

Our Guiding Principles

Shared interest: We all share the same objective – to work together to enhance the safety of the proposed Trans Mountain Expansion (TMX) project and existing pipeline, while protecting the environment and Indigenous interests in the lands and waters.

Integration of Indigenous perspectives: We understand the importance of facilitating the integration of Indigenous knowledge, values and perspectives into the monitoring, regulation and performance of the TMX project. To this end, the Committee is guided by s. 35 of the *Constitution Act, 1982* and the principles of the UN Declaration on the Rights of Indigenous Peoples, and the Committee works to support reconciliation.

Capacity: Our Committee will always strive to improve the capacity of Indigenous communities to effectively monitor TMX activities, and to engage with regulators and Trans Mountain Corporation.

Collaborative forum: The Committee is a forum for collaborative problem solving, priority setting and innovation. Committee members approach their work with openness to the concerns and perspectives of other members and a resolve to develop consensus-based solutions.

Attention to both land and marine-based issues: The Committee's structure must reflect the importance of both inland and marine-based TMX activities. Our structure includes subcommittees responsible for examining both of these areas, with an appropriate allocation of the Committee's resources.

Adaptive approach: We anticipate that the Committee will need to adapt its structure and activities, including by amending our Terms of Reference, in light of its experience, the progress of the TMX activities, and changes in the regulatory framework and/or other Government or National Energy Board (NEB) initiatives – while still remaining consistent with the Committee's purpose.

Longer-term vision: In establishing the Committee, the parties to these Terms of Reference intend to depart from past practice and instead to create an opportunity for the Government, the NEB and Indigenous Communities to learn and work together to advance their shared interests in environmental protection and pipeline and marine safety. These Terms of Reference are intended to set the parties on a new course based on an honourable and respectful relationship, recognition of Aboriginal and treaty rights, and the meaningful participation of Indigenous Communities in the oversight of the TMX project. The Committee will seek to strengthen this relationship over time, including through greater involvement in decisions related to the oversight of the TMX project. While it is recognized that some measures for deepening the relationship would require legislative initiatives that Parliament may or may not pursue, the Committee will endeavour to contribute to consideration of such initiatives as opportunities arise.

Duplication to be avoided: The Committee seeks to avoid duplication of efforts and to apply attention and resources to matters that, in the Committee's view, are not being fully addressed through other processes. Where matters of interest are being addressed through other processes, or other Government and NEB initiatives, the Committee may seek to participate in those processes or refer issues to them.

Working within timelines: In order to have the greatest possible impact and have its views taken into account, the Committee strives to work within regulatory timelines and Project construction and operations schedules.

Working within current legislative and regulatory frameworks: The Committee recognizes the current legislative and regulatory frameworks and the applicable principles of administrative law, including procedural fairness, and understands that, absent a statutory mechanism for doing so, statutory and ministerial decision-making powers or other statutory authorities and duties cannot be fettered or delegated to others, including the Committee. Within those frameworks, the Government and the NEB seek to develop innovative and creative ways to support the Committee's goal and purposes.