

# Implementation of the *Tailings Management Framework for the Mineable Athabasca Oil Sands*

## Stakeholder Interest Group

### Terms of Reference - Draft for Discussion

#### Overview

##### *Background:*

The Alberta Government has put in place a Tailings Management Framework (the Framework) to guide the management of existing and new fluid tailings generated by oil sands operators. The Framework, a commitment under the Lower Athabasca Regional Plan, is now being implemented in partnership with the Alberta Energy Regulator.

The Alberta Government is accountable for the oversight of the overall project for implementation, including the development of additional policy details that are articulated, but not clearly addressed in the Framework, and the Alberta Energy Regulator has the responsibility of operationalizing and managing the supporting regulatory system for managing tailings.

The implementation of the framework is being done in multiple phases. The first phase of implementation work is in the following priority areas:

- i. Development of a regulatory framework for managing fluid tailings (AER lead)
- ii. Reclamation of fluid tailings (GOA lead)
- iii. Water management implications for oil sands mines (Integrated Water Management) (GOA lead)
- iv. Revision of the Mine Financial Security Program related to fluid tailings management (GOA lead)

Additional priorities will be identified for subsequent phases of implementation and would be subject to this Terms of Reference.

##### *Purpose of these Terms of Reference:*

While technical work in each of the Phase I priority areas will be governed by stand-alone working groups/task teams, meaningful stakeholder engagement is critical for ensuring coordination of outputs for coherence and alignment to the overarching intent and outcomes of the Framework.

Work under these Terms of Reference provides the mechanism for stakeholders to confirm this coherence and alignment, or identify where implementation details are not sufficient in this regard, including potential remedies and/or alternatives.

##### *Meaning of these Terms of Reference:*

These Terms of Reference are meant to reflect the common intention of the Stakeholder Interest Group (SIG). They represent the values, approaches and goals that are supported in good faith by the SIG. As far as possible these Terms of Reference propose processes that are open, engaging and collaborative, and that also aim to produce effective and demonstrable outcomes.

*SIG Mission:*

To create an effective and inclusive stakeholder engagement process resulting in a coordinated and timely implementation of the Tailings Management Framework.

*SIG Vision:*

The Government of Alberta and the Alberta Energy Regulator have policies, regulations and directives in place to ensure that oil sands operators undertake the progressive reclamation of fluid tailings, including tailings ponds, and provide assurance to the local community and other stakeholders that the policies, regulations and directives are being enforced and that the outcomes of the Tailings Management Framework are being achieved.

*SIG Principles and Guiding Values*

The SIG supporting these Terms of Reference believes in:

- Respecting each other's diversity in experience and perspectives
- Respecting each other's contributions
- Collaborating to achieve the best approach to implementation
- Transparency
- Evidence-based decision making
- Willingness to learn

The values and principles underpinning any proposed elements of implementation will include:

- Holistic - will take into consideration the broad range of perspectives, implications and opportunities
- Best-available - information, technologies, processes and systems that are the best available will guide decision making and commitments
- Community-focused - will place emphasis on the local community and stakeholders
- Accountability - implementation will consider and identify clear roles and responsibilities

- Relevance - implementation details will be relevant to the implementation of the Tailings Management Framework
- Effective - approaches will be implementable

### Roles and Responsibilities

#### *Membership:*

Membership will comprise of a single representative from stakeholder interest areas listed in Annex A. These members will have an understanding of the perspective of their respective sector on tailings management.

#### *Role of the SIG:*

The Stakeholder Interest Group is intended to be an advisory body that will coordinate and oversee the development of details relating to the implementation of the Tailings Management Framework.

Key issues to be addressed through this process are:

- Work to focus on the scope of the Framework and implementation priorities
- Provide direction on specific priority areas
- Ensure effective coordination across different priority areas
- To identify issues and barriers that could impact implementation
- Seek input from respective stakeholder interest areas
- To disseminate and share knowledge and information
- To work towards implementation details that are sustainable, subject to accountability and capable of meeting the expectations of the framework
- Improved understanding of environmental aspects of tailings management and knowledge gaps
- Develop an appropriate understanding of policy, technical, social and other aspects of tailings management
- Respect the roles of government (policy and overall system accountability) and the Alberta Energy Regulator (independent authority to operationalize and manage the system).

- Ensure appropriate consideration of First Nation and Métis interests, while respecting parallel processes with Aboriginal Peoples<sup>1</sup>.

**Working Group members will be expected to:**

1. Be familiar with the Tailings Management Framework for the Mineable Athabasca Oil Sands
2. Work in collaboration with other group members to identify approaches and/solutions that are acceptable, effective and feasible.
3. Share the interests and perspectives of their sector in the discussion.
4. Where appropriate, act as a conduit for information back to members of their sector, and confirm support as needed.
5. Identify and provide access to relevant knowledge and resources to support the work of the Stakeholder Interest Group, when appropriate.
6. Strive for consensus where possible, and identify alternative perspectives for consideration where consensus has not been achieved.
7. Respect the confidentiality of contributions of all members.

**Representatives from the Government of Alberta will be expected to:**

1. Provide secretariat support including facilitation, recording, logistics and research.
2. Provide guidance to the Stakeholder Interest Group on scope and direction.
3. Authorize reimbursement of meals and travel costs, as required.
4. Address issues of non-consensus.
5. Participate in Working Group discussions to bring the perspective of the Government of Alberta.
6. Seek clarification regarding Government of Alberta perspectives on relevant issues.

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<sup>1</sup> Process to be determined by the Stakeholder Interest Group

### *Full Scope of Engagement*

The scope of these Terms of Reference is focused on implementation priorities. However, other areas that are deemed relevant and appropriate by the SIG to have a significant impact on the success of overall tailings management are in scope, subject to relative prioritization.

Although the overall roles reflect an advisory capacity, the SIG has an accountability to identifying and seeking resolution by working groups and/or the Alberta Energy Regulator and/or the Alberta Government, issues that are deemed to be inconsistent or contrary to the implementation of the Framework.

### *Linkage to Working Groups:*

Implementation of the Framework will be achieved by separate working groups dedicated to the delivery of the implementation priority areas. The SIG will serve as an integration and direction body for these working groups.

Working groups will be guided by separate Terms of Reference, but will be accountable to the SIG for guidance, direction and challenges put forward in consideration of the Framework intent and objectives. It is expected that efforts will be made to incorporate accountabilities and communication mechanisms relating to the SIG in these working group charters.

The SIG will help to ensure membership on working groups is reflective of the desire for broad stakeholder engagement.

The establishment of dedicated working groups under the SIG are not precluded from this implementation approach (to address, for example, issues that are not currently being addressed under the implementation process, but could impact overall implementation success), but would need to align with existing efforts on priority areas (including capacity, prioritization, etc.).

### Process

#### *Decision-Making:*

The purpose of the SIG is to support the effective, efficient implementation of the Tailings Management Framework, with emphasis on ensuring policy and operational coherence in the development and application of implementation priorities. Consequently, all decisions will be by consensus, that is, no opinion strongly opposed.

Where consensus cannot be achieved, government will reserve the right to make the final decision after full consideration of the rationale for non-consensus.

#### *Participation in SIG meetings:*

Each representative will be an equal and active partner. The member agency can designate one or more individuals to represent the organization at SIG meetings, though only one representative is expected at each meeting. In order to ensure an efficient process, SIG representatives will make all efforts to ensure continuity of attendance at meetings by the same representative.

*Meeting Chair and Record Keeping:*

SIG Meetings will be chaired by the Alberta Government representative (Environment and Parks). A record of each meeting will be kept by Environment and Parks staff, and minutes will be circulated to all SIG representatives in a timely fashion.

*Schedule of SIG Meetings:*

Meetings will take place on a monthly basis, or according to need, alternating between Edmonton and Calgary, unless otherwise agreed to (frequency and location) by the SIG. Teleconference options will be available for all meetings.

*Amendments to the Terms of Reference:*

Amendments to these Terms of Reference may be made at any time in the same manner as these Terms of Reference were reviewed and affirmed by the SIG representatives.

*Funding for SIG:*

Support will be provided for travel, accommodations and preparation for SIG meetings where an appropriate and reasonable request can be made.

Capacity funding will be considered on a case-by-case basis, with consideration of funding and support being provided to working groups addressing Phase I priority issues.

**Appendix A:**

Stakeholder Interest Areas

First Nations

Métis

Environmental Non-governmental

Oil Sands Operator

Research/Innovation/Academia

*Ex-Officio*

Alberta Energy Regulator

Federal Government

Municipal Government

Provincial Government

Appendix B:

Tailings Management Framework  
**Stakeholder Interest Group**

