



July 4, 2023

Hon. Dominic LeBlanc, MP
Minister of Intergovernmental Affairs
Minister of Infrastructure and Communities
House of Commons
Ottawa, ON K1A 0A6

Minister LeBlanc:

It was with profound disappointment that I received your letter of June 23, 2023, regarding the federal government's role in protecting the Chignecto Isthmus from storm surges and environmental damage. Your government's refusal to recognize and act upon its constitutional responsibility for this project will have negative ramifications for this vital transportation gateway and the Canadians it serves.

Under the *Constitution Act, 1867*, the responsibility to maintain and secure transportation links between provinces clearly rests with the federal government. Sections 91 (29) and 92 (10) (a) explicitly make the federal government responsible for regulating interprovincial transportation and communications infrastructure and enterprises. This authority includes infrastructure that is integral to the maintenance of infrastructure that connects provinces.

Without doubt, the work necessary to protect the Chignecto Isthmus and the road and rail traffic that passes across it falls within this definition of "integral" infrastructure in maintaining interprovincial trade. Each day, \$100 Million worth of goods pass through the land bridge that connects Nova Scotia and New Brunswick. Protecting this road and rail connection, along with electricity transmission and telecommunications lines, from the impact of future storm surges is vital in maintaining this link over the long term. Protecting the Isthmus is clearly in the interests not only of Atlantic Canadians, but every Canadian in every corner of country.

And yet your government refutes this responsibility and offers funding through the Disaster Mitigation and Adaptation Fund, which would cover only 50 per cent of the project's costs.

Your letter also implies that no federal support will be provided if the governments of Nova Scotia and New Brunswick fail to apply for this funding by July 19, 2023.

This is clearly unacceptable to New Brunswick and its people.

If the federal government refuses to accept its constitutional responsibility in this manner, it will be up to the governments of New Brunswick and Nova Scotia to ask the courts to enforce our nation's supreme law.



Seeking a ruling from the courts will be a lengthy and expensive process for our government and yours. We are prepared to take this step, because we believe in the principle that the national government has the prime responsibility to maintain the links that were forged in Confederation. I am confident that the courts would rule in our favour.

The federal government's short-sighted refusal to accept its responsibility to cover the full cost of this important project will have repercussions on not only the Chignecto Isthmus, but on other regions of New Brunswick.

Were we to accept your proposition that the provinces are responsible for half of the cost of this project, this would take money from other valued infrastructure projects that could otherwise be funded jointly by our governments.

Nevertheless, our government will give due diligence to the proposal contained in your letter of June 23rd. Should we decide to apply, our acceptance would be conditional on the federal government providing the \$200 Million indicated in your letter, with the further caveat that should the project exceed the \$300 Million cost currently estimated, your government would pay 66 per cent of the additional costs.

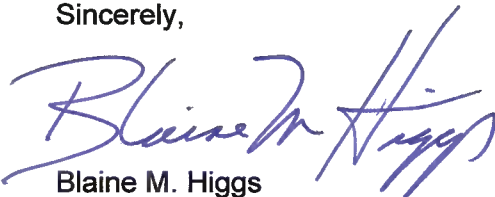
This would be against the better judgement of our government and the interests of New Brunswickers. Our preference continues to be that the Government of Canada fulfills its constitutional obligation to cover the full cost of this project.

Without prejudice to our decision on your proposal, it is our intent to jointly pursue with the Government of Nova Scotia a court decision on the constitutional question.

I understand that Premier Houston of Nova Scotia has also written to you on this topic. It will be clear to you that we stand united on this issue.

I ask that you reconsider this matter and accept your constitutional responsibility to cover the full cost of maintaining and protecting the Chignecto Isthmus. Canadians expect their national government to act in the interest of the nation, as is clearly the case here.

Sincerely,



Blaine M. Higgs

c.c. Premier Tim Houston, Nova Scotia