# OIL SANDS CONSULTATION GROUP FINAL REPORT AND RECOMMENDATIONS

Submitted to Ministers of: Energy Environment Sustainable Resource Development

March 31, 2006

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## **Oil Sands Consultation Group** Final Report and Recommendations

## **Executive Summary**

### I. Introduction

In January 2006 the Oil Sands Consultation Group was established by the government with a mandate to provide revised plans for a consultation process for oil sands development.

The Group reviewed previous consultation processes used in Alberta.

The Group submits to the Ministers of Energy, Environment and Sustainable Resource Development the following recommendations.

### **II.** Summary of Recommendations

The Oil Sands Consultation Group recommends that:

- 1) The Province consult on oil sands development using the hybrid multistakeholder and panel model and process developed by the Group.
- 2) The scope of the consultation include consideration of economic, environmental and social issues in an integrated manner.
- **3**) Consultation be on oil sands development as a subject matter, not on a defined geographic area.
- 4) The consultation process include assessment of possible linkages to other polices or processes already in place, government or otherwise.
- 5) Information be made available to stakeholders in a timely fashion.
- 6) The consultation process be structured so as not to prejudice the consultation rights of First Nations.
- 7) Consultation takes place in the three oil sands areas, Peace River, Cold Lake and Athabasca as well as Edmonton and Calgary.
- 8) An internet process be set up to allow interested persons to access information and provide input.
- 9) The entire consultation process be completed by June 2007.

### III. Recommended Consultation Model

The Group agreed that an appropriate model would be a hybrid of several models. It would include a multi-stakeholder committee (MSC) representing a number of stakeholders. This committee would work on a concensus based approach to make recommendations to appropriate Ministers on oil sands development issues. This would be complemented by a panel that would be a subset of the MSC and would serve two roles:

- 1. Conduct outreach including public information sharing meetings in the various locations and report its findings to the MSC; and
- 2. Consider areas where the MSC determined there was unlikely to be concensus and where possible reach concensus on recommendations or document the diversity of views heard in the process.

The MSC and panel would present a joint report to the Ministers of Energy, Environment and Sustainable Resource Development.

This model struck an appropriate balance of time requirements for a number of stakeholders who would not be able to provide resources for handling all outreach as well as full discussions of potential recommendations.

### 1. Background

The MLA chaired Oil Sands Consultation Group was tasked with revising plans for consulting on policy principles for Alberta's oil sands areas. The Group's mandate (see Appendix I) is to develop revised plans for consulting on the policy principles for Alberta's oil sands area in relation to oil sands development and environmental management. The Group will work with the Cumulative Environmental Management Association (CEMA) and other stakeholders to review and recommend how consultation on the management principles for the oil sands should proceed. The Group brings together individuals with diverse backgrounds and years of experience in public consultation processes. See Appendix II for members' bios.

### 2. Consultation Model Considerations

The Group initiated a review of past government consultation processes as a precursor to designing a process that would be suitable for open and collaborative consultation on oil sands development. They determined there is no one "right way" and the method or combination of methods chosen will be dependent on what you are trying to achieve, who you may be consulting and what level of consultation you are striving for. It was considered important in planning any consultation that the objectives and expectations are clearly set out from the start and that the approach taken is suitable.

The review of consultation methods was essentially narrowed down to focus on two methods. These were termed the "Panel" and "Multi-stakeholder Committee (MSC)" consultation processes.

### Panel

The panel method usually is a structured public meeting at which the public can make more or less (depending on the structure) formal statements about the issue. Oral presentations often precede written submissions to the panel. Historically this has been supplemented by other venues for input such as letters, internet, etc.

The panel reviews all the submissions and other material, synthesizes the information and provides a report with recommendations.

Although there can be a number of ways to structure panel hearings, it is generally a venue for one way communication rather than two or multiple way communication between various stakeholders. Although a panel can include various interests, it is generally used for situations where a decision or recommendations are to be made with input rather than a concensus reached.

### **Multi-stakeholder Committees**

The multi-stakeholder method considered by the Group involves bringing a number of stakeholders together to obtain information and to jointly consider the issues and possible recommendations. The process used is generally to try and reach concensus recommendations that reflect the interests of all the stakeholders.

Obtaining more general public input in this model is generally done as a precursor to the multi-stakeholder committee's considerations. In Alberta this has historically included town hall type meetings, workshops, forums, internet etc.

This process is generally a venue for multiple-way communication between a number of stakeholders and the public, and more commonly used, when determining policy directions acceptable to most or all stakeholders is the desired goal rather than specific decisions.

### **Importance of Outreach and Public Involvement**

The Group determined that it was important regardless of the general model developed to include outreach to the public to provide information and solicit public views in a number of ways for consideration. The Group also determined that a subset of the MSC should do the public outreach due to the current demands on the time of a number of stakeholders that would make involvement of the MSC in all aspects problematic.

Some suggestions for topics that might need discussion papers or background information prepared (a brief history and overview of oil sands and the current situation), key issues such as economics, environmental concerns and social and infrastructure issues. A list of potential detailed topics is attached. Appendix III.

### 3. Recommended Model for Oil Sands Consultation

The Group considered a number of issues in recommending a model that is a combination of the Panel and Multi-stakeholder methods.

It was determined that this hybrid model would provide for broad public input, and would involve stakeholders in searching for concensus on the framework. It would also be time and effort effective for stakeholders who have a number of competing claims for their time. It could also provide some ability to provide recommendations on areas where concensus might be harder to reach.

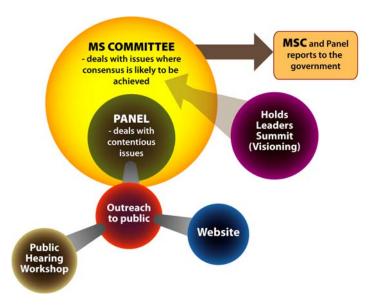
This would entail the formation of a Multi-stakeholder Committee (MSC) and a Panel. The MSC would be accountable for the overall process coordinating activities, holding meetings etc. The Panel would be a subset of the MSC.

The Panel members would do the public outreach, including holding public meetings and information sessions and collecting public input. They would also be tasked to consider some issues where the MSC determined that concensus could not be reached. This could be identified at various stages in the process.

The MSC would work toward concensus recommendations and would also determine research or expert input that might be needed for their understanding of issues.

The MSC and Panel would work toward concensus recommendations on the issues submitted to them. They would determine research or expert input that may be needed for their work. They would also document the diversity of views heard on areas where they could not reach concensus.

The final report would be a joint report including the recommendations and documentation of both the MSC and the Panel submitted to the ministers of Energy, Environment and Sustainable Resource Development.



# **Consultation Model**

## 4. What, Who, Where, When

### What

The Group determined that it would be important that the process be open to hearing all issues that stakeholders and the public may have regarding oil sands development.

The MSC will be responsible for process and details of the consultation.

The Group considered that there was a need to develop a framework, including a shared vision for oil sands development. This vision would lead to principles, values and beliefs and give a sense of direction to the consultation process. Once there is agreement on what the desired outcomes may be, appropriate strategies and actions can be considered for an integrated development plan. Such a plan would maximize economic, social and environmental benefits of oil sands development and minimize negative impacts. The diagrams in the Appendices outline this in a graphical manner. (See Appendix IV, Oil Sands Framework; Appendix V, Economic Social Environmental Integration; and Appendix VI, Framework and Current and Desired States)

### Who

### **Committee Membership**

The Group recommended Multi-stakeholder membership would include representatives from the government departments with responsibility for various aspects of oil sands policy, aboriginal groups, Non-Government Organizations, industry, and municipal governments. This would result in a MSC of 15 to 20 members which was considered a workable size for discussion.

Participants	No.	Selection
Provincial Government		Provincial Government
Energy		
Environment		
Sustainable Resource Development		
Federal Government	1	Federal Government
Municipal Government	3	Selected to represent Municipal, education & regional health sectors
Industry	3	Oil sands industry
First Nations	3	First Nations
Metis	1	Metis
ENGO's		Selected through Alberta Environment Network process
Chair of Panel		Observer Status

## **MULTI-STAKEHOLDER COMMITTEE**

### PANEL (SUBSET OF MSC)

Participants	No.	Selection
Independent Chair	1	Provincial Government (Observer status on MSC)
Provincial Government	1	Provincial Government
Federal Government	1	Federal Government
Municipal Government	1	Municipalities
Industry	1	Selected by the oil sands industry
First Nations	1	Selected by the First Nations
ENGO's	1	Selected through Alberta Environment Network process

### **Public Participants**

The Group considered who should be included in the outreach process.

There was agreement that all Albertans should have some sort of opportunity for input and that that the most impacted are the people within the three oil sands areas, Peace River, Athabasca and Cold Lake and should be approached most directly.

It was also agreed that there should be opportunities for other Albertans to be consulted in person, and for any other interested persons to have input through some process, either attending at the meetings held or through an open process such as use of internet forums.

Funding should be available for stakeholders to participate in the consultation process. Several consultation processes have used a somewhat standard method to assist stakeholders in this regard including honorariums for committee work, communication and networking, preparation time and expenses.

The Group determined that there would need to be a process in place to judge the quality of information being submitted during consultations and discussed a number of approaches for measuring or weighing submissions. Transparency was considered to be necessary both ways and the MSC and Panel should know who is submitting information. Freedom of information and privacy legislation will need to be considered in setting up the processes.

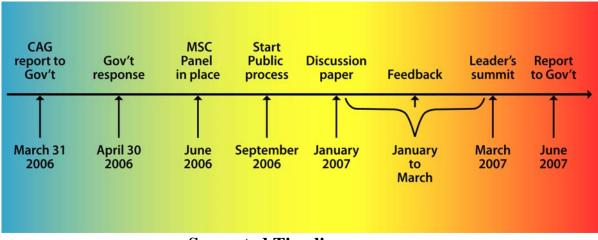
### Where

The Group recommended that consultations will take place in the three oil sands areas Peace River, Athabasca and Cold Lake. This should include communities such as Fort McMurray, Fort McKay, Peace River, and Cold Lake etc. It was also agreed that some consultation meetings be held in Edmonton and Calgary. Public meetings would be open to anyone.

An internet forum or other process open to anyone and easily accessed from anywhere was also recommended.

### When

The Group recognized the urgency of moving quickly with the consultation process given the pace of oil sands development. The entire consultation process needs to be completed by June 2007. This would mean the MSC and Panel need to be in place by June 2006. A response from the Ministers of Energy, Environment and Sustainable Resource Development would be required by the end of April 2006 for this to happen.



## **Suggested Timeline**

The Group also made a number of comments that they considered would be of assistance to the Ministers and the MSC in setting up the process:

Due to the time constraints and the amount of work entailed, the Group commented that there should be a firm commitment of resources in place that will allow consultations to proceed at an acceptable pace. The consultation process should be supported by a dedicated secretariat. It is likely that staff from appropriate government departments could be utilized as this support.

The Multi-stakeholder Committee should be given the resources to prepare for and initiate consultations quickly. A component of this could involve early up front training and information sharing on process to ensure that all committee members are fully prepared.

Provisions should be made for consultations to be held in language suitable for stakeholder involvement. In some areas of the oil sands area this may be Cree, Dene, and French, etc.

### 5. First Nations and Public Consultation Processes

In recognition of their rights to direct consultation with respect to potential impacts on their aboriginal and treaty rights, the Government of Alberta approved a policy on May 16, 2005 entitled "The Government Alberta's First Nations Consultation Policy on Land Management and Resource Development". In this Policy, Alberta commits to consult with First Nations on Land Management and Resource Development on Provincial Crown Land which may infringe First Nation Rights and Traditional Uses. Although the five First Nations in the Athabasca oil sands region (members of the Athabasca Tribal Council or "ATC") did not approve the way in which this Policy was developed, the Province has recently engaged the ATC First Nations in development of consultation guidelines. Currently each ATC First Nation has individual consultation protocols managed by their respective Industry Relations Corporation which have interpreters available to facilitate discussions with the First Nations' membership in both Cree and Dene.

There has also been ongoing discussions between industry, the ATC First Nations, Alberta and Canada regarding a Long Term Benefits Agreement. The proposed Agreement includes a commitment by Alberta and Canada to develop an agreement within three years with respect to consultation specific to the ATC First Nations.

As Albertans, First Nations ought to have an opportunity to participate in the recommended public consultation process if they so desire. Participation by First Nations in the public process is separate and parallel to the First Nations' specific consultation rights regarding their aboriginal and treaty rights and interests.

### 6. Recommendations

# 1) The Province consult on oil sands development using the hybrid multi-stakeholder and panel model and process developed by the Group.

The method of consultation will be a hybrid approach of the multi-stakeholder and panel approaches. Details of the method can be found under the "Recommended Model" and "Who" sections. (pages 6 and 9)

# 2) The scope of the consultation include consideration of economic, environmental and social issues in an integrated manner.

The development of the oil sands should be accomplished so as to maximize economic, social and environmental benefits and minimize negative impacts.

# 3) Consultation be on oil sands development as a subject matter, not on a defined geographic area.

The consultations would be topic or subject matter based and not limited to an area or boundary on a map. The subject matter would include oil sands development in all three oil sands areas, Peace River, Athabasca and Cold Lake.

# 4) The consultation process include assessment of possible linkages to other polices or processes already in place, government or otherwise.

There is a need for some overall coordination between oil sands development and a host of other issues that need to be taken care of in the area. Development should occur in harmony with these other activities. It should be determined if there are any gaps and opportunities for improvements in existing polices and procedures.

#### 5) Information be made available to stakeholders in a timely fashion.

Stakeholders should be provided with appropriate, credible, balanced and objective information on a number of topics related to oil sands development. This will assist them in understanding the issues, concerns, opportunities and possible solutions. Noting the source of information provides for greater transparency and allows the stakeholders to evaluate the information.

# 6) The consultation process be structured so as not to prejudice the consultation rights of First Nations.

First Nations consultations on oil sands development will be a separate but parallel process with a link between the two consultation processes. First Nations will also have the opportunity to participate in the public consultation process. This is discussed further in section 5 above. (page 10)

# 7) Consultation take place in the three Oil Sands areas, Peace River, Cold Lake and Athabasca as well as Edmonton and Calgary.

The consultations should be done in the communities most directly affected such as Fort McMurray, Ft. MacKay, Peace River and Cold Lake. Others can participate through meetings held in Edmonton and Calgary

# 8) An internet process be set up to allow interested persons to access information and provide input.

Making full use of the internet to aid in the consultation process will ensure that any interested party can obtain information and participate in the process. The use of an internet forum or other process would be open to anyone and easily accessed from anywhere.

#### 9) The entire consultation process be completed by June 2007.

Given the pace of oil sands development there is significant value in having consultation stake place in a timely fashion. All stakeholders need certainty in how development is going to proceed.

# Appendix I

### **Press Release and Backgrounder**

December 20, 2005

# Government Establishes Group to Guide Consultation for Oil Sands Environment and Development Policy

*Edmonton...* A stakeholder consultation group that includes representatives from environmental organizations, First Nations, industry and government is being asked to revise plans for consulting on policy principles for Alberta's mineable oil sands area.

"I've heard the desire of Albertans to discuss how we develop this valuable provincial resource in a way that protects and sustains the environment," said Environment Minister Guy Boutilier. "Stakeholders are also expecting us to move forward in a more open and collaborative manner."

Working with the Cumulative Environmental Management Association and other stakeholders, the steering group will review and recommend how consultation on policy principles for the oil sands area should proceed. As part of this process, workshops planned for January and the Internet consultation to gather feedback on the draft Mineable Oil Sands Strategy will be cancelled.

"Incredible development is going on and is forecast for this area. With some \$80 billion worth of projects already announced, this area is key to the energy security of Alberta and Canada," said Energy Minister Greg Melchin. "There is a need to review our policy principles, but how we engage with Albertans to develop them is equally important."

"Working in partnership with key stakeholders is the best way to find solutions and ensure the public has confidence that development is sustainable," said Sustainable Resource Development Minister David Coutts.

The group is to deliver a final report to government by March 31, 2006. That report will help determine how consultation on policy development for this area moves forward.

Backgrounder attached.

# Terms of Reference - Oil Sands Consultation Group Background

The oil sands area is key to Alberta and Canada's energy security, with \$80 billion worth of projects already announced.

All of the mineable oil sands rights are under lease and approximately 11 per cent of the area is under active development. This is anticipated to increase to ~25 per cent by 2015 and ~58 per cent by 2035. Production is estimated to increase from a current one million barrels a day to three to five million barrels a day by 2015. Of the Mineable Oil Sands Strategy area, 19 per cent is currently covered by surface agreements related to oil sands development based on existing approvals. This area is expected to increase to about 31 per cent based on scheduled hearings related to mining development.

The Ministers of Energy, Environment and Sustainable Resource Development have identified the need to develop revised plans for consulting on policy principles for Alberta's oil sands area. The ministers have directed the group to make recommendations to ensure Albertans have confidence in the consultation process for the oil sands area.

### Purpose

The purpose of the committee is to:

- 1. Develop revised plans for consulting on the policy principles for Alberta's oil sands area in relation to oil sands development and environmental management.
- 2. Work with the Cumulative Effects Management Association and other stakeholders, to review and recommend how consultation on the management principles for the oil sands area should proceed.

### **Committee Structure**

The group will be composed of:

Chair - One member of the Legislative Assembly Committee Members

- One First Nations representative from the Athabasca Tribal Council.
- One environmental non-government organization representative.
- One oil sands industry representative.
- One member of the public at large.

### Timing

The committee will report on their progress to the Ministers of Energy, Environment and Sustainable Resource Development by March 1, 2006. A final report with recommendations will be provided to each Minister by March 31, 2006.

## Appendix II

## **Oil Sands Consultation Group Member's Bios**

**Chair, Mel Knight -** Mr. Knight was elected to his first term as Member of the Legislative Assembly for Grande Prairie-Smoky on March 12, 2001. In addition to his MLA role, he is a member of the Standing Policy Committee on Energy and Sustainable Development; co-chair of the Alberta Energy Research Institute and a member of several committees including the Canadian Energy Research Institute, Endowment Fund Policy Committee and the Energy Council. Mr. Knight and his wife continue to operate a forage operation on a farm in northwest Alberta.

**Jim Boucher** - Chief of the Fort McKay First Nation since 1986 and President of the Athabasca Tribal Council, Jim Boucher strives to balance the social, economic and cultural changes that affect daily life in Fort McKay. A champion for the environment, Chief Boucher promotes sustainable growth and economic development, while maintaining the value and culture of the Fort McKay First Nation as his top priority.

**Bill Gendreau -** Mr. Gendreau opened a general contracting company in the Fort McMurray area in 1994. Previously, he was area supervisor over roads, building and grounds for Suncor. He served on Fort McMurray city council for 20 years and is currently a member of the board of governors of Keyano College.

**Martha Kostuch** - A veterinarian in Rocky Mountain House, Martha Kostuch has helped to manage many environmental issues. She is a board member with the Clean Air Strategic Alliance and was presented with an Alberta Wilderness Defenders award in 2004. She was also nominated for Alberta Environment's first individual Emerald Award. More recent honours include awards from the Canadian Nature Federation and *Canadian Geographic*.

**Gordon Lambert -** Mr. Lambert is Vice-President of Sustainable Development for Suncor Energy. He is the co-chair of the Alberta Chamber of Resources integrated landscape management program; a member of the Canadian Association of Petroleum Producers environment, health and safety executive policy group and is involved with the World Business Council for Sustainable Development in support of its work on climate change and sustainable development. Mr. Lambert was appointed to the joint public advisory committee of the Commission for Environmental Cooperation of North America in 2004.

# Appendix III

#### **Potential Discussion Papers/Issues**

#### 1. An Oil Sands Backgrounder

- brief history of oil sands development
- relevant Federal, Provincial and Municipal legislation and policies
- project approval processes
- current issues management approaches and related regional committees
- size of reserve, number and holders of leases and recovery options (surface versus in situ recovery)
- current situation in terms of constructed, approved and planned project
- upgrading practices and options
- general inputs and outputs (e.g. electricity, natural gas, bitumen, synthetic crude, coke, and sulphur)
- summary of key impact issues (e.g. environmental, social, economic and First Nations)

#### 2. Key Issues:

#### Economics

- past, current and possible future market trends for bitumen and synthetic crude
- cost of extraction, upgrading and shipping and factors affecting
- resource recovery and upgrading requirements/practices
- by-products and value/liabilities (e.g. coke and sulphur)
- short, medium and long term financial ability to alter practices and approaches
- taxation and royalty structures

#### Environment

- land disturbance and reclamation
- air quality, acid deposition and nitrogen deposition eutrophication
- water quality and quantity (surface and groundwater)
- vegetation
- fish and wildlife
- climate change
- waste creation and management

#### Social/Infrastructure

- health/health services
- crime/policing & social services
- education/schools
- housing availability/costs
- labour demands/availability
- work camp issues
- transportation air and land (roads and rail)
- recreation
- First nation traditional land use and lifestyle

# Appendix III (Continued)

For each of the key issues the following is required:

- a summary of issue
- how it is currently being managed/addressed
- possible problems/deficiencies
- alternate approaches or options
- costs and benefits of these options and approaches
- time to effect or implement change
- implications/outcomes from change
- panel or steering committee identified questions/issues that it encourages/wants stakeholder and public input on

# Appendix IV

## **Oil Sands Framework**

Develop a shared vision and outcomes for Oil Sands Development.

Develop goals and principles.

Develop strategies, processes and actions to achieve the desired vision, outcomes, goals and principles taking into consideration existing activities.

Develop a context under which further planning and activities can occur.

In developing the above, the following will be accomplished: Maximize economic, social and environmental benefits and minimize negative impacts of oil sands development.

### Some Examples of Guiding Documents:

Alberta's commitment to Sustainable Resource and Environmental Management Provincial Plans, Frameworks, Visions, Objectives, etc. including the following:

### CASA:

Vision – The air will be odourless, tasteless, look clear and have no measurable short or long term adverse effects on people, animals or the environment. Particulate Matter and Ozone Management Framework. Acid Deposition Management Framework. Pollution Prevention and Continuous Improvement Framework

### Water for Life:

Aquatic ecosystems shall be protected.

Watershed Plans will be established which include water management objectives and priorities for sustaining aquatic ecosystems.

Water is managed and allocated to sustain aquatic ecosystems and ensure their contribution to Alberta's natural capital and quality of life are maintained.

# Appendix IV (Continued)

#### Alberta Forest Conservation Strategy:

For centuries to come, Alberta will have vast forest areas, including forest areas with a pristine character, in which natural structures and functions continue to evolve.

Forest areas will continue to meet our needs to ecosystem services such as clean air and water, as well as economic opportunity, material goods, recreation, leisure and spiritual connection.

#### **Ambient air Quality Objectives**

Water Quality Objectives

Federal, National and International Commitments (A list of these needs to be added.)

#### **CEMA Vision:**

The vision of the Cumulative Environmental Management Association (CEMA) is that the environment of the region including the land, forest, air, water, wildlife and biodiversity will be protected, sustained and restored over the long term; and that the collective activity in the region will not cause any lasting harm to the environment or cause adverse effects on the health of humans. Should these impacts be evident, the Association and its Members will recommend, promote and implement mitigating action to reverse their effects.

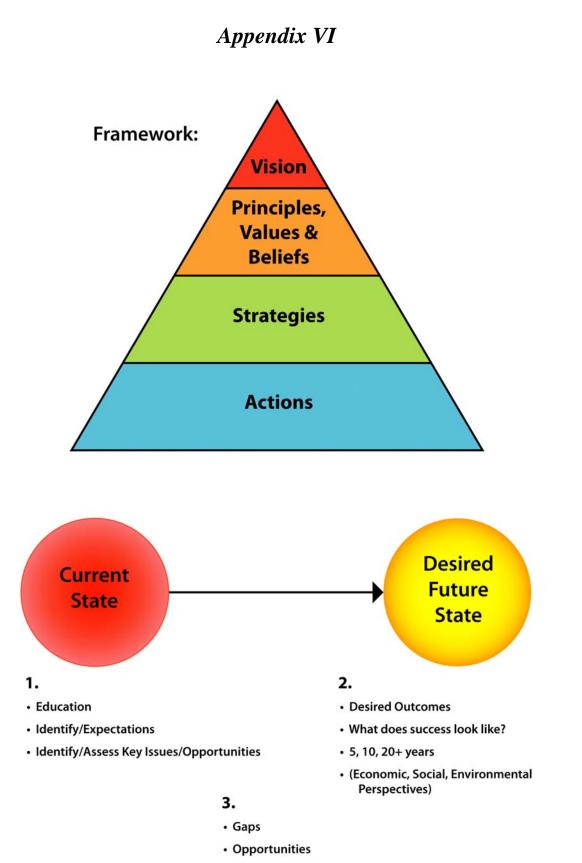
#### Alberta Health and Wellness Vision:

Albertans are healthy and live, work and play in a healthy environment.

# Appendix V

# Context: Social, Economic, Environmental Integration





### Consultation Advisory Group Final Report March 31, 2006 Addendum

The Ministers of Energy, Environment and SRD met with the Consultation Advisory Group (CAG) on May 3 to discuss the Final Report. This resulted in the Ministers accepting the recommendations of the Group with some minor modifications in timing and process, with the Group's support.

The CAG met on May 10 and expressed a consensus to move ahead with oil sands consultations without delay. They agreed on the following recommendation.

The CAG recommends the following approach:

Consultation will be on oil sands development in all oil sands regions, with an initial emphasis on recommendations to the Ministers on an appropriate *vision* for oil sands development and *principles, values and beliefs* to maximize economic, environmental and social benefits and minimize negative impacts.

Further work would develop recommendations on strategies and actions to achieve the vision and principles accepted by the province.

The consultation process should begin immediately with selection of multistakeholder committee members and development of terms of reference.

The Committee will then set up public meetings that would be expected to be completed by mid-October. The Leader's Summit proposed for March, 2007 will be moved up to October, 2006 and an additional interim report on vision and principles be submitted to government by November, 2006.

The process is expected to continue as recommended by the Group through the Spring of 2007, with further public feedback on vision and principles and to assist in development of strategies and actions, and a final report to government in June, 2007.