

Tailings Regulatory Management Initiative Engagement Summary

December 2015

Alberta Energy Regulator

Tailings Regulatory Management Initiative: Engagement Summary

December 2015

Published by

Alberta Energy Regulator

Suite 1000, 250 – 5 Street SW

Calgary, Alberta

T2P 0R4

Telephone: 403-297-8311

Inquiries (toll free): 1-855-297-8311

E-mail: inquiries@aer.ca

Website: www.aer.ca

Contents

Contents	i
1 Introduction	1
1.1 The Tailings Regulatory Management Project	1
2 AER Engagement	1
3 Engagement for TRM	2
3.1 Project Timeline	2
3.2 Who Was Engaged Before the Draft Directive was Released	3
3.3 Approach to Information Sessions.....	3
4 What We Heard in Pre-directive Information Sessions	3
5 Themes.....	4
5.1 Public Involvement.....	4
5.1.1 Engagement	4
5.1.2 Ongoing Participation in Tailings Management.....	4
5.1.3 Transparency.....	4
5.1.4 Application Requirements.....	5
5.2 Operations	5
5.2.1 Ready to Reclaim	5
5.2.2 Water	5
5.2.3 Liability and the Mine Financial Security Program (MFSP)	5
5.2.4 Surveillance and Compliance	5
5.2.5 Technology and Innovation	5
5.3 Scope of the <i>TMF</i>	6
6 The Draft Directive Public Feedback Period	6
6.1 Sharing Next Steps With Stakeholders	6
7 Introduction to the Fluid Tailings Regulatory Management Technical Advisory Committee	6
7.1 TAC Priorities.....	7
7.2 Summary of Feedback.....	8
8 Conclusion and Next Steps	8
Appendix 1 TAC Summary of Feedback and AER Response	9

1 Introduction

Engagement opportunities highlighted in this summary provided the Tailings Regulatory Management (TRM) team invaluable feedback that substantially improved the draft directive. The AER considered all feedback and is responsible for the final content of the directive. This summary report reflects the engagement experience, as well as the type and range of input provided.

1.1 The Tailings Regulatory Management Project

On March 13, 2015, the Government of Alberta released the *Lower Athabasca Region: Tailings Management Framework for the Mineable Athabasca Oil Sands (TMF)*. The *TMF* is intended to provide clear policy direction to ensure that the risks associated with the accumulation of fluid tailings are effectively managed. The *TMF* is a broad government policy that will drive further operator action to reclaim ongoing tailings production and existing legacy tailings through active management, efficiencies, and innovation. It will also strive to limit liability to the province, define water management plans, define integrated resource management, and set reclamation pace and expectations.

The AER is responsible for developing and implementing requirements to achieve the *TMF*'s objectives and outcomes. In response to the release of the *TMF*, the AER suspended *Directive 074: Tailings Performance Criteria and Requirements for Oil Sands Mining Schemes*. The TRM project was established to undertake an analysis of the *TMF* and design a regulatory intervention that would align with its direction.

2 AER Engagement

Stakeholder engagement is the process by which the AER informs, consults, and collaborates with the people and groups that are interested in and may be affected by its decisions. Stakeholder engagement can include the public posting of information on a website, phone calls, community meetings, information sheets, working groups, surveys, topic-specific dialogues, etc. This report represents a summary of all of the stakeholder engagement activities related to the draft directive *Fluid Tailings Management for Oil Sands Mining Projects*. The engagement process for the development of the directive included all of the engagement techniques at our disposal, including implementing new engagement technology and establishing a Multistakeholder Engagement Advisory Committee (MSEAC) whose mandate is to serve as a sounding board for the planning, implementation, and evaluation of engagement related to regulatory development.

MSEAC members provide many recommendations to the AER, but one specific to the draft directive was suggesting opportunities for focused conversations that incorporate technical, environmental, and traditional knowledge perspectives with aboriginal groups, stakeholders, the regulator, and the government at one table to increase collaboration and mutual understanding.

3 Engagement for TRM

Stakeholders and aboriginal communities and groups were engaged immediately following the release of the *TMF* before the AER had begun the process of drafting the new regulatory requirements.

During early information sessions, stakeholders had the opportunity to ask questions, bring issues forward, and communicate the values and interests of the groups they represented. Many stakeholders expressed the desire for a more collaborative and transparent approach for engagement on TRM and specifically an approach that would allow for a more technically focused and detailed discussion of the draft directive.

Between March and November 2015, the AER engaged extensively with stakeholders and aboriginal groups and developed the new directive to effectively implement and enforce the *TMF*.

The engagement objectives for the TRM project were to

- increase transparency and trust in the AER by enhancing the existing engagement process,
- provide stakeholders and aboriginal groups opportunities to have their expertise and traditional knowledge considered and to have genuine influence the draft directive, and
- provide stakeholders with a process that would facilitate understanding the intent of the directive and the journey of how the AER formulated the technical components of TRM so that they could formulate informed opinions.

3.1 Project Timeline

- March 17, 2015—*TMF* is released. AER contacts stakeholders and aboriginal communities in the Athabasca region.
- April 9, 2015—AER contacts stakeholders and Aboriginal communities to inform them of the suspension of *Directive 074* and assess their preferred level of engagement.
- April–May, 2015—AER conducts one-on-one meetings with affected stakeholder and aboriginal groups.
- June–August, 2015—AER conducts full-day information sessions for interested stakeholder and aboriginal groups in Calgary and Fort McMurray and presents the TRM project to the MSEAC.
- September 2015—The AER establishes the TRM Technical Advisory Committee (TAC) to undertake a detailed review of the draft directive.
- September 17–November 17, 2015—Draft directive posted on aer.ca. The AER begins collecting public comments and feedback.

3.2 Who Was Engaged Before the Draft Directive was Released

Key groups engaged included oil sands industry organizations, technology providers, local government and government agencies, environmental nongovernmental organizations (ENGOS) and aboriginal communities. These groups included those with the ability to influence the success of the *TMF* implementation and those who could be significantly impacted by the development of new requirements. Stakeholders and aboriginal communities that were engaged by the Government of Alberta (GoA) during the drafting of the *TMF* were included in the early engagement activities.

The AER contacted all stakeholders and aboriginal communities and groups in the Athabasca region immediately following the release of the *TMF* to share the AER's plans for implementation and early engagement. Following the suspension of *Directive 074* on March 13, 2015, the AER again contacted stakeholder and aboriginal groups to assess their preferred means of engagement and assess interest in attending an AER-led information session in their community.

- The AER hosted four full-day information sessions for First Nations and Métis communities in Fort McMurray.
- The AER presented to one multistakeholder group in Calgary.
- Several one-on-one meetings were initiated with industry operators, municipalities, aboriginal groups, tailings technology providers, and ENGOS outside of the formal information sessions between April and September 2015.

The output from all information sessions and meetings was provided to the TRM project team for review and consideration as they developed the draft directive.

3.3 Approach to Information Sessions

The purpose of early engagement and pre-directive release information sessions was to

- provide an update on the release of the *TMF* and discuss the projects being undertaken as a result of the framework,
- discuss values and interests and how they may be impacted by the TRM project and the development of a new regulatory tool, and
- confirm preferred means of participation and engagement going forwards.

4 What We Heard in Pre-directive Information Sessions

When stakeholders and aboriginal groups were engaged specifically on TRM, they uniformly expressed the following regarding engagement:

- They desired focused conversations that would incorporate technical, environmental, and traditional knowledge perspectives.

- They needed to understand other perspectives so that they could formulate informed opinions.
- Stakeholders and aboriginal communities wanted opportunities to have their expertise and traditional knowledge considered and to have genuine influence on the draft tailings management directive.
- Participants wanted a process that would support understanding of the intent of the directive and how the AER formulated the technical components of TRM.

5 Themes

5.1 Public Involvement

5.1.1 Engagement

Many discussions focused on engagement undertaken by both AER and by the GoA throughout the development of the *TMF*. Some stakeholders and aboriginal groups felt that they were not adequately consulted on previous initiatives.

- Aboriginal communities that participated in early engagement asked that a process be developed in collaboration with aboriginal groups in the Athabasca region that would provide capacity, time, and opportunity to contribute to the content of both policy and policy assurance tools. Some community and aboriginal groups expressed funding and capacity concerns and declined to participate in engagement until those concerns were adequately addressed by the AER.
- Métis communities requested that the AER build into their directive requirements for operators to acknowledge the unique rights and position of Métis stakeholders.

5.1.2 Ongoing Participation in Tailings Management

The AER received a number of questions and recommendations requesting that all parties have the ability to be actively involved in tailings management beyond the development of the directive. Stakeholder and aboriginal groups with the capacity to participate expressed that they should be provided with the funding, time, and opportunity to be involved in the ongoing approval, inspection, and monitoring of tailings facilities.

Further to that point, stakeholders expressed interest in a multistakeholder process to determine thresholds and appropriate management responses.

5.1.3 Transparency

First Nations, Métis, and ENGO groups articulated the importance of open information sharing and public participation in tailings management as a trust-building component. They further advocated for input by aboriginal communities, as well as the AER setting a new tone as a regulator and substantiating their decision-making when approving applications.

The interests and values shared through early engagement included expanded community knowledge, increased efficiency and effectiveness in engagement, and strengthening reputations locally and internationally.

5.1.4 Application Requirements

Concerns were raised by First Nations, Métis communities, and ENGOs that the flexibility provided to operators was too high. Participants in information sessions acknowledged that there must be some flexibility to allow for tailings technology improvements but felt that allowing each operator to propose a unique profile would not provide an incentive for operators to set aggressive reclamation targets.

5.2 Operations

5.2.1 Ready to Reclaim

There was substantial discussion on the topic of reclamation. In general, stakeholder and aboriginal groups engaged in the TRM project felt that what was meant by “ready to reclaim” was unclear and in some cases felt that the AER definition was too broad.

5.2.2 Water

Substantive discussion occurred regarding water use, water quality, and water balance on site. While the majority of the issues raised were outside of the scope of the TRM project, they were documented and shared with relevant groups.

5.2.3 Liability and the Mine Financial Security Program (MFSP)

The financial burden and liability of tailings management on the operator, the province, and on First Nations was discussed at length.

5.2.4 Surveillance and Compliance

Many discussions focused on the AERs compliance and enforcement process. Stakeholders and aboriginal groups were looking to the AER to design clear requirements, implement robust monitoring systems, and rigorously enforce all of the rules.

5.2.5 Technology and Innovation

Participants at information sessions clearly stated that they felt that it was the role of the AER to both incentivize operators to pursue proven innovative technologies regardless of the economic availability and to ensure that innovation not be limited to technology innovation, but rather be expanded to include regulatory innovation.

5.3 Scope of the *TMF*

Some participants in information sessions expressed that the mandate of the *TMF* was too narrow and that while the *TMF* dealt with financial risk, it did not adequately address other risks as a result of tailings accumulation. Engaged groups felt that the scope of the directive developed by the AER would be restricted as a result of the policy.

6 The Draft Directive Public Feedback Period

After incorporating feedback in the drafting of the directive, the AER released the draft directive on September 17, 2015, for a 60-day public comment period.

The draft tailings directive represents an evolution in how industry, the regulator, and government will manage tailings by addressing both existing fluid tailings and new fluid tailings growth. The directive uses an outcomes- and risk-based approach holding operators accountable for their fluid tailings, as opposed to instituting prescriptive requirements.

The draft directive establishes the requirements operators must meet in order to ensure all fluid tailings are ready to reclaim within ten years of the end of a mine's life. Once the draft directive is finalized, oil sands operators must submit an application to the AER that demonstrates how they will meet the *TMF* outcomes. The application will include an evaluation of the environmental effects associated with the technology choices, deposit, and deposit setting.

6.1 Sharing Next Steps With Stakeholders

The AER hosted two follow-up engagement sessions in August and September 2015 to review the feedback that was heard throughout earlier engagement and to review changes that occurred as a result of that feedback.

In addition, the TRM page was created on talk.aer.ca as another method of communication with stakeholders. The public online engagement tool offered a document submission tool for formal feedback submission and a live question and answer section.

In response to feedback from stakeholders and aboriginal communities who were seeking a more collaborative and transparent approach for engagement, the AER established the TAC.

7 Introduction to the Fluid Tailings Regulatory Management Technical Advisory Committee

The TAC was established under the direction and authority of the AER president and CEO, Jim Ellis. The TAC mandate was to conduct a thorough technical review of the first version of the draft directive and, using a consensus-based approach, provide recommendations to the AER on improving the regulatory management of fluid tailings in the province. As part of this mandate, the TAC identified any gaps or deficiencies in the directive, including reviewing feedback provided through the public comment period.

The TAC provided its recommendations throughout the process and within the 60-day public consultation period. Committee selection was determined by the use of a delegate process. Criteria included stakeholder and aboriginal groups who had a direct interest, as well as a strong understanding of tailings management. The TAC consists of representatives from the AER, industry, ENGOs, First Nations, Métis, and the local municipality (Regional Municipality of Wood Buffalo). The TAC met for ten full-day meetings between September 23 and November 19, 2015.

The TAC used a consensus-based model; however, where consensus was not possible, the AER is the ultimate decision-maker. There were areas of the draft directive where consensus was not reached. When this happened on matters of significant themes, TAC members were asked to document their perspectives to ensure the AER was fully informed about the various points of view. Non-consensus items were documented, and may be retabled for discussion in 2016.

7.1 TAC Priorities

The TAC prioritized its work to ensure that sections relevant to the first version of the directive were addressed. Where consensus was reached, the AER incorporated the TAC's feedback into a revised directive. Areas in which consensus was not reached were clearly identified and perspectives were fully documented to assist the AER in making its decisions on these topics. Time constraints prevented a review of all sections in the draft directive, and it was agreed that these sections could be reviewed as part of work on the next version of the directive.

The TAC focused its attention on the following sections of the draft directive:

- 1 – Introduction
- 2 – AER Approach
- 3 – Principles
- 4 – Profiles and Fluid Tailings Management Plan Application Requirements
- 5 – Fluid Tailings Management Reporting
- 9 – End of Mine Life
- Ready-to-Reclaim (RTR)

Through TAC discussions, the committee demonstrated a strong desire to ensure the language in the draft directive was consistent with that in the policy document (the *TMF*). Where consensus was reached, the AER incorporated the TAC's feedback into a revised document. Areas in which consensus was not reached were clearly identified and perspectives were fully documented to assist the AER in making its decisions on these topics. The TAC attempted to prioritize its work to ensure that sections with the most pressing implications were addressed in the time available; however, time constraints prevented a review of all sections in the draft directive, and it was agreed that these could be dealt with in the next version.

7.2 Summary of Feedback

The TAC identified areas in the draft directive where further clarity or description was needed, particularly with respect to meeting the goals of the *TMF*. Detailed notes were taken to capture this input and the AER provided an updated version of the draft directive after each set of two-day meetings. The changes made to the draft directive in response to TAC input are listed in table 1, which summarizes the general TAC discussion associated with each section.

A particular emphasis was given to application requirements, environmental effects and implications, fluid tailings management reporting, and ready to reclaim components of the draft directive. The AER incorporated the majority of the TAC's feedback into an updated, working-model style draft directive, upon which consensus was regularly tested. The areas in which consensus were not reached have been clearly identified, and full documentation of positions has been provided to the AER for subsequent decision-making. For a detailed summary of TAC decisions, please see table 1.

In addition, the TAC discussed future engagement related to fluid tailings management and enhanced engagement as directed in the *TMF*. Although a consensus outcome was not reached, rich input has been provided by the TAC for the AER's future consideration.

8 Conclusion and Next Steps

The initial draft directive on fluids tailings management is focused on tailings profile and plan requirements. A second version of the directive will be developed in 2016 to build out additional details of the directive, including surveillance and compliance. For these sections, the AER will be re-engaging with stakeholders through the TAC, or, when needed, the AER will reach out more broadly to stakeholders and aboriginal groups.

The AER will be continually reviewing the effectiveness of the TAC, making adjustments, and modifying as appropriate for continual improvement. As the GoA further develops policy, and as the AER further refines and makes enhancements to future versions of the directive, we anticipate the TAC will continue to be an effective method for engagement.

A summary of public feedback and how the AER addressed the feedback it received during the public posting period will be made available on aer.ca.

Appendix 1 TAC Summary of Feedback and AER Response

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
1: Introduction	1.0	<ol style="list-style-type: none"> Incorporate additional information and language from the TMF Clarify where fluid tailings impoundments and dam safety are managed 	<ul style="list-style-type: none"> Added sentence to clearly state that fluid tailings impoundment or dam requirement, performance was out of scope Clarified that the directive enables the implementation of the TMF Moved TMF objective and included “balance of social, environmental and economic needs” from Section 2 Identified 2016 version Acknowledged the TAC and contributions to the directive 	Consensus
	1.1 AER Requirements	Add specificity	None	Partial Consensus
2: AER Approach	2.0	<ol style="list-style-type: none"> Provide additional information about regulatory processes to manage fluid tailings site-wide and by individual deposit Move Principles into a separate section, Section 3, and update language to reflect that used in the TMF 	<ol style="list-style-type: none"> Updated AER approach as per feedback Added AER’s strategic plan as a reporting mechanism for the performance of tailings regulatory management 	Consensus
	2.1 Fluid Tailings Profiles and Thresholds	Add profile guidelines and considerations from TMF	<ul style="list-style-type: none"> Added TMF wording on the considerations for establishing profiles (clearly show policy alignment and provide understanding how profiles will be generated) Added social, economic and 	Non Consensus

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
			<ul style="list-style-type: none"> environmental factors Added TMF threshold considerations Created Section 3 for Principles 	
3: Principles	3.0	<ol style="list-style-type: none"> Create consistent language with TMF Add monitoring under transparency 	<ul style="list-style-type: none"> Separated principles into own section (originally in section 2) Added bullets describing each principle using TMF language added Ensured TMF principles and wording was used, exceptions to make the wording more applicable to a directive and regulatory processes Directive aligns with TMF and other policies 	<p>Partial Consensus</p> <p>Consensus was achieved on the majority of principles listed</p> <p>Most feedback surrounded seeking alignment with the TMF.</p> <p>Non Consensus existed with the principle of transparency due to the addition of monitoring and support enforceability</p> <p><i>AER Response: Intention to make wording more applicable to a directive and regulatory processes as well as capture alignment with the TMF intent</i></p>
4: Profiles and Fluid Tailings Management Plan Application Requirements	Application versus Submission	Non-consensus issue: application vs. submission for initial fluid tailings profiles and plans	None	<p>Non Consensus</p> <p>(see accompanying appendices for full written submissions on this topic, including AER rationale for the decision made).</p> <p><i>AER response: given required changes to existing fluid tailings plans to ensure alignment to the TMF and after reviewing feedback submitted by TAC members, the AER confirmed its decision that an application to amend existing approvals for initial fluid tailings profiles and plans is required to be submitted by current oil sands</i></p>

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
				<i>mining operators. The rationale is that there will be substantive changes to existing fluid tailings management plans in order to meet the TMF policy, an amendment application provides a transparent process, and adheres to the Responsible Energy Development Act (REDA) which outlines submissions to AER for approval are considered an application.</i>
	4.1 Introduction	<ol style="list-style-type: none"> 1. Provide additional information about regulatory processes related to the requirement for an application (amendment) and issuing approvals (approval conditions) for existing operations 2. Clarify how oil sands mine projects currently under review and new oil sands mine projects will be handled 	<ul style="list-style-type: none"> • Updated section based on recommendations • Added clarifications to describe both new applications and amendment applications. • Clarified that <i>OSCA</i> and <i>EPEA</i> approvals will be amended as appropriate 	Consensus
4.2 Application process	4.2.1 Preapplication Considerations	Request that an existing application include a requirement for industry to engage with stakeholders pre application	Made minor updates to the section to address clarity recommendations	Consensus <i>AER response: Pre application requirement for industry to engage stakeholders exists</i>
	4.2.2 Application Process Requirements	<ul style="list-style-type: none"> • Clarify when applications are required. (Previously didn't speak to new projects or projects already under review.) • Clarify that operators must submit the applications, not projects 	<ul style="list-style-type: none"> • Section updated to address recommendations 	Consensus <i>*Submission date for 2016 moved to April 29th by consensus</i>

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		<ul style="list-style-type: none"> Change submission date for 2016 applications to accommodate time for the applications to be prepared, reviewed by the regulator and the public review process 		
	4.2.3 Submission Method and Format	None	None	Consensus
	4.2.4 <i>REDA</i> Application Review Process	<ul style="list-style-type: none"> Add that the application will ensure TMF transparency expectations are met (GoA request) Add link to AER website Clarify that conditions of approval will require more detailed information as the project progresses (this allows flexibility in the plans) 	<ul style="list-style-type: none"> Updated section to address recommendations Added reference to <i>REDA</i> application review process (GoA request) 	Consensus
	4.2.5 Incomplete Applications	Clarify process	Updated section to address recommendations	Consensus
	4.2.6 Amendments	Clarify when amendment applications are required	<ul style="list-style-type: none"> Made minor wording changes Added a new sentence “the approval of the fluid tailings management plan will not constrain the AER’s decision on the future applications.” 	Consensus <i>AER Notation: Post TAC feedback during final review process resulted in further clarification to this section</i>
	4.3 General Requirements	<ol style="list-style-type: none"> Clarify section to describe alignment with existing approvals and plans Add requirement for concordance 	Updated section based on recommendations	Consensus

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		table		
	4.4 Fluid Tailings Inventory Profiles	<ol style="list-style-type: none"> 1. Reorganize requirements to increase clarity and logical flow 2. Include justification for prioritizing sequence of treated fluid tailings 3. Clarify some of the requirements 	<ul style="list-style-type: none"> • Added <i>TMF</i> wording on fluid tailings volume profile guidelines and requirements to provide justification for the proposed profile and any deviation from the guidelines • Moved requirement from Section 4.5 to 4.4. This section now provides requirement to justify both legacy and new volume profiles. • Added requirement to justify the sequencing of fluid tailings treatment and deposition (stakeholder request to ensure perceived higher risk tailings were being managed appropriately) • Deleted word storage – reworded to capacity to hold. • Clarified that water and fluid held on site within the closed-circuit system • Moved requirement of maps showing relationship between tailings plans and closure and reclamation plans to RTR section 4.7 • Clarified timing increments for tables with fluid tailings volume information • Clarified timing of volume and mass balance information 	Consensus
	4.5 Legacy Fluid Tailings Inventory	Reorganize requirements to increase clarity and logical flow	Adjusted sections from 4.4 to 4.5 to focus section 4.5 on the determination of the legacy tailing volumes as of January 1, 2015. This is a onetime request for 2016	Consensus

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
			and the adjustment made will make for an easy deletion in Version 2.	
	4.6 Fluid Tailings Treatment Technologies	<ul style="list-style-type: none"> • Clarify directive is asking for trade-off between technologies, contingency technologies and risk mitigation (wording adjustments) • Add wording to clarify the technology includes associated infrastructure (industry request) • Define robustness (technology robustness) • Request to quantify risk and uncertainties 	Updated directive to address recommendations	<p>Consensus</p> <p><i>AER response: there is not a standard process to quantify risk in these applications, therefore updated the directive to request nature and magnitude of uncertainty</i></p>
	4.7 Ready to Reclaim	<p>Include additional information to define Ready to Reclaim and clarify requirements</p> <ul style="list-style-type: none"> • Added more description to issue to better define RTR (wording was taken from RTR section) • Add reference to RTR section (electronic link would be useful /discuss with document services) • Clarify that the application will contain the level of detail commiserate with the stage of operation • Transfer requirement for a map showing relationship of tailings deposits to closure plan (modified targets for ecosites as discussed 	Updated directive to address recommendations	<p>Non-Consensus</p> <p><i>AER Response: For existing deposits a targeted range of ecosites is required to demonstrate alignment to reclamation plans. For proposed deposits, the level of details required is less; site type and moisture regime.</i></p>

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		<p>below)</p> <ul style="list-style-type: none"> • Modify requirement to have currently operating deposits justify RTR performance criteria to the targeted range of ecosite level. Proposed deposit's justification is to site type or moisture regime. • Add definition in the glossary for indicators, sub-objectives, measures, and criteria • Modify wording asking for long-term data management system to a description of how they will ensure long-term data accessibility (more consistent with the regulatory issue) 		
	<p>4.8 Environmental Effects and Implications</p>	<ol style="list-style-type: none"> 1. Clarify the use of the words risks and risk analysis vs effects and what will be addressed. Both "environmental risks" and "net environmental effects" are identified as principles in the TMF 2. Provide examples of environmental effects or risk to the environment such as effects to water quality and/or air emissions. Examples to reclamation implications to wildlife and land access have also been added 3. Include quantification of environmental risk 4. Include social considerations 	<ul style="list-style-type: none"> • Expanded issues section to clarify section intent and information requirements • Updated directive to address recommendations • Changed the word "must" to "will" as per feedback 	<p>Non Consensus</p> <p>*How the AER manages risk is not clear</p> <p><i>AER Response: Concepts and expectations described in this section are aligned with the TMF policy intent</i></p> <p><i>AER response: A requirement to quantify the risk was not included; rather operators are required to describe the nature and magnitude</i></p>

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
5: Fluid Tailings Management Reporting	5.1 Introduction	<ul style="list-style-type: none"> Delete repetitious wording Add “to support regional reporting” and clarified AER annual reporting to ensure its use for that purpose (aligned with TMF) Add “The AER will consider opportunities to enhance stakeholder understanding of the performance reports.” 	Updated directive to address recommendations	<p>Non Consensus</p> <p>* Use of the word “consider” in the sentence about opportunities to enhance stakeholder and public understanding of the performance reports is too soft</p> <p><i>AER response: A decision and details about what stakeholder and public involvement with the performance reports, beyond posting the reports online, will be discussed in 2016</i></p>
	5.2 Performance Report Requirements	<ol style="list-style-type: none"> Industry proposed changes to this section for the TAC to consider (available on Talk.AER TAC site) Ensure risks and effects are used consistently throughout the directive Update titles Add the opportunity for industry to provide the reference to information required, where it has been provide in other AER reports, instead of the information itself. Specify how information was to be captured (e.g., “show in a figure”) Modify water information from a water balance to an inventory Add “Within the constraints of proprietary information” in the Technology Reports; Intellectual property rights may constrain the 	<ul style="list-style-type: none"> Updated directive to address recommendations Updated requirement for characterization of the quality of water recovered from fluid tailings and run off (as per <i>TMF</i>) Include opportunity for industry to reference other reports submitted to the AER 	<p>Consensus on topics: Inadequate Deposit Performance and Technology: Continuous Improvement</p> <p>Consensus on date change on annual performance reports due to the AER on April 30th each year.</p> <p>Non Consensus on topics: Fluid Tailings Volume Reporting Requirements, Monitoring Reporting Data Requirements and Environmental Monitoring Results</p> <p>*Some members felt that that the volume and quality of water is not required</p> <p><i>AER Response: The water requirements are consistent with the TMF. There is an option to cross reference to an earlier submission if it is duplicative</i></p>

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		<p>level of detail companies can or are will to report</p> <p>8. Simplify request for volume and analysis associated with settling and consolidation.</p> <p>9. Remove request for location and volume of off-spec treated tailings (duplicative)</p> <p>10. Keep requirement to report on deposit milestones</p> <p>11. Change wording in sentence under Environmental Monitoring Results, “Reporting under this directive does not relieve an operator from any requirements to report...in the relevant EPEA reports...”</p> <p>12. Change ecosite to site type [with caveat by AER that this is permissible only in this section – not in application requirements]</p>		
6: Measurement Outcomes		Not discussed		2016 Topic
7: Five-Year Review		Not discussed	Added commitment that in version 2 AER would consider what stakeholder engagement would look like for the 5 year review.	2016 Topic
8: Definition and Determination of Fluid Tailings Volume		Not discussed	Added that GoA recognizes that guideline is aligned with the TMF	2016 Topic

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
9: End of Mine Life		<ol style="list-style-type: none"> 1. Agree to the EOML definition as per mine scheme approval 2. Include additional examples related to changing to end of mine life and potential considerations (suspension, production reduction) 	<ul style="list-style-type: none"> • Changes made to address recommendations and enhance clarity around end of mine life • Transferred the description on integrated operations (mine and processing plant) and the impacts to the processing plant when the mining is completed from the application requirements to end of mine life section. Minor wording adjustments to add clarity 	<p>Consensus on the EOML definition as per mind scheme approval</p> <p>Non Consensus on the section</p> <p><i>AER Notation: Post TAC feedback during final review process resulted in further clarification to this section</i></p>
10: Ready to Reclaim Status	10.1 Overview	<ol style="list-style-type: none"> 1. Include additional information to clarify ready-to-reclaim definition and how it is related to reclamation outcomes and activities 2. Need to clearly understand this is a period of time, not a point in time 3. Create schematic to assist with understanding <ul style="list-style-type: none"> • Ensure understanding of where this directive hands off to a subsequent directive • Change “ready to reclaim” term so it is now referred to as RTR in an effort to reduce confusion with Ready for Reclamation 	<ul style="list-style-type: none"> • Changes made to address recommendations • Updated Section to improve clarity and readability. The concepts or expectations have not changed. • Added subsection for overview, objective, sub-objectives, performance criteria, application, operations and reclamation 	<p>Non Consensus</p> <p><i>AER response: RTR section concepts and expectations described in this section are aligned with the TMF policy intent</i></p>
	10.2 Objective	None	None	Consensus
	10.3 Sub-objective	<ol style="list-style-type: none"> 1. Remove capping as an example of future stages of activity under sub-objective 1 	Changes made to address recommendations	Non Consensus – TAC did not have an opportunity to re-check for consensus based on final updates

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		2. Add locally common to the sub-objective to make it consistent with the TMF		<i>made</i>
	10.4 Performance criteria	1. Recommend including language on what is reasonable. Others indicate there are more considerations than this one 2. Use of the term “higher risk” was highlighted. Suggestion: Use “higher uncertainty or greater complexity”	1. Added site-type bullet 2. Changes made to address recommendations	Non Consensus – TAC <i>did not have an opportunity to re-check for consensus based on final updates made</i>
	10.5 Application	1. Move the description of performance criteria to one place as it is currently referenced under multiple sections 2. Concern timelines and certainty, specifically with use of the term ‘conservative’. Suggestion to say “as accurate as possible” Suggestion to bring in the word “approved” to strengthen the phrase 3. Suggestion for (a). to change “should” to “will” in the statement about indicators 4. Reference to monitoring system does not fit in the section	1. Changed “should” to “will” in bullet (a) 2. Did not change use of the term ‘conservative’ in this version 3. Made minor edits to improve clarity	Non Consensus <i>AER Response: Reference to monitoring system reference. This is intended to provide a fulsome picture</i>
	10.6 Operations	Concern with tone surrounding a change in RTR (compliance oriented), and may inadvertently discourage companies from performing better than their profile if	Made minor edits to improve clarity	Non Consensus Continue dialogue in 2016

Section	Subsection	Recommendations	Changes Incorporated in Draft Directive	Outcome
		reintroduced tailings volumes appears to warrant AER response even if they remain better than their profile. Suggestion to pick up this conversation in 2016.		
	10.7 Reclamation	Include a diagram to show how RTR first in with reclamation stages	Changes made to address recommendations	Partial Consensus *Some TAC members wanted to see the updated schematic before shifting to consensus
	10.8.1 Temporary Locations	Clarify that RTR criteria are required for both interim and final locations.	Changes made to address recommendations	Consensus
	10.8.2 Water-Capped Fluid Tailings	Some members do not wish to single out water capping technology in this sections	None	Non Consensus <i>AER Response: this is consistent with existing regulatory decisions which have water capping as only conditional approvals pending successful demonstration of the technology</i>
11: Surveillance and Compliance Process		Not discussed	Added table from TMF – describing performance management levels and potential management actions	2016 Topic
12: Mine Financial Security Program		Not discussed		2016 Topic