

**Mining Association of Canada  
Towards Sustainable Mining**

**Summary Report**

**18<sup>th</sup> Meeting of the  
Community of Interest Advisory Panel**

**October 3-4, 2012  
Fort McMurray, AB**



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## Introduction

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This report presents a summary of discussions from the October 3-4, 2012 meeting of the TSM Community of Interest (COI) Advisory Panel ("the Panel"), including decisions on the work of the Panel and recommendations to the Mining Association of Canada (MAC). Any dissenting views have been identified and recorded. Meeting presentations are appended to this report; content contained in meeting presentations is not duplicated in the body of this report.

## Summary of Action Items

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Below is a summary of action items arising from the COI Panel meetings. No new action items were identified at this meeting. Action items are reported until marked complete.

ACTION ITEMS					
#	ITEM	LINK TO REPORT	RESPONSIBLE	TIMELINE	STATUS
#15-March-11	COI Panel members to put forward the names and bios of 2-3 candidates.	Section 5	Panel members	June 10, 2011	Complete
#3-March-12	Examine crisis management and planning results to understand the plateau in company performance and report back on this analysis at a future meeting.	Section 2	MAC	Fall 2012	Complete
#4-March-12	Provide input and suggestions to MAC on how to use its TSM awards program to raise the profile of TSM.	Section 2	Panel members	2012	In progress
#5-March-12	Raise the possibility of creating a package (to engage with non-MAC members in regional hot spots) to support these companies in building their management systems with the initiative leaders.	Section 2	MAC	2012	In progress

## Welcome and Opening Items

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The Panel facilitator welcomed COI Panel members to the 18<sup>th</sup> Panel meeting and welcomed new members to the Panel in attendance at the meeting: Victor Goodman, Nathan Lemphers, Philip Oxhorn and Mark Podasly. The Panel facilitator provided updates on Panel members that were unable to attend the meeting: Joy Kennedy and Chief Earl Klyne. An industry representative, Celina Doyle, Production Unit Manager, Utilities, Shell Canada participated as an observer.

Ian Pearce and Pierre Gratton provided a welcome from the Mining Association of Canada and noted that it is an exciting time and excellent opportunity for the mining industry with the COI Panel's renewed mandate and membership.

Panel members approved the March 2012 meeting report with a minor amendment.

With the changes to the COI Panel Terms of Reference in 2012 and the renewed COI Panel membership, the Panel facilitator sought input from COI Panel members on meeting 'ground rules' that would support COI panel objectives and lead to an effective meeting. COI Panel members provided feedback related to both COI Panel operations and meeting behaviours. Comments related to COI Panel operations are noted in the Meeting Evaluation section of this report (Appendix A). A summary of the key meeting behaviours identified are:

- Create a safe and respectful place to engage in frank, transparent and open discussions;
- Ensure all voices are heard at the table, resulting in balanced conversation and full participation;
- Listen carefully to come to a greater understanding of issues, interests and values;
- Share knowledge with each other and avoid the use of jargon;
- Think outside the box, be innovative and take risks;
- Respectfully challenge the industry, pushing beyond traditional comfort zones;
- Respectfully intervene to stay on topic and avoid mission or discussion creep; and
- Summarize discussions.

The Panel facilitator also provided the following update on COI Panel renewal:

- David Mackenzie is stepping down from the Panel. The United Steelworkers of America will nominate a candidate, with the goal of having someone in place for the March 2013 Panel meeting.
- Doug Horswill is stepping down from the Panel. Louise Grondin, Senior Vice-President, Environment and Sustainable Development, Agnico-Eagle Mines will replace Doug and join the COI Panel in March 2013.
- Erin Strachan (who was appointed to the COI Panel in 2012) has changed her place of employment. MAC is currently engaging with Erin and will work with the Nominating Committee to confirm how to proceed.
- The PDAC seat on the Panel is currently vacant. The PDAC will nominate a candidate, with the goal of having someone in place for the March Panel meeting.
- The nominating committee deferred a decision on the media/communications core category in May 2012, with a plan to undertake further recruitment of suitable candidates for this category. Due to limited time for discussion, the Panel facilitator asked COI Panel members to provide feedback on the nomination of Claudine Renaud to the media/communications core category, following the COI Panel meeting.

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## 1 New Member Orientation

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Ben Chalmers, VP, Sustainable Development, MAC provided an overview of TSM and the history of its development. Early TSM design began in 2000 and was informed by input from communities of interest. By 2005, the first reporting of TSM results occurred and TSM became a condition of MAC membership in 2006. TSM provides tools for companies to manage key issues, by helping them to build management systems or integrate practices into existing management systems. TSM continues to evolve. It originally addressed a suite of four key issues including: tailings management, energy and greenhouse emissions management, Aboriginal and community outreach, crisis management and planning. Recently, two new issue areas have been added: biodiversity conservation and safety and health. MAC has also initiated work on mine closure and intends to initiate work on water in 2013.

TSM incorporates a letter based scoring system. MAC members aspire to achieve a Level A, which is considered good performance. It was noted that the system is designed to make it challenging for companies to achieve a Level A, and that it is hoped that this helps to give credibility to TSM.

For more information on the overview provided on TSM and for the key points that the Panel facilitator covered from the COI Panel Terms of Reference during new member orientation, please refer to the presentation in Appendix B.

Panel members asked the following questions in response to the TSM and COI Panel Terms of Reference overview. Questions were answered by MAC and Panel members.

- How do MAC members compare internationally?
  - MAC members are not required to apply TSM to international operations, although some companies do. Further, not all mines in Canada are covered by TSM; about 100 mines in Canada are represented by MAC members, but there are over 200 mines in Canada. Junior exploration companies are not MAC members.
- Is there a competing standard to TSM?
  - There are a large number of standards and rating systems that mining companies need to consider and adopt as they see appropriate. There is no other standard, specific to the mining industry that comprehensively covers the topics covered by TSM. To date, TSM is the only program applied at the facility level, with external assurance.
- How does the industry measure success of community outreach?
  - TSM looks at how well a company performs based on how facilities identify stakeholders, how they communicate with those stakeholders, what response mechanisms are place and how they report out on engagement activities. This doesn't address the results of these activities, but focuses, instead, on process outcomes (i.e., implementation of systems and processes). Companies use their own indicators for performance. It is

challenging to compare outcomes of engagement in different contexts (e.g., different countries) and easier to commit to processes and approaches, that will hopefully lead to strong outcomes.

- In designing TSM, care was taken not to be overly prescriptive. Communities can challenge how facilities self-assess themselves because TSM results are public.

Existing and retiring Panel members provided the following insights to new Panel members:

- TSM may seem overwhelming to start, but over time it takes its place and you feel more comfortable.
- Panel members should bring forward their own ideas, recognizing that mining industry and communities of interest are changing.
- It is important to allow communities of interest to share concerns with the mining industry and Panel members can bring these interests forward in Panel meetings.
- There is a tension with Panel member involvement in TSM communications. The Panel member role is to seek input on ideas from communities of interest, but not to be advocates on behalf of MAC.
- The scope of TSM should not limit the scope of discussions at the COI Panel. All potential issues should be raised, so that the priority setting and the process can evolve collectively among Panel members.
- MAC is a national association, but works alongside provincial and territorial associations. There is a need to understand what is going on at the provincial / territorial level and how this intersects at the national level.
- There is a great opportunity for the Panel to address socio-economic development issues in the future (e.g., human capital created by mining industry through training).
- Certain issues require attention between COI Panel meetings and there is room to improve how engagement occurs with communities of interests.

## **2 TSM and ISR Implementation**

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Ben Chalmers provided an update on TSM and ISR implementation including: 2011 TSM performance results, TSM communications and branding, regulatory updates and activities of the International Social Responsibility Committee (see presentation in Appendix C).

### **2.1 2011 TSM Progress Results**

- **Aboriginal and Community Outreach:** Results on this protocol continue to be good. A drop in scores for effective COI engagement and dialogue was primarily due to a number of new facilities that have recently joined TSM and are in the early stages of TSM implementation.

- **Biodiversity Conservation Management:** Results on this protocol are generally quite low. To help understand member challenges with biodiversity conservation management and improve capacity in this area, MAC held two workshops in 2012: 1) to scope challenges with members, and 2) to provide knowledge and training to members through engagement with five biodiversity experts.
- **Crisis Management and Planning:** Results on this protocol are fairly strong and continue to improve. Two criteria continue to be problematic for members:
  - The crisis management plan's notification system is tested at least twice per year; and
  - Processes exist to ensure that new crisis team members are familiarized with the crisis management plan within two months of joining the team.To ensure that the TSM crisis management and planning materials remain modern and relevant, MAC is in the process of reviewing the Crisis Management and Planning protocol and updating the Crisis Management and Planning guidance document. Two key areas that have been suggested for inclusion in the update to these documents are: using social media, and maintaining business continuity.
- **Energy Use and GHG Emissions Management:** MAC identified energy use and GHG emissions management as an area of focus two years ago and is now seeing improvements in results. MAC has condensed the number of indicators from 6 to 3 (incorporating previously separated 'energy intensity' and 'GHG emissions' indicators together). MAC is in the process of revising the Energy Use and GHG Emissions Management guidance document.
- **Safety and Health:** Results on this protocol are strong and continue to improve. Safety and health is the TSM protocol for which MAC members have the best results.
- **Tailings Management:** MAC also identified tailings management as an area of focus two years ago when MAC members' scores leveled off. MAC has been offering training workshops on tailings management and results have continued to improve over the last couple of years.

One Panel member asked why 18% of facilities do not have crisis management plans in place. MAC noted that the results do not necessarily mean that a plan is not in place, but that the plan does not meet all of the TSM criteria. These facilities can be identified through the TSM Progress Report, but deeper investigation would be needed to understand the nature of these results (i.e., did a facility miss one criterion or many criteria? Is the facility new to TSM and in the early stages of implementation?). Regardless, one industry representative noted that criteria in the protocol have been deemed material, and all TSM companies should have them.



MAC also reported that some verifiers are increasingly relying on MAC guidance documents to complete external verifications (i.e., expecting members to implement elements of the guidance that go beyond the requirements in the protocol and that are not directly linked to the protocol). MAC will make an effort to decouple the guidance from criteria in the protocols (for the purpose of verification) and will be offering TSM verification service provider training in 2013.

The following members will undergo external verification in 2013 (for 2012 TSM results): Shell Canada Energy Inc., Nyrstar Canada (Holdings) Ltd., HudBay Minerals Inc., Vale, Teck Resources Ltd.

## **2.2 TSM Communications and Branding**

MAC is currently developing a two to three minute video that explains TSM. In 2013, MAC will undertake the following communications and branding activities:

- Develop an elevator pitch for TSM;
- Continue work begun in 2012 to repackage elements of TSM to improve communications;
- Revisit the nature and process of TSM awards; and
- Integrate TSM into MAC's broader communications efforts.

Panel members asked questions to better understand the context that could help to shape TSM communications and branding direction. The following points were discussed:

- While some investors know about TSM and look at TSM results when making financing decisions, this is not the norm for the investment community. For TSM to stand out in this sector, the financial community will need to improve its understanding more broadly of sustainability and the TSM initiative.
- MAC members do not receive certification with TSM, but if certification would add value, the topic should be discussed.

MAC noted that the first three years of TSM was focused on developing the initiative. The next step was to focus on performance (rather than communications), and now MAC is pursuing communications because of the progress and results achieved through TSM. MAC is still early on in its thinking about communications (i.e., the right approach, what to say, the level of assertiveness, etc.).

## **2.3 Regulatory Updates**

Due to timing constraints, Ben Chalmers briefly described regulatory changes to the *Canadian Environmental Assessment Act (CEAA)* and the *Fisheries Act*, and what these changes mean for the mining industry.

Under the amended CEAA, fewer projects are on the designated projects list for other industries; however, more projects are on the designated projects list for the mining

industry. In order to implement CEAA 2012 the old comprehensive study list was used as an initial designated project list. The intent was to amend the list, after the fact, to better align with the new Act. This process is currently underway.

With the Fisheries Act, it is unclear how proposed changes will affect mining projects. Early indications suggest that there may be a reduction in the number of Section 35 authorizations (fish habitat), but that use of Section 36 (which governs the Metal Mining Effluent Regulations) will continue and it is this section which generally captures metal mines.

#### **2.4 International Social Responsibility (ISR) Update**

Ben Chalmers also briefly summarized key activities of the ISR Committee.

The ISR Committee has decided to focus on human rights for the big, bold initiative. The first step is to conduct a mapping exercise to identify a comprehensive list of human rights elements that interact with mine site activities. The second step will be to identify leading practices from each of the MAC members in each identified interaction between a human rights element and mine site activity. This information will be used to develop a human rights framework that MAC members can apply to managing human rights. MAC will seek support from NGO's with expertise and human rights and will likely be in a position to seek feedback from the COI Panel at the March 2013 meeting.

MAC recently launched a Transparency Initiative, in partnership with three other organizations (the Prospectors and Developers Association of Canada, Publish What You Pay-Canada, and The Revenue Watch Institute) on reporting payments to governments. The goal is to develop a reporting mechanism that could be adopted by a regulatory body to require mandatory disclosure of payments to governments. The timeline is to have a completed draft framework by March. The partners are committed to being transparent about this process and will be publishing meeting reports.

### **3 Post-Verification Review**

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At the March 2012 COI Panel meeting, the Panel selected Inmet Mining Corporation and Cameco Corporation from the list of companies verifying their 2011 TSM results to undergo post-verification review in 2012. Post-verification review was undertaken with both companies at the October 2012 meeting. The results of the post-verification review are provided in a separate report that will be sent to Panel members and posted on the MAC TSM website.

### **4 2013 COI Panel Agenda Setting**

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With the renewal of the COI Panel Terms of Reference in 2012, a formalized COI Panel agenda setting process was included to enable annual, collaborative, strategic priority setting of issues for discussion at COI Panel meetings. The Panel facilitator introduced

this new process, noting that the goal of this discussion was to obtain input from both industry and non-industry representatives on key issues of importance to the mining industry and of relevance to MAC members for the COI Panel to address in 2013. Based on the ideas generated, the Panel would then select three to four topics that could be reasonably accommodated on 2013 meeting agendas.

A number of potential topics were raised for the COI Panel to address in 2013. These topics included: community development, international social responsibility topics, TSM branding and communications, TSM value proposition and integration with other initiatives, regulatory framework challenges and other distinct environmental issues.

The four topics that seemed to generate the most interest were:

- Community development (socio-economic issues, including capacity and training);
- International social responsibility topics (human rights; free and prior informed consent);
- Biodiversity (regional land use planning, environmental assessment, monitoring, the efficacy of regulatory frameworks, cumulative effects); and
- TSM branding and communications.

Following the COI Panel meeting, these topics were tested with COI Panel members via a web-survey. Those who responded to the survey indicated that these topics were important and relevant for the COI Panel to address in 2013. One Panel member expressed less interest in the international social responsibility topics, but is interested in the remaining three topics. Another Panel member also expressed interest in discussing and understanding regulatory / government policy issues as they relate to TSM reporting and other company and industry initiatives; however, depending on Panel interest in this topic, it may be more suitable to establish a Panel subcommittee on this topic, rather than addressing it at a COI Panel meeting. The next step in the process will be to scope these topics with COI Panel members for inclusion on 2013 meeting agendas. Initial scoping ideas generated at the meeting (for all topics) are noted below:

### **Community Development**

- **Defining community:** What does 'community' mean? How has the term evolved from the earlier days of TSM?
- **Collective social industry initiatives:** What lessons can be learned from mining regions tackling challenges collectively (e.g., Fort McMurray)? Could a collective training initiative be explored to build skills for the industry in the future? What other challenges could be tackled collectively?
- **Education and human capital:** What lessons can be learned from mining regions in Canada that have been successful in strengthening education and human capital? What policy conditions need to be in place? How can youth be better engaged? What benefits of mining can be better leveraged to promote community development (e.g., job creation)?

### International Social Responsibility Topics

- **Human rights:** Feedback on MAC's human rights framework (to be developed)
- **Free, prior, and informed consent (FPIC):** What does it mean? When does it apply? How do you apply it? How do you know you have obtained it?

### Biodiversity

- **Regional land-use planning:** How mines affect biodiversity at a regional level (e.g., cumulative effects, future mine development, future land use and animal and wildlife health)
- **Regulatory mechanisms and policy:** Understanding regulatory / government policy issues as they relate to TSM and other company and industry initiatives; Exploring the efficacy of regulatory mechanisms and effects monitoring

### Branding and Communications

- **Communications:** Helping people to understand mining; Clearly articulating the goal of TSM in language that can be understood by civil society
- **Branding:**
  - Confirming the brand: How do international issues tie into TSM? How can TSM be integrated with other standards? Could TSM be a global standard? Is there value to adding a triple bottom line to TSM measurement (social, environmental, economic)?
  - Value proposition: How can the value of TSM grow and engage new interests (e.g., investment community)? How can the value of TSM be realized in the market?
  - Approach to branding: Branding is about simplifying; Branding is a process, not something that can be addressed in a single meeting

### Regulatory Frameworks

- **Federal regulatory changes:** What do changes to the *Canadian Environmental Assessment Act* mean to communities of interest and mining companies that will be exposed due to the changed consultation requirements?
- **Understanding regulatory frameworks:** Exploring the duplication and confusion with regulatory frameworks to understand regulatory concepts within which TSM is set.
- **Regional land use planning:** What lessons can be learned from mining regions in Canada (e.g., Ring of Fire, Northern BC, Plan Nord) that would improve planning and eliminate barriers to development?

One additional topic that was raised by a Panel member, but not incorporated into the topics above, is the transportation of concentrate from mine sites to ports.

During the Panel agenda setting discussion, one participant noted that some civil society groups feel singled out by the actions of the current Federal government, and that this

could create other opportunities for the mining industry and these groups to work together. Another participant noted that while some topics can be addressed through the COI Panel, other topics may need to be addressed through alternate mechanisms.

## **5 Biodiversity Conservation**

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In scoping a discussion on biodiversity conservation, it was agreed that the purpose of this agenda item was to “set the table” for future discussions. Ben Chalmers introduced the topic of biodiversity at two levels: the landscape scale and the facility scale. Over the last year, MAC has focused on raising the capacity of members to address biodiversity. MAC recognized that there was a lot to learn from other industries or other examples (e.g., Parks Canada, because park lands are equivalent to mine site boundaries and Canada’s national park system is similar to a company with multiple mine sites to manage). As such, MAC engaged biodiversity experts from outside the industry to offer two capacity building workshops to MAC members in 2012.

Alan Young expanded on Ben’s introduction, noting that to address biodiversity through TSM, it needs to be considered at a few different scales. Thought needs to be given to planning, reclamation, hydrology and species at the mine site, but civil society concerns often relate to what a mine does to a region. These concerns have a lot to do with biological and ecological systems at a regional level (e.g., cumulative effects, future mine development and future land use). While biodiversity at the mine site is important, thought should be given to how the mine site will affect regional issues, which is intricately tied to companies’ social license to operate. It would be useful to have conversations about regional land use planning at the COI Panel in the future.

### **5.1 Inmet Cobre Panama Biodiversity Action Plan**

Chris Scholl, Director of Environmental Affairs, Inmet Mining Corporation, shared Inmet’s experience with developing Cobre Panama, a large (6,200 hectare footprint) open-pit copper mine development project in Panama, while trying to achieve a net positive impact. Further information can be found in Inmet’s presentation (see Appendix D).

Substantial in-migration by Indigenous peoples has occurred in the area in which the project is located in the last ten years and deforestation is occurring due to poverty. The project is in the Mesoamerican Biological Corridor (MBC) which provides habitat for endangered, rare, endemic and high value species. Inmet is seeking to protect critical habitat, species of concern and ecosystem services through four key mitigation strategies:

- Supporting landscape-scale conservation in the MBC, through establishment and funding of protected areas currently threatened by forest loss;
- Reforestation & restoration of an area greater than that impacted by mining;
- Species-level conservation management; and,
- Monitoring and adaptive management program.

Inmet's goal is to have a net positive impact. The company undertook some modeling to explore changes to land use (both with and without the mine). Their results suggested that with the mine:

- The net positive impact may avoid as much as 80,000 hectares of deforestation during the life of the mine;
- Habitat will increase for certain species; and
- More hectares will be reforested than cleared.

Inmet proposes that this project will address social, environmental and economic issues together, by providing an economic engine that will reduce poverty and tackle deforestation. Companies have to earn their social license to operate locally, nationally and internationally by going far enough to show people that they are doing the right thing. This is the reality for the international mining industry going forward.

Other points provided about the biodiversity action plan in response to COI Panel member questions include:

- Through its work, Inmet has identified species that had not been previously identified.
- Inmet will use site endemics for reclamation.
- Landscape scale conservation will allow Inmet to offset the entire carbon footprint of mine, which includes a coal-fired power plant.
- Inmet will fund a research centre.
- Inmet has a series of community development programs and is spending roughly \$5 million per year.
- Inmet has a trust fund with the municipality for sustainable development projects, and a mechanism to ensure that the money gets used for the purpose intended (and consequently that money gets back to communities).
- National Parks will be established by the Panamanian government, and Inmet has committed to providing funding to ensure enforcement.
- Success will in part depend on the capacity of the Panamanian government to buy into and implement land use planning.

## **5.2 Metal Mining Effluent Regulations Environmental Effects Monitoring**

Rick Meyers, Vice President of Technical and Northern Affairs, Mining Association of Canada, provided an overview of the Metal Mining Effluent Regulations (MMER) and Environmental Effects Monitoring (EEM). Under the *Fisheries Act*, the 2002 Metal Mining Effluent Regulations (MMER) require the owners or operators of metal mines to conduct environmental effects monitoring (EEM) to assess effects potentially caused by metal mine effluents. This presentation is provided in Appendix E.

## **5.3 Cameco Experience with Environmental Effects Monitoring**

Shane Borchardt, Program Manager of Environmental Systems, Cameco Corporation, shared Cameco's experience with implementing Environmental Effects Monitoring (EEM).

Cameco thinks there is a lot of value in the monitoring component of EEM: it creates a consistent approach for mines across Canada, and is the ultimate aquatic monitoring program. However, Cameco does see a number of opportunities for improvement and provided the following commentary on the EEM. Data collected through the EEM national database are not publicly available. Further, the National Assessment methodology is predisposed to concluding that effects are caused by metal mine effluents. Cameco also experiences challenges related to Investigations of Cause (IOC) and the extent of condition (i.e., looking for statistical significance between discharge and reference lakes).

Environmental impacts are identified during the environmental assessment process (for which Environment Canada signs off), and then the EEM shows that the impacts that were predicted are indeed caused by the site. However, companies are still required to do an Investigation of Cause, which can be very costly (i.e., Cameco's last IOC was \$500,000) and do not help to get at the "so what" of the effects. No credit is given to environmental assessment and follow-up programs in EEM, and no consistency exists around statistical significance. Further, IOCs may be triggered by natural fluctuations, and positive impacts to water quality and biota also trigger IOCs.

#### **5.4 Evaluating Regulatory Mechanisms**

Alan Penn raised issues related to evaluating the efficacy of regulatory mechanisms. Evidence available from the 1977 Metal Mining Liquid Effluent Regulations allowed for determination of whether significant effects were occurring (i.e., whether end of pipe limits were sufficient). A lot of discussion occurred about what constitutes an "effect"; however, there was no thorough attempt to sort out Investigations of Cause. However, the goal of the regulation was to create a feedback mechanism to enable discussion and analysis of learning from regulatory policy. Mechanisms to provide feedback on regulatory instruments are disappearing and government capacity to do this type of analysis is evaporating. It is harder to do this kind of analysis for the mining industry, than with some other industries (e.g., pulp and paper) because of the vast diversity between both receiving environments and mine processes between commodities. Alan asked "Where is this larger level analysis coming from?" This topic could be addressed further by the COI Panel, but it requires detailed analysis and consideration of suitable time scales (e.g., for water, about 15 years of data are needed to make adequate decisions about regulation).

At the end of the biodiversity conversation agenda item, one Panel member reflected that in both the Inmet Cobre Panama and Cameco examples (both in different countries), limited government capacity was a theme of the discussions. As reflected in the meeting feedback, Panel members found these presentations to be very informative, but this session was late in the day and there was insufficient time or energy to engage in a discussion.

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## 6 Site Tours

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Anne Marie Toutant, Vice President of Mining, Suncor Energy Inc. and Kara Flynn, Vice President of Government and Public Affairs, Syncrude Canada Ltd. provided an opening presentation on the oils sands mining process in advance of the site tours. This presentation is provided in Appendix F.

Key discussion topics from the presentation are summarized below.

- **Lifecycle analysis:** Different oil sands companies sell different products, so different activities occur at different stages. Therefore, it is necessary to take a “wells to wheels” or a lifecycle approach to accurately compare performance.
- **Reclamation:** By law, coal and oil sands mining companies are responsible for reclaiming land that is disturbed by mining and the operation of related plants. In order to be returned to public use, land must be certified. Land cannot be certified until extensive monitoring and testing has occurred to study the ongoing effects of reclamation. When land is returned to the Crown, the company releases liability for the site. Syncrude’s Gateway Hill (reclaimed dump site) is the only parcel of land that has been returned to public use. Suncor is the first oil sands company to complete surface reclamation of a tailings pond. Oil sands companies have not been able to receive credit for reclamation activities to date, so they are looking for interim recognition through transparency on the Alberta government website. Companies are developing technologies to shorten reclamation timelines.
- **Financial security:** Companies are required to have the financial resources to undertake reclamation. As a part of this process, companies must prepare ongoing five-year reclamation plans and incorporate progressive reclamation.

Other points provided about the oil sands in response to COI Panel member questions include:

- Of the bitumen that goes to market about 50% comes from mining and 50% from in situ production.
- The recovery of bitumen is greater through mining (about 95% recoverable) than through in situ production (about 25 % recoverable).
- Oil sands bitumen is quite “sour” or high in sulphur content (5% sulphur) and this sulphur is extracted at some point during the production process, which is energy intensive.
- One technology is currently under review that considers how to use bitumen in operations.
- Oil sands mining can go down about 200-350 feet.
- Research is underway to improve the recoverability of oil from in situ or Steam Assisted Gravity Drainage (SAGD).
- The Lower Athabasca Regional Plan (which creates different tiers of protected areas) affects 19 oil sands leases and about seven companies; however, this



does not affect Suncor or Syncrude. The government has a precedent for taking land back, but this will be negotiated with companies individually.

The site tours included visits to:

- Syncrude: Mildred Lake Site, South Bison Pasture and Gateway Hill;
- Fort McKay: Business incubator program and community tour; and
- Suncor: Millennium Extraction, Pond 5 Coke Capping, Wapisiw Lookout.

## 7 Future Panel Meetings

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The date of the next COI Panel in-person meeting was not discussed at the October 2012 meeting; however, MAC has scheduled the meeting to coincide with the 2013 Prospectors and Developers Association of Canada (PDAC) Convention. The full-day meeting is proposed for **Wednesday, March 6, 2013** at the Novotel Toronto Centre in **Toronto, ON**.

## 8 Meeting Evaluation

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Panel members evaluated the Panel Meeting through four alternative mechanisms:

- Completion of hardcopy meeting evaluation form (1 member);
- Completion of electronic meeting evaluation survey (8 members);
- Submission of post-meeting written comments (2 members); and
- Provision of comments during the COI Panel meeting (including during the ground rule setting process).

### Panel Member Evaluation of the Meeting

Meeting participants noted that most enjoyable part of the meeting was engaging in substantive discussions and engaging with fellow COI Panel members. However, meeting participants felt that the meeting agenda was too ambitious, limiting time for substantive discussion. Comments specific to various components of the meeting include:

- **Meeting Organization:** Most participants felt the meeting was well-organized. One participant noted that new Panel members were not entirely clear about what was expected of them in the meeting and that a pre-meeting teleconference could have helped to confirm this role. Another participant noted that some of the little details seemed unpolished (i.e., greeting new members, having name tags ready, having laptops hooked up).
- **Meeting Structure:** In general, participants felt the meeting agenda was too packed and that the amount of information presented was overwhelming and sometimes one-way. These conditions left limited time for substantive, quality

discussion on certain topics (i.e., biodiversity session and oil sands site tour). Several participants also noted that there is room to improve the way post-verification reviews are conducted, to focus discussion on key issues and challenges where advice from the Panel would be most helpful. One participant suggested that in the interest of Panel renewal, MAC, the Panel and the Facilitator should review how meetings are structured, the nature of issues that should be addressed and what third-party expertise could enhance meetings (e.g., from provincial mining associations). One participant also noted that Panel members can help to scope, organize and lead discussions at Panel meetings.

- **Meeting Facilitation:** Most participants felt the meeting was well-facilitated; however, one participant noted that post-verification review discussions seemed to be off topic and that facilitation in the evening biodiversity session was less attentive. Another participant observed that in some discussions, contributions by industry representatives occurred more frequently than by non-industry representatives, and that this could be balanced through active facilitation.
- **Meeting Continuity:** During the ground rule setting process, a number of participants touched on the importance of continuity between Panel meetings. The ripple effects of Panel discussions could be better felt by carrying on conversations before and meetings. One participant noted that while the tour of the oil sands was appreciated and helps to create a level playing field for Panel members, follow-up is needed to discuss topics that were not addressed during the tour and to reflect on the lessons from that experience.

## Appendix A: List of Participants

NAME	TITLE AND ORGANIZATION
Dan Benoit	Métis National Council
Barrie Ford	Makivik Corporation
Victor Goodman	Campbell River Economic Development Corp.
Stephen Kibsey	Caisse de Dépôt et Placement du Québec
Nathan Lemphers	Pembina Institute
Philip Oxhorn	Institute for the Study of International Development, McGill University
Alan Penn	Cree Regional Authority
Mark Podasly	Brookmere Management Group
Alan Young	Canadian Boreal Initiative
Craig Ford	Inmet Mining Corporation
Pierre Gratton	Mining Association of Canada
Ian Pearce	Xstrata Nickel
Anne Marie Toutant	Suncor Energy Inc.
<b>REGRETS</b>	
Joy Kennedy	The United Church of Canada
Chief Earl Klyne	Seine River First Nation
<b>OTHER ATTENDEES</b>	
Shane Borchardt	Cameco Corporation
Morry Brown	MORCOM Consultants
Ben Chalmers	Mining Association of Canada
Celina Doyle	Shell Canada
Robert Duda	Safety Science Management Consulting Inc.
Kara Flynn	Syncrude Canada Ltd.
Larry Haber	Kimberley Community Development Society
Rick Meyers	Mining Association of Canada
Liam Mooney	Cameco Corporation
Dianne Rubinoff	Rubinoff Environmental
Chris Scholl	Inmet Mining Corporation
Tara Shea	Mining Association of Canada
Michael van Aanhout	Stratos Inc.
Vicky Weekes	Stratos Inc.
Tracey Wolsey	Suncor Energy Inc.