



BRITISH
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CANADA

Estimates 2021

Intergovernmental Relations Secretariat
Office of the Premier

INTERGOVERNMENTAL RELATIONS SECRETARIAT
PREMIER'S ESTIMATES NOTES
JUNE 2021

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Title: B.C. – Federal Relations

Issue: B.C.'s engagement with the federal government

Response:

- The B.C. and federal governments are in frequent, close contact at all levels – from the Premier and the Prime Minister on down – to discuss opportunities to work together for the benefit of all British Columbians, as well as common challenges including responses to the COVID-19 pandemic.
- B.C.'s positive, constructive approach is the best way to get results for British Columbians.

Background/Status:

- Areas where B.C. has successfully made our voice heard and/or coordinated our actions with the federal government in the course of the COVID-19 pandemic include:
 - the need to discourage non-essential travel;
 - self-isolation of returning travellers;
 - temporary foreign workers;
 - commercial rent assistance;
 - wage top-ups for essential workers;
 - Canada-U.S. border restrictions; and
 - pan-Canadian sick leave.
- The two governments share a commitment to accelerating Canada's clean energy transition and investing in the clean economy. B.C. and federal officials continue to work together to follow up on the August 29, 2019 Memorandum of Understanding on the Electrification of the Natural Gas Sector, with the goal of securing federal funding for the projects identified in the MOU.
- Other areas where B.C. continues to make our voice heard include:
 - infrastructure (George Massey Crossing, Surrey-Langley Skytrain, Royal B.C. Museum);
 - Indigenous housing;
 - support for B.C. shipbuilding industry (June 11, 2020 letter of support) (note: following B.C.'s advocacy, the federal government announced on May 6, 2021 that Seaspan Shipyards had been selected to build a polar icebreaker for the Canadian Coast Guard in North Vancouver); and

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- trade issues with the United States (including the March 11, 2021 letter, and the June 30, 2020 letter expressing concern about potential re-imposition of U.S. Section 232 tariffs on aluminum exports).
- B.C. and the federal government are closely aligned on our commitments to Indigenous reconciliation. Both governments are committed to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Calls to Action of the Truth and Reconciliation Commission. B.C.'s ten draft principles to guide public service employees' relationships with Indigenous peoples closely mirror the federal principles and are based on respect and recognition of inherent rights.
- Many aspects of the recent federal budget align well with B.C.'s priorities; e.g.:
 - child care (\$29.8 billion over five years and \$8.3 billion per year ongoing);
 - green initiatives (e.g., \$5 billion over seven years to the Net Zero Accelerator to support emissions reduction projects across the economy; and \$35 million over five years to help establish the Centre for Innovation and Clean Energy in B.C.);
 - tax on unproductive use of Canadian housing by non-resident owners;
 - funding for Indigenous communities (e.g., \$6 billion over five years for infrastructure in Indigenous communities, \$1.4 billion over five years for health care and \$1.2 billion this year for COVID-19 response in Indigenous communities);
 - ocean conservation (\$977 million over five years); and
 - salmon restoration (\$647 million over five years, including funding for research, new hatchery facilities, habitat restoration, a Pacific Salmon Secretariat and Restoration Centre of Expertise and \$100 million to double the British Columbia Salmon Restoration and Innovation Fund).

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

2021/22 Estimates Note - Advice to the Premier

Title: First Ministers' Meetings (FMMs)

Issue: B.C.'s engagement in First Ministers' Meetings

Response:

- Canada's First Ministers (the Prime Minister plus the thirteen Premiers) have been holding frequent teleconferences to discuss opportunities to work together and common challenges and responses to the COVID-19 pandemic.

Background/Status:

- As of May 1st, 2021, First Ministers had held thirty conference calls during the pandemic. The first was on March 13th, 2020, in lieu of an in-person FMM that would have taken place in Ottawa if not for COVID-19.
- Issues discussed on the calls have included:
 - Health care funding and the Canada Health Transfer (CHT);
 - vaccine roll-out;
 - COVID-related border restrictions (including the land border, international flights, temporary foreign workers and international students);
 - the federal budget;
 - the First Ministers' April 28th, 2020 statement on shared public health approach to support restarting the economy;
 - the First Ministers' June 25th, 2020 statement on anti-racism;
 - the First Ministers' July 16th, 2020 statement on the Federal-Provincial-Territorial Safe Restart Agreement (which was negotiated at the First Ministers' table, and included supports for sick leave, public transit, mental health, municipalities, child care, etc.);
 - federal Safe Return to Class funding;
 - wage top-ups for essential workers;
 - commercial rent assistance;
 - the federal *Emergencies Act*;
 - COVID-19 testing and contact tracing;
 - procurement of PPE and medical equipment (domestic and international);
 - Canada-U.S. relations, including trade issues with the United States (CUSMA, aluminum tariffs).

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

2021/22 Estimates Note - Advice to the Premier

Title: COVID-19 Funding from Canada

Issue: Federal funding support for B.C.'s pandemic response; – and the need for ongoing federal support.

Response:

- British Columbians have benefitted from the complementary efforts of the provincial and federal governments in responding to COVID-19.
- Through the Safe Restart Program and other supports, the federal government provided B.C. with over \$3 billion to increase our pandemic response.
- These pandemic-related federal supports have largely ended – but the pandemic itself, and its wide ranging impacts have not. The collaborative investments that supported British Columbians during the pandemic will still be needed as we emerge from the pandemic and move towards recovery.
- Although one-time federal funding has helped with the immediate pressures of the pandemic, it does not address the long-term funding partnership for health care. Premiers have called on the federal government to increase the Canada Health Transfer to 35 per cent of provincial/territorial health care spending and to maintain that federal share over time.

Background/Status:

- The federal government's pandemic-related funding support to B.C. includes:
 - \$1,963 million through the Safe Restart Agreement (national total of \$19.9 billion in transfers to provinces and territories and direct federal spending – see separate note);
 - \$542 million to support recovery of the health care system (national total \$4 billion in the form of a one-time top-up to the Canada Health Transfer announced in March 2021);
 - \$371 million through the COVID-19 Essential Workers Support Fund (national total \$3 billion);
 - \$242 million in Safe Return to Class funding (national total \$2 billion);
 - \$135 million to assist with B.C.'s COVID-19 immunization campaign (national total \$1 billion);
 - \$67 million to address critical health system needs (national total \$500 million as a one-time COVID-19 Response payment through the Canada Health Transfer announced in March 2020 and paid in fiscal year 2019/20).

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

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From B.C.'s Budget 2021 (page 45):

A Collaborative Approach to Address COVID-19 Through Partnership with the Federal Government

British Columbians have benefitted from the complementary efforts of both the provincial and federal governments in responding to COVID-19.

Through the Safe Restart Program and other supports, the federal government provided B.C. with over \$3 billion to increase pandemic response in health care, child care, schools, infrastructure and emergency supports for the province's most vulnerable people. This includes over \$1.3 billion for a number of provincial-federal cost shared programs, including: supports for local governments and transit providers; financial relief for commercial tenants; and temporary pandemic pay for frontline workers. While these pandemic-related federal supports have largely ended, the pandemic and its wide-ranging impacts have not. The collaborative investments that have supported British Columbians during the pandemic will continue to be needed as we emerge from the pandemic and move towards recovery.

The pandemic's impacts made it clear that there were gaps in the social safety net in Canada, gaps which were addressed on a short-term basis through the B.C. Emergency Benefit for Workers, crisis supplements, and the B.C. Recovery Benefit, as well as federal measures such as Canada Emergency Response Benefit and the federal sickness, caregiver and recovery benefits, and temporary changes to make employment insurance more accessible and flexible. B.C. supports making the temporary changes to employment insurance permanent and welcomes any opportunities to work with the federal government to address other gaps in the safety net, such as permanent paid sick leave.

The pandemic increased health care costs substantially in 2020/21, and it will have lasting impacts on health care going forward. Even before the pandemic, provincial health care systems were under strain from known

cost drivers such as inflation, population growth, and aging. System funding pressure was further exacerbated by the federal decision to proceed with a reduction in the growth rate of the Canada Health Transfer in 2017-18. While one-time federal funding has helped with the immediate pressures of the pandemic, it does not address the long-term funding partnership. The Parliamentary Budget Officer has indicated that the federal government is in a position to permanently increase spending over the long term. Premiers have made enhancing long-term federal health care funding their top priority for federal negotiations. This includes calling for increasing the Canada Health Transfer to 35 per cent of provincial/territorial health care spending and adopting a growth rate that maintains that federal share, as discussed in provincial/territorial finance ministers' February 2021 report to the Council of the federation.

B.C. joins other provinces in calling for additional improvements to the federal government's Fiscal Stabilization program that are needed to address significant annual declines in provincial revenues due to extraordinary economic circumstances such as those brought about as a result of the COVID-19 pandemic.

As the province looks ahead, there is an ongoing need for targeted federal investments to help B.C. to build back better; such investments are needed to support infrastructure projects, expand broadband and cellular access, increase skills training to help people get back in the workforce and increase access to child-care which is essential to our recovery. British Columbia joins other provinces and territories in requesting that a meaningful portion of federal stimulus funding be earmarked for key provincial priorities to recognize the important role provinces and territories are playing in fostering economic growth. This would help B.C. continue to boost recovery and bolster the province's economic resilience.

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Title: Safe Restart Agreement

Issue: The Federal-Provincial-Territorial Safe Restart Agreement

Response:

- British Columbia played a key role in negotiating last year's Federal-Provincial-Territorial Safe Restart Agreement (SRA).
- The SRA provided B.C. with almost \$2 billion in federal funding for investments that the province, municipalities and transit systems needed to make so the economy could restart safely in the midst of the COVID-19 pandemic.

Background/Status:

- On July 16th, 2020, Canada's First Ministers' announced that they had reached agreement on a Federal-Provincial-Territorial Safe Restart Agreement (SRA).
- The SRA provided over \$19 billion in federal support for provincial and territorial efforts to restart their economies over the six to eight months after it was signed.
- Direct benefits provided to B.C. under the SRA included:
 - \$810 million for municipalities and transit (national total \$4.3 billion);
 - \$405 million for testing, contact tracing and data management (national total \$3.0 billion);
 - \$405 million for personal protective equipment (PPE) (national total \$3.0 billion);
 - \$162 million for health care system capacity (including mental health and problematic substance use) (national total \$1.2 billion);
 - \$100 million to help support vulnerable populations (national total \$740 million); and
 - \$83 million for child care for returning workers (national total \$625 million).
- In addition to these cash transfers to provinces, territories, municipalities and transit systems, the federal government agreed under the SRA to directly provide additional PPE worth up to \$4.6 billion nationally, additional supports for testing, contact tracing and data management worth up to \$1.3 billion nationally, and federal support for sick leave estimated at \$1.1 billion.

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

2021/22 Estimates Note - Advice to the Premier

Title: Interprovincial Relations

Issue: B.C.'s participation in the Council of the Federation, Western Premiers' Conference, and other interprovincial relations

Response:

- B.C. pursues constructive working relationships with all other provinces and territories, both bilaterally and through multilateral tables like the Council of the Federation and the Western Premiers' Conference.
- These relationships allow us to project our influence on the national stage by joining forces with others and by speaking up to ensure that the national consensus reflects B.C.'s interests.

Background/Status:

Council of the Federation (COF)

- The Council of the Federation (COF) is composed of the thirteen Premiers of Canada's provinces and territories. It was established in 2003, building on the earlier practice of Annual Premiers' Conferences.
- The Chair of COF is assumed by a Premier on a rotational basis, for a one-year term.
 - The current Chair is Premier François Legault of Québec.
 - Premier Brian Pallister of Manitoba will become Chair this June.
 - B.C. will assume the Chair in the summer of 2022. B.C.'s last turn as Chair was in 2011/12.
- COF ordinarily meets at least once each year, with the main summer meeting being supplemented as necessary by a shorter winter meeting. The last in-person summer meeting took place in Saskatoon on July 9-11, 2019, followed by a winter meeting in Toronto on December 1-2, 2019.
- During the pandemic, COF has not met in person, but has met frequently by phone to discuss common challenges and responses to COVID-19.
- Premiers have used these calls to exchange views and information on important aspects of the provincial and territorial response to the COVID-19 pandemic, including:
 - international border restrictions and self-isolation of returning travellers;
 - public health directives and approaches regarding non-essential travel;
 - procurement of PPE and medical equipment; and
 - supports for key economic sectors.

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- Premiers have also used the calls to discuss shared approaches to First Ministers' calls, on issues such as:
 - the Canada Health Transfer (CHT);
 - federal infrastructure funding;
 - the Federal-Provincial-Territorial Safe Restart Agreement (which included supports for sick leave, public transit, mental health, municipalities, child care, etc.);
 - the federal *Emergencies Act*;
 - commercial rent assistance; and
 - wage top-ups for essential workers.
- COF is supported by a Secretariat funded by all provinces and territories.
- Fees for 2021/22 and 2022/23 (in total over the two-year period) are eight cents (\$0.08) per Canadian in each jurisdiction, based on the 2016 population census, with fees to be paid in fiscal year 2021/22 or 2022/23. B.C.'s member fees for each of 2021/22 and 2022/23 is \$195,218 (includes 5% GST).
- Members incur expenses for travel costs to annual meetings and hosting the annual meeting while they are Chair.

Western Premiers' Conference

- The Western Premiers' Conference (WPC) is a forum to advance shared interests of Western Canada through enhanced cooperation and constructive dialogue.
- The WPC is comprised of seven Premiers: B.C., Alberta, Saskatchewan, Manitoba, Yukon, Northwest Territories, and Nunavut.
- The WPC normally meets once each year, but it did not meet in 2020 due to the pandemic. The last two WPCs were in Edmonton on June 26-27, 2019 and in Yellowknife on May 22-23, 2018.
- WPC members do not make financial contributions for the WPC; however, members incur expenses for travel costs to annual meetings and hosting the annual meeting while they are Chair.
- The 2021 WPC is a virtual meeting, to be chaired by Premier Joe Savikataaq of Nunavut on June 15. The agenda focusses on post-pandemic health care systems and economic recovery.

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

2021/22 Estimates Note - Advice to the Premier

Title: Alberta's Bill 72

Issue: Alberta has introduced Bill 72 ("Preserving Canada's Economic Prosperity Act"; colloquially known as the turn-off-the-taps bill) as a successor to the previous act of the same name.

Response:

- We are carefully reviewing Alberta's new legislation (Bill 72).
- This will inform any next steps we may take.

Advice/Recommendations

Background/Status:

- On May 25, 2021, Alberta's Minister of Energy introduced Bill 72, the *Preserving Canada's Economic Prosperity Act*. The Bill replaces the 2019 Act of the same name and, if passed, would be retroactive to May 1, 2021. It purports to give Alberta's Minister of Energy the power to limit exports of crude oil and natural gas to other provinces.
- As of June 2, 2021, Bill 72 is at second reading. Alberta's spring sitting is scheduled to wrap up on June 17, 2021.
- The revised legislation is largely unchanged from the 2019 version; however, there are two notable differences:
 - Bill 72 has no sunset clause; and
 - Bill 72 omits all references to refined fuels (e.g. gasoline, diesel, aviation fuel and locomotive fuel, or any other fuel or component used to produce refined fuels specified by regulation).
- According to Alberta's Energy Minister, the removal of references to refined fuels is intended to strengthen Alberta's defence against potential legal challenges.

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- On May 26, during debate on second reading, Alberta's Energy Minister said: "Having this legislation is simply a matter of ensuring that we have every option available to protect our province. Using the authority would be the final, not the first, step in defending Alberta, and we will continue to seek the path of diplomacy while assertively protecting our vital economic interests."
- Alberta's Minister of Environment and Parks and Government House Leader has said that while a dispute with B.C. was the original impetus for the legislation, the revised Bill is not about past disagreements with B.C. over TMX. He said "I want to stress this is not just about B.C." and that the Alberta-B.C. relationship has "gone very well, as of late."
- Several members of Alberta's Official Opposition have criticized the revised Bill, arguing that the omission of refined fuels makes the new legislation weaker by removing its direct relevance to consumers.

History

- The original *Preserving Canada's Economic Prosperity Act* was introduced by the previous Alberta government as Bill 12 in April 2018. It included a provision under which it would be automatically repealed two years after coming into force, unless Alberta's Legislative Assembly adopted a motion to extend the date.
- Bill 12 received royal assent in May 2018, ^{Intergovernmental Communications} the government of the day chose not to proclaim it.
- In May 2018, B.C. filed a constitutional challenge to the Act. In February 2019, Alberta's Court of Queen's Bench dismissed B.C.'s case, agreeing with Alberta that the challenge was premature since the Act had not been proclaimed.
- While in opposition, Jason Kenney was critical of the Alberta government's decision not to proclaim the Act. During this period, he was explicit about his view that the Act, and the threat of its impact on gasoline prices, could be used to extract policy concessions from British Columbia.
- Premier Kenney was sworn in as Premier on April 30, 2019. Bill 12 was proclaimed the same day.
- In May 2019, B.C. filed a new constitutional challenge to the Act. Alberta asked the court to again dismiss B.C.'s case. In September 2019, the Federal Court dismissed Alberta's motion and granted B.C. an injunction limiting Alberta's ability to use the legislation. The court's decision included strongly-worded criticism of Alberta's case. Alberta's opposition leader, Rachel Notley, said at the time that the court's decision vindicated her tactical choice as Premier not to proclaim the Act "because it would be like blowing up the missile while it's still on the launch pad".
- Alberta filed an appeal in October 2019. In April 2021, the Federal Court of Appeal set aside the lower court's decision and allowed Alberta's motion to dismiss B.C.'s case. However, the court did not rule on the underlying question of the constitutionality of the Act.

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- On April 30, 2021 the original Act ceased to be in force, due to the two-year automatic repeal provision mentioned above. In a statement on May 4, 2021, Alberta's Energy Minister said that the government allowed the law to lapse intentionally. Premier Kenney said the next day that Alberta wanted to see the court's ruling to decide whether the legislation needed changes, and that Alberta would reintroduce the legislation with minor revisions.
- A similar piece of Saskatchewan legislation, Bill 126, the *Energy Export Act*, received royal assent on May 30, 2018 but was never proclaimed. It expired on January 31, 2019.

Contact: Grant Smith – 250 387-1042
Executive Director, Federalism and Canadian Intergovernmental Policy

2021/22 Estimates Note - Advice to the Premier

Title: Québec Bill 96: An Act respecting French, the official and common language of Québec

Issue: Québec Bill 96 that strengthens French language protections and proposes constitutional amendments

Response:

- The 97-page bill is complex , and is being reviewed. Advice/Recommendations
Advice/Recommendations
- The federal government is of the view that, based on initial analysis, it is legitimate for a province to amend a section of the Constitution that pertains to them, as long as it does not change the rest of the Constitution. The major party leaders in Ottawa also agree.
- Much of the bill is aimed at strengthening French language protections in workplaces in Québec.
- As the bill progresses and the intergovernmental dialogue continues, the government will monitor how it evolves.

Background/Status:

- On May 13, 2021, the Québec government introduced Bill 96 that strengthens French-language protections and proposes two constitutional amendments. These are:
 - A provision stating that “Québecers form a nation.”
 - A provision stating that “French shall be the only official language of Québec. It is also the common language of the Québec nation.”
- Much of the bill is aimed at increasing the use of French in public and workplaces. The Québec government indicated that after a series of studies, there is evidence that French is on the decline in the province, and to reverse that trend, Bill 96, is needed.
- The bill seeks to modify the Constitution Act, 1867 using section 45 of the Constitution Act, 1982. Section 45 says that any province can pass a law in its provincial legislature to amend its own constitution. And, a provincial legislature can only amend the Constitution of Canada, including the Constitution Act, 1867 if: (1) the amendment is to the constitution of the province; and, (2) the amendments are not an exception identified in the Constitution Act, 1982.
- Bill 96 invokes the notwithstanding clause of Canada's Charter of Rights and Freedoms. The clause is invoked pre-emptively, and would shield the law from being struck down on grounds that it violates fundamental, legal or equality rights.

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- The Québec government indicated that the proposed changes would respect the rights and institutions of the English-speaking community in Québec.
- Intergovernmental Communications
- The matter has been raised in the House of Commons and will be debated before the summer recess, currently scheduled for June 23rd.
- Prime Minister Trudeau stated that based on "initial analysis, it is perfectly legitimate for a province to modify the section of the Constitution that applies specifically to them and that is something they can do while ensuring, of course, that the rest of the Constitution, including the sections that protect linguistic minorities, like anglophones in Québec, continue to be respected."
- The major federal party leaders have also been supportive of the Québec bill. Independent MP Jody Wilson-Raybould and the leader of the Green Party disagree. Both are of the view that more extensive discussions should take place on whether the proposed changes to the Constitution are within a province's unilateral power, and on the protection of minority groups.
- It should be noted that the House of Commons has already recognized that "Québecers form a nation within a united Canada" in a motion passed in November 2006.
- Among Premiers, Premier Kenney is the only Premier to have spoken publicly to the issue. He indicated that by this bill, the Québec government is fighting for its province using every legal tool at their disposal. He also said that the "bill just recognizes a historical cultural reality."
- Advice/Recommendations; Legal Information; Intergovernmental Communications

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Contact: Pierrette Maranda – 250 387-1875
Associate Deputy Minister

2021/22 Estimates Note - Advice to the Premier

Title: Canada / U.S. Border

Issue: Temporary closure of the Canada/U.S. Border due to COVID-19

Response:

- Border management is an area of federal jurisdiction.
- The Province remains in continual contact with federal partners on this issue.
- B.C. continues to advocate for a border policy that is informed by guidance from public health experts and science, and which best protects the health and safety of British Columbians.

Background/Status:

Status of International Border

- Canada closed the international air border to non-essential visitors on March 18, 2020. On land borders, Canada and the U.S. agreed to close their shared land border to non-essential traffic starting on March 21, 2020. The agreement is reviewed every 30 days.
- The land border remains open to people making trips for essential reasons, such as for work or school, and for commercial purposes such as cross-border trucking.
- American visitors with immediate family such as spouses or children in Canada may enter the country. No reciprocal arrangements are available to those who wish to visit immediate family in the United States. The U.S. Centers for Disease Control and Prevention currently advise that the COVID-19 risk for Americans travelling to Canada is very high, and that all travel to Canada should be avoided.
- Non-essential visitors must present proof of a negative PCR (nasal swab) test taken within 72 hours prior to entry. They are also required to undergo post-arrival testing on Day 1 (Arrival Test) and on Day 10 of the 14-day mandatory quarantine.
- Upon arrival in Canada, international air visitors must quarantine in a government-approved hotel until the results of the PCR test taken upon arrival in Canada are available. Once negative test results have been received, visitors may complete their mandatory 14 day quarantine at home.
- International air arrivals are restricted to the following airports: Vancouver, Calgary, Toronto, and Montreal.
- On June 9, 2021, Canada announced it is taking a gradual, phased approach to reopening the border, starting as early as July 1. Canada and is in constant contact with U.S. officials on the land border.
- The first phase of Canada's border reopening will allow fully vaccinated travellers to bypass staying in a Government-Authorized Accommodation and allow them to

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exit quarantine after they have received negative results of the day 1 on-arrival PCR test.

- Vaccination status details and proof of vaccine for incoming travellers will be facilitated initially by the ArriveCAN app. This will be an interim solution until a more comprehensive solution is built by the federal government, in collaboration with provinces and territories.

Status of Bordering U.S. States

- The United States has recorded more than 33 million coronavirus cases and more than 594,000 coronavirus-linked deaths since the pandemic began.
- As of May 31, neighbouring U.S. states were affected by COVID-19 as follows:
 - **Alaska** (pop. 732,000):
 - Vaccine doses given: 615,746 (1 dose: 46.1%, 2 doses: 39.3%)
 - Total cases: 70,208
 - Total deaths: 369
 - **Idaho** (pop. 1.78 million):
 - Vaccine doses given: 1,236,617 (1 dose: 37.6%, 2 doses: 32.7%)
 - Total cases: 192,012
 - Total deaths: 2,090
 - **Montana** (pop. 1.06 million):
 - Vaccine doses given: 867,122 (1 dose: 45.2%, 2 doses: 38.3%)
 - Total cases: 111,809
 - Total deaths: 1,613
 - **Washington** (pop. 7.6 million):
 - Vaccine doses given: 7,615,957 (1 dose: 56.5%, 2 doses: 46.4%)
 - Total cases: 435,849
 - Total deaths: 5,765

Issues:

Reopening

- Despite continued public pressure to undertake planning efforts to inform the eventual reopening of the border, neither the Canadian nor American federal governments have yet provided any information to respond to these concerns.
- The CEO of the Pacific Northwest Economic Region (PNWER) has raised concerns about the lack of a publicly available framework for reopening at a number of public forums in the course of the past year.

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Point Roberts

- Residents of Point Roberts have consistently advocated for special exemptions to border restrictions imposed during the pandemic.
- Point Roberts residents can access the contiguous United States only by crossing the land border into Canada, or by sea. Residents are currently permitted to transit Canada by land in order to access essential services elsewhere in Washington state. Washington state has also operated a ferry service between Point Roberts and Belleville since July, 2020. However, residents state that access is granted inconsistently, and that their needs continue to be unmet.
- Special exemptions were granted to a small number of integrated cross-border communities, including Stewart, B.C. and Hyder, Alaska, to permit routine border crossings to resume for residents only. Point Roberts residents have advocated for similar measures to be extended to their community.
- Point Roberts relies heavily on Canadian visitors for economic support. A number of Canadians also own second homes in the area.
- Residents have appealed to Prime Minister Trudeau, Governor Inslee, the Premier and other elected officials in B.C. for support.
- The Canadian Border Services Agency, Global Affairs Canada, and other federal agencies continue to monitor the situation closely.

Peace Arch Park

- The Canadian side of Peace Arch Provincial Park was closed effective 8:00 p.m. on June 18, 2020.
- This temporary closure addresses the public safety and traffic concerns in neighbouring communities due to a significant increase in the number of park visitors.
- BC Parks consulted with RCMP, border officials and numerous local communities on the matter, and IGRS consulted with the Washington State Governor's Office on the day of the announcement.
- The U.S. side of the park has not experienced similar over-crowding issues and currently remains open.
- Canadians continue to visit the American side of the park by crossing a shallow ditch along 0 avenue in South Surrey. Washington State Parks Commission is working with the U.S. Border Patrol to monitor the situation, including asking visitors to stay two meters apart.
- RCMP and Canada Border Services Agency have confirmed they are taking no action, asserting that they do not have jurisdiction.

Contact: Sukumar Periwal – 250 387-0761
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2021/22 Estimates Note - Advice to the Premier

Title: B.C. – Washington State Cooperation

Issue: Close Working Relationship at Subnational Level

Response:

- Washington Governor Jay Inslee and I are in regular contact about various issues relating to the pandemic, economic recovery and other important files that are critical to the well-being of our jurisdictions.
- Our two sides are closely aligned on a number of issues and work frequently together to advance the priorities and ambitions of our respective jurisdictions.
- MLA Rick Glumac was named Premier's Liaison on Washington State files in December 2020. He has met with the Washington Governor's Office and is briefed on priority files.

Background/Status:

- B.C. and Washington face many similar challenges and opportunities, including housing, homelessness, affordability, the opioid crisis, booming tech sectors, cultural diversity, growing immigration and environmental stewardship.
- IGRS works closely with the Washington State Governor's office (and the Canadian Consulate General in Seattle) to coordinate work between B.C. and Washington on shared priorities and concerns, both on a bilateral basis and multilaterally in organizations where both jurisdictions are members (such as the Pacific NorthWest Economic Region and the Pacific Coast Collaborative).
- Areas of collaboration and information-sharing include:
 - COVID-19 management and economic recovery;
 - Cascadia Innovation Corridor;
 - Clean Grid Initiative;
 - Climate change strategy;
 - Protecting Southern Resident Killer Whales and revitalizing wild salmon populations;
 - Sensitive transboundary environmental issues;
 - Impact of the temporary closure of the Canada/U.S. border on Point Roberts, WA.; and
 - Closure of the Canadian side of the Peace Arch Park, and how Canadians and Americans have continued to meet in the park and its immediate vicinity (see Border note).

MLA Rick Glumac

- MLA Glumac was appointed Premier's Liaison on Washington State files to leverage and bolster his relationships obtained from PNWER, and to advance B.C. priorities in key areas.
- To date, he has met with the Washington Governor's Office and Chief of Staff, attended calls with Washington State legislators, and joined the Ministers of Transportation and Forests, Lands, Natural Resource Operations and Rural

2021/22 Estimates Note - Advice to the Premier

Development on calls with the United States Consul General/Vancouver.

Clean Grid Initiative

- The Clean Grid Initiative (CGI) was announced at the October 2019 Cascadia Innovation Corridor conference by the Premier and the Washington Governor.
- The CGI brings together experts from both jurisdictions to identify gaps and vulnerabilities and propose solutions to achieving a clean electricity future in the Cascadia region.
- Oversight is provided by IGRS, Climate Action Secretariat and Ministry of Energy, Mines and Low Carbon Innovation representatives, as well as senior advisors from the Washington Governor's Office.
- Assembled working groups will present findings in summer 2021 and produce an Action Plan for the Premier and Governor to review soon after.

Contact: Sukumar Periwal – 250 387-0761
Executive Director, International Relations and Strategic Policy

2021/2022 Estimates Debate

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Issue: Softwood Lumber Litigation

IGRS Activity

- The federal government is engaged on softwood. I wrote to the Prime Minister on March 11, 2021, to stress B.C.'s priorities with the U.S., and that these should be reflected in his engagement with President Biden.
- The Prime Minister has raised with the U.S. President twice, including on their introductory call in January. The federal Minister responsible for International Trade, Hon. Mary Ng, has also raised it with the new U.S. Trade Representative, Katherine Tai at their first meeting in March.
- Premier has spoken with Canadian Ambassador to the U.S. Kirsten Hillman as recently as April 7 to discuss the issue.
- The Ambassador is in touch across her network and is consistently pursuing the issue with the new administration.
- There is mounting pressure within the United States, from stakeholders including the National Homebuilders Association, who agree that tariffs are punitive to their own economic recovery efforts. Resolution is their number one goal.

Recommend Response:

Advice/Recommendations

2021/2022 Estimates Debate

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Key Facts:

Litigation

Intergovernmental Communications; Government Financial Information

Ongoing Appeals

Intergovernmental Communications; Government Financial Information

First Administrative Review

Intergovernmental Communications; Government Financial Information

2021/2022 Estimates Debate

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Intergovernmental Communications; Government Financial Information

Second Administrative Review

Intergovernmental Communications; Government Financial Information

Third Administrative Review

Intergovernmental Communications; Government Financial Information

Date Revised: March 30, 2021

Ministry Executive Sponsor:

Name: Melissa Sanderson

Phone: 250-812-7253

Alternate Contact for Issue:

Name: Jennifer Burleigh

Phone: 250-480-8170

2021/22 Estimates Note - Advice to the Premier

Title: Proposed resource extraction in the Upper Skagit watershed

Issue: Previous and proposed logging and mineral exploration activities in the Silverdaisy area of the Upper Skagit watershed

Response:

- The Province respects and takes our obligations under the treaty and the B.C.-Seattle Agreement seriously.
- Senior B.C. Government Officials speak regularly with representatives from the City of Seattle and the Skagit Environmental Endowment Commission to share information and understand their concerns.
- The Province has an administrative law obligation to receive, review and consider all applications filed, including the Notice of Work permit application submitted by Imperial Metals in the Silverdaisy area of the Upper Skagit watershed.
- The decision on Imperial Metals' application will be made by a statutory decision-maker from the Ministry of Energy, Mines and Low Carbon Innovation. Delegated decision makers are independent and not subject to political interference.
- The B.C. Government has taken steps to safeguard the Upper Skagit watershed from logging and, in December 2019, announced that timber licenses will no longer be awarded in the area.

Background/Status:

- The Silverdaisy area, often referred to as the "donut hole", is an area of approximately 5,800 hectares of Crown land in the upper Skagit River watershed near Hope, B.C.
- The Upper Skagit watershed is recognized in the Ross Lake/Seven Mile Reservoir Treaty between Canada and the U.S. and is within the purview of the binational Skagit Environmental Endowment Commission (SEEC).
- SEEC is a governance body mandated by the treaty to conserve and protect wilderness and wildlife habitat, enhance recreational opportunities in the Skagit basin, and acquire mineral and timber rights consistent with conservation and recreational enhancement.
- The commission consists of a Canadian delegation appointed by the Premier of B.C. and a U.S. delegation appointed by the Mayor of Seattle.

Logging

- Past and current forest harvesting operations in the Canadian portion of the Upper Skagit watershed represent approximately 3% of the Silverdaisy area and only 0.2% of the Canadian portion of the watershed by area.

2021/22 Estimates Note - Advice to the Premier

- The timber license was awarded by the previous government in 2015; it was issued in accordance with B.C.'s laws and regulations and in accordance with the treaty, which permits responsible resource use in this area.
- On February 11, 2019, the Premier and the Mayor of Seattle met by telephone to discuss the City's concerns regarding forestry activity in the Silverdaisy area. As directed, following that call, the Intergovernmental Relations Secretariat (IGRS) has been in regular contact with Seattle City Light to ensure information related to current or proposed activities in the Silverdaisy area flows in a timely and transparent fashion.
- In December 2019, the B.C. Government announced that timber licenses would no longer be awarded in the area.
- In February 2020, four former SEEC commissioners wrote to the Minister of Environment and Climate Change Strategy to express their gratitude for B.C.'s decision to halt future logging in the Silverdaisy area and to request consideration of permanent protection measures to ensure future governments cannot reverse that decision.
- In April, 2019, a joint Memorial or Request, addressed to the Premier, Speaker Darryl Plecas, and the Ministers of FLNRORD, ENV, and EMLI was introduced in the Washington State Legislature. It did not pass in the 2020 session and is currently inactive, but it could be reintroduced in the 2021 session.
- The joint Memorial is a non-legally binding mechanism requesting that the B.C. Government work with the City of Seattle and SEEC to prevent logging and mining in the upper Skagit watershed to ensure that the area's environmental and recreational resources are permanently protected.
- In January 2021, a letter signed by 108 U.S. stakeholders, including elected officials, local businesses, conservation, recreation, and wildlife groups wrote to the Premier expressing their opposition to logging and mining in the Upper Skagit Watershed. On January 22, the Deputy Minister of EMLI sent a response advising that the Province has an administrative law obligation to receive, review and consider all applications filed, including the Notice of Work permit application submitted by Imperial Metals in the Silverdaisy area of the Upper Skagit watershed. The response also advised that the decision will be made by a statutory decision-maker from the Ministry of Energy, Mines and Low Carbon Innovation. Delegated decision makers are independent and not subject to political interference.
- In February 2021, the Mayor of Seattle wrote to the Premier to advise that the City of Seattle remains committed to working with B.C. to advance our mutual obligation to protect the Silverdaisy Area, and that staff have been directed to continue to engage with the Intergovernmental Relations Secretariat (IGRS) to identify ways we can work together. On April 14, the Minister of EMLI sent a response that provided a similar update to the one sent to U.S. stakeholders in January, and to reiterate the importance of continuing the regular communications between staff from IGRS and the mayor's office.

2021/22 Estimates Note - Advice to the Premier

- Two calls (in February and March) have been held between City of Seattle and IGRS staff to follow up on the February 21st letter.

Mining

- The Province is aware that SEEC is interested in acquiring the existing mineral tenures in the Silverdaisy area and seeing a park established.
- Advice/Recommendations; Intergovernmental Communications
- Imperial Metals has no current authorizations to conduct any mining or exploration activity in the Silverdaisy area, but has applied through a Notice of Work for an exploration program.
- Under the *Mineral Tenure Act* and the *Mines Act*, the Province's statutory decision-makers have an administrative law obligation to receive, review and consider all applications filed. Statutory decisions are made in accordance with the legislation, such that delegated decision-makers are independent.
- Imperial Metals' permit application is currently under review by the Statutory Decision Maker, who will make a decision once they have completed a thorough review of all the input that was submitted during the consultation process.

Contact: Nicole Vinette – 250 415-5681
Manager, International Relations

2021/22 Estimates Note - Advice to the Premier

Title: Transboundary Mining

Issue: Mining activities and transboundary waterways

Response:

- B.C. remains in constant contact with partners in the United States in relation to a wide range of cross-border environmental files.
- B.C. continues to work closely with counterparts in Alaska and Montana to implement the Memoranda of Understanding and Statement of Cooperation.
- B.C. also continues to work closely with Indigenous peoples to uphold the Province's commitments under the *Declaration Act*.
- The 2018 Environmental Assessment Act was introduced in order to modernize the Environmental Assessment process, and to better allow the Province to manage emerging concerns.
- B.C. aims to reflect the best available science in its environmental management processes.
- The Province continues to fund important efforts to address historic contamination, including preparatory work at the Tulsequah Chief Mine site.

Background/Status:

General

- In a letter dated June 13, 2019, U.S. Senators from Alaska, Idaho, Montana, and Washington wrote to Premier Horgan to express concerns about the lack of oversight of mining projects near transboundary rivers that flow into the United States. Premier Horgan responded on July 17, 2019, detailing how B.C. considers, monitors, and oversees resource projects in the province.

Washington

- In June 2019, the U.S. Supreme Court determined that it will not hear an appeal by Vancouver-based Teck Resources in a case brought by the Colville Confederated Tribes in Washington State. The court ruling awarded more than \$8 million in legal costs to the Colville Confederated Tribes and requires that Teck clean up the damage it has caused by releasing pollutants in the Columbia River and Lake Roosevelt under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) legislation.

Alaska

- Advice/Recommendations; Intergovernmental Communications

2021/22 Estimates Note - Advice to the Premier

- On November 25, 2015, the former Premier of B.C. and Alaska Governor Bill Walker signed a Memorandum of Understanding.
 - The Memorandum of Understanding is being implemented through a Statement of Cooperation on the Protection of Transboundary Waters, which was signed October 6, 2016 by the former Minister of Energy and Mines, the former Minister of Environment, and Alaska Lieutenant Governor Byron Mallott.
 - The Statement of Cooperation is overseen by senior government officials from the B.C. government and the government of Alaska.
 - Per the Statement of Cooperation, B.C. and Alaska have also established a joint water quality monitoring program.
 - On August 3-5, 2019, Alaskan representatives hosted the three U.S. commissioners from the International Joint Commission, as well as the Canadian co-chair, to present their issues with B.C. transboundary mining activity. The trip included site visits, a roundtable discussion on transboundary mining concerns, and an internal meeting. The International Joint Commission described it as a fact-finding mission.
 - A meeting between International Joint Commission commissioners and B.C. representatives took place on December 2, 2019.
 - In February 2019, the Province and Taku River Tlingit First Nation (TRTFN) collaboratively selected a proponent to develop a Remediation Plan for Tulsequah Chief Mine. A final Remediation Plan was submitted to the Province in April 2020. On August 12, 2020, in collaboration with the TRTFN, the Province committed to spending up to \$1.575 million for site preparation and studies to support early reclamation work at the Tulsequah Chief Mine site, which was undertaken in summer 2020. In April 2021, a further \$1.575 million was allocated to support further work during the summer 2021 field season. Details and the scope of this work are not yet finalized. Advice/Recommendations
- Advice/Recommendations

Montana

- As provided for in a 2003 Environmental Cooperation Arrangement and 2010 Memorandum of Understanding, B.C. and Montana have made commitments to protect and enhance the transboundary environment. The implementation of the agreements is being overseen by officials from the Ministry of Environment & Climate Change Strategy and Montana's Department of Environmental Quality.
 - B.C. ministries have received a number of letters on selenium in transboundary waters from U.S. agencies at both the state and federal level over the past several years. Intergovernmental Communications
- Intergovernmental Communications
- Both the Ministries
of Environment & Climate Change Strategy and Energy, Mines and Low Carbon Innovation continue to engage with stakeholders on both sides of the border.

2021/22 Estimates Note - Advice to the Premier

- Montana approved a water quality standard regulating selenium concentrations for the U.S. side of Lake Koochanusa in December 2020. British Columbia has not yet selected a proposed selenium water quality objective for Lake Koochanusa and is committed to a science-based process informed by the best data available, as well as seeking consensus with the Ktunaxa Nation Council.

Contact: Sukumar Periwal – 250-217-8278
Executive Director, International Relations & Strategic Policy

2021/22 Estimates Note - Advice to the Premier

Title: Pacific Northwest Economic Region (PNWER)

Issue: B.C.'s involvement and priorities in this subnational organization

Response:

- PNWER is a consensus-based organization that provides British Columbia an important opportunity to inform regional economic recovery and advance our interests and priorities.
- B.C. is a founding member of the organization, and MLA Rick Glumac is 2nd Canadian Vice President.

Background/Status:

- PNWER is a statutory public/private non-profit created in 1991 and includes the states of Alaska, Idaho, Oregon, Montana, Washington, and the provinces of British Columbia, Alberta, Saskatchewan, and Yukon and Northwest Territories.
- The Seattle-based organization brings together legislators, private sector leaders and federal agency representatives for dialogue and consensus-building.
- Annual membership dues are \$50,000 USD.
- Along with our 2021 dues payment, B.C. submitted a letter outlining our priorities for involvement in PNWER this year:
 - COVID-19 Management, Economic Recovery and Border Security;
 - Trade Policy;
 - Clean Energy and Transitioning to a Low Carbon Economy; and
 - Forestry and Mass Timber Innovation.
- B.C.'s executive committee representative is MLA Rick Glumac, who, in September 2020 was elected second Canadian vice president.
- Members participate in working groups to address issues and opportunities facing the region, such as border policy, trade, water policy (including Columbia River Treaty), agriculture, invasive species, climate and energy policy, and tourism.
- In normal years, PNWER hosts an Annual Summit in July and an Economic Leadership Conference in November that attract public and private sector representatives from across the region. However, in 2020 both events were cancelled in lieu of webinars and online presentations.
- In response to the COVID-19 pandemic, PNWER has focused on regional economic recovery and the impacts of the Canada/U.S. border closure, with specific attention paid to travel and tourism across all jurisdictions.
- Intergovernmental Communications

2021/22 Estimates Note - Advice to the Premier

^{Intergover}
^{nmental} B.C. has maintained that the border restrictions are important and that a public health-first approach is most appropriate to managing the pandemic.

- PNWER's CEO and some representatives are involved in the Future Borders Coalition, a cross-border advocacy group that is actively pursuing increased dialogue between the Canada and U.S. federal governments on border reopening.

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