

APRIL 9TH, 2019

**RT. HON. JUSTIN TRUDEAU**

Prime Minister of Canada  
Office of the Prime Minister

80 Wellington Street  
Ottawa ONK1A 0A2

Dear Prime Minister,

In the next week, the voters of Alberta will be making a choice that will affect the future of our province and possibly mark a new direction for the province. In the event that the United Conservative party is elected under my leadership, I have expressed in clear and certain terms our intent to take a strong position in opposition to Bill C-69 – which has been termed the “No More Pipelines” bill.

It is my understanding that your government has been working to expedite the passage of this Bill through the Senate so that it can be put into force prior to the 2019 federal election scheduled for this October.

I am writing to notify you that a United Conservative government will not accept the adoption of this bill, which we believe to be a clear unconstitutional violation of Alberta's jurisdiction.

The ways in which Bill C-69 will discourage further investment in energy projects in Alberta and impede the approval of future pipelines to move Alberta oil and gas to market have been extensively documented.

For example, the requirement that upstream and downstream emissions be considered in approving any new pipelines will mean that projects essential to the Alberta economy will have to satisfy conditions that are not required of major greenhouse gas emitters like Quebec cement plants or the Ontario automotive industry.

At a time when major projects in Alberta are stalled due to the anti-business policies and red tape of an NDP government, this double standard imposed by Bill C-69 adds federal insult to the Alberta NDP government's economic injuries.

How bad is Bill C-69?

According to the Canadian Energy Pipeline Association: "it is difficult to imagine that a new major pipeline could be built in Canada under the Impact Assessment Act, much less attract energy investment to Canada."

To put it bluntly, Bill C-69 is a federal "sucker punch" to an already-reeling Alberta economy.

• A United Conservative government will stand up for Alberta's constitutional rights and challenge this unconstitutional attack on our economy in court. •

Notwithstanding the direct negative impacts of Bill C-69 on the Alberta (and Canadian) economy, this bill also presents a serious, direct threat to our provincial jurisdiction. Having failed to get interprovincial pipelines built using federal power, your government now seeks the power to regulate Alberta's provincial projects as well. This includes projects, such as new oil sands developments or petrochemical refineries, that are entirely within our province and already subject to provincial regulation.

Bill C-69 purports to give the federal government final say on the construction or operation of provincial projects based on factors unrelated a legitimate federal concern. This is directly contrary to the Supreme Court of Canada's holding in its 1992 Oldman River decision that federal environmental assessments "can only affect matters that are truly in relation to an institution or activity that is within federal legislative jurisdiction."

We are also concerned that Bill C-69 ignores the exclusive provincial powers over projects relating to non-renewable natural resources under Section 92A, which constrains federal heads of power. Section 92A was sought and secured by then-Premier of Alberta Peter Lougheed as a condition of Alberta's agreement to the patriation of the Canadian Constitution in 1982. It is therefore of particular significance to Albertans. Section 92A provides "exclusive" powers to the provinces to make laws in relation to:

"exploration for non-renewable natural resources in the province";

"development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom"; and

"development, conservation and management of sites and facilities in the province for the generation and production of electrical energy."

Bill C-69's apparent assumption that the federal government could effectively veto a wholly intra-provincial work or undertaking – especially when it is not relying on its powers over specific undertakings granted by section 92(10)(c) – cannot be squared with the plain language and purpose of Section 92A, which clearly carves out "exclusive jurisdiction" for the provinces over non-renewable resource development projects.

Given the absence of express limitations on the scope of federal assessments and approvals, Bill C-69 upsets the balance struck by the constitutional division of powers. In other words, it is an unconstitutional federal power grab over our economic development here in Alberta.

This is unacceptable. It is also unnecessary.

We both share the goal of conserving our natural environment for future generations. The United Conservative Party platform – Alberta Strong and Free: Getting Alberta Back to Work – lays out a practical plan for ensuring that Alberta's economic growth is driven by environmentally-sustainable energy development and clean technologies that will fight climate change both here in Canada and globally.

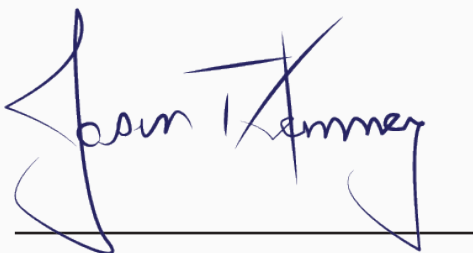
Bill C-69 will impede this urgent and realistic plan to develop Alberta's resources responsibly. Like your Liberal government's consumer-punishing carbon tax, it will be all economic pain with no environmental gain.

Albertans will not passively accept your government's effort to violate our hard-won exclusive constitutional jurisdiction over the development of our natural resources. We will use every legal and political tool at our disposal to fight this.

That is why the United Conservative Party is saying "no" to your "No More Pipelines" policy.

If Bill C-69 becomes law, a United Conservative government will be left with no recourse other than to seek appropriate legal remedies. We will do so by seeking a judicial declaration that Bill C-69 exceeds the powers of the federal government under the Constitution of Canada.

Sincerely,



THE HON. JASON KENNEY  
Leader, United Conservative Party