

# Technical Advisory Committee Guideline

VERSION 1.0

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ISSUED BY:

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This document provides guidance to help environmental assessment participants and the public better understand British Columbia's environmental assessment process. It is not advice and does not replace requirements of the *Environmental Assessment Act*, 2018 or its regulations, or bind any decision-maker.

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## Acronyms and Abbreviations

The Act	<i>Environmental Assessment Act</i> (2018)
CAC	Community Advisory Committee
EA	Environmental Assessment
EAO	Environmental Assessment Office
EAC	Environmental Assessment Certificate
EPIC	EAO's Project Information Centre
TAC	Technical Advisory Committee

## INTRODUCTION

This document provides a summary of the purpose and role of the Technical Advisory Committee (TAC) and includes the standard terms of reference that will be used as a starting point for all projects. The terms of reference outline the purpose, guiding principles, membership, key roles and responsibilities, structure and functioning of the TAC.

Primary users of this guideline are Environmental Assessment Office (EAO) staff, participating Indigenous nations and TAC members, however other environmental assessment (EA) participants may also use this guideline to understand the roles, responsibilities and functioning of the TAC in an EA.

This guideline is intended to be read and interpreted in conjunction with the [Environmental Assessment Act \(2018\)](#) (the Act). The key sections of the Act referenced are [21](#) and [25](#).

## WHAT IS THE TECHNICAL ADVISORY COMMITTEE?

The purpose of the TAC is to provide technical advice to the EAO and participating Indigenous nations throughout the EA of a proposed project. The TAC is the forum for the detailed, technical review of the proponent's documents and technical studies. The TAC contributes to a rigorous and comprehensive regulatory process that aims to ensure durable decisions. It plays a vital role in establishing information requirements for the EA, assessing the potential effects of the proposed project and assessing the adequacy of any proposed mitigation measures.

The EAO relies on the advice of the TAC in developing its assessment of the effects of a proposed project presented in the Assessment Report and draft Environmental Assessment Certificate (EAC) including proposed conditions and project description. Participating Indigenous nations may also choose to rely on the advice of the TAC to support their decision-making respecting a project.

The TAC is chaired by the EAO and made up of representatives with the mandates and technical expertise relevant to the assessment of a proposed project, including appropriately qualified provincial and federal experts and regulators, Indigenous nations and experts from local governments. The EAO may appoint additional experts<sup>1</sup> as needed. TAC members are expected to provide advice within their mandate or area of competency and to follow the conduct outlined in [Appendix 1 – Technical Advisory Committee Terms of Reference](#) on impartiality, communications, attendance, performance, advising only within areas of competency and conflict of interest.

## FORMING THE TECHNICAL ADVISORY COMMITTEE

In Early Engagement the EAO begins to identify and reach out to the potential members of a TAC (for example, technical advisors), to seek early advice and input on potential issues and any policy gaps identified in the review of the proponent's Initial Project Description.

Proponents are encouraged to engage with these technical advisors during Early Engagement when developing their Detailed Project Description and any additional information proponents may submit with their Detailed Project Description to support the timely completion of Process Planning<sup>2</sup>.

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<sup>1</sup> See the [Process Planning Policy](#) for guidance on the use of external experts including considerations for the identification of the need for experts and selection.

<sup>2</sup> Proponents are encouraged to provide additional information with the Detailed Project Description, including any of the proponent's proposed revisions to the EAO's Application Information Requirements Guideline, and to valued components identifying the potential valued components and providing a rationale for the selected valued components. See the [Early Engagement](#) and [Process Planning](#) policies for additional information.

The EAO then establishes the TAC during Process Planning, once a Readiness Decision has been made and it has been decided that the project will proceed to an EA, from the technical advisors identified in Early Engagement. TAC members are selected to provide input in the areas of expertise needed to assess the potential project effects identified during the Early Engagement phase and the required assessment matters in [Section 25](#) of the Act.

Representatives from local, provincial, federal and Indigenous nation governments are identified by each individual organization to be on a TAC. The EAO may also work with participating Indigenous nations to identify expertise required on the TAC. Project proponents or certificate holders are not members of the TAC, although they may be invited to attend and participate in TAC meetings when appropriate.

The EAO tailors the terms of reference in Appendix 1 for each project and works with participating Indigenous nations to reflect any required customization to the role of the TAC for the participating Indigenous nations. The EAO shares the project specific terms of reference with TAC members for endorsement. Once finalized, the EAO posts the terms of reference to the project page on its website, EPIC. TAC members are expected to abide by these terms of reference.

As the EA progresses, it is possible that additional TAC members may be required to provide advice on potential effects that were not initially identified. The EAO may also engage with additional experts outside of the TAC, including provincial social agencies, to provide advice to inform the assessment.

The EAO may establish and chair subcommittees of the TAC to focus on specific technical issues requiring detailed conversations (for example fisheries or water quality) as necessary. Subcommittee membership is determined based on the expertise required to address the identified matter; however, any information generated through subcommittee meetings will be shared with the TAC. Subcommittees and their initial membership are listed in the terms of reference (see Subcommittees in [Appendix 1 – Terms of Reference](#)).

## ROLE OF THE TECHNICAL ADVISORY COMMITTEE

The role of the TAC, as stated in [Section 21](#) of the Act, is to advise the EAO and participating Indigenous nations on technical matters related to the assessment and to review the proponent's Application for an EAC.

During Process Planning, the EAO seeks consensus with participating Indigenous nations on a Process Order which includes an Assessment Plan that sets out the procedures and methods for conducting the EA. The Assessment Plan describes, among other matters, the role of the TAC in the EA for the project.

The EAO works with Indigenous nations commencing in Early Engagement to understand if the structure of the TAC, as outlined in the terms of reference, should be customized to reflect how a participating Indigenous nation wants to utilize the TAC as a resource. For example, the EAO could work with a participating Indigenous nation in the identification of the areas of expertise required for the EA and the selection of TAC members. The joint selection of members could result in efficiencies for both the EAO and participating Indigenous nations, including reducing the potential redundancy of technical representation on the TAC. Another example is the EAO could work with the participating Indigenous nation to adjust the role of the TAC to tie into the Nation's own procedural requirements during the EA.

The EAO will engage the TAC throughout the EA, as described in the roles and responsibilities section of the project specific terms of reference. Figure 1 below summarizes the typical role of a TAC in an EA.

# Environmental Assessment Process

## SUMMARY OF THE TECHNICAL ADVISORY COMMITTEE (TAC) ROLE

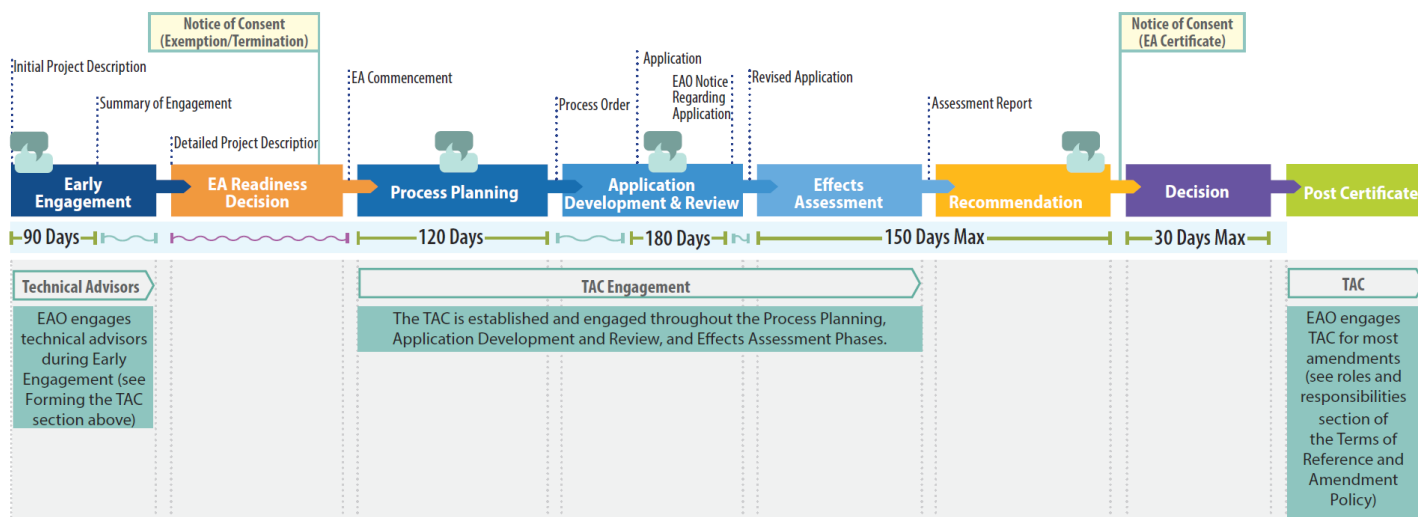


Figure 1. Summary of the Role of the Technical Advisory Committee in the EA process

## Interaction with the Community Advisory Committee

As described in [Section 22](#) of the Act, the Chief Executive Assessment Officer must establish one or more Community Advisory Committees (CAC) for an assessment if there is sufficient community interest in a project. The purpose of a CAC is to advise the Chief Executive Assessment Officer on the potential effects of the proposed project on the community. The EAO ensures a CAC is aware of the role, activities and membership of the TAC including TAC advice regarding specific issues of concern being raised by CAC members. The EAO makes TAC members aware of information from the CAC and public. Please refer to the [Community Advisory Committee Guideline](#) for further information on CACs.

For further information on the roles and responsibilities of TAC members, see [Appendix 1 – Technical Advisory Committee Terms of Reference](#).

## APPENDIX 1 - TECHNICAL ADVISORY COMMITTEE TERMS OF REFERENCE GUIDELINE

*Below is the guideline for the content of the standard Terms of Reference, which will be customized for each project.*

### Purpose

Pursuant to [Section 21 of the Environmental Assessment Act \(2018\)](#) (the Act), the purpose of the Technical Advisory Committee (TAC) is:

1. To advise the Environmental Assessment Office (EAO) and participating Indigenous nations on technical matters related to the assessment; and
2. To review the proponent's Application for an environmental assessment certificate (EAC) [/EAC amendment].

### Guiding Principles

The guiding principles of the TAC are:

1. **Impartiality:** TAC members provide expert advice that is focused on members' areas of expertise and responsibility and is not biased toward a particular environmental assessment (EA) decision outcome.
2. **Use best available science, Indigenous knowledge and local knowledge.**
3. **Collaboration:** TAC members will work together in a solutions-based manner, both across areas of expertise and in areas where members have interrelated expertise and interests.
4. **Rigour:** the TAC produces work that is consistently high quality, thorough, accurate and within the scope of the EA.
5. **Transparency:** TAC meeting notes, data and documents reviewed by the TAC and TAC member review comments will be clearly documented and publicly accessible, with appropriate provisions to safeguard any confidential items, such as Indigenous Knowledge and commercial interests.

### Roles and Responsibilities

#### The EAO

EAO staff are not members of the TAC. The EAO organizes, chairs and facilitates the operations of the TAC. The EAO is responsible for conducting the EA in accordance with the requirements of the Act, its regulations and the EAO's policies and practices. The purposes of the EAO as described in [Section 2 of the Act](#), is to promote sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities and support reconciliation with Indigenous people in British Columbia.

In carrying out these responsibilities, the EAO:

- Identifies the expertise required to evaluate the effects of a project and convenes the TAC;
- Maintains a current list of TAC membership;
- Coordinates TAC participation in the EA; and
- Informs TAC members of all relevant project plans, EA timelines and expectations/needs for TAC review, comments and meeting participation;



- Provides coordination, facilitation and secretariat services for the TAC (meeting agenda development; meeting coordination; chairing/facilitation; note-taking and action item tracking; circulation of proponent materials; and tracking and circulation of TAC member comments)<sup>3</sup>;
- Circulates complete information from the proponent to the TAC for review and comment;
- Facilitates information sharing and collaboration among TAC members;
- Facilitates resolution of technical issues with TAC members during the EA (the EAO may generate information requests to the proponent/certificate holder based on TAC member comments);
- Identifies connections between issues raised at the TAC, by participating Indigenous nations and by the Community Advisory Committee (CAC);
- Identifies other venues where issues outside of the EA scope can be addressed;
- Tracks remaining issues that need to be referred to subsequent permitting processes, other regulatory processes or government initiatives (through the Regulatory Coordination Plan<sup>4</sup>); and
- Posts TAC materials to the EAO's website and communicates with the proponent, public and media regarding the progress of the EA.

### Participating Indigenous Nations

Any specific roles for participating Indigenous nations that have been identified through discussions between the EAO and participating Indigenous nations will be documented here reflecting how a participating Indigenous nation wants to utilize the TAC as a resource.

### TAC members

TAC members play a critical role in contributing to a rigorous and comprehensive regulatory process that aims to ensure durable decisions, as well as supporting the EAO in meeting its purposes. TAC members' advice may also inform the EAO's consensus-seeking with participating Indigenous nations on technical matters. TAC members are guided by [EAO policy documents](#) and it is critical for TAC members to be familiar with the [Effects Assessment Policy](#). Responsibilities of TAC members throughout the EA and by EA phase are described below and a summary of key documents available for TAC review and input are provided in Table 1 below.

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<sup>3</sup> Please note that in order to run effective and efficient meetings, the EAO may engage TAC members in pre-meeting interviews to focus the agenda on key issues for resolution, and/or provide additional background materials that must be read prior to the meeting.

<sup>4</sup> See the Regulatory Coordination Plan Guideline within the [Process Planning Policy](#).

Process Planning	Application Development and Review	Effects Assessment and Recommendation	Post Certificate (Amendments)
Process Order: <ul style="list-style-type: none"> <li>Assessment Plan</li> <li>Application Information Requirements</li> </ul> Regulatory Coordination Plan	Baseline and predictive studies, as required  Application  Proponent responses to questions and information requests	Draft Assessment Report  Draft EA Certificate including proposed conditions and project description	Amendment Application  Amendment Assessment Information Requirements  Amendment Assessment  Draft Amendment Assessment Report  Draft EA Certificate Amendment including proposed conditions and proposed amended project description

Table 1. Summary of Key Documents for TAC Review and Input

As informed by the guiding principles of the TAC, TAC member responsibilities throughout the EA include:

- Advising within their areas of expertise, within the mandate of their organization and within their jurisdiction;
- Declaring any potential conflicts of interest to the EAO. TAC members may also be guided by their organization's internal policy on conflict of interest and the [Professional Governance Act \(2018\)](#);
- Attending TAC meetings and sub-committee meetings relevant to their areas of expertise and interest, or, if unable to attend the meeting, notifying the EAO and providing an alternate attendee from their organization;
- Meeting timelines for comments and other responses set out by the EAO. If a TAC member expects to be unable to meet a timeline, the TAC member is expected to immediately contact the EAO;
- Communicating clearly and respectfully in meetings and in written correspondence. To promote transparency in the assessment, plain language is encouraged when providing advice (for example, plain language summary accompanying technical advice. See section below on submitting comments and information requests);
- Engaging with other TAC members where areas of expertise and/or topic interests overlap;
- Proactively identifying potential issues and interests including regulatory issues and policy gaps and potential paths for resolution of issues;
- When requested by the EAO, reviewing technical comments and issues raised during public comment periods, attending public open houses or other public forums and providing advice to inform EAO responses to technical comments received from members of the public;
- When requested by the EAO, providing technical information for the EAO and participating Indigenous nations to share with Indigenous communities on specific areas of concern;
- When requested by the EAO, providing technical information for the EAO to share with CAC members on specific areas of concern;
- Advising the EAO and participating Indigenous nations on linkages to subsequent regulatory processes (for example, permitting) or other government initiatives; and
- Communicating within their agency or organization regarding the progress of the EA and with the TAC regarding relevant policy and legislation of their division and/or organization and any known policy gaps.

Responsibilities of TAC members during Process Planning include:

- Reviewing draft Process Orders including Application Information Requirements and Assessment Plans;
- Providing advice to the EAO and participating Indigenous nation to inform the scope of the project, the customization of the Application Information Requirements and the Assessment Plan;
- Contributing to the Regulatory Coordination Plan including the provision of information respecting permitting and regulatory processes; and
- Reviewing draft study and modelling plans and baseline data reports, (and supporting data where appropriate, for example, to verify/validate Terrestrial Ecosystem Mapping).

Responsibilities of TAC members during Application Development and Review include:

- Reviewing and providing feedback to the proponent during the development of Applications as per the Application Information Requirements (TAC member comments and proponent responses during Application development are documented by the proponent and provided to the EAO with the submission of the Application);
- Reviewing Applications;
- Reviewing and providing feedback and advice on proponent's Applications including the methods to consider the matters referenced in [Section 25](#) of the Act including the feasibility and completeness of proposed mitigations for addressing potential adverse effects, risk and uncertainty;
- When requested by the EAO, working with the EAO and other TAC members to define information requests for specific additional information required to inform the assessment of matters referenced in [Section 25](#) of the Act;
- Reviewing and providing feedback on supplemental information provided by the proponent; and
- Providing advice as requested by the EAO during the review of revised Applications for acceptance.

Responsibilities of TAC members during Effects Assessment include:

- Providing advice to the EAO and participating Indigenous nations to inform assessments;
- Advising the EAO on the application of its methodology to undertake the assessments required in [Section 25](#) of the Act;
- Providing advice to inform the EAO's determinations of significance;
- Advising the EAO and participating Indigenous nations on the development of EACs, including alignment with future permitting processes;
- Reviewing draft Assessment Reports and draft EACs including proposed conditions and project descriptions; and
- Collaborating with the EAO to identify matters for further consideration during permitting.

Responsibilities of TAC members during EAC amendments include:

- Providing advice to the EAO and participating Indigenous nations to inform the assessment;
- Advising the EAO on the application of its methodology to undertake the consideration of the required assessment matters in [Section 25](#) of the Act;
- Providing advice to inform the EAO's determinations of significance;

- Advising the EAO and participating Indigenous nations on the development of amendments to EACs, including alignment with permitting processes; and
- Reviewing draft Amendment or Extension Assessment Reports and draft amendment EACs including proposed conditions and amended project descriptions.

Roles and responsibilities and the total time commitment required by individual TAC members will vary depending on the complexity of the EA or amendment EA and the relevance of the TAC member's area of expertise to the assessment. In general, the EAO anticipates the following roles and responsibilities:

- Provincial and federal regulatory agency members provide subject matter expertise, a linkage to the provincial and federal regulatory continuum and are expected to work with the TAC to pro-actively address technical matters during the course of the EA, identify matters that may be addressed through subsequent regulatory processes or other government initiatives and carry forward key EA outcomes and discussions through to those processes or initiatives.
- Members representing Indigenous nations provide perspectives on behalf of their nation, Indigenous knowledge (if authorized to do so by their nation) and/or specialized technical expertise. In some cases, Indigenous nations may choose to provide Indigenous knowledge confidentially to the EAO directly, due to the nature and sensitivity of the information. See the [Guide to Indigenous Knowledge in Environmental Assessments](#) for more information.
- Local government members provide local knowledge, local community or local government perspective and/or specialized technical expertise.

The completion of the EA is a collective responsibility of the TAC and as such, the TAC is expected to function as a single, coordinated reviewing body. Undertaking the assessment of matters under [Section 25 of the Act](#) requires the consideration of information across disciplines, particularly for the assessment of the effects on biophysical factors that support ecosystem function, and on current and future generations. Although TAC members represent specific areas of expertise, their responsibilities include liaising with TAC members working in other technical areas to ensure coordination across disciplines and to allow one member's review to inform another.

## Membership

TAC initial membership for the \_\_\_\_\_ project [amendment] EA includes:

### Indigenous nations, including consultants

- Organization, area of expertise and any relevant professional designations.

### Provincial Agencies, including health authorities

- Organization, area of expertise and any relevant professional designations.

### Federal Agencies

- Organization, area of expertise and any relevant professional designations.

### Local Government

- Organization, area of expertise and any relevant professional designations.

### Other

- For example, external experts<sup>5</sup>. TAC member organization, area of expertise and any relevant professional designations.

The EAO may also engage with additional experts outside of the TAC, including provincial social agencies, to provide advice to inform the assessment.

TAC members are selected to capture the areas of expertise required to carry out the project EA. TAC members, and not the EAO, are responsible for coordinating expertise across their organization and communicating within their organizations regarding the work of the TAC. TAC members may coordinate advice from within their organization when providing advice. If provincial or federal agencies, local governments or Indigenous nations hire independent consultants to support their review, those consultants are not themselves TAC members; accountability for TAC roles and responsibilities will remain with the TAC member named above.

If a TAC member learns that they will be leaving their position on the TAC, it is their responsibility to immediately notify both the EAO and the organization they are representing. Their organization will be responsible for naming a replacement to the TAC.

## **Advice to Participating Indigenous Nations**

As stated in [Section 21\(1\)\(a\) of the Act](#), one of the purposes of the TAC is to advise the EAO and participating Indigenous nations on technical matters related to the assessment. In accordance with the Terms of Reference, the EAO may engage TAC members to inform the EAO's consensus seeking with participating Indigenous nations on technical matters and participating Indigenous nations may work with the EAO to request TAC members provide advice to inform the Nation's assessment or decisions respecting a project.

## **Proponent Participation**

Project proponents or certificate holders are not members of the TAC, although they may be invited to attend and participate in TAC meetings when appropriate. Typically, proponents are invited to attend and participate in TAC meetings to provide detailed and technical project information and present their assessment of effects of the project and proposed mitigation measures. Proponent roles at TAC meetings can include observer and technical experts that are involved in the development of the Application.

Where a meeting is focussed on the proponent's materials the EAO may require the proponent to organize meeting logistics (e.g. booking venue, taking minutes). At the EAO's request, the proponent should ensure that their relevant technical experts are present at the meeting to support a productive discussion.

At times, the EAO may choose to hold a TAC meeting, or a portion of the meeting without the proponent present. Generally, these discussions are not focused on the technical details of the project, rather the EAO's assessment. The EAO provides advance notice of these situations to the proponent and a summary of the discussion, as appropriate.

## **Administration**

The EAO coordinates TAC participation in the EA. The TAC is engaged both via written correspondence (primarily electronic) as well as through meetings. Meetings may be in-person, online or by teleconference. TAC meetings are held on aspects of the EA that apply to all members, with sub-committee meetings focused on a subset of EA topics.

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<sup>5</sup> See the [Process Planning Policy](#) for guidance on the use of external experts including considerations for the identification of the need for experts, and selection.

Recognizing that TAC members may be participating in more than one EA concurrently, the EAO endeavours to coordinate and schedule meetings to avoid conflicts with other EA meetings and, where feasible, consider combining meetings for similar projects occurring in proximity to one another.

To promote effective meetings, the EAO provides draft meeting agendas and meeting materials electronically as early as feasible in advance of meetings (recognizing that the delivery of some materials is outside of the EAO's control). The EAO coordinates and chair meetings and circulates timely meeting notes for TAC review.

The TAC is a collaborative forum. The EAO keeps discussions within the EA scope and works to identify other venues that may be available to address matters that are outside the scope of an EA (for example, other provincial forums). Where technical disagreement exists, the EAO facilitates discussions to help clarify the nature of the disagreement and seeks to identify solutions that are supported by the TAC, where possible. The EAO documents any matters of technical advice related to the disagreement and provides a rationale for how it has used the advice provided.

At various points in the EA, the EAO establishes timelines, in coordination with TAC members, for the TAC to review and provide comment on documents, typically ranging from two to four weeks depending on the complexity of the materials being reviewed. The EAO may not be able to fully consider and respond to late comments.

TAC member comments and proponent responses are compiled and made publicly available during the EA.

Throughout the EA, the EAO documents the resolution of issues, making note of whether issues are addressed through the EA, other regulatory requirements or government initiatives through the Regulatory Coordination Plan (see the [Process Planning Policy](#) and the Regulatory Coordination Plan Guideline for further information). The Regulatory Coordination Plan informs the development of a list of issues that are expected to be considered during permitting, other regulatory processes or government initiatives. The list serves as a helpful hand-off from the EA and the EAO to subsequent permitting processes and government agencies.

## Subcommittees

The following sub-committees will be convened for the \_\_\_\_ [Amendment] EA:

[list sub-committee and initial membership]

Sub-committee membership may change over the course of the EA. An up-to-date list of sub-committee membership will be maintained by the EAO.

All TAC members are welcome to attend sub-committee meetings. In some cases, TAC members may designate someone else from their organization or a consultant to engage on a sub-committee. The TAC member, rather than their designate, will remain accountable for TAC roles and responsibilities, including meeting review deadlines.

Subcommittee meeting notes are circulated to the entire TAC to facilitate the flow of information across disciplines.

## Submitting Comments and Information Requests

TAC members are requested to provide advice and comments on documents at points of the EA as described in the roles and responsibilities sections above. TAC members should consider carefully the degree to which an issue needs to be addressed in an EA and how an issue may appropriately be addressed in post-certificate requirements or subsequent permitting. TAC members should consider precision, accuracy and the appropriate level of in all submissions. Below are general guidelines for providing comments and information requests:

- Identify the sections of the document reviewed;
- Provide a brief plain language summary of the context for the comments or advice;

- Categorize comments as follows:
  - Comment;
  - Clarification;
  - EA information requirement;
  - Permitting information; and
  - Recommendation for EAC condition;
- Include a rationale for the request or concern; and
- Identify if the requested information would affect the characterization of residual effects including level of certainty or confidence in the assessment.

## External Communications

The EAO is responsible for sharing TAC materials with the proponent, CAC and the public and communicating with the public and the media regarding the progress of the EA. Individual committee members may make public comments related to publicly available information on the EA on behalf of themselves or their organization, however only the EAO may speak on behalf of the committee. Any external communication by TAC members should be respectful and objective and members will clearly state that they do not represent the TAC or the EAO.

The following documents are posted online on the EAO's public website:

- TAC meeting notes and sub-committee meeting notes;
- TAC member comments and questions on the Initial Project Description and Detailed Project Description, Application Information Requirements, Application and revised Application;
- Proponent responses to TAC member comments or questions;
- TAC member advice for EAO responses to public comments (when requested by the EAO); and
- Summary table of issues carried forward to permitting.

The EAO may share drafts of documents with the TAC that are not to be shared outside the TAC (for example, draft assessment report that contains conclusions for TAC input). These are draft documents which reflect the EAO's current thinking, having considered all the input and feedback from TAC members, the public and the proponent. These documents should be considered drafts open for consideration based on discussions with TAC members. Some aspects of these documents are a work in progress and are subject to continuing work with TAC members. TAC members are requested to respect the government relationship of the TAC and not distribute these documents to the media or outside their organizations.