

Oil Sands Monitoring Program

Letter of Agreement and Operational Framework

Signatories Updated - December 15, 2021



Oil Sands Monitoring Program Letter of Agreement and Operational Framework Agreement

Recommended Citation:

Dubé M., Cash K., Wrona F., Enei G., Cronmiller J., Abel R., Andreeff W., Berrade D., Davidson C., Dawson J., Dersch A., Dertien K., Donald G., Evans M., Fayant K., Gladue B., Gosselin J., Ilesanmi Y., Ladouceur B., Lawrence L., Lee-Johnson E., MacDermid F., MacLean B., New B., Schaldemose L., Scoville D., Starr C., Tomlinson G., Wells C. and M. Zhira. 2018. Oil Sands Monitoring Program Letter of Agreement and Operational Framework Agreement. Oil Sands Monitoring Program. 53 pp. ISBN: 978-1-4601-4236-3.

ISBN: 978-1-4601-4236-3 (PDF)

Posted November, 201

September 21, 2018

Oil Sands Monitoring Program Letter of Agreement

In December of 2017, the Government of Alberta and the Government of Canada signed a Memorandum of Understanding (MOU) that renewed each Government's commitment to monitoring of environmental impacts of oil sands development through the Oil Sands Monitoring Program (OSM Program). The MOU acknowledges that treaty and aboriginal rights of Indigenous people are recognized and affirmed in section 35 of the *Constitution Act*, 1982.

The MOU established the mutual intentions of both governments to collaborate and be accountable for the design and implementation of an integrated monitoring, evaluation and reporting system and to confirm the joint commitment to revise and establish, in cooperation with Indigenous communities in the oil sands region, effective mechanisms for Indigenous participation in the design, implementation and governance of the monitoring system. This commitment included development of a comprehensive agreement—the *Operational Framework Agreement*—that defines the governance and implementation model that will be used to guide the decision-making structure and processes; roles and responsibilities; and the monitoring, research mandate, and objectives of the OSM Program.

In the spring of 2018, all Indigenous communities in the oil sands region were invited to join a Task Team to develop the Operational Framework Agreement. Representatives of 17 of those Indigenous communities, along with officials from the Government of Alberta and the Government of Canada, have since worked to develop the Operational Framework Agreement, based on the MOU, which outlines the vision, principles, objectives and desired outcomes of the OSM Program. The Operational Framework Agreement is now complete, and establishes a collective approach for the oversight and management of the OSM Program.

This Letter of Agreement and the Operational Framework Agreement are made in accordance with Section 2 of the *Oil Sands Environmental Monitoring Program Regulation*. The intent of this Letter of Agreement is for the Governments of Alberta and Canada (the Parties as established under the MOU) as well as Indigenous communities in the oil sands region to endorse the Operational Framework Agreement and to confirm the commitments made to govern the OSM Program in a manner consistent with the MOU, including that the treaty and aboriginal rights of Indigenous people are recognized and affirmed as per section 35 of the *Constitution Act*, 1982. In addition, good governance will ensure that monitoring considers Indigenous community and stakeholder concerns or issues as priorities, appropriate scientific and Indigenous expertise is utilized, the monitoring system incorporates Indigenous designed and led community-based monitoring, and indicators that are relevant to Indigenous communities are monitored.

This Letter of Agreement is intended to be a collective commitment to uphold the values and principles established in the MOU while ensuring solid, shared governance and implementation of the OSM Program through the Operational Framework Agreement. The LOA also ensures that Indigenous peoples as partners in the OSM Program as established under the Operational Framework Agreement, may have certainty around the governance and decision-making processes of the OSM Program and its relationship to the orders of government. This Letter of Agreement and Operational Framework

Agreement are viewed as important tools for effective governance around an integrated monitoring system to better assess cumulative environmental effects to inform land use management, policy, regulation and other such measures and actions in pursuit of minimizing the effects of oil sands development.

By signing this Letter of Agreement, the signatories are endorsing the Operational Framework Agreement. In addition, the Government of Alberta and the Government of Canada reiterate their commitment to the OSM Program as established in the MOU and its implementation through this Operational Framework Agreement. Finally, the Government of Canada reiterates its commitment to contribute an additional amount of up to \$2,000,000.00 for development of capacity for Indigenous community-based monitoring in the oil sands region, as outlined in the MOU.

This Letter of Agreement and the attached Operational Framework Agreement are statements of intent and do not create any legally binding obligations between any of the signatories to this Letter of Agreement.

Nothing in this Letter of Agreement or the attached Operational Framework Agreement alters the legislative or other authorities of the Government of Alberta or the Government of Canada or the rights of Government of Alberta or the Government of Canada with respect to the exercise of their legislative or other authorities under the Constitution of Canada.

The signing of this Letter of Agreement does not abrogate any responsibilities of the Government of Alberta or the Government of Canada for consultation, mitigation or accommodation associated with section 35 of the *Constitution Act, 1982*.

Endorsement of the Operational Framework Agreement is not a pre-condition to involvement in the implementation of the OSM Program through participation in established caucuses (Indigenous Caucus and First Nation and Métis Sub-Caucuses) and work planning submissions, in keeping with the Operational Framework Agreement principle of inclusiveness and collaboration. Endorsement of the Operational Framework Agreement is, however, necessary for participation in the governance and decision-making process of the OSM Program as defined under the Operational Framework Agreement. All Indigenous communities within the Alberta oil sands region are free to sign or remove their signature from this Letter of Agreement at any time after providing 30 days notice.

The Operational Framework Agreement and this Letter of Agreement are “evergreen” documents that will be reviewed and updated periodically as necessary. The Operational Framework Agreement may be amended in accordance with the process set out in the Operational Framework Agreement.




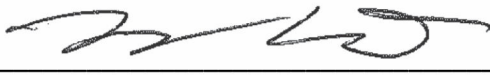
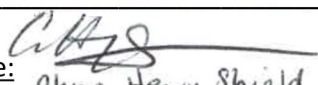
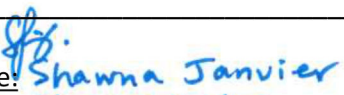
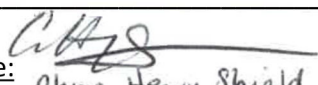
Indigenous, aboriginal peoples, communities: Case law is still developing and the use of these terms for the purposes of this Letter of Agreement and the Operational Framework Agreement is not intended as recognition that any particular First Nation or Métis organization is or represents, or is not or does not represent, a community holding any particular (or any) aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.



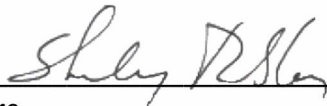

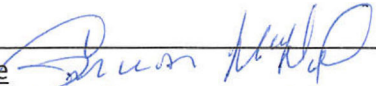
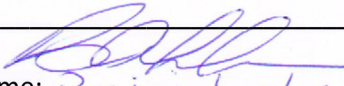

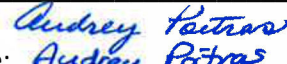
Information collected pursuant to this Letter of Agreement, the Operational Framework Agreement, or otherwise through governance of the OSM Program is subject to the *Freedom of Information and Protection of Privacy Act* (Alberta).

Therefore, together, the Government of Alberta, the Government of Canada, along with the Indigenous communities, have agreed to sign this Letter of Agreement on the dates indicated below.




Attachment: Oil Sands Monitoring Operational Framework Agreement

Signatories from 2018 and New Signatories to Dec 15, 2021

<p> <u>Signature</u> <u>Printed Name:</u> Beverly Yee <u>Title:</u> Deputy Minister <u>Organization:</u> Alberta Environment and Parks</p> <p>Signed this <u>28th</u> of <u>Sept, 2018</u></p>	<p> <u>Signature</u> <u>Printed Name:</u> Stephen Lucas <u>Title:</u> Deputy Minister <u>Organization:</u> Environment and Climate Change Canada</p> <p>Signed this <u>27</u> of <u>September, 2018</u></p>
<p>FOR THE GOVERNMENT OF ALBERTA</p> <p>Approved pursuant to the <i>Government Organization Act</i></p> <p> <u>Signature</u> <u>Printed Name:</u> Ray As <u>Title:</u> <u>Community:</u> Athabasca Chipewyan First Nation</p> <p>Signed this <u>23</u> of <u>October 2018</u></p> <p>Intergovernmental Relations, Executive Council</p> <p>Date</p>	
<p> <u>Signature</u> <u>Printed Name:</u> Melody Lepine <u>Title:</u> Director <u>Community:</u> Mikisew Cree First Nation</p> <p>Signed this <u>24</u> of <u>September</u></p>	<p> <u>Signature</u> <u>Printed Name:</u> Chris Heavy Shield <u>Title:</u> Consultation Manager, CPIC <u>Community:</u> Chipewyan Prairie First Nation</p> <p>Signed this <u>20</u> of <u>October 2018</u></p>
<p> <u>Signature</u> <u>Printed Name:</u> Shawna Janvier <u>Title:</u> Band Administrator <u>Community:</u> Cold Lake First Nation</p> <p>Signed this <u>2nd</u> of <u>October 2018</u></p>	<p> <u>Signature</u> <u>Printed Name:</u> Chris Heavy Shield <u>Title:</u> Consultation Manager, CPIC <u>Community:</u> Chipewyan Prairie First Nation</p> <p>Signed this <u>20</u> of <u>October 2018</u></p>

<p></p> <p>Signature Printed Name: <u>Alvaro Carlos Paes Pinto</u> Title: <u>Exec. Director, Sustainability</u> Community: <u>Fort McKay First Nation</u></p> <p>Signed this <u>2nd</u> of <u>October, 2018</u></p>	<p></p> <p>Signature Printed Name: <u>Ron Quintal</u> Title: <u>President</u> Community: <u>Fort McKay Métis Local</u></p> <p>Signed this <u>1st</u> of <u>October 2018</u></p>
<p></p> <p>Signature Printed Name: <u>Shirley Tremblay</u> Title: <u>President</u> Community: <u>Métis Local 193 Conklin</u></p> <p>Signed this <u>01</u> of <u>October 2018</u></p>	<p></p> <p>Signature Printed Name: <u>Gail Gallupe</u> Title: <u>President</u> Community: <u>Métis Local 1935 Fort McMurray</u></p> <p>Signed this <u>27</u> of <u>September 2018</u></p>
<p></p> <p>Signature Printed Name: <u>Cameron MacDonald</u> Title: <u>FT Chipewyan Métis Local 125</u> Community: <u>Fort Chipewyan AB</u></p> <p>Signed this <u>24</u> of <u>September</u></p>	<p></p> <p>Signature Printed Name: <u>Brian Ladouceur</u> Title: <u>Vice President</u> Community: <u>Més Local 2002 Bualo Lake Buffalo Lake</u></p> <p>Signed this <u>22</u> of <u>Oct 2018</u></p>
<p></p> <p>Signature Printed Name: <u>Jack Quintal</u> Title: <u>President</u> Community: <u>Métis Local 1949 Owl River</u></p> <p>Signed this <u>2</u> of <u>October 2018</u></p>	<p></p> <p>Signature Printed Name: <u>Audrey Patras</u> Title: <u>President</u> Community: <u>Métis Nation of Alberta (Provincial)</u></p> <p>Signed this <u>9th</u> of <u>October, 2018</u></p>

<p><u>Carole Riddale</u></p> <p>Signature _____ Printed Name: _____ Title: _____ Community: Métis Nation of Alberta Region 6</p> <p>Signed this ___ of _____</p>	<p>Signature <u>Elmer Gullion</u></p> <p>Printed Name: Elmer Gullion Title: President Community: Métis Nation of Alberta Region 5</p> <p>Signed this <u>19th</u> of <u>October</u></p>
<p>Signature <u>Duane Zuraska</u></p> <p>Printed Name: Duane Zuraska Title: President Community: Métis Nation of Alberta Region 2</p> <p>Signed this <u>19th</u> of <u>October, 2018</u></p>	<p>Signature <u>James A Cardinal</u></p> <p>Printed Name: James A Cardinal Title: President Community: Métis Nation of Alberta Region 1</p> <p>Signed this <u>5</u> of <u>Oct. 2018</u></p>
<p>Signature <u>Clifford W. Starr</u></p> <p>Printed Name: CLIFFORD W. STARR Title: MEMBER GOVERNMENT & INDUSTRY RELATIONS Community: Peerless Trout First Nation #478</p> <p>Signed this <u>22</u> of <u>OCTOBER, 2018</u></p>	<p>Signature <u>Melina Seville</u></p> <p>Printed Name: Melina Seville Title: President Community: Lakeland Metis local 1909</p> <p>Signed this <u>20th</u> of <u>September, 2018</u></p>
<p>Signature <u>Justin Herman</u></p> <p>Printed Name: Justin Herman Title: CEO Community: Chard Metis Nation</p> <p>Signed this <u>17th</u> of <u>May, 2021</u></p>	<p>Signature <u>Stella Lavallee</u></p> <p>Printed Name: Stella Lavallee Title: President Community: Willow Lake Metis Nation</p> <p>Signed this <u>18</u> of <u>February 2021</u></p>

 <u>Signature</u> <u>Printed Name:</u> Bernard Ominayak <u>Title:</u> Chief <u>Community:</u> Muskotew Sakahikan Enowuk (Lubicon Lake Nation) Signed this 26th of February, 2021	 <u>Signature</u> <u>Printed Name:</u> Barry Nooskey <u>Title:</u> President <u>Community:</u> Cadotte Lake Metis Signed this 27 of April 2021
 <u>Signature</u> <u>Printed Name:</u> Marcella Carifell <u>Title:</u> Vice-President <u>Community:</u> Cadotte Lake Metis Signed this 27 of April 2021	<u>Signature</u> <u>Printed Name:</u> <u>Title:</u> <u>Community:</u> Signed this ____ of _____
<u>Signature</u> <u>Printed Name:</u> <u>Title:</u> <u>Community:</u> Signed this ____ of _____	<u>Signature</u> <u>Printed Name:</u> <u>Title:</u> <u>Community:</u> Signed this ____ of _____
<u>Signature</u> <u>Printed Name:</u> <u>Title:</u> <u>Community:</u> Signed this ____ of _____	<u>Signature</u> <u>Printed Name:</u> <u>Title:</u> <u>Community:</u> Signed this ____ of _____

Oil Sands Monitoring Program Operational Framework Agreement

DEVELOPED BY THE OIL SANDS MONITORING OPERATIONAL
FRAMEWORK AGREEMENT TASK TEAM

FINAL

SEPTEMBER 21, 2018



Contents

1.0 Introduction	2
2.0 Operational Framework Logic Model for the Oil Sands Monitoring Program.....	2
2.1 VISION	4
2.2 PRINCIPLES	4
2.3 OBJECTIVES	5
2.4 PROGRAMS	6
2.5 OUTCOMES	6
2.6 ACTIONS	7
2.7 PERFORMANCE MEASURES	8
3.0 Governance	9
3.1 STRUCTURE	9
3.1.1 Oversight Committee	10
3.1.2 Science and Indigenous Knowledge Integration Committee.....	12
3.1.3 Indigenous Community Based Monitoring Advisory Committee	14
3.1.4 Technical Advisory Committee(s)	16
3.1.5 Caucus (es)	19
3.2 DECISION-MAKING	21
3.2.1 Consensus Decision-making Due Diligence Guidelines.....	21
3.2.2 In the Event of Non-Consensus (Technical Advisory Committees, Indigenous Community Based Monitoring Advisory Committee and the Science and Indigenous Knowledge Integration Committee)	22
3.2.3 In the Event of Non-Consensus (Oversight Committee).....	22
3.2.3 Accountability of the OSM Program Co-Chairs.....	23
3.2.4 Boundaries	25
4.0 Operational Framework Timelines	26
4.1 ANNUAL WORK PLANNING PROCESS.....	26
4.2 FIVE-YEAR CYCLE	26
4.3 Administration and Revision of the Operational Framework Agreement.....	26
OPERATIONAL FRAMEWORK AGREEMENT APPENDICES	28
Appendix A: OSM MOU.....	28
Appendix B: OSM Operational Framework Agreement Task Team Terms of Reference	35
Appendix C: Operational Framework Capacity Funding Guideline.....	42

1.0 Introduction

In December of 2017, the Government of Alberta and the Government of Canada signed a Memorandum of Understanding (MOU) that renews each Government's commitment to monitoring environmental impacts of oil sands development through the Oil Sands Monitoring Program (OSM Program) ([Appendix A](#)). The MOU acknowledges that treaty and aboriginal rights of Indigenous peoples are recognized and affirmed in section 35 of the *Constitution Act, 1982*.

The MOU establishes the mutual intentions of both governments to continue to collaborate and be accountable for the design and implementation of an integrated monitoring, evaluation and reporting system. It also confirms the joint commitment to revise and establish, in cooperation with Indigenous Communities in the oil sands region, effective mechanisms for Indigenous participation in the design, implementation and governance of the monitoring system. This includes development of a comprehensive, ongoing agreement (*the Operational Framework Agreement*) that defines the governance and implementation model that will be used to guide the decision-making structure and processes, roles and responsibilities, and the monitoring, research mandate, and objectives of the OSM Program. The goal of this Operational Framework Agreement is to realize a collective approach that can be applied to the oversight and management of the OSM Program in the coming year and into the future.

Over the spring and summer of 2018, a joint Task Team with representatives of the Government of Alberta and the Government of Canada, and interested Indigenous Communities of the oil sands region developed this Operational Framework Agreement, which outlines the vision, principles, objectives and desired outcomes of OSM Program. Actions, programs and performance measures are also described to support and achieve the outcomes. The Terms of Reference for the Task Team including its membership is found in [Appendix B](#).

This Operational Framework Agreement is a statement of intent and does not create any legally binding obligations between any government, entity, group, organization or community that has endorsed this Operational Framework Agreement.

Nothing in this Operational Framework Agreement alters the legislative or other authorities of the Government of Alberta or the Government of Canada or the rights of Government of Alberta or the Government of Canada with respect to the exercise of their legislative or other authorities under the Constitution of Canada.

Indigenous, aboriginal peoples, communities: Case law is still developing and the use of these terms for the purposes of the OSM Program is not intended as recognition that any particular First Nation or Métis organization is or represents, or is not or does not represent, a community holding any particular (or any) aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.

This Operational Framework Agreement is a living document to be reviewed and revised as needed in accordance with the process set out in this Operational Framework Agreement (see Section 4.0).

2.0 Operational Framework Logic Model for the Oil Sands Monitoring Program

The Operational Framework is built on a logic model that defines the vision of oil sands monitoring, and helps participants remember why monitoring is done the way that it is, including core principles and

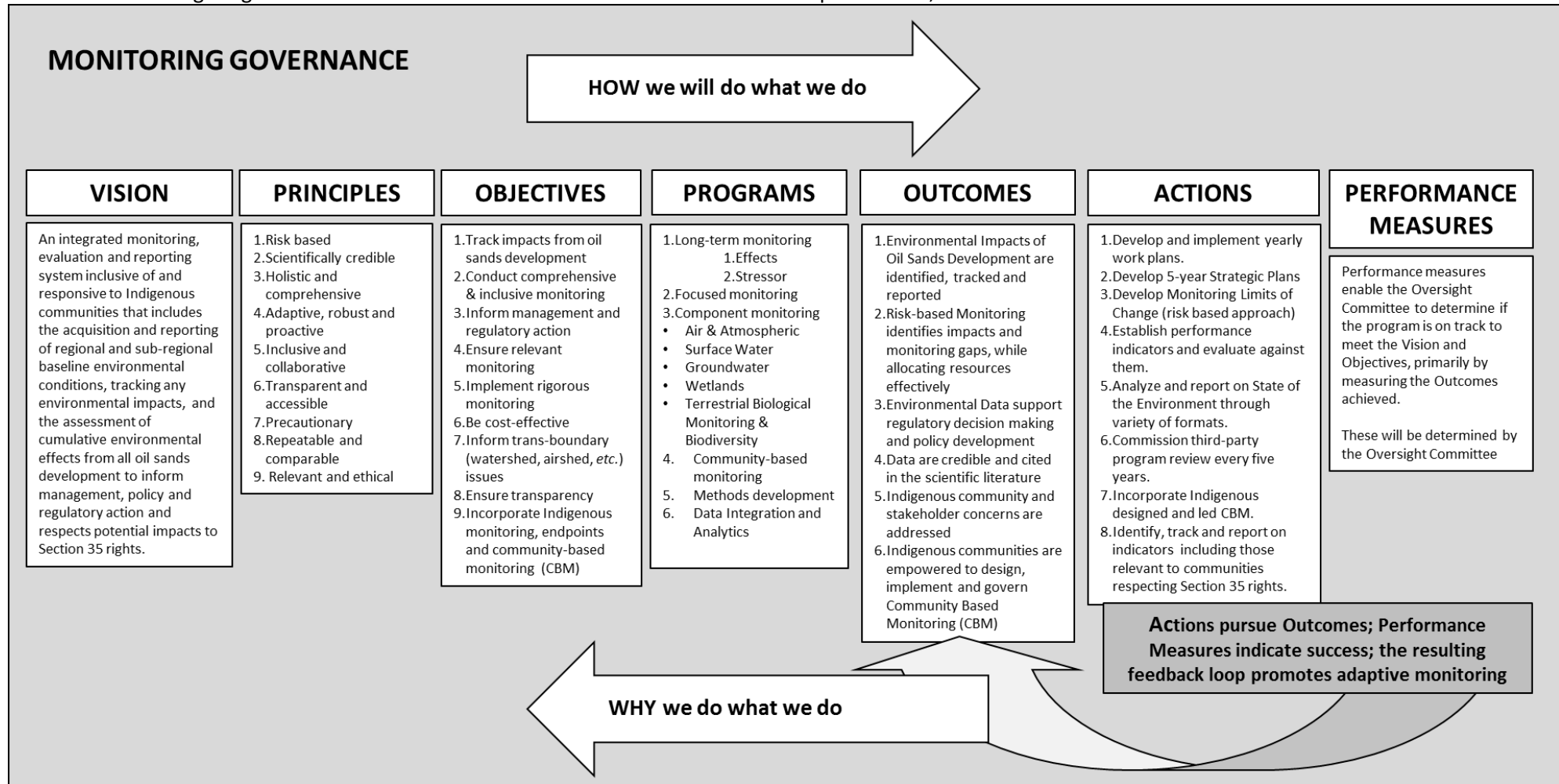


Figure 1. Operating Framework Logic Model for the Oil Sands Monitoring Program

objectives to support the vision (Figure 1). It then defines how the program will achieve its vision: with the outcomes, actions, programs and performance measures. The content of the logic model is based in the MOU to ensure the Operational Framework Agreement implements the MOU as intended.

2.1 VISION

An integrated monitoring, evaluation and reporting system inclusive of and responsive to Indigenous Communities, that includes the acquisition and reporting of regional and sub-regional data on baseline environmental conditions, tracking any environmental impacts, and the assessment of cumulative environmental effects from oil sands development to inform management, policy and regulatory action and respects potential impacts to section 35 Rights.

The overall vision and purpose of the OSM Program is clearly articulated in the MOU and is essential to drive the governance of the program under the Operational Framework Agreement.

2.2 PRINCIPLES

Core principles consistent with the intent of the MOU lay the foundation for the governance of the monitoring program (Figure 1). For effective governance, the principles are understood by its users as the essential characteristics of the OSM Program, reflect its vision and are essential for effective program implementation. The principles for the OSM Program are:

Risk-based	Prioritizes monitoring effort according to the magnitude of environmental impacts, including cumulative impacts, from oil sands development. Long-term monitoring, geographic scope, and intensity will be proportional to the assessed risk to ecosystem health and exposure pathways potentially affecting human health and well-being, based on the most reliable and robust evidence available.
Scientifically Credible	Collects monitoring data in a manner that is reliable and valid and follows recognized quality assurance and quality control standards. Methodology and design allows for repeatability, careful and accurate reporting that stands up to peer review by reputable third parties and fosters public trust in the results.
Holistic and Comprehensive	Explicitly considers in a risk-based context the lifecycle of environmental response (e.g., short term to long term change, early warning, existing and predicted change, chronic and acute change) across indicators and inclusive of cumulative effects. Explicitly considers existing, proposed and predicted stressors (e.g., potential water release) associated with oil sands activities. Explicitly includes western science and Indigenous knowledge.
Adaptive, Robust, and Proactive	Adjusts monitoring intensity to be proportional to the assessed risk of environmental impacts. The goal is that more consequential impacts will receive proportionally more monitoring attention to understand trends for informed, effective and timely decisions, planning and actions.
Inclusive and Collaborative	Treats planning, implementation, evaluation and reporting as open, collaborative processes informed by both scientific and Indigenous knowledge.
Transparent and Accessible	Provides data and scientific reporting in a timely, transparent, and accessible manner; OSM will be “open-by-default” so that all decisions and data are available without restriction while respecting sensitivities associated with the sharing of Traditional Knowledge.

Precautionary	Adopts the Precautionary Principle to ensure environmental change is tracked relative to “limits of change” to inform the public of changes in environmental condition associated with oil sands development and to ensure ecosystem components are sustainable, ecosystems are healthy and effects to human health and well-being are avoided, minimized or reduced.
Repeatable and Comparable	Ensures environmental monitoring is repeatable and results comparable over time and space.
Relevant and Ethical	Ensures monitoring is relevant to a variety of priorities and concerns related to the environmental effects of oil sands development including linkages to human health and culture.

2.3 OBJECTIVES

The objectives of the OSM Program to be achieved through the governance process of the Operational Framework Agreement are specified in the MOU as follows:

1. **To Track Impacts from Oil Sands Development:** Monitoring will obtain data on baseline, current and future conditions, identify and track the environmental impacts from oil sands development, including timely assessment of cumulative environmental effects. Baseline for the purposes of the OSM Program will be defined by the OSM Oversight Committee;
2. **To Conduct Comprehensive and Inclusive Monitoring:** Monitoring will be comprehensive, by seeking and integrating a multiple evidence-based approach, inclusive of Indigenous knowledge and participation, to inform monitoring program decisions. This will include monitoring indicators relevant to Indigenous communities in the oil sands region that respect section 35 Rights and evaluation of environmental condition relative to tiers, triggers, limits, thresholds or other “limits of change” including, but not limited to, those defined under regional planning (*i.e.*, Lower Athabasca Regional Plan);
3. **To Inform Management and Regulatory Action:** Monitoring will provide data and information to decision-makers and other stakeholders to inform management and regulatory action including regulatory and policy assurance, adaptive management, and adaptive monitoring pertaining to individual and cumulative effects;
4. **To Ensure Relevant Monitoring:** Monitoring will be relevant to the vision by seeking the best available western science and Indigenous knowledge on environmental impacts of oil sands development from Indigenous communities, stakeholders, industry, non-government organizations, academia, and appropriate scientific and traditional knowledge experts, regardless of their affiliations to either level of Government, Indigenous communities, or industry;
5. **To Implement Rigorous Monitoring:** Western science and Indigenous Knowledge will be rigorous, ethical, methodologically sound, comprehensive, integrated, and transparent and meet the highest standards of scientific integrity as well as respectful integration and sharing of Indigenous Knowledge;
6. **To be Cost-effective:** Monitoring will make use of the best cost-effective resources available and be focused on areas of greatest risk that consider community and stakeholder concerns and priorities, and the magnitude, frequency, type, and direction of environmental change occurring or with the potential to occur relative to “limits of change”;

7. **To Inform Trans-boundary Issues:** Monitoring will be of sufficient scope to consider the trans-boundary nature of the issue and, where appropriate, to collaborate with other territorial and provincial governments;
8. **To Ensure Transparency:** Transparency will be ensured by timely public reporting through accessible, comparable, and quality-assured data and information, reports, and publications evaluating, interpreting and synthesizing the monitoring results of the OSM Program. Communication and media materials will be made accessible and understandable to communities, and;
9. **To Incorporate Indigenous Monitoring, Endpoints, and Community-Based Monitoring:** Monitoring will include the identification and tracking of monitoring indicators of relevance to Indigenous communities. This will include monitoring indicators relevant to Indigenous communities in the oil sands region that respect potential impacts to section 35 Rights and evaluation of environmental condition relative to “limits of change” including, but not limited to, those defined under regional planning (i.e., Lower Athabasca Regional Plan).

2.4 PROGRAMS

The following programs will be designed to achieve the outcomes:

1. **Long Term Monitoring:** will be designed to detect ambient environmental change, at the regional and sub-regional scales, due to oil sands development. “Limits of change” will be developed as appropriate and applied to detect meaningful change and trigger Focused Monitoring and/or reporting to decision-makers and the public.
2. **Focused Monitoring:** will be short term (1-3 year studies) designed to identify cause of any observed change, investigate new concerns, or address questions that arise during the regular design and refinement of monitoring programs.
3. **Component Monitoring:** can be long-term, focused or community based and includes but is not limited to air, water, deposition, wetlands, groundwater, biodiversity, etc.
4. **Community Based Monitoring:** will enable Indigenous communities to design, lead, and execute monitoring programs that address their concerns related to potential effects from oil sands development to augment Long Term and Focused Monitoring programs.
5. **Methods Development:** will enable the program to test new methodology, approaches, technology or equipment.
6. **Data Integration and Analytics:** supporting all monitoring efforts including a) analytics towards outcomes and b) data management in an integrated, open and transparent manner.

2.5 OUTCOMES

The vision and objectives of the OSM Program will be achieved when:

1. Environmental impacts from oil sands development, including cumulative effects, are identified, tracked and reported in a risk-based framework;
2. Quality data, information and reporting of regional and sub-regional baseline environmental conditions, tracking environmental impacts, and the assessment of cumulative environmental effects from oil sands development is provided to decision makers, rights-holders and other stakeholders to inform management, policy, regulation and other such measures and actions in

- pursuit of minimizing the effects of oil sands development and respecting potential impacts to Section 35 Rights in the oil sands region;
3. Quality data, information and reporting is accessible in an open, transparent and timely manner in accordance with a reporting plan and schedule;
 4. Indigenous community and stakeholder concerns are meaningfully included and considered and the assessment of environmental impacts is inclusive of, and informed by, Indigenous knowledge and expertise;
 5. The Oversight Committee including stakeholders, decision-makers and Indigenous communities are involved in and empowered to design, implement and govern the OSM Program;
 6. The capacity of Indigenous communities in the oil sands region is built to participate in community-based monitoring (CBM); the OSM Program and CBM is enabled, supported, implemented, and used to inform management, policy, regulation and other such measures and actions in pursuit of minimizing the effects of oil sands development and respecting potential impacts to Section 35 Rights; and
 7. Cost effective use of resources is demonstrated through implementation of a risk-based monitoring approach.

2.6 ACTIONS

The following actions will be taken to achieve the outcomes of the OSM Program:

1. Annual work plans will be developed through inclusive planning processes using appropriate scientific and Indigenous expertise;
2. The vision, principles, objectives, outcomes and scope of the OSM Program will be reflected in the planning, priority setting and decision-making processes;
3. A 5-year Strategic Plan will be developed and performance against the plan evaluated annually;
4. Work plans will focus on the acquisition and reporting of regional and sub-regional data on baseline environmental conditions, tracking of any environmental impacts relative to “limits of change”, and assessing cumulative environmental effects from oil sands development;
5. Priorities and monitoring will consider Indigenous community and stakeholder concerns or issues as priorities through OSM Program governance;
6. Annual reporting of data, trends and materials on environmental conditions from the OSM Program will be implemented through a variety of formats (scientific literature, plain language summaries, technical reports, engagement with local communities) and relative to the Strategic Plan;
7. An expert third party scientific and Indigenous knowledge review of the OSM Program will be conducted every five years;
8. The OSM Program will develop an Indigenous designed and led CBM component and, in addition, will ensure Indigenous content and knowledge is integrated throughout the OSM Program and work plans as appropriate;
9. Monitoring under the OSM Program will augment and not replace monitoring activities used for the purposes of ensuring compliance with facility-based approval conditions, operating permits or other legislated requirements;
10. Data will be reported on and available publicly in a user-friendly and timely fashion; and
11. Identification, tracking and reporting of monitoring indicators will include those of relevance to Indigenous communities. Indicators will be compared to “limits of change” to evaluate changes in environmental condition and inform management, policy, regulation and other such measures

and actions in pursuit of minimizing the effects of oil sands development as well as being respectful of potential impacts to Section 35 Rights. This may also inform consultation between Indigenous communities and the Government of Alberta and the Government of Canada as appropriate.

2.7 PERFORMANCE MEASURES

Performance measures are measurable indicators used to assess how well a program is achieving its desired outcomes. In the case of the OSM Program, performance measures are necessary for the Oversight Committee, supported by the OSM governance structure, to determine whether it is on track to meet the vision and objectives, primarily by measuring performance towards the seven outcomes of the OSM Program.

The Oversight Committee must establish performance measures for the OSM Program within the first 12-18 months of its initiation and must consider best practice and key examples from other programs. Performance measures must be objective and measurable and established for objectives and outcomes of the OSM Program as stated in this Operational Framework Agreement.

It is expected that performance measures will adapt and evolve as part of the annual OSM Program review and will consider recommendations from the 5 year expert reviews, strategic planning processes and audit reports.

3.0 Governance

3.1 STRUCTURE

The following organizational structure in Figure 2 will govern the OSM Program.

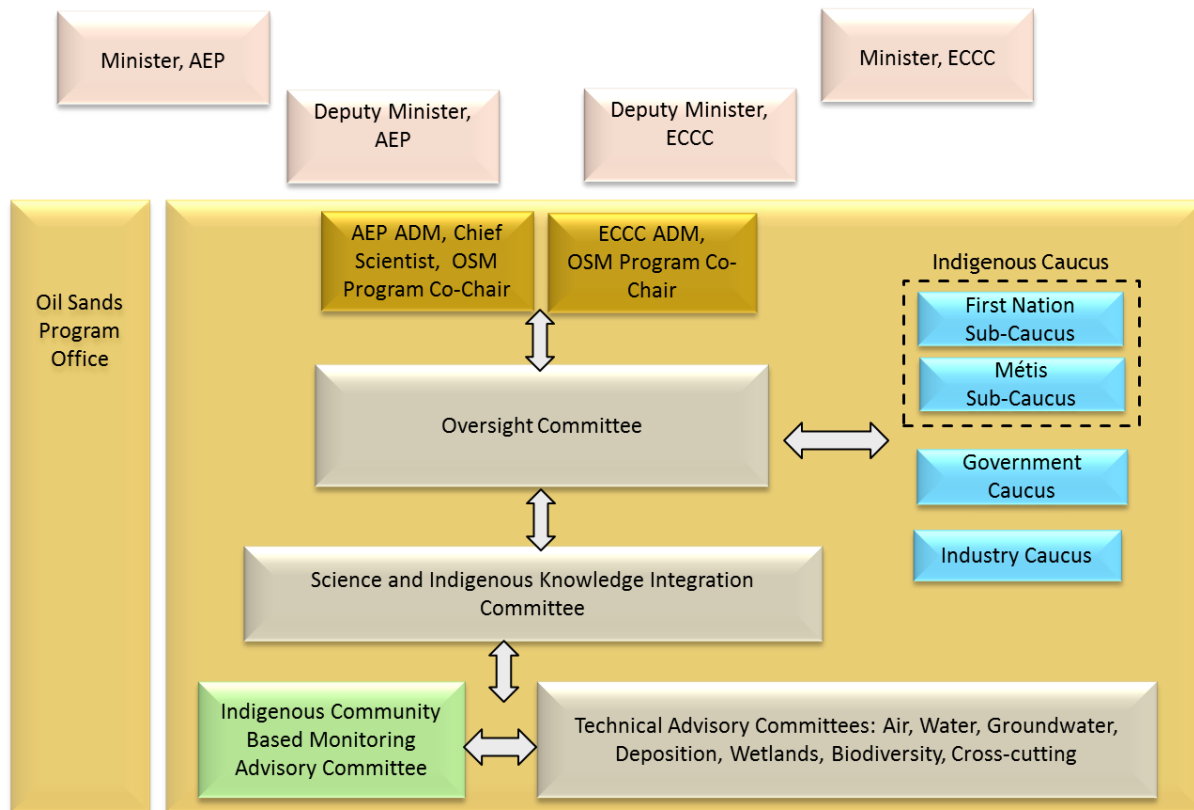


Figure 2: Organizational Structure of Oil Sands Monitoring Governance

The ultimate decision-making authority for the OSM Program governance rests with the Co-Chairs of the OSM Program (and their respective Deputy Ministers and Ministers) who received recommendations from the Oversight Committee in consideration of the decision-making structure (Sections 3.2 and 3.2.3 below).

The Oversight Committee will make decisions by consensus. Representatives on the Oversight Committee will ensure they are representing the broader voice of their respective communities or organizations through caucuses. Each caucus will determine and select participants for each committee in the governance structure. The Oversight Committee will provide recommendations to the OSM Program Co-Chairs and will establish, ensure, and adapt the strategic vision of the OSM Program. The Oversight Committee will be supported by the Science and Indigenous Knowledge Integration Committee that reports directly to the Oversight Committee as well as Technical Advisory Committees, and an Indigenous Community Based Monitoring Advisory Committee.

The Technical Advisory Committees and Community Based Monitoring Advisory Committee report directly into the Science and Indigenous Knowledge Integration Committee.

All committees will be supported through the administration of the OSM Program Office. The roles, responsibilities, and membership criteria for each Committee are provided below.

3.1.1 Oversight Committee

Role

The Oversight Committee is accountable for multi-interest, consensus-based governance of the OSM Program. The Committee has a shared responsibility to ensure that the OSM Program meets the intent of the 2017 MOU on OSM by recommending strategic plans, monitoring priorities and questions, work plans, communications and reporting to the Program Co-Chairs, and conducting on-going evaluation of program performance. Administration and logistics of the Oversight Committee will be supported by the OSM Program Office.

Membership

- Government Agencies (4):
 - 1 AEP OSM Co-Chair designate;
 - 1 ECCO OSM Co-Chair designate;
 - 1 Alberta Energy Regulator representative*;
 - 1 Integrated Resource Management System (IRMS) representative.
- Indigenous Communities (6):
 - 3 First Nation representatives; and
 - 3 Métis representatives.
- Industry (2)
 - 1 Canadian Association of Petroleum Producers (CAPP) representative; and
 - 1 Canada's Oil Sands Innovation Alliance (COSIA) representative.

*This position does not participate in the decision-making process due to a conflict of interest.

Membership Criteria

In identifying their representatives for Oversight Committee membership, organizations are asked to consider the following criteria:

- Regional, senior level representative with decision-making authority of their organization
- Familiarity with OSM Program
- Familiarity with environmental monitoring
- Experience in governance and consensus decision-making
- Understanding of historic and current regional stakeholder organizations and processes

Expectations

Members will make every effort to prepare for and attend all meetings, understanding that each meeting builds on the work from the previous meetings, including decisions that have been made. If an alternate is attending, that alternate will be informed of progress to date and be prepared to move forward. While alternatives are not encouraged, any alternates that do attend are expected to have authority to fully participate, including in the consensus-building process. Members of this committee will respect access to confidential and sensitive information which is presented and/or discussed at Committee meetings. Committee members are expected to raise concerns and issues from their respective caucuses at

Committee meetings in order to address them at a programmatic level before pursuing alternative venues. Finally, it is understood that there will be the requirement for in-person meetings as the Agreement is implemented, but that with time members can move more to virtual meetings thereby allowing resources to be focused towards monitoring and communicating results.

Responsibilities

- Develops a Terms of Reference for this Committee that is reviewed and updated as needed and is responsible for final approval of the Terms of Reference for all other Committees under this OSM governance structure;
- Develops a 5-year Strategic Plan and tracks performance relative to the plan;
- Amends the Operational Framework Agreement as needed;
- Evaluates recommendations for funding of OSM work plans provided by the Scientific and Indigenous Knowledge Integration Committee across program areas including Indigenous CBM and capacity building and providing recommendations to the OSM Program Co-Chairs on funding allocation on an annual basis;
- Develops and adapts an OSM risk-based framework;
- Recommends allocation of resources according to a risk-based framework;
- Develops and implements a reporting plan and schedule;
- Governs in a cost-effective, risk-based manner;
- Develops capacity funding guidelines for committee members throughout the Operational Framework Agreement organizational structure;
- Identifies key program monitoring questions and priorities and directs these through the OSM governance structure to direct work planning efforts;
- Resolves non-consensus decisions of the Science and Indigenous knowledge Integration Committee;
- Develops and applies performance measures for the OSM Program;
- Ensures accurate and timely reporting of environmental condition relative to “limits of change” including cumulative effects and relative to a reporting schedule;
- Provides consensus decisions of environmental impact when there is evidence of accumulating, unmitigated effects to the OSM Program Co-Chairs and recommendations for a formal government response to the decision;
- Defines environmental baseline for the purposes of use in the OSM Program;
- Provides oversight, on-going evaluation and ensures alignment of monitoring activities with the scope of the OSM Program including:
 - Ensuring that monitoring under the OSM Program augments and does not replace monitoring activities used for the purposes of ensuring compliance with facility-based approval conditions, operating permits or other legislated requirements;
 - Clarifying the monitoring activities that fall under the OSM Program and those used for the purposes of ensuring compliance with facility-based approvals when clarity is required;
- Ensures a feedback loop and process is established to assess “deemed compliance” in accordance with Section 6 of the Oil Sands Monitoring Program Regulation;
- Evaluates effectiveness of committees under the OSM governance structure;

- Approves and guides communications related to the OSM Program;
- Ensures data and information are evaluated using appropriate scientific and Indigenous expertise;
- Commissions a five-year external expert review by a qualified third party that involves western science and Indigenous knowledge; and
- Guides, reviews and approves the OSM Annual Report.

Logistics

- The Oversight Committee will meet no less than twice per year or at a frequency determined by the Program Co-Chairs and Oversight Committee and in accordance with the Operational Framework Agreement timelines;
- Because of their familiarity with the Operational Framework Agreement and OSM Program, members of the Task Team and their alternates will populate the Oversight Committee for the first 12 – 16 months of implementation, and invite nominations from outside organizations such as IRMS, AER, CAPP and COSIA;
- For subsequent years of implementation of the Operational Framework Agreement, invitations for membership will be circulated and posted by the OSM Program Office and nominations will be chosen from their respective caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Indigenous participants will be determined by the First Nation and Métis Sub-Caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Recommendations of successful applicants will be made to the Oversight Committee.
- Members will be selected by their representative caucus to serve a maximum 3-year term allowing for a period of transitional overlap. Membership terms will also strive to be staggered.
- Capacity funding for Indigenous committee members will be provided based on Appendix C.

3.1.2 Science and Indigenous Knowledge Integration Committee

Role

The Science and Indigenous Knowledge Integration Committee is accountable for ensuring integration across OSM Program areas including technical and scientific monitoring components and inclusion of traditional knowledge, and community-based monitoring, where applicable. The Committee has a shared responsibility to ensure that monitoring programs are integrated, efficient, and work together to answer questions prioritized by the Oversight Committee. The Integration Committee will provide oversight to the Technical and Indigenous Community-Based Monitoring (CBM) Advisory Committees to develop and implement work plans, report on results, and to act on direction from the Oversight Committee. This committee will support implementation of monitoring questions and priorities from the Oversight Committee and recommend funding allocations of annual work plans to the Oversight Committee. Administration and logistics of this committee will be supported by the OSM Program Office as required.

Membership

- Government Agencies (4):
 - 1 AEP OSM Science Co-Lead or designate; and
 - 1 ECCC OSM Science Co-Lead or designate;
 - 1 Alberta Energy Regulator representative*; and

- 1 IRMS representative.
- Indigenous Communities (6):
 - 3 First Nation representatives; and
 - 3 Métis representatives.
- Industry (2)
 - 1 Industry representative; and
 - 1 Canada's Oil Sands Innovation Alliance (COSIA) representative.

*This position does not participate in the decision-making process due to a conflict of interest.

Membership Criteria

In identifying their representatives for Science and Indigenous Knowledge Integration Committee membership, organizations are asked to consider the following criteria:

- Senior technical representative with understanding of regional monitoring issues, priorities, gaps, community issues and/or Traditional knowledge and with decision-making authority for their organization
- Familiarity with the OSM Program
- Broad understanding of environmental management and monitoring across multiple disciplines/themes
- Scientific or Indigenous experience in environmental monitoring preferred
- Understanding of historic and current regional stakeholder organizations and processes
- Experience in governance and consensus decision-making

Expectations

Members will make every effort to prepare for and attend all meetings, understanding that each meeting builds on the work from the previous meetings, including decisions that have been made. If an alternate is attending, that alternate will be informed of progress to date and be prepared to move forward. Members of this committee will respect access to confidential and sensitive information which is presented and/or discussed at Committee meetings. Committee members are expected to raise concerns and issues from their respective caucuses at Committee meetings in order to address them at a programmatic level before pursuing alternative venues. Finally, it is understood that there will be the requirement for in-person meetings as the Agreement is implemented, but that with time members can move more to virtual meetings thereby allowing resources to be focused towards monitoring and communicating results.

Responsibilities

- Develops a Terms of Reference for this Committee that is reviewed and updated as needed and provided to the Oversight Committee for final approval;
- Supports the 5-year Strategic Plan and ensures performance relative to the plan;
- Evaluates recommendations for funding of annual OSM work plans provided by the Technical and Indigenous Community Based Monitoring Advisory Committees across program areas and provides recommendations to the Oversight Committee;
- Supports implementation of an OSM risk-based framework;

- Ensures integration of the OSM Program across program areas and environmental media and indicators;
- Reports on environmental condition relative to “limits of change” in accordance with the OSM reporting plan and schedule as determined by the Oversight Committee;
- Supports key program monitoring questions and priorities and directs these through the OSM governance structure to direct work planning efforts;
- Resolves non-consensus decisions of the Technical and Indigenous Community Based Monitoring Advisory Committees;
- Supports performance measures for the OSM Program;
- Supports accurate and timely reporting of environmental condition including cumulative effects and relative to a reporting schedule;
- Supports alignment of monitoring activities with the scope of the OSM Program;
- Supports data and information are evaluated using appropriate scientific and Indigenous expertise; and
- Supports development of the OSM Annual Report.

Logistics

- The Science and Indigenous Knowledge Integration Committee will meet no less than twice per year or at a frequency determined by the Oversight Committee and in accordance with the Operational Framework Agreement timelines;
- For the first year of implementation of the Operational Framework Agreement, members of the Task Team will invite participants from communities and organizations for membership on the Science and Indigenous Knowledge Integration Committee considering membership criteria.
- For subsequent years of implementation of the Operational Framework Agreement, invitations for membership will be circulated and posted by the OSM Program Office and nominations will be chosen from their respective caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Indigenous participants will be determined by the First Nation and Métis Sub-Caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Recommendations of successful applicants will be made to the Science and Indigenous Knowledge Integration Committee.
- Members will be selected to serve a maximum 3-year term allowing for a period of transitional overlap. Membership terms will also strive to be staggered.
- Capacity funding for Indigenous committee members will be provided based on Appendix C.

3.1.3 Indigenous Community Based Monitoring Advisory Committee

Role

The Indigenous CBM Advisory Committee is accountable to support and inform community-led and community-designed environmental monitoring in the oil sands region. This committee will facilitate and prioritize CBM work plans from and on behalf of First Nation and Metis communities in the oil sands region to inform understanding of environmental impacts of oil sands development, but also to inform communities on local issues of importance within the regional OSM monitoring program. The Committee

will report to the Science and Indigenous Knowledge Integration Committee, recommend work plans to be funded, and ensure alignment with the Vision, Objectives and Outcomes of the OSM Program. This Committee will also seek the advice and direction of the First Nations and Métis Sub-Caucuses when required. In addition, the Committee will develop, review and recommend the use and application of limits of change important to Indigenous communities in the region to inform understanding of any impacts to section 35 rights, an assessment which occurs external to the OSM Program. The mandate of the OSM Program is to assess and publicly report on changes in environmental conditions in the oil sands region associated with oil sands activities. If a change is determined relative to a limit of change important to Indigenous communities in the region, this change will be reported through the governance of the OSM Program as would be the case for any change in environmental condition assessed and reported under the OSM Program. Any action arising out the open, transparent and publicly reported change to environmental condition relative to limits of change will be addressed outside of the OSM Program. Administration and logistics of this committee will be supported by the OSM Program Office as required. Financial capacity will be determined by the Oversight Committee.

Membership

- Indigenous Communities in the oil sands region
 - 4 First Nations and 4 Métis representatives*

*consensus decision-making will be based on a total of these 8 seats. To ensure that each representative is adequately supported however, knowledge holders could attend to support their community staff/technical position.

Membership Criteria

In identifying their representatives for the Indigenous Community Based Monitoring Advisory Committee membership, organizations are asked to consider the following criteria:

- Traditional Knowledge holder, technical and/or community representative with understanding of community issues and traditional knowledge with decision making authority for their organization
- Specialized understanding of community based monitoring and/or experience in developing and delivering CBM activities
- Understanding of historic and current regional stakeholder organizations and processes
- Experience in governance and consensus decision-making
- Familiarity with the OSM Program

Expectations

Members will make every effort to prepare for and attend all meetings, understanding that each meeting builds on the work from the previous meetings, including decisions that have been made. If an alternate is attending, that alternate will be informed of progress to date and be prepared to move forward. Members of this committee will respect access to confidential and sensitive information which is presented and/or discussed at Committee meetings. Committee members are expected to raise concerns and issues from their respective caucuses at Committee meetings in order to address them at a programmatic level before pursuing alternative venues. Finally, it is understood that there will be the requirement for in-person

meetings as the Agreement is implemented, but that with time members can move more to virtual meetings thereby allowing resources to be focused towards monitoring and communicating results.

Responsibilities

- Develops a Terms of Reference for this Committee that is reviewed and updated as needed and provides to the Oversight Committee for final approval;
- Supports the 5-year Strategic Plan and ensures performance relative to the plan;
- Develops recommendations for funding of OSM CBM work plans to the Science and Indigenous Knowledge Integration Committee on an annual basis and within an envelope of dedicated funds;
- Supports implementation of an OSM risk-based framework;
- Interfaces with Technical Advisory Committees as needed to identify work planning synergies and opportunities;
- Recommends data sharing protocols specific to Indigenous knowledge;
- Reports on environmental condition relative to limits of change in accordance with the OSM reporting plan and schedule as determined by the Oversight Committee;
- Develops, reviews and recommends the use and application of limits of change important to Indigenous communities in the region and within the scope of the OSM Program;
- Supports key program monitoring questions and priorities and directs these through the OSM governance structure to direct work planning efforts;
- Supports performance measures for the OSM Program;
- Supports accurate and timely reporting of environmental condition including cumulative effects and relative to a reporting schedule;
- Supports alignment of monitoring activities with the scope of the OSM Program;
- Supports the evaluation of data and information using appropriate scientific and Indigenous expertise; and
- Supports development of the OSM Annual Report.

Logistics

- The Indigenous Community-Based Monitoring Advisory Committee will meet no less than twice per year or at a frequency determined by the Oversight Committee and in accordance with the Operational Framework Agreement timelines.
- For the first year of implementation of the Operational Framework Agreement, membership will consist of interested Indigenous participants from the Operational Framework Task Team.
- For subsequent years of implementation of the Operational Framework Agreement, membership will be determined by the First Nation and Métis Sub-Caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria.
- Members will be selected to serve a maximum 3-year term allowing for a period of transitional overlap. Membership terms will also strive to be staggered.
- Capacity funding for Indigenous committee members will be provided based on Appendix C.

3.1.4 Technical Advisory Committee(s)

Role

The Technical Advisory Committees are accountable for designing monitoring programs to address the priorities determined by the Oversight Committee. Technical Advisory Committees will report to the Science and Indigenous Integration Committee, and work with that committee to ensure monitoring is integrated between components. These Committees will also work with the Indigenous CBM Advisory Committee to identify and develop opportunities. Each Committee will develop work plans, identify delivery agents, direct analysis and ongoing evaluation of programs, and ensure that traditional knowledge and community-based monitoring are integrated where appropriate.

Technical Advisory Committees will be established for, but not limited to, the following program areas:

- Air & Atmospheric Monitoring (inclusive of deposition)
- Surface Water Monitoring (inclusive of quality, quantity and biological indicators)
- Ground Water Monitoring (inclusive of quality and quantity)
- Wetland Monitoring
- Terrestrial Biological Monitoring (inclusive of biodiversity)
- Data Management, Analytics and Prediction

Committees will be formed and dissolved based on the direction of the Oversight Committee and adaptation of the OSM Program.

Membership

Membership for each committee will be determined on an application basis to ensure manageable Committee size. Each Technical Advisory Committee should not exceed 15 – 18 participants. The agencies/organizations and the numbers for each as outlined below would be per Committee and are only a guideline to consider.

- Government Agencies (4-6):
 - AEP OSM Component Lead or designate;
 - ECCC OSM Component Lead or designate;
 - Alberta Energy Regulator representative; and
 - IRMS representative.
- Indigenous Communities in the oil sands region (2-6)* including First Nation and Métis representatives
- Industry (3-4)
- ENGOs and watershed groups (1-2)

- Capacity funding for Indigenous committee members will be provided based on Appendix C.

Membership Criteria

In identifying membership of the Technical Advisory Committee, the following criteria will be considered:

- Expertise in a technical discipline (air, land, water, biodiversity, wildlife, etc.)
- Expert in their field, holding a technical degree and/or professional expertise in a relevant discipline that is current
- Familiar with the region, oil sands and environmental monitoring
- Experience in governance and consensus decision-making

Expectations

Members will make every effort to prepare for and attend all meetings, understanding that each meeting builds on the work from the previous meetings, including decisions that have been made. If an alternate is attending, that alternate will be informed of progress to date and be prepared to move forward. Members of this committee will respect access to confidential and sensitive information which is presented and/or discussed at Committee meetings. Committee members are expected to raise concerns and issues at Committee meetings in order to address them at a programmatic level before pursuing alternative venues. Finally, it is understood that there will be the requirement for in-person meetings as the Agreement is implemented, but that with time members can move more to virtual meetings thereby allowing resources to be focused towards monitoring and communicating results.

Responsibilities

- Develops a Terms of Reference for this Committee that is reviewed and updated as needed and provides to the Oversight Committee for final approval;
- Provides objective, professional, scientific and technical advice to the Science and Indigenous Knowledge Integration Committee;
- Provides technical design that addresses priorities identified by the Oversight Committee;
- Supports the 5-year Strategic Plan and ensures performance relative to the plan;
- Develops recommendations for funding of component area work plans to the Science and Indigenous Knowledge Integration Committee on an annual basis;
- Supports implementation of an OSM risk-based framework;
- Interface with Indigenous Community Based Monitoring Advisory Committees as needed to identify work planning synergies and opportunities;
- Works with the Indigenous Community Based Monitoring Advisory Committee and/or Indigenous representatives and/or identified Knowledge Holders to integrate Traditional Knowledge or Indigenous perspectives into work plans as appropriate;
- Oversees execution of monitoring, analysis of data, and reporting on environmental condition relative to limits of change as appropriate and in accordance with the OSM reporting plan and schedule as determined by the Oversight Committee;
- Recommends focused studies or methods development studies to improve monitoring
- Supports key program monitoring questions and priorities and directs these through the OSM governance structure to direct work planning efforts;
- Supports performance measures for the OSM Program;
- Supports accurate and timely reporting of environmental condition including cumulative effects and relative to a reporting schedule;
- Supports alignment of monitoring activities with the scope of the OSM Program;
- Supports data and information are evaluated using appropriate scientific and Indigenous expertise; and
- Supports development of the OSM Annual Report.

Logistics

- The Technical Advisory Committees will meet no less than four times per year or at a frequency determined by the Oversight Committee and in accordance with the Operational Framework Agreement timelines;
- For the first year of implementation of the Operational Framework Agreement, an invitation for membership on the Technical Advisory Committees will be circulated and posted by the OSM Secretariat. Applications will be reviewed by the Operational Framework Task Team; membership will be determined through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria.
- For subsequent years of implementation of the Operational Framework Agreement, invitations for membership will be circulated and posted by the OSM Program Office and applications will be reviewed by the Technical Advisory Committees; membership will be determined through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Indigenous participants will be determined by the First Nation and Métis Sub-Caucuses through a consensus decision and on the basis of the qualifications of the applicants relative to the membership criteria. Recommendations of successful applicants will be made to the Technical Advisory Committee.
- Members will be selected to serve a maximum 3-year term allowing for a period of transitional overlap. Membership terms will also strive to be staggered.
- Capacity funding for Indigenous committee members will be provided based on Appendix C.

3.1.5 Caucus (es)

3.1.5.1 Government Caucus

Representatives on the Oversight Committee from Environment and Climate Change Canada will caucus through existing communications channels and processes.

Representatives on the Oversight Committee from the Government of Alberta will caucus through existing communications channels and processes; namely the Integrated Resource Management structure and process or as determined by the Government of Alberta.

3.1.5.2 Industry Caucus

Representatives on the Oversight Committee from industry will caucus through existing communications channels and processes established through CAPP and/or COSIA or as determined by industry.

3.1.5.3 Indigenous Caucus including First Nation and Métis Indigenous Sub-Caucus (es)

An Indigenous caucus will be formed and will consist of First Nation and Métis Sub-Caucuses as required and as determined by these nations and organizations. Membership on each Committee of the OSM governance structure will be determined by the respective group of members, *i.e.*, First Nations participants on Committees will be selected by First Nations members of the Indigenous caucus and Métis participants on Committees will be selected by Métis members of the Indigenous caucus. Administration for this caucus will be supported by the OSM Program Office. Capacity funding for Indigenous participation is as per Appendix C.

3.1.5.3 Role

Caucuses are in place to ensure advice and feedback is extended to the broader stakeholder group beyond those sitting on the Oversight Committee.

3.1.5.4. Membership

Open to all identified entities in the oil sands region respective of the specific caucus where 'entity' includes an organization or group that:

- has legal capacity to enter into agreements or contracts, assume obligations, and to be held responsible for its actions;
- has demonstrated interest in the lands and resources affected by oil sands activity; and
- is directly affected by oil sands activity.

Identified entities in the oil sands region as it applies to the Indigenous Caucus shall include: "bands" within the meaning of the *Indian Act* (Canada) and their designated entities, the Metis Nation of Alberta, its Regional and Local Organizations and other indigenous community based organizations incorporated under the *Societies Act* (Alberta) located within the oil sands region.

3.1.5.5. Membership Criteria

- Including as defined above, represents a group or organization located in the Alberta oil sands region that has legal capacity to enter into agreements or contracts, assume obligations, and to be held responsible for its actions;
- Represents a group or organization located in the Alberta oil sands region that has demonstrated interest in the lands and resources affected by oil sands activity;
- Represents a group or organization located in the Alberta oil sands region that is directly affected by oil sands activity;
- Representative that can speak on behalf, with decision-making authority, of their organization or group;
- Familiarity with OSM Program;
- Familiarity with environmental monitoring ;
- Understanding of historic and current regional stakeholder organizations and processes; and
- Experience in governance and consensus decision-making.

3.1.5.6 Expectations

Members will make every effort to prepare for and attend all meetings, understanding that each meeting builds on the work from the previous meetings, including decisions that have been made. If an alternate is attending, that alternate will be informed of progress to date and be prepared to move forward. Members of this committee will respect access to confidential and sensitive information which is presented and/or discussed at Committee meetings. Caucus members are expected to raise concerns and issues at caucus meetings in order to address them at a programmatic level before pursuing alternative venues.

3.1.5.7 Responsibilities

- Develops a Terms of Reference for each caucus that is reviewed and updated as needed and provides to the Oversight Committee for final approval;
- Designates committee representatives;
- Provides advice and feedback to committee representatives; and
- Ensures discussions and decisions are communicated back to their respective organizations or constituents.

3.1.5.8 Logistics

- The Caucuses will meet no less than twice per year or at a frequency determined by the Oversight Committee and in accordance with the Operational Framework Agreement timelines;

- Membership of each Caucus will be initiated by the Operational Framework Agreement Task Team and Oversight Committee after the establishment of the Operational Framework Agreement.

3.2 DECISION-MAKING

The Oil Sands Monitoring (OSM) Program governance will adopt a consensus-based decision-making approach throughout its organizational structure.

To support this approach, the following elements¹ will guide and facilitate consensus:

Inclusive: A sufficient number of committee members are involved for effective group discussions.

Participatory: All participants are allowed a chance to contribute to the discussion.

Collaborative: The group constructs proposals with input from all interested group members. Any individual authorship of a proposal is subsumed as the group modifies it to include the concerns of all group members.

Agreement Seeking: The goal is to generate as much agreement as possible. Regardless of how much agreement is required to finalize a decision, a group using a consensus process makes a concerted attempt to reach full agreement.

Cooperative: Participants are encouraged to keep the good of the whole group in mind. Each individual's preferences should be voiced so that the group can incorporate all concerns into an emerging proposal. Individual preferences should not, however, obstructively impede the progress of the group.

Specifics related to quorum, meeting frequency and procedural details to support the above the principles will be defined in the Terms of Reference for each committee.

3.2.1 Consensus Decision-making Due Diligence Guidelines²

Members of the OSM Program governance committees must be familiar with consensus decision making, understanding that each member will endeavor to reach consensus in the interest of all.

It is the responsibility of the respective governance committees as to whether a non-consensus decision [issue] should be identified, escalated and under what terms.

Specific criteria to be considered are:

1. The number of members supporting the consensus decision.
2. If a member is not in support of the decision, can they abstain from participating in the decision?
3. Whether the block(s) to consensus is related to a specific [technical] issue(s) or a broad fundamental issue.

¹ as defined by The Basics of Consensus Decision-Making by Tim Hartnett

<http://www.groupfacilitation.net/Articles%20for%20Facilitators/The%20Basics%20of%20Consensus%20Decision%20Making.pdf>

² Adapted from Cumulative Effects Management Association Decision Making Policy – Due Diligence. 2009.

4. The likelihood of reaching consensus if additional work is directed towards resolving differences through technical or facilitated effort.
5. If the answer to # 4 is positive, the questions to be asked is if the timeframe needed to reach consensus will have negative implications to desired outcomes.
6. Whether or not details supporting non-consensus positions by members will be put forward.
7. Would a third-party mediator help achieve consensus?
8. What are the ramifications if the decision [issue/element] is eliminated from the outcome? Is it desirable?

3.2.2 In the Event of Non-Consensus (Technical Advisory Committees, Indigenous Community Based Monitoring Advisory Committee and the Science and Indigenous Knowledge Integration Committee)

The OSM Program governance is structured to facilitate the retention of decision making within its Committees. Nonetheless, the potential for non-consensus exists, particularly in a multi-interest forum.

The decision process in Figure 3 illustrates how a proposal (*i.e.*, proposed decision), once put forward, moves through the decision-making process for the Committees identified in this section.

Decision-making at the *Technical Advisory Committees, Indigenous Community Based Monitoring Advisory Committee and the Science and Indigenous Knowledge Integration Committee* may result in non-consensus upon which the issue is escalated to the committee of the next level of authority. If non-consensus occurs at the Technical Advisory or Indigenous Community Based Monitoring Advisory Committees, then the decision would be escalated to the Science and Indigenous Knowledge Integration Committee. If non-consensus occurs in the Science and Indigenous Knowledge Integration Committee, then the decision would be escalated to the Oversight Committee.

If consensus is not reached, the Committee will first and before escalation:

1. Ask clarifying questions.
2. Implement the Consensus Decision-making Due Diligence Guidelines above.
3. Confirm the boundaries within which the proposal is bound (see below).
4. Put forward for decision.
5. If consensus is still not reached, the Committee will identify and document options and areas of disagreement, which will be taken by the Committee Co-Chairs to meet with the Committee at the next level of authority for a decision. The decision will be final and documented unless key considerations related to the process (*e.g.*, boundaries) or issue have changed or new information becomes available. In this case, the proposed decision is to be tabled within the Committee of origin to determine if consensus can now be reached based on the new or additional information.

3.2.3 In the Event of Non-Consensus (Oversight Committee)

The ultimate decision-making authority for the OSM Program governance rests with the Co-Chairs of the OSM Program (and their respective Deputy Ministers and Ministers) who received recommendations from the Oversight Committee in consideration of this decision-making structure.

The decision process in Figure 4 illustrates how a proposal (*i.e.*, proposed decision), once put forward, moves through the decision-making process of the Oversight Committee.

Decision-making at the Oversight Committee may result in consensus upon which the proposal moves forward as a recommendation to the OSM Program Co-chairs for final approval.

If consensus is not reached, the Oversight Committee will first, and before escalation:

1. Ask clarifying questions while considering timeline of both consensus decision-making process and decision at hand.
2. Implement the Consensus Decision-making Due Diligence Guidelines above.
3. Confirm the boundaries within which the proposal is bound (see below).
4. Put forward for decision.
5. If consensus is still not reached, the Oversight Committee will:
 - a. Identify and document options and areas of disagreement;
 - b. Implement an open, transparent, dispute resolution process and engage a facilitator identified by consensus;
 - c. Put forward the original proposal or refined/reframed proposal for decision by the Oversight Committee.
6. If consensus is still not reached, the Oversight Committee will identify and document options and areas of disagreement. They will elect one representative from each opposing view, and along with the Oversight Committee Co-Chairs and the documented non-consensus position and potential options, meet with the OSM Program Co-chairs for a final decision.

A final decision will be made and a Decision Report will be issued. The decision will be final and documented unless key considerations related to the process (*e.g.*, boundaries) or issue have changed or new information becomes available. In this case, the proposed decision is to be tabled within the Oversight Committee to determine if consensus can now be reached based on the new or additional information.

3.2.3 Accountability of the OSM Program Co-Chairs

The OSM Program Co-Chairs must consider the same decision-making boundaries (Section 3.2.4) as the other committees. Given that the ultimate authority and accountability for the OSM Program rests with the OSM Program Co-Chairs, in the spirit of transparency and accountability, a Decision Report will be provided by the Co-Chairs to the Oversight Committee if and when:

- The OSM Program Co-Chairs reverse or do not accept a consensus recommendation or product from the Oversight Committee; or
- When decisions are made on non-consensus issues that were escalated by the Oversight Committee.

Decision Reports will include, but not be limited to the following:

- Summary of the matter upon which the decision was made;
- Factors considered in making the decision;
- Criteria used in making the decision including any variance from the boundaries upon which the recommendation or product was developed; and
- Rationale of the final decision.

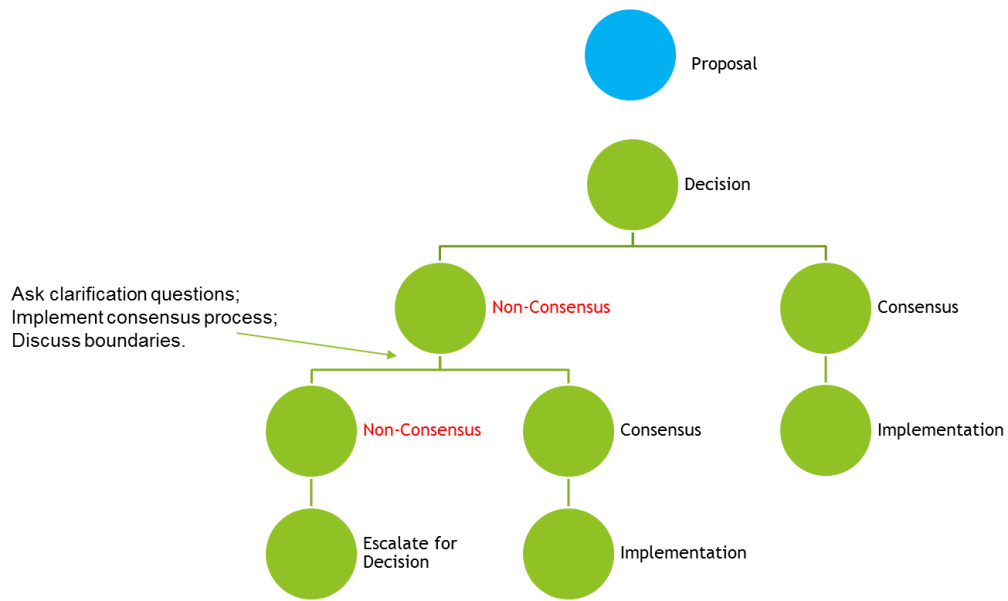
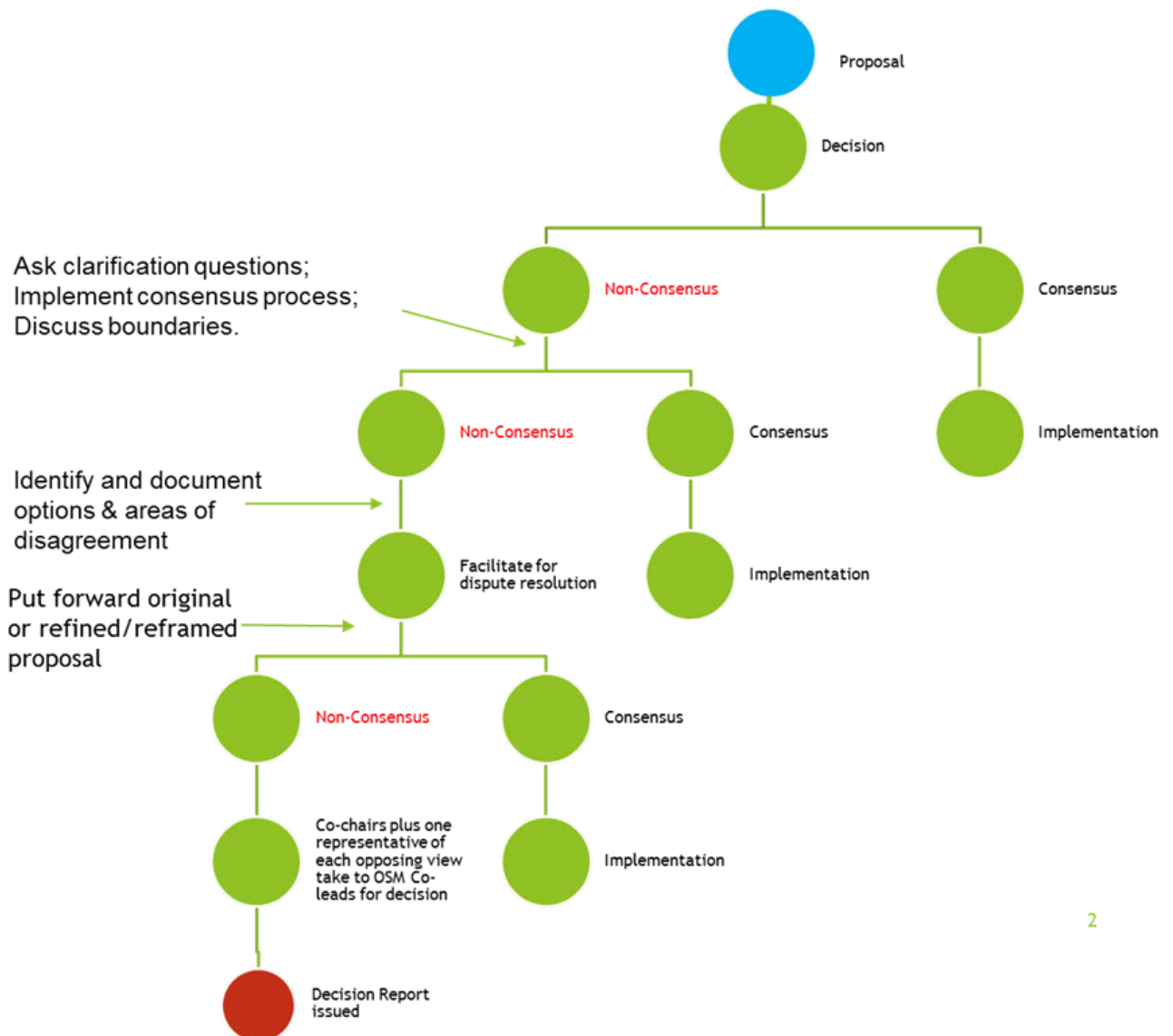


Figure 3: Decision Tree for Technical Advisory Committees, Indigenous Community Based Monitoring Advisory Committee and the Science and Indigenous Knowledge Integration Committee. Note regarding escalation: the issue is escalated to the committee of the next level of authority. If non-consensus occurs at the Technical Advisory or Indigenous Community Based Monitoring Advisory Committees, for example, then the decision would be escalated to the Science and Indigenous Knowledge Integration Committee.



2

Figure 4: Decision tree for the Oversight Committee

3.2.4 Boundaries

Decision-making through consensus can be facilitated by testing assumptions and confirming the boundaries within which decisions are being made or positions are being established on a particular issue.

Key requirements and boundaries for all Committee and Program Co-Chair decisions include:

- Is the issue aligned with or fits within the 5-year Strategic Plan?
- Does the issue address monitoring needs or requirements related to regional or sub-regional, ambient conditions potentially affected by oil sands activity?
- Is the issue aligned with the determination of environmental changes due to oil sands activity?
- Is the issue ethical and will not cause undue harm to the environment or local communities?

- Does this issue answer a key question(s) identified by the Oversight Committee?
- Does this issue stand up to financial audit?
- Is the issue scientifically rigorous?
- Does the issue fit within the scope of the Oil Sands Monitoring Program Regulation?
- Is this issue being influenced by historical relationships? challenges? factors? Are these factors still relevant?
- Is it essential to resolve or escalate this issue for the vision, objective and outcomes of the OSM Program to be realized?

4.0 Operational Framework Timelines

The MOU specifies that the OSM Program operates in accordance with timelines established and agreed to under the Operational Framework Agreement. The following are suggested timelines and subject to change based on recommendations by the Oversight Committee once established.

4.1 ANNUAL WORK PLANNING PROCESS

Ensuring that work plans are developed through an inclusive process, the OSM Program will follow an annual work planning process that respects the fiscal cycle of the Government of Alberta and the Government of Canada (Figure 5). This process will develop monitoring priorities which will guide work plan development, approvals and recommendations.

4.2 FIVE-YEAR CYCLE

- External expert scientific review will be completed by a qualified third party agreed upon by the OSM Co-Chairs.
- An internal review will be considered to assess the efficiencies and effectiveness of the program.

4.3 ADMINISTRATION AND REVISION OF THE OPERATIONAL FRAMEWORK AGREEMENT

- The OFA is enabled through the MOU as signed December 2017. Amendment or termination of the OFA would be required if or when amendment or termination of the MOU occurred as per Section 5.0 of the MOU.
- Subject to the above, amendment of the OFA and LOA is to be determined by the Oversight Committee at a frequency defined by that Committee.

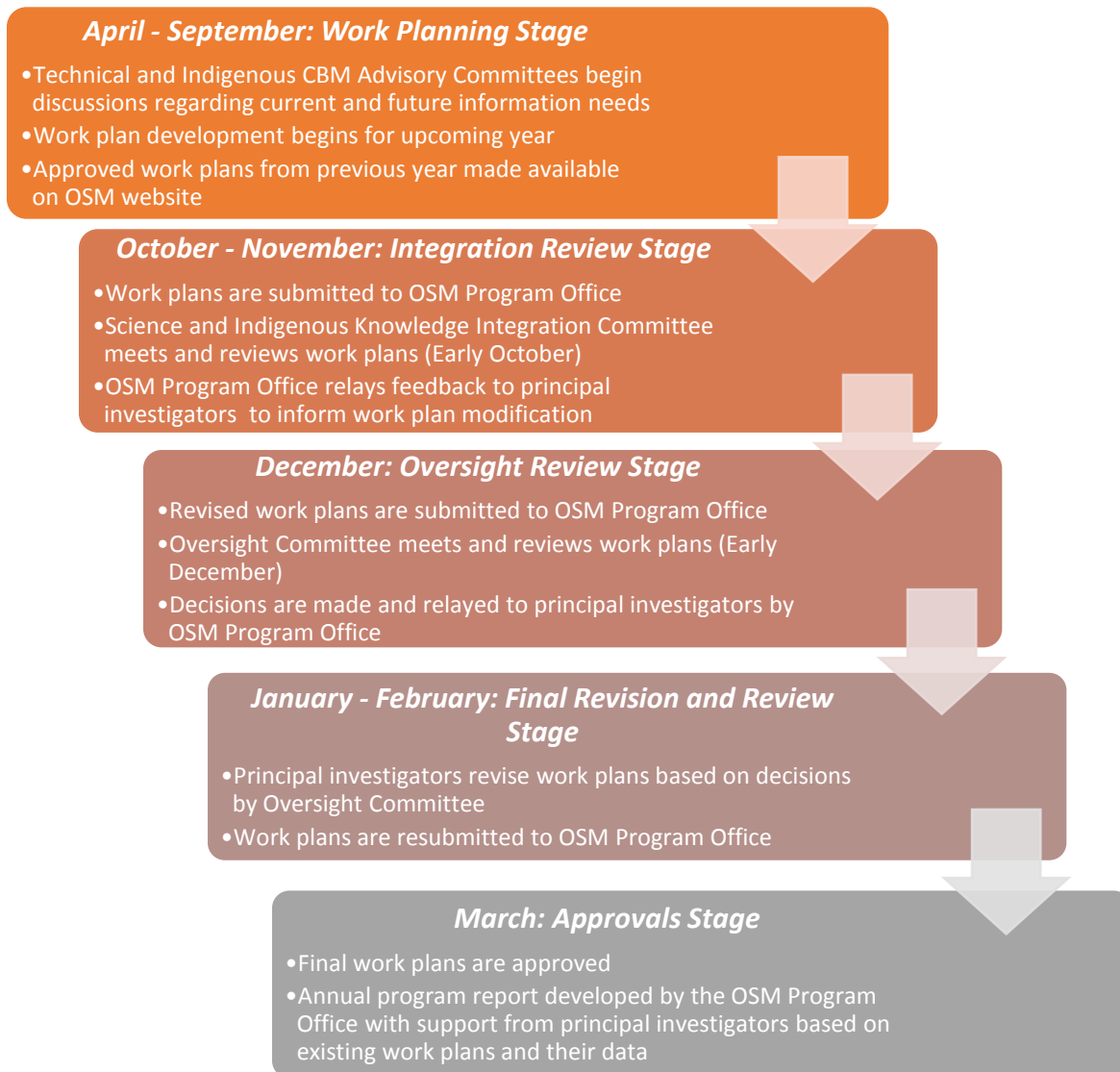


Figure 5. Annual timeline for work planning and approvals.

OPERATIONAL FRAMEWORK AGREEMENT APPENDICES

APPENDIX A: OSM MOU

December 1, 2017

Memorandum of Understanding Respecting Environmental Monitoring of Oil Sands Development

BETWEEN: THE GOVERNMENT OF ALBERTA, as represented by the Minister of Environment and Parks ("Alberta")

AND: THE GOVERNMENT OF CANADA, as represented by the Minister of the Environment ("Canada")

(Referred to individually as "Party" or collectively as "Parties")

WHEREAS the integrated monitoring, evaluation and reporting system for the environmental impacts of oil sands development is established and consists of the current successor to the Oil Sands Environmental Monitoring Program (the "Program") as provided for in section 2 of the *Oil Sands Environmental Monitoring Program Regulation*, Alberta Regulation 226/2013 and as further refined in the Operational Framework Agreement developed under this MOU;

WHEREAS the Parties have an interest in building upon the principles and design of earlier agreements ensuring that authoritative environmental monitoring data and related evaluations and reporting are made publically available, in a timely, open and transparent manner;

WHEREAS the treaty and aboriginal rights of Indigenous people are recognized and affirmed in section 35 of the *Constitution Act, 1982*;

WHEREAS the Parties are committed to the engagement of relevant Indigenous Communities in the oil sands region ("Indigenous Communities") in the integrated monitoring, evaluation and reporting system for the environmental impacts of oil sands development including the appropriate use of the best available Indigenous knowledge;

NOW THEREFORE, the Parties agree to enter into this Memorandum of Understanding ("MOU"):

1.0 PURPOSE

The purpose of this MOU is to establish the parties' mutual intentions regarding collaboration and accountability for the design and implementation of an integrated monitoring, evaluation and reporting system that includes the acquisition and reporting of regional data on baseline environmental conditions, tracking any environmental impacts, and the assessment of cumulative environmental effects from oil sands development (the "System") in accordance with existing legislative and regulatory controls. Additionally, the Parties intend to provide the data and information obtained from the System to decision-makers and other stakeholders to inform management and regulatory action.

December 1, 2017

The purpose of this MOU is also to confirm the Parties' intention and joint commitment to establish, in cooperation with Indigenous Communities, effective mechanisms for Indigenous participation in the design, implementation, and governance of the System.

2.0 ACTIONS BY THE PARTIES

- 2.1 The Parties, in cooperation with Indigenous Communities, will develop a comprehensive, ongoing agreement (the "Operational Framework Agreement") that articulates the respective roles and responsibilities for the System of the Parties, relevant Indigenous Communities and various stakeholders.
- 2.2 The Parties will implement the System in accordance with the timeframes to be established and agreed to under the Operational Framework Agreement.
- 2.3 The Parties will ensure that the System incorporates the following components:
- a. Prioritizes monitoring effort according to the magnitude of environmental impacts from oil sands development;
 - b. Scientifically credible;
 - c. Holistic and comprehensive;
 - d. Adaptive and robust;
 - e. Inclusive and collaborative;
 - f. Inclusive of Indigenous knowledge; and
 - g. Provides data and scientific reporting in a timely, transparent and accessible manner.
- 2.4 The Parties will ensure work plans are developed through inclusive planning processes using appropriate scientific and Indigenous expertise.
- 2.5 The Parties will use a five-year planning cycle, with an annual monitoring plan based on assessments and updates, for designing and implementing the System that consists of long-term monitoring and related focused studies that generate data and information addressing specified monitoring priorities and questions. Priority setting will occur during an annual planning process that must consider Indigenous community and stakeholder concerns or issues as priorities. Reporting on environmental condition from the System must identify circumstances related to air (including GHGs), water, land and biodiversity where/when tiers, triggers, limits, thresholds or other "limits of change" are being approached, including as defined under regional planning (i.e., Lower Athabasca Regional Plan).
- 2.6 The Parties will ensure the data and information obtained from the System are evaluated using appropriate scientific and Indigenous expertise.
- 2.7 The Parties will collaborate annually on the reporting of the data and materials obtained from the System and their evaluation.
- 2.8 Every five years, the Parties will ensure the System undergoes an external expert scientific review by a qualified third party mutually agreed to by the Parties to assess its scientific

December 1, 2017

integrity. Parties may consider conducting an internal review to assess the efficiency and effectiveness of the System. The Parties must agree on the scope and timing of any such review.

2.9 The Parties will ensure that the System incorporates Indigenous designed and led community-based monitoring. Development of capacity for Indigenous designed and led community based monitoring in the oil sands region will be supported by an annual contribution, subject to an approved workplan, of up to \$2Million by the Government of Canada.

3.0 OBJECTIVES OF THE SYSTEM

3.1 The intended objectives of the System are as follows:

- i) To obtain data on baseline conditions, identify and track the environmental impacts from oil sands development, including timely assessment of cumulative environmental effects, that remain after application of existing legislative and regulatory controls and including the identification and tracking of monitoring indicators of relevance to Indigenous Communities;
- ii) To ensure monitoring is and remains comprehensive, by seeking and integrating a multiple evidence based approach, inclusive of Indigenous knowledge, to inform monitoring program decisions;
- iii) To ensure monitoring is and remains relevant by seeking information on environmental impacts of oil sands development from relevant Indigenous Communities, stakeholders, established advisory panels, and appropriate scientific experts, regardless of their affiliations to the Parties;
- iv) To implement scientifically rigorous, comprehensive, integrated and transparent environmental monitoring of oil sands development that meets the highest standards of scientific integrity;
- v) To make use of the best cost-effective technical resources available for environmental monitoring of the impacts of oil sands development;
- vi) To be of sufficient scope to consider the trans-boundary nature of the issue and, where appropriate, to collaborate with other territorial and provincial governments;
- vii) To ensure quality monitoring data and information exists as a tool to inform provincial and federal decision-making and policy development pertaining to individual and cumulative effects; and
- viii) To ensure transparency and timely public reporting through accessible, comparable and quality-assured data and information, reports, and publications evaluating, interpreting and synthesizing the monitoring results of the System.

December 1, 2017

4.0 PRINCIPLES

4.1 The following principles are to direct and guide the activities of the Parties in order to achieve the Objectives set out above:

Development and Implementation

- i) System monitoring is intended to augment, not replace, monitoring activities used for the purposes of ensuring compliance with facility-based approval conditions, operating permits or other legislated requirements;
- ii) The Parties are jointly accountable for ensuring the timely completion of the approved annual monitoring plan;
- iii) The costs for delivering the Program are to be detailed in annual monitoring plans approved by the Parties in accordance with the Operational Framework Agreement;
- iv) Alberta is to collect and allocate funds collected under the *Oil Sands Environmental Monitoring Program Regulation*, as set out in the approved annual monitoring plans approved by the Parties; and
- v) The Parties will recover the costs incurred in delivering this program as detailed in the approved annual monitoring plans and the Parties may provide additional funding of the Program by making direct contributions.

Collaboration

- i) The Parties are to collaborate in an ongoing, inclusive, open, transparent, respectful and professional manner.
- ii) The Parties are to work diligently to allow for the effective participation of Indigenous Communities and consideration of Indigenous knowledge.

Responsiveness and Transparency

- i) The Parties are jointly accountable for providing data and information gathered through monitoring at least on an annual basis

5.0 GENERAL

5.1 Nothing in this MOU alters the legislative or other authorities of each of the Parties or the rights of either Party with respect to the exercise of their legislative or other authorities under the Constitution of Canada.

5.2 This MOU comes into force on the date of signature by the Ministers or their delegates and remains in force unless terminated by either of the Parties in accordance with paragraph 5.3.

December 1, 2017

- 5.3 Either Party may terminate this MOU at any time by giving the other Party one years' written notice of its intention to terminate.
- 5.4 The Parties may amend this MOU by mutual written consent of the Parties.
- 5.5 This MOU may be signed in several counterparts and each counterpart shall constitute an original document - these counterparts taken together shall constitute one and the same MOU. The Parties agree that executed counterparts may be transmitted by facsimile machine and that such counterparts shall be treated as originally executed instruments. Each Party undertakes to provide the others with a copy of the original MOU bearing actual original signatures within a reasonable period of time following execution of this MOU.
- 5.6 This MOU is to be publically available through the Canada-Alberta oil sands monitoring website and by such other means as the Parties determine appropriate.
- 5.7 The Parties acknowledge that some Indigenous Communities or Organizations may constitute or represent an aboriginal people within the meaning of section 35 of the Constitution Act, 1982, and may hold rights within the meaning of that section.
- 5.8 Indigenous, aboriginal peoples, communities: Case law is still developing and the use of these terms for the purposes of the System is not intended as recognition that any particular First Nation or Métis organization is or represents, or is not or does not represent, a community holding any particular (or any) aboriginal or treaty rights within the meaning of section 35 of the Constitution Act, 1982.

6.0 NOTICES

- 6.1 Communications regarding this MOU are to be delivered to each Party at the following email addresses, or such other email addresses as provided by the Parties:

to Canada:

Attention: George Enei
Assistant Deputy Minister

Science and Technology Branch
Environment and Climate Change Canada
George.Enei@canada.ca

to Alberta:

Attention: Dr. Frederick J. Wrona
Chief Scientist and Assistant Deputy Minister,

Environmental Monitoring and Science Division
Alberta Environment and Parks
Fred.wrona@gov.ab.ca

December 1, 2017

7.0 LEGAL STATUS

7.1 This MOU is a statement of intent and does not create any legally binding obligations between Alberta and Canada.

December 1, 2017

SIGNATURES

THE GOVERNMENT OF ALBERTA, As Represented
by the Minister of Environment and Parks

THE GOVERNMENT OF CANADA, as represented
by the Minister of the Environment

By: Shannon Phillips
Title: Minister of Environment and Parks

By: Catherine McKenna
Title: Minister of the Environment

Signature: 
Signed this 11th day of December, 2017

Signature: 
Signed this 20 day of December, 2017

FOR THE GOVERNMENT OF ALBERTA
Approved pursuant to the *Government Organization Act*



Intergovernmental Relations, Executive Council



Date

APPENDIX B: OSM OPERATIONAL FRAMEWORK AGREEMENT TASK TEAM TERMS OF REFERENCE



OIL SANDS MONITORING
OPERATIONAL FRAMEWORK AGREEMENT
TASK TEAM TERMS OF REFERENCE

Oil Sands Monitoring Program
Finalized and Accepted by Task Team April 23, 2018
Amended July 20, 2018

1.0 Background

In 2017, the Co-Chairs of the Oil Sands Monitoring (OSM) Program hosted a series of meetings to seek interest and input from Indigenous community leadership on working collaboratively to shape the OSM program design and implementation going forward. The OSM Program is an integrated monitoring, evaluation and reporting system to identify and assess environmental impacts of oil sands development.

On December 21, 2017, the Ministers of Alberta Environment and Parks (AEP) and Environment and Climate Change Canada (ECCC) signed a Memorandum of Understanding (MOU) with input from Indigenous communities in the oil sands region (Appendix A). The MOU renews the commitment between the provincial and federal governments to work cooperatively on regional ambient environmental monitoring of oil sands development with increased involvement of Indigenous peoples. Based on the feedback received from Indigenous communities, the MOU includes statements (Appendix A, section 5.8) to acknowledge recognition of Aboriginal rights of Indigenous people in Section 35 of the *Constitution Act*, and the key role Indigenous people play in the monitoring, evaluation and reporting of oil sands impacts (Appendix A, section 3.1).

The MOU sets the course for the future of the OSM Program which includes development of an Operational Framework Agreement for implementation of the MOU by working together with Indigenous communities in the oil sands regions. The Operational Framework Agreement will define the governance and implementation model that will be used to guide the decision-making structure and processes; roles and responsibilities; and the monitoring, research mandate, and objectives of the OSM Program. The goal is to realize a collective approach that can be applied to the oversight and management of the oil sands monitoring program in the coming year and into the future.

An invitation to a large number of Indigenous communities in the oil sands region was distributed on December 21, 2017 to develop interest and request participation in the development of the Operational Framework Agreement. The distribution list is included as Appendix B. The final Task Team participants are listed in Appendix C. The OSM Operational Framework Task Team was formed based upon the responses received. The oil sands region includes the Athabasca, Peace River and Cold Lake areas as shown in the Appendix D.

2.0 Definitions

Oil Sands Monitoring (OSM) Program: An environmental monitoring program designed and implemented to determine and assess if any environmental changes may be occurring due to oil sands activities.

OSM Program Memorandum of Understanding (OSM MOU): The commitment between the provincial and federal governments to work cooperatively on environmental monitoring of oil sands development with involvement of Indigenous peoples within the oil sands regions of Alberta.

OSM Operational Framework Agreement: The Operational Framework Agreement defines the governance and implementation model that will be used to guide the decision-making structure and processes; roles and responsibilities; and the monitoring, research mandate and objectives of the OSM Program as defined in Section 3 of the MOU.

OSM Operational Framework Task Team: A small group of individuals from the OSM Program and representing Indigenous nations, communities and organizations in the oil sands regions (Appendix C) tasked with development of the OSM Operational Framework Agreement as outlined in the Task Team Terms of Reference herein.

OSM Program Co-Chairs: Assistant Deputy Ministers of Alberta Environment and Parks and Environment and Climate Change Canada who have been designated to act as Co-Chairs of the OSM Program as per the OSM MOU and whom receive recommendations from the governance structure of the OSM program as defined under the Operational Framework Agreement.

OSM Program Science-Co-Leads: Executive level scientific staff of Alberta Environment and Parks and Environment and Climate Change Canada who has been designated to act as scientific Co-Chairs of the OSM Program whom receive direction from the OSM Co-Chairs and from the governance structure of the OSM program as defined under the Operational Framework Agreement.

OSM Operational Framework Task Team Co-Chairs: A representative from the OSM Program (Science Co-Lead) and two Indigenous representatives from the Operational Framework Task Team will Co-Chair the Task Team that is responsible for the development of the OSM Operational Framework Agreement. One First Nation and one Métis representative will serve as the Indigenous Co-Chairs.

3.0 Purpose of the OSM Operational Framework Task Team

Provide leadership, advice and guidance to develop an Operational Framework Agreement for governance of the OSM program.

Responsibilities

- Finalize the Terms of Reference, committee membership and review these aspects as necessary to develop the Operational Framework Agreement for the OSM program.
- Establish the governance process of the OSM program to meet the intent of the MOU at a strategic level and to ensure the process considers key functions such as program performance evaluation, a risk-based approach, adaptive monitoring, inclusivity, traditional knowledge, community based monitoring, etc.
- Work collaboratively with Indigenous nations, communities and organizations in the oil sands regions to draft the OSM Operational Framework Agreement.
- Solicit broader feedback from Indigenous nations, communities and organizations as well as non-Indigenous stakeholders in the oil sands regions for consideration in the drafting of the OSM Operational Framework Agreement. Will develop invitations to participate for stakeholders and briefing materials as necessary.
- Support finalization of the Operational Framework Agreement for the OSM program.
- After finalization of the Framework Agreement, the Task Team will then support the creation and establishment of the Committees identified within the governance structure of the Framework Agreement.

3.1 Engagement

- Task Team members shall communicate the results of feedback received from Indigenous nations, communities, leadership, and organizations in the oil sands regions to the Task Team table through the co-chairs.
- Task Team co-chairs will make reasonable attempts to summarize and/or aggregate feedback received from the members' engagement for presentation to the Task Team table.

- Engagement shall be undertaken by Task Team members in a manner which respects the proposed timelines set out for the completion of the OSM Operational Framework.
- The Co-Chairs shall be recognized as the spokespeople for the Task Team. Feedback solicited by individual members of the Task Team shall be gathered utilizing only information and/or statements approved for release to the public.

4.0 Governance of the OSM Operational Framework Task Team

- To achieve successful development of an Operational Framework Agreement, the Task Team will undertake decision making using a collaborative and consensus based approach.
- Members of the Task Team are expected to caucus and/or consult with their organizations, citizenship and communities in the oil sands regions prior to meetings to gather insight, options and support that is representative to inform Task Team discussions.
- A decision which has been deferred to a different Task Team meeting will be made at that future meeting as scheduled by the Task Team.
- The Task Team will make every effort to come to consensus. However, if a decision cannot be reached by members of the Task Team, the Task Team Co-Chairs will document the options, risks, benefits and opinions of the members in the meeting minutes and will consult with the OSM Program Co-Chairs for direction and decision.

4.1 Consensus Decision-making Due Diligence Guidelines³

Members of the Task Team must be familiar with consensus decision making, understanding that each member, as part of the Task team, will endeavor to reach consensus in the interest of all.

It is the Task Team's responsibility as to whether a non-consensus decision [issue] should be put forward and under what terms.

Specific criteria to be considered are:

9. The number of members supporting the consensus decision.
10. If a member is not in support of the decision, can they abstain from participating in the decision.
11. Whether the block(s) to consensus is related to a specific [technical] issue(s) or a broad fundamental issue.
12. The likelihood of reaching consensus if additional work is directed towards resolving differences through technical or consultative effort.
13. If the answer to # 4 is positive the timeframe needed to reach consensus and the implications to product timing of accepting this delay.
14. Whether or not details supporting non-consensus positions by members will be put forward.
15. Would a third-party mediator help to achieve consensus?
16. What are the ramifications if the decision [issue/element] is eliminated from the product? Is it desirable?

³ Adapted from Cumulative Effects Management Association Decision Making Policy – Due Diligence. 2009.

Consensus Decision Making:

As defined by The Basics of Consensus Decision-Making by Tim Hartnett, consensus decision making includes the following common elements:

Inclusive: *As many stakeholders as possible are involved in group discussions.*

Participatory: *All participants are allowed a chance to contribute to the discussion.*

Collaborative: *The group constructs proposals with input from all interested group members. Any individual authorship of a proposal is subsumed as the group modifies it to include the concerns of all group members.*

Agreement Seeking: *The goal is to generate as much agreement as possible. Regardless of how much agreement is required to finalize a decision, a group using a consensus process makes a concerted attempt to reach full agreement.*

Cooperative: *Participants are encouraged to keep the good of the whole group in mind. Each individual's preferences should be voiced so that the group can incorporate all concerns into an emerging proposal. Individual preferences should not, however, obstructively impede the progress of the group.*

5.0 Members of the Task Team

- Participants from:
 - Indigenous nations, communities and organizations from the oil sands regions (Appendices B&C).
 - OSM Program Leadership and Program Coordinators (Environment and Climate Change Canada and Alberta Environment and Parks).
- Participants with a working knowledge of the oil sands monitoring program and whom expressed interest in development of the Operational Framework Agreement.
- Participants who can provide governance advice and who can liaise with their leadership to seek guidance when necessary on the Operational Framework Agreement.

6.0 Support to the Task Team

- The OSM Program Co-Chairs will be briefed by the Task Team Co-Chairs every two weeks as necessary on the progress of the Task Team and to gather feedback and direction. Briefing will occur as part of routine OSM Leadership meetings. Subsequent briefings to the respective Deputy Minister and Minister Offices of AEP and ECCC will occur as deemed necessary by the OSM Program Co-Chairs.
- The Integrated Resource Management System (IRMS) of Alberta Environment and Parks will be briefed at key stages of Operational Framework development. These briefings will occur at the IRMS Executive Director Table represented by one or more of the Task Team Co-Chairs. Briefings

to the IRMS Assistant Deputy Minister table will occur as determined by the OSM Program Co-Chairs. Intergovernmental Affairs will be invited by the IRMS Secretariat to attend the IRMS Executive Director Table when briefings on the Operational Framework are scheduled.

- The oil sands industry as represented by operators and industry associations (Canadian Association of Petroleum Producers and Canada's Oil Sands Innovation Alliance) will be updated as necessary on the progress and key outcomes of the Operational Framework Task Team.
- The Operational Framework Agreement will be drafted by the Task Team. The draft will be circulated to the broader stakeholder community in the oil sands regions, including Indigenous communities, for comment prior to finalizing the Operational Framework.
- The Task Team will consider stakeholder feedback to produce a final draft of the Operational Framework Agreement.

7.0 Task Team Roles

7.1 Task Team Co-Chairs

- Are members of the Task Team.
- Determine meeting dates, location and to draft agendas that are respectful of Task Team members availability and schedules.
- Collaborate with the Task Team members to set the agendas.
- Provide coordination and facilitation to achieve effective operation of the Task Team during and between meetings.
- Serve as Task Team spokespersons upon request and as required to speak to approved, non-confidential, briefing content on behalf of the Task Team.
- Encourage appropriate Task Team member participation, commitment and cooperation.
- Determine decision points and participates in discussions and decisions regarding the Operational Framework Agreement.
- Develop draft briefings for use by Task Team members and Co-Chairs to communicate progress and outcomes of the Task Team.
- Deliver briefings and any non-consensus decision items to the OSM Program Co-Chairs.
- Respect capacity funding guidelines.
- Co-draft briefings for government and/or other stakeholders as required.

7.2 Task Team Members

- Respect a diversity of views as they actively discuss the work that is undertaken and lessons learned to date. Dialogue is to be open and meaningful and to develop trust, members must respect the transitory nature of conversations as options are considered and solutions are developed.
- Endeavor to develop a shared understanding of the issue(s) and intent and strive to find solutions that address the interests of all parties.
- Respect the multi-interest nature of the Operational Framework Agreement and the interest of other stakeholder feedback in its development including other Indigenous communities and the oil sands industry.
- Establish effective communication with leadership and decision makers in their respective organizations and communities to solicit information, feedback or resources and share results of the committee's work. All members are responsible for reporting back to the Task Team any concerns from their leadership.

- Participate on behalf of their organization and/or community and have the authority and knowledge to speak on their behalf with respect to the Operational Framework Agreement.
- Actively participate. Members are expected to read materials circulated prior to meetings and come to meetings prepared to participate and make decisions at decision points at scheduled meetings.
- Approve briefings for use by Task Team members and Co-Chairs to communicate progress and outcomes of the Task Team.
- Raise concerns at the Task Team level about the performance of the Co-Chairs of the Task Team, a member of the Task Team, or a member of the support system. This way, issues can be addressed in a timely manner.
- Support development of a final Operational Framework Agreement for the OSM program.
- Respect capacity funding guidelines.
- Respect that decisions will be made at scheduled Task Team meetings and are not subject to appeal.
- Review briefing notes provided within three days.

7.3 Supporting Parties

- Provide comment, feedback, support and direction to the Task Team when necessary and appropriate on progress and outcomes.
- Respect the multi-interest nature of the Operational Framework Agreement and the interest of other stakeholder feedback in its development.
- Understand the context and intent of the MOU between AEP and ECCC to ensure the Operational Framework captures this intent.
- Support development of a final Operational Framework Agreement for the OSM program.
- Provide comment, feedback, support and direction in a non-decision-making role to the Task Team upon request of Task Team members.

7.4 Meeting Organization and Support

- Meetings will be coordinated and communicated through the AEP Task Team Co-Chair
- The Task Team will initially meet 1:1 with the Chair in January/February 2018 and then strive to meet every two weeks from February to May 2018. Meeting frequency beyond May 2018 will depend upon the progress of the Task Team. The intent is for an expeditious drafting of the Operational Framework Agreement by May 2018 for broader distribution and comment.
- A minimum of two face to face meetings will occur with others facilitated by teleconference.
- Location of the face to face meetings will be determined by the Task Team to best accommodate its membership.
- AEP will provide the secretariat for this Task Team who will be present in person or via teleconference at all Task Team meetings to document the discussions and decisions and to assist with discussions and facilitation when necessary.
- Capacity funding for participation of Indigenous community representatives on the Task Team will be provided in accordance with the Task Team Capacity Funding Guidelines (Appendix E).

APPENDIX C: OPERATIONAL FRAMEWORK CAPACITY FUNDING GUIDELINE

These capacity funding guidelines apply to Indigenous participants sitting as members in the OSM governance process as defined under this OFA. The number of representatives from First Nations and Métis communities is specified under each section for each committee above and as agreed to through development of the OFA. The minimum frequency of meetings for each committee is also specified.

In order for implementation of the OFA to begin, open and transparent discussions regarding capacity funding for Indigenous participation in the governance was needed and a commitment was required. This Appendix honors that discussion and commitment. In addition to aligning with current capacity funding guidelines within the Government of Alberta, communities identified the need for balance and equity at the respective governance tables with respect to expertise; both scientific/technical as well as Indigenous Knowledge. To that end, various options for funding were discussed that considered the following factors:

- Number of Indigenous participants per Committee;
- Number of meetings per Committee;
- Estimated Number of Claims per Year;
- Preparation time, meeting time, travel time and follow-up time for each Committee meeting;
- Capacity funding based on honoraria;
- Capacity funding based on Indigenous community needs for technical/scientific support; and
- Minimum and maximum estimates for capacity funding based upon variance for each of the above factors.

The various options for funding are outlined in Table Appendix C1.

A preferred option has been identified for implementation in the first 18 months of the program and the option and associated funding will be reviewed and revised by the Oversight Committee thereafter.

The numbers of participants were identified for each Committee in the OFA. The Indigenous participants on the OFA Task Team agreed that while up to 6 Indigenous representatives can sit on the Technical Advisory Committees only two will be provided capacity funding under the OSM Program.

The minimum numbers of meetings were identified for each Committee in the OFA. These ranged from 2 to 4 depending upon the Committee. To ensure an appropriate contingency for capacity funding and increased meeting frequency in the first year of the OSM governance, maximum meeting frequency increased to 4 to 6 depending upon the Committee.

Capacity funding per meeting based on honoraria is identified in Table C1 (**Non-Technical Breakdown/Meeting**) and are in accordance with the *Government of Alberta Order in Council 466/2007, Committee Remuneration Order*. The total estimated non-technical cost per meeting is **\$2247.74**.

- \$164 for up to and including four (4) full hours in any day,
- \$290 for over four (4) full hours and up to and including eight (8) full hours in any day,
- \$427 for over eight (8) full hours in any day.

Travel expenses will be reimbursed based on the *Government of Alberta Travel, Meal and Hospitality Expenses Policy* and were estimated based on the mean estimate of actual claim amounts submitted by Indigenous participants on the OFA Task Team (\$539.74). Travel expenses vary depending on meeting location. Based on the variance of travel claims for the Task Team meetings, travel costs ranged from a minimum of \$0.00 to a maximum of \$1,079.48. Using these two values, the mean comes to \$539.74.

Capacity funding per meeting based on a technical capacity estimate is identified in Table C1 (**Technical Cost Breakdown/Meeting**). This estimate took a fair consultancy rate of \$175/hr and estimated time per meeting on that rate. This will be the maximum hourly rate that will be considered. Based on this rate and the estimated time allotment per meeting, the total estimated technical cost/meeting is **\$5264.74**.

To ensure communities have the option to bring technical capacity to the committees to support discussions, the desired model proposed by the communities is for each committee to have an equal split between honorarium and technical capacity funding. For example, the Oversight Committee will have 6 Indigenous representatives with the option of capacity funding to support 3 participants at honorarium levels and 3 at technical support levels.

In addition to the governance committees, capacity funding is needed to support the **Indigenous caucus** and **Sub-causes** ensuring the ability for every community in the region to participate if they choose. Table C1 contemplates 4 meetings per community representative that can be interchanged between the Indigenous Caucus and First Nation and Metis Sub-caucuses. It is difficult to provide guidance for these costs given the details of the caucus structure, function, Terms of Reference, etc. that must be determined by the Indigenous communities participating in the OSM governance process. That said, for the first 18 months of the program, the estimated cost for the Indigenous Caucus and First Nation/Métis Sub-caucuses at 4 meetings is **\$306,622.80**.

Based upon these factors, the **minimum** capacity funding to be provided to Indigenous Communities for the first 18 months of implementation of the OFA for the minimum number of meetings and a split between technical and non-technical capacity funding for each committee is **\$709,580 (\$402,957 for the Committees + \$306,623 for the Caucus)**.

The **maximum** capacity funding to be provided to Indigenous Communities for the first 18 months of implementation of the OFA for the maximum number of meetings and a split between technical and non-technical capacity funding for each committee is **\$986,183 (\$679,560 for the Committees + \$306,623 for the Caucus)**.

The OSM Program operates in accordance with Section 2 of the Oil Sands Monitoring Program Regulation. Based on the estimates above, a total budget of \$1,000,000 for capacity funding related to the OSM governance as per this OFA (currently 2% of the OSM Program budget) is a proposed target.

Any additional capacity funding provided through participation and implementation of monitoring under approved OSM work planning is to be considered under those work plans and is not part of this capacity funding envelop for OSM governance.

Finalization of these proposed guidelines would be the role and responsibility of the Oversight Committee.

These funding guidelines are provided for planning purposes and it is recommended that a critical review is conducted after the first year to 18 months of implementation to make any necessary adjustments based on actual expenditures.

Table C1: Options for Capacity Funding to Support Indigenous Participation in Governance of the OSM Program as per the Operational Framework Agreement

Committee Name	# of Indigenous Members	OPTION 1- MINIMUM				OPTION 2- MEDIUM				OPTION 3- MAXIMUM			
		Min # Meetings per Year	Estimated Claims per Year	Estimated Capacity Funding Required per Year - honoraria only	Estimated Capacity Funding Required per Year - honoraria and technical split and technical for TAC	# Meetings per Year	Estimated Claims per Year	Estimated Capacity Funding Required per Year - honoraria only	Estimated Capacity Funding Required per Year - honoraria and technical split and technical for TAC	# Meetings per Year	Estimated Claims per Year	Estimated Capacity Funding Required per Year - honoraria only	Estimated Capacity Funding Required per Year - honoraria and technical split and technical for TAC
Oversight Committee	6	2	12	\$26,972.88	\$45,074.88	3	18	\$40,459.32	\$67,612.32	4	24	\$53,945.76	\$90,149.76
Integration Committee	6	2	12	\$26,972.88	\$45,074.88	3	18	\$40,459.32	\$67,612.32	4	24	\$53,945.76	\$90,149.76
ICBM Advisory Committee	8	2	16	\$35,963.84	\$60,099.84	3	24	\$53,945.76	\$90,149.76	4	32	\$71,927.68	\$120,199.68
TAC* - surface water	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TAC* - groundwater	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TAC* - wetlands	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TAC* - terrestrial/biological	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TAC* - atmospheric	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TAC* - data mgmt/analytcs	2	4	8	\$17,981.92	\$42,117.92	5	10	\$22,477.40	\$52,647.40	6	12	\$26,972.88	\$63,176.88
TOTALS				\$197,801.12	\$402,957.12			\$269,728.80	\$541,258.80			\$341,656.48	\$679,560.48
Total with Caucus				\$504,424	\$709,580			\$576,352	\$847,882			\$648,279	\$986,183

* up to 6 indigenous representatives can sit on TACs but only 2 will be funding through the OSM program

Indigenous Caucus*					Non-Technical Cost Breakdown/Meeting		Technical Cost Breakdown/Meeting	
Caucus Name	Number of Participants	No. Meetings per Year	Total	Total Capacity Funding	Honoraria per 8 hr meeting		Technical cost per 8 hr meeting (rate \$175/hr)	
Indigenous Caucus	55	2	110	\$153,311.40	\$427.00		\$1,400.00	
First Nation Sub-Caucus	27	2	54	\$75,261.96	\$427.00		\$1,400.00	
Metis Sub-Caucus	28	2	56	\$78,049.44	\$427.00		\$525.00	
TOTALS				\$306,622.80				
*assumptions					expenses per meeting	\$539.74	Technical cost per 8 hr follow up (rate \$175/hr)	\$1,400.00
1. for attendance and travel time only					technical costs per	\$2,247.74	Travel expenses per meeting	\$539.74
2. no technical costs							Technical costs per meeting	\$5,264.74
3. 4 meetings per year that can be used either via Indigenous Caucus or Sub-caucuses (e.g. 2 caucus meetings plus 2								

Oil Sands Monitoring Program

Task Team members

Community	Representatives
Athabasca Chipewyan First Nation	Carla Davidson
Mikisew Cree First Nation	Bruce MacLean
Chipewyan Prairie First Nation	Ave Dersch
Cold Lake First Nation	Fin MacDermid Nicole Nicholls
Fort McKay First Nation	Ryan Abel Alternate: Michael Evans
Fort McKay Métis Local	Eddison Lee-Johnson Lisa Schaldemose
Métis Local 193 Conklin	David Berrade
Métis Local 1935 Fort McMurray	Carmen Wells Gillian Donald
Métis Local 125 Fort Chipewyan	Kim Dertien Gillian Donald
Métis Local 2002 Buffalo Lake	Brian Ladouceur
Métis Local 1949 Owl River	Jack Quintal Alternate: Maxwell Zhira
Métis Nation of Alberta	Jocelyn Gosselin Bruce Gladue
Métis Nation of Alberta Region 6	Garrett Tomlinson
Métis Nation of Alberta Region 5	Bev New Walter Andreeff
Métis Nation of Alberta Region 2	Karman Fayant Lyle Lawrence
Métis Nation of Alberta Region 1	Diane Scoville James Cardinal
Peerless Trout First Nation #478	Clifford Starr
Metis Local 1909 Lakeland	Diane Scoville