

ALBERTA ENVIRONMENT AND PARKS

Government Organization Act
RSA 2000, c. G-10

MINISTERIAL ORDER

44/2016

OIL SANDS ADVISORY GROUP

I, Shannon Phillips, Minister of Environment and Parks responsible for the Alberta Climate Change Office, pursuant to s.7 of the *Government Organization Act*, make the order in the attached Appendix, being the Oil Sands Advisory Group Order.

DATED at the City of Calgary, in the Province of Alberta, this 13th day of July 2016.

Original Signed by:

Shannon Phillips
Minister

APPENDIX

OIL SANDS ADVISORY GROUP

1. The Oil Sands Advisory Group is hereby established as a committee to perform the duties and functions described in this Order.
2. The Oil Sands Advisory Group will consist of the members identified in the attached Schedule 1.
3. The Oil Sands Advisory Group will be co-chaired by Tzeporah Berman, Dave Collyer and Melody Lepine.
4. The members of the Oil Sands Advisory Group designated as Co-Chair are entitled to claim for compensation for an amount of \$219 for up to and including four hours in any day, or \$383 for over four hours and up to and including eight hours in any day, or \$601 for over eight hours in any day, spent on the business of the Oil Sands Advisory Group.
5. The committee members of the Oil Sands Advisory Group other than the Co-Chairs are entitled to claim for compensation an amount of \$219 for up to and including four hours in any day, or \$383 for over four hours and up to and including eight hours in any day, or \$601 for over eight hours in any day, spent on the business of the Oil Sands Advisory Group.
6. Committee members of the Oil Sands Advisory Group are entitled to be paid living and travel expenses in accordance with the Alberta Treasury Board Travel, Meal and Hospitality Expenses Policy, as amended.
7. The Oil Sands Advisory Group will conduct itself in accordance with:
 - a. The terms of reference in the attached Schedule 2; and
 - b. Any modifications to these terms of reference proposed by the Oil Sands Advisory Group and authorized in writing by the Minister of Environment and Parks responsible for the Alberta Climate Change Office.
8. Any recommendations and advice that may be made by the Oil Sands Advisory Group shall not restrict or be binding on the Government of Alberta.

SCHEDULE 1

MEMBERS OF THE OIL SANDS ADVISORY GROUP

1. Dave Collyer, Co-Chair, Industry
2. Tzeporah Berman, Co-Chair, Environmental Non-Governmental Organizations
3. Melody Lepine, Co-Chair, Communities
4. Veronica Bliska
5. Bill Clapperton
6. Anne Downey
7. Simon Dyer
8. Tim Gray
9. Chief Isaac Laboucan-Avirom
10. Bill Louttit
11. Karen Mahon
12. Jon Mitchell
13. Alison Ronson
14. Kevin Scoble
15. Christa Seaman
16. Richard Sendall
17. Arlene Strom
18. Lloyd Visser

SCHEDULE 2

OIL SANDS ADVISORY GROUP ("OSAG") TERMS OF REFERENCE

The mandate of the OSAG is to advise the Alberta government on implementation of Alberta's Climate Leadership Plan as it relates to the oil sands and help Alberta's energy industry achieve the goal of being one of the most environmentally progressive in the world.

The OSAG's work will be to provide advice on specific strategic and operation matters related to oil sands referred to it by the Premier by way of mandate letters in relation to climate, energy, and environmental policy - and the integration among them - and associated opportunities and impacts.

The mandate Letters will identify the specific issues the Government of Alberta wishes to receive advice on, the degree of broader consultation, if any, it wishes the OSAG to undertake in relation to those issues, and the specific time frame for developing and delivering the resulting advice.

The OSAG will provide a forum for problem-solving the assigned issues and challenges, ensuring a wide range of perspectives are represented and any resulting advice to government enjoys a broad range of support.

The OSAG will undertake its duties in a manner that:

- a) results in advice consistent with effective and efficient development and implementation of the government's policy priorities;
- b) gives consideration to the environmental, social and economic competitiveness dimensions of the issues and opportunities it is addressing; and
- c) is consistent with securing broad support for recommended directions.

The early tasks will include how government might:

- a) implement the government's policy of a legislated 100 megatonnes per year limit on oilsands emissions with accommodation for new co-generation and upgrading;
- b) improve local and environmental performance issues (e.g. air, water, bio-diversity, cumulative effects); and
- c) best invest in innovation, including to reduce emissions intensity.

The implementation of some oil sands elements in the Climate Leadership Plan will not be referred to OSAG; including, for example, performance standards insofar as they relate to individual companies, issues that pertain solely to a First Nation or one group of stakeholders.

If recommended by the OSAG co-chairs and agreed to by the Premier, the OSAG may be tasked with providing advice on other challenging issues that arise in the context of implementing the oil sands aspects of the Climate Leadership Plan, including, for example, responding to federal policy initiatives and other developments and trends likely to affect Alberta's oil sands from 2030 to 2050.

The OSAG will report through the OSAG Steering Group to the Premier, the Minister of Environment and Parks responsible for the Alberta Climate Change Office, and the Minister of Energy. Final decision on the extent to which any recommendations made by the OSAG will be acted upon rests

with the Alberta government.

Steering Group

The OSAG Steering Group will comprise three Co-Chairs, one from each of:

- a) Alberta communities;
- b) oil sands operators; and
- c) environmental non-government organizations.

Co-Chairs will serve for 24 months, or as otherwise determined by the Minister of Environment and Parks responsible for the Alberta Climate Change Office.

Plenary

The OSAG Plenary will be comprised of 15 additional members being:

- a) 4 representatives of Alberta communities, including indigenous communities;
- b) 7 representatives of oil sands operators; and
- c) 4 representatives of environmental non-government organizations.

Plenary members will serve for 24 months, or as otherwise determined by the Minister of Environment and Parks responsible for the Alberta Climate Change Office, to provide for greater opportunity for participation over time, particularly among operators.

Working groups

Subject to any related directions in a mandate letter:

- a) the OSAG may establish such sub-committees and technical working groups, and conduct such broader workshops on specific issues, that it deems necessary to help inform its work and/or otherwise carry out its mandate effectively and efficiently; and
- b) the OSAG will determine the most effective constellation of sub-committees, technical working groups, stakeholder to ensure effective problem solving, to ensure a broad range of support for its recommendations.

Developing advice

The OSAG will seek to make all decisions on recommendations and other matters of substance by consensus where consensus is defined as no substantive disagreement with a proposed recommendation or matter of substance.

Where the OSAG is unable to achieve consensus on a recommendation, it will seek to narrow the scope of the non-consensus, describe the nature of the non-consensus, and describe the range of perspectives of team members in relation to the areas of non-consensus.

The OSAG will seek to make all process decisions by consensus.

Discussions and deliberations of the OSAG will be supported by an independent third party facilitator (the "OSAG Facilitator") and the OSAG will have access to secretariat support from Executive Council and subject matter support from the Alberta Climate Change Office.

All meetings of the OSAG, the work required outside of regularly scheduled meetings required to support discussions at those meetings, and such other work required to implement work plans developed to address the tasks assigned will be undertaken in a manner determined by the Co-Chairs and the OSAG Facilitator as most likely to result in the OSAG successfully achieving its mandate in an effective and efficient manner.

The OSAG Co-Chairs and Plenary members agree that they will:

- a) engage with their sector more broadly, bring the full range of their views to all discussions, and seek to develop their support for all recommendations of the OSAG advanced as consensus recommendations if and when the government decides to act on those recommendations;
- b) engage with each other and approach all discussions in a constructive, interest-based manner;
- c) be conscientious in their attendance at all regularly scheduled meetings of the Group;
- d) in engaging with their sector more broadly or with others regarding the work of the OSAG and the advice it is mandated to develop:
 - i. not attribute comments, ideas, or perspectives offered within discussions or deliberations of the OSAG to specific members or their sector, unless otherwise specifically agreed;
 - ii. respect the confidentiality of any information or analysis provided to OSAG Co-Chairs and Plenary members from the Government of Alberta or third parties; and
 - iii. not disclose the nature of any products or recommendations as finalized except as provided for herein.

Relation to Crown consultation

Indigenous engagement and participation in the work of the OSAG is in addition to, and does not replace, discharge of the Crown's legal duties to consult First Nations. Alberta is proceeding to engage in more formalized government-to-government talks with First Nations, including on how to revise the Crown's consultation policy. The Crown's policy will be followed with individual First Nations, whenever the provincial government's activity, or the activity the government might permit, could infringe on treaty or other aboriginal rights.