



Coal Policy Committee

Terms of Reference

A. Background

Alberta's government seeks to develop a twenty-first century natural resource development policy – a coal policy – by Albertans and for Albertans. It will take time to do this right. Future generations of Albertans will expect nothing less. With the input of Albertans, a modern coal policy will protect the areas Albertans cherish while allowing responsible resource development in the appropriate places.

Alberta's vast natural resources are owned by Albertans. While investment from all over the world is seeking to develop these natural resources responsibly, Albertans will determine where, when and how their resources are developed. The Minister of Energy is asking Albertans for their advice and recommendations about the strategic goals, considerations and desired outcomes for coal development in Alberta.

The Government of Alberta reinstated the 1976 coal policy (the "Coal Policy") after hearing concerns raised by Albertans about surface mining in the Eastern Slopes. This included reinstating the four coal categories, which indicate where and how coal leasing, exploration and development can occur.

Further, the Minister of Energy (the "Minister") has issued a directive to the Alberta Energy Regulator so that:

- No mountaintop removal will be permitted and all of the restrictions under the 1976 coal categories are to apply, including all restrictions on surface mining, in Category 2 lands.
- All future coal exploration approvals on Category 2 lands will be prohibited pending widespread consultations on a new coal policy.

This Coal Policy Committee (the Committee) is established by Ministerial Order under section 7 of the Government Organization Act.

B. Purpose: Mandate, Role and Scope

The purpose of the Committee is to conduct engagement as necessary to prepare a report to the Minister on the advice and perspectives of Albertans about the management of coal resources in connection with matters under the Minister's administration, including:

- *Mines and Minerals Act*, relating to coal tenure and royalty;
- *Coal Conservation Act*, relating to resource management and conservation; and
- *Responsible Energy Development Act*, relating to regulatory oversight of responsible coal development.

The Committee will prepare a report to the Minister that describes Albertans' understanding of coal development as it pertains to the Coal Policy and other areas under the Minister of Energy's purview. Additionally, the Committee will provide recommendations to the Minister about how to clarify the nature, scope and intent of the restrictions under the current Coal Policy.

The engagement, report and recommendations will describe Albertan's understanding of the Coal Policy and consider their objectives for development of coal in Alberta. The engagement process will be guided by these questions:

- What is Albertans' understanding of the Coal Policy?
 - How do Albertans describe the Coal Policy?
 - Do Albertans perceive Alberta as one of the world's jurisdictions with responsible development?
- Do Albertans want to supply coal to meet global demand, and if so how do Albertans want to develop coal in Alberta?
 - How do Albertans describe Alberta's current coal development regime?
 - Are Albertans aware of the legislation & regulations that govern coal development?

- Under what conditions would Albertans support coal development?
- Is there a shared understanding of what the terms used in the Coal Policy and Minister's direction mean? For example:
 - Open pit mining
 - Surface mining
 - In-situ mining
 - Underground mining
 - Mountain top removal
- What should be the nature, scope, and extent of the restrictions in the Coal Policy?
- Should surface mining ever be considered in Category 2 lands?
 - If so, what should be the nature, scope and extent of the "not normally be considered" restriction set out in the Coal Policy?
 - If not, what are the next steps government should take?
- What, if any, parts of the Coal Policy should be changed or removed and why?
- What parts of the Coal Policy should be clarified?
 - How and when should the enhancements and clarifications be made?

To achieve this mandate the Committee:

- Will focus only on matters related to coal that are under the administration of the Minister of Energy.
- Will conduct interviews, investigations, surveys, and meetings as the Committee deems necessary or desirable to ascertain the views of Albertans on the matters related to the purpose for which the Committee has been established;
- Will collaborate with the Ministry of Energy in establishing relationships with Indigenous knowledge-keepers who may help the Committee understand Indigenous Albertans' advice and perspectives about the management of coal resources in connection with matters under the Minister's administration;
- Will review, analyze, and summarize all written input received from Albertans; and
- May post summaries online of input received from Albertans on matters within committee scope.

C. Deliverables

Engagement

The Committee will conduct the engagement (for example, interviews, investigations, surveys, and meetings) between March 29, 2021 and September 15, 2021, having due regard for agricultural stakeholders' busy periods and Indigenous communities' scheduled ceremonies.

Progress Report

The Committee will provide regular reports on their progress including a summary of the number of surveys completed, the number of Albertans who have signed up for updates, and the number of interviews and meetings held.

Report on Engagement

The Committee shall submit its final report on the engagement on October 15, 2021, summarizing the perspectives and advice of Albertans about the management of coal resources.

Report and Recommendations

The Committee will file with the Department of Energy the Committee's report on the strategic goals, desired objectives and recommendations to the Minister of Energy on November 15, 2021.

Support to Minister

The Committee shall provide any follow-up clarifications, explanations, or other advice as may be requested by the Minister.

D. Membership

The Committee will be chaired by a strong leader, a consensus builder, and consist of four more members.

Membership is established by the Minister of Energy under Ministerial Order 064/2021.

The secretariat, consisting of department staff, will participate in Committee interviews and meetings as guests of the Committee. Department staff do not have the ability to make motions, debate or make decisions on Committee business.

E. Term

Committee members are appointed for a one year term, from March 29, 2021 to March 28, 2022. Vacancies may be filled by the Minister, by order.

F. Committee Meetings

In delivering the engagement, report and recommendations, the Committee may meet by any method and at such frequency as it deems necessary or desirable.

Members will provide notification of absence to the Chair in advance. If more than two meeting absences are expected in the term, the member must notify the Chair. A minimum quorum of one committee member and the chair is required for any meeting.

Meeting materials will be provided by the Department of Energy secretariat in advance of each meeting. Summary notes from each meeting will be approved by the Committee and may be posted online.

G. Confidentiality and Conflict of Interest

The discussions and deliberation of the Committee are confidential and cannot be shared beyond Committee members, the Minister, and Department of Energy secretariat staff. Information gained through the course of participation on the Committee cannot be used for personal interest or gain, or that of a close family member. Members will be required to sign a Non-Disclosure Agreement.

Any real or perceived conflicts of interests must be disclosed to the Chair immediately.

Committee information is the property of the Government of Alberta, and will be managed in compliance with the Records Management Regulation, the *Freedom of Information and Protection of Privacy Act*, and applicable Information Management Technology Standards.

H. Remuneration and Expenses

Committee members may be reimbursed for reasonable expenses necessarily incurred in the course of performing their duties as Committee members in accordance with the Travel, Meal and Hospitality Expenses Directive, as amended. Travel must be pre-approved by the Department of Energy, by submitting a request to the secretariat support. Travel expense claims must be sent to the Department of Energy for approval before reimbursement. All other expenses must be pre-approved by the Department of Energy.

Virtual meetings will be encouraged to ensure safe physical distancing practices and adherence to any travel and meeting restrictions during the COVID-19 pandemic.

Committee members may be compensated for their service as set out in the Committee Remuneration Order (OC 466/2007), Appendix 3, Schedule 2, Part B.

I. Secretariat

The Department of Energy will provide secretariat support to the Committee, which will include the following:

- Arrange engagement and meeting logistics, recording engagement and meeting notes and assisting the chair with drafting and delivering meeting agendas and materials;
- Serve as the liaison between the Committee and the department;
- Arrange access to information as required, including in relation to other departments and agencies of the government;
- Arrange research and analysis on behalf of the Committee;
- Assist with engagement and meeting planning, arrange logistics for engagement, arrange engagement tools and discussion guides under the Committee's direction, and arrange for drafting of notes and summaries of Albertans' input.
- Arrange for the drafting of the engagement report and final report and recommendations under the Committee's direction.