	DIAND
Eric Yaxley	DIAND
Hal Mills	GeoNorth (facilitator)
Chris Pullen (note-taker)	

Missing

David Kravitz	Yellowknives Dene First Nation
Ted Blondin	Dogrib Treaty 11 Council

Welcome and Introductions

Hal asked whether the meeting should continue or deferred until 1:00, as a number of members of the working group had not arrived. Eric called the absentee members and either located everyone or established contact with those who could not attend. Ted Blondin would be late and David Kravitz had made arrangement for the signing, but could not attend himself.

Many members suggested that they were ready to sign with some minor changes and baring any major amendments. Therefore, it was decided to proceed with the meeting.

Stanley Anablak with the KIA stated that they are prepared to sign, but they want clarification on Section 4 a. of the Bylaws. There was a question regarding the term of appointment of Officers of the Board and that one year may not be enough time for meaningful action prior to a new round of appointments. The working Group clarified that the appointments, for the most part, will roll over baring any complication with a member, or a member wishing to resign. In most cases the officers could hold their office for a number of years. The Bylaws simply spell out the opportunity for review of the officers every year at the AGM. Furthermore, the Board can make amendments to the Bylaws once it is established, particularly once they implement their Rules and Regulations and could adjust the terms at that time.

Review of Draft Agenda

- The Draft Agenda was approved.

Review of January 22, 2001 Meeting Notes

- No Comment or questions

Constitutional Problems

Response from Registrar of Societies

Hal proceeded to review the major change of Section 2.3 of the Constitution required by the Registrars Office regarding the 'Paramountcy' clause implemented during the last meeting of the Working Group.

- Hal outlined an overhead spelling out the change to Section 2.3. The amended Bylaws show that Section 2.3 was struck and a new Section 4 was added to satisfy the requirements of the Registrar

Proposed Revisions

There was some discussion on how the Constitution and Bylaws can be amended if they are found to be in conflict with the Environmental Agreement. The main points concerned the registration of amendments with the Societies Registry and the process of making such amendments by the Board.

Constitution and Bylaws of Society. Appointments of Advisory Board Representatives, Alternates

Approval as Revised?

- Kitikmeot Inuit Association: – Stanley Anablak - No objection to the amendment and he will sign the application, the appointee from KIA is still forth coming.
- North Slave Metis Alliance: - Bob Turner – No objection to the amendment, and he is prepared to sign, but would like to see some wording that will kick start the amendment process if there is a conflict.
- Lutsel K'e Dene Band: - Charlie Catholique – No objection to the amendment and he will sign the application and will be the alternate to the Board, Florance Catholique will be the appointee.
 - Eric asked whether the Lutsel K'e Dene Band could sign the Environmental Agreement at the same time. Charlie indicated that they would.
- Eric indicated that he had talked to David Kravitz and David indicated that the Yellowknives Dene are prepared to sign.
- Canada – Eric Yaxley - No objections to the amendment and he indicated that David Livingstone would sign the application and Floyd Adlem will be the Member, with David Livingstone as the alternate.

- GN-DSD: – Chris Nichols – No objections to the amendment and his name can stay on the Bylaws, the Government of Nunavut has not made an appointment to date.
 - **NOTE** Eric confirmed with Chris that he could put the date at his (Chris's) signature for today. Chris was OK with that and explained that he had left the date blank when he signed because he thought that there may be some problems with the Registrar if the dates were not consistent. Eric had witnessed Chris's signature.
- GNWT: – Brett Hudson – No objection to the amendment and he sign the application, but GNWT has not made appointments to date.
- DDMI: – Brenda Kuzyk – No objection to the amendment and Murray Swyripa will sign the application. Stephen Prest will sign the letter appointing the DDMI member of the Board, no decision yet.

Hal confirmed that everyone present was prepared to sign, but asked whether the Working Group should address Bob Turners concern before proceeding.

There was some discussion about how to interpret Section 4 of the Constitution and the suggestion was made that a recommendation could be brought to the Board indicating that they should revisit the clause and clarify the amendment process. This way the Working Group would not have to go through the process of resubmitting the Bylaws to the Societies Registry for approval.

Advisory Board Logistics

Secretariat/Staffing Options

Hal outlined the research done to date on possible temporary office locations for the EMAB and asked whether there should be any move on signing a lease. It was agreed to prepare a list of options outlining the Pro's and Con's and price of each option and present it to the Board at the first meeting. Most likely the Board would not require space for the first couple of months and the space would just be empty, resulting in extra costs.

First Meeting of the Advisory Board

Projected Date & Location

The working group suggested that the first meeting of the EMAB be held the week of February 26 – March 2, 2001 in the Scotia Centre Confrence Room. Eric Yaxley would look into when the room was available to confirm a final date. It was noted that March 2 was better for the Government of Nunavut.

NOTE: Bob Turner raised a point regarding the signatories to the application to the Registrar being members of the Board until the first meeting. He expressed concern that there may be some confusion over composition of the Board at the first meeting. Hal and Brett indicated that the wording states that the at the first meeting any one who is on the application, but not an appointee would be dismissed form the board.

After some discussion there was consensus that the present wording could be reinterpreted at a later date and that further definition could alleviate any chance of confusion. All agreed - Section 2 c was amended.

Working Group Recommendation in Preparation of the First Meeting

1. The development of an Information Kit to be presented to the Board appointees at the first meeting was discussed. Two binders were suggested, one would include information relevant to the first meeting i.e. Agenda etc., and the second binder would be a resource package. The resource package could contain technical information from DDMI, copy of the CSR, Environmental Agreement, Water Licence etc. as well as a list of DDMI projects that will be coming up for review.
2. It was also suggested that DDMI could make a presentation outlining the project to familiarize the Board members. This led to the suggestion that each of the Parties to the Agreement and the Government of Nunavut could make brief presentations as an introduction to the meeting and their appointed Members.
3. The Board could also be provided with some resource material to facilitate the development of their rules and operating procedures including how to address their honoraria. Information gathered from WKSS and the Independent Environmental Monitoring Agency could be provided to give the Board an indication of standard operating procedures for Societies. Also the package could address the issue of liability insurance and how the Board should address the issue.
4. DIAND was chosen as the temporary office contact and location in order to fill out the Office Location Form required by the Registrar of Societies to complete the application. The Board will fill out a new form with their office location once it has been chosen at the first meeting.
5. The suggestion was made that a Press Release be drafted for review at the first meeting which would outline that establishment of the EMAB. The Press Release would then be available for distribution after the first meeting.
6. There was some discussion whether there should be a Chair or Facilitator for the first meeting. It was suggested that DIAND could open the meeting, being the Party who the EA states should start the process of establishing the EMAB, they could then move for the appointment of an interim Chair who would act in that capacity until the Board selects the Chair.

Closing Remarks

Signatures were collected from those in attendance and arrangements were made to collect signatures from the Parties who were absent.