

Minister
of Natural Resources



Ministre
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Ottawa, Canada K1A 0E4

JUL 17 2017

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Dear Chiefs and Presidents:

Thank you for your letter and report dated July 12, 2017. I appreciated your review of the process undertaken by the working group formed to co-develop the terms of reference for the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project (TMX Project), as well as the candour with which you presented your concerns. I am pleased you have concluded there is substantial support for these terms of reference and that you recommend proceeding at this time.

Canada

As you know, the Government of Canada made its decision on the TMX Project in alignment with the interim principles we established in January 2016 for project reviews, which were designed to help restore trust in, and the relationship around, the environmental assessment and regulatory processes. We knew then that this decision would not be welcomed by everyone. However, we made the decision based on the results of a rigorous, evidence-based process, which concluded that the project could be built and operated safely, that potential environmental impacts could be mitigated by the range of conditions and other requirements placed on the project, and that it would bring important benefits to Canadian workers, families, and the economy. We continue to believe that this was the right decision for Canada.

At the same time, we remain deeply committed to the ongoing work of reconciliation with Indigenous Peoples and to greater Indigenous involvement in the review and monitoring of major resource development projects. It is this commitment, along with the belief that greater involvement in this case will result in a better project, that led the Government, as part of its decision to approve the TMX Project, to invite increased Indigenous participation in the oversight of the TMX Project through the co-development, establishment, and support of an Indigenous Advisory and Monitoring Committee.

It is clear from your report that the working group took a principled approach to the task of developing the terms of reference, seeking to acknowledge and balance the significant concerns about the project and the process expressed by many Indigenous communities with a desire to play a strong role in monitoring the project over its full lifecycle. It is also clear that, through this process, the working group grappled with and ably addressed some very challenging issues, including:

- The need to identify and reflect the priorities and perspectives of a large and diverse number of Indigenous communities by establishing an Indigenous Caucus, setting up a regional membership structure, ensuring linkages to community leadership, and providing for ongoing community engagement and feedback.
- Ensuring that Indigenous participation in the Committee will have the maximum impact within the current legislative framework by articulating the commitment of all parties to common goals and principles; defining a role for the Committee that includes both on-the-ground monitoring objectives and the scope to provide broader policy input to federal departments and the National Energy Board (NEB); and establishing a standard for departments and the NEB to meet in responding to the advice of the Committee.
- The need to address the potential for differences in perspectives on how best to advance the shared commitment to increasing Indigenous involvement in oversight over time by the balance struck in section 14, and the commitment to an adaptive approach combined with regular reviews of committee effectiveness.

- The desire to encourage and enable the participation of Indigenous communities in the Committee, regardless of whether they support or oppose the TMX Project by including specific “without prejudice” language and by confirming that while the initiative itself is linked to the expansion project, the scope includes the existing pipeline and marine shipping related to the project.

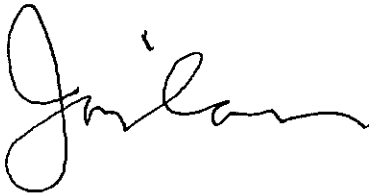
In addition to these elements in the terms of reference, I believe that the federal commitment of substantial new resources to this initiative, and our collective commitment to respectful dialogue, learning and collaboration, provides a strong foundation on which to build.

I have directed Natural Resources Canada officials to establish the Committee and the Secretariat that will support it. I know that the NEB is deeply committed to this initiative and that our partner federal departments — Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard, and Environment and Climate Change Canada — are also ready to proceed. I trust that the collaborative, inclusive, and solutions-focused approach demonstrated by all parties to date will continue to be our approach going forward.

Finally, I would like to congratulate you on this significant undertaking and am sincerely appreciative of the time, effort, creativity and collaborative spirit you brought to this work. While I understand it was difficult, I believe that the Indigenous Advisory and Monitoring Committee for the TMX Project represents an important step forward in the Government of Canada’s relationship with Indigenous Peoples, and a potential model for future federal–Indigenous collaboration on major natural resource development projects. Our collective challenge now is to make this new model work.

Please accept this letter as my endorsement of the Committee’s terms of reference and as my personal commitment to a positive and productive relationship over the years to come.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Carr". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

The Honourable Jim Carr, P.C., M.P.

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