

# Government of Alberta Institutional Report

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**Submitted to the Public Order Emergency Commission  
August 19, 2022**

*Alberta* 

## Contents

A. Background.....	1
B. Coutts Border Blockade .....	2
I. Origin .....	2
II. Early development.....	2
III. Increased deployment.....	3
IV. Final Days.....	6
C. Requests for Assistance and Equipment Purchase .....	7
D. Further Protest Activity in Alberta in January and February 2022 .....	13
I. January 29 and 30 Protest Activity .....	13
II. January 31 and February 1.....	14
III. February 5 and 6 Protest Activity .....	15
IV. February 7 .....	17
V. February 12 and 13 Protest Activity.....	18
VI. February 22 Protest .....	19
E. Federal Government Contact .....	19
I. Contact reported in the “Public Safety Report on Consultation” .....	19
II. Specific Questions from POEC arising from Premier Kenney’s Letter .....	23
1) Please explain reasons why Premier Kenney took the position that the public order emergency was declared “without adequate or meaningful consultation” in accordance with section 25 of the Emergencies Act.....	23
2) Provide details as to what “normal enforcement tools” were available in Alberta, how they were used and results obtained.....	24
3) Please explain why Premier Kenney states that “towing vehicles and personnel” were not required and reconcile with AB’s request for assistance dated 2022.02.05. ....	25
III. Other Federal Contact Prior to Invocation of the <i>Emergencies Act</i> .....	25
F. Impact of Coutts Border Blockade and <i>Emergencies Act</i> Measures.....	28
G. Glossary of Short Forms .....	32
H. Glossary of Persons.....	33

## A. Background

1. This Institutional Report sets out and summarizes information and evidence of the Government of Alberta (“**Alberta**”) in relation to the invocation of the *Emergencies Act*<sup>1</sup> by the Government of Canada (“**Canada**”) on February 14, 2022.
2. Between January 29 and February 14, 2022, Alberta experienced some protests linked to citizens who were frustrated by federal COVID-19 restrictions, including most notably a temporary blockade of the Canada/U.S. border in the Albertan village of Coutts. Alberta never requested the use of the *Emergencies Act* in relation to any of those protests, and received virtually no consultation from Canada in its decision to invoke the *Emergencies Act* as applicable to Alberta and the entirety of the country.
3. All of the protests in Alberta were peacefully resolved without any of the powers contained in the orders issued under the *Emergencies Act*.<sup>2</sup> In fact, the blockade in Coutts was essentially resolved prior to those measures even coming into force. Its resolution was thanks to hard work by many in Alberta, including its provincial police force, its Sheriffs, and support from Alberta municipalities. Alberta found and purchased its own towing equipment to have at the ready for operational support, after Canada failed to provide any assistance upon Alberta’s request to simply borrow equipment from them.
4. An overview of the policing structure in the province of Alberta is important context for reviewing the events described in this Report. Pursuant to a long-term contract, the Provincial Police Service Agreement (“**PPSA**”), the RCMP acts as Alberta’s provincial police force.<sup>3</sup> In addition to provincial policing services, the RCMP provide policing to municipalities in the province with populations smaller than 5,000 inhabitants, and any other municipality for which there is a specific policing agreement.<sup>4</sup> Seven municipalities and three First Nations have their own municipal or First Nation police forces to provide municipal or local policing services.
5. The province of Alberta also has Sheriffs who enforce provincial laws, such as the *Traffic Safety Act*.<sup>5</sup> The Sheriffs are employees of the Government of Alberta.

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<sup>1</sup> RSC, 1985, c 22 (4th Supp.) (<https://laws-lois.justice.gc.ca/eng/acts/e-4.5/FullText.html>).

<sup>2</sup> *Emergency Measures Regulations*, SOR/2022-21 (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-21/page-1.html>); *Emergency Economic Measures Order*, SOR/2022-22 (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-22/page-1.html>) (collectively referred to as the “emergency measures”).

<sup>3</sup> ALB00002044 (Province of Alberta – Provincial Police Service Agreement, April 1, 2012).

<sup>4</sup> ALB00002044 Article 10.1 (Province of Alberta – Provincial Police Service Agreement, April 1, 2012).

<sup>5</sup> RSA 2000, c H-8 (<https://www.gp.alberta.ca/documents/Acts/t06.pdf>).

6. The acronyms used in this Report are set out in the Glossary at the end. Commonly used acronyms are used in the body of the Report without first setting out the full name they represent.

## **B. Coutts Border Blockade**

### **I. Origin**

7. On or about January 13, 2022, Alberta became aware of social media calls for protests in response to federal vaccination requirements for the trucking industry, such as a “national truckers strike” at legislatures across Canada.<sup>6</sup>
8. By January 26, Alberta became aware of calls to establish a convoy destined for the Canada/U.S. border crossing (also called a port of entry, “**POE**”) near the village of Coutts.<sup>7</sup> Alberta shared this intelligence with the CBSA, which advised that it had engaged with other agencies, including the RCMP, to prepare for such a development.<sup>8</sup>

### **II. Early development**

9. On January 29, a convoy of approximately 1,000 vehicles proceeded from the city of Lethbridge to the Coutts POE.<sup>9</sup> The RCMP, as police of jurisdiction, reported to Alberta:
  - the convoy formed a line 48 kilometres long;
  - the convoy consisted of approximately a 50/50 split between semi-trailer trucks and personal vehicles;
  - the RCMP was meeting vehicles at highway weigh scales to act as a traffic stop and to convey and gather additional information;
  - the RCMP provided the convoy’s organizers with a document with plan, objectives and areas of control, i.e. emergency-vehicle access and commercial livestock traffic;
  - the RCMP will maintain contact with the convoy’s organizers.<sup>10</sup>
10. Protesters halted traffic in both directions at the Coutts POE, leading to closure of Alberta Provincial Highway No. 4 (“**Highway 4**”) in that area and, subsequently, in an area further north, near the town of Milk River (collectively, “**Coutts Border Blockade**”).<sup>11</sup>

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<sup>6</sup> ALB00001674 (Original Trucker Protest Poster).

<sup>7</sup> ALB00001677 (Email from Christine Bartram, January 26, 2022, and preceding emails).

<sup>8</sup> ALB00001677 (Email from Christine Bartram, January 26, 2022, and preceding emails).

<sup>9</sup> ALB00001683 (RCMP GSB SITREP 0900 20 Feb 2022).

<sup>10</sup> ALB00001688 (Tweet by RCMP, January 29, 2022).

<sup>11</sup> ALB00001688 (Tweet by RCMP, January 29, 2022); ALB00001690 (Tweet by 511 Alberta, January 29, 2022); ALB00001691 (Tweet by 511 Alberta, January 30, 2022).

11. On January 31, as the RCMP prepared for law enforcement action to end the Coutts Border Blockade, a number of vehicles voluntarily left the area and some protesters expressed a desire to permit re-opening of Highway 4.<sup>12</sup> The RCMP attempted to negotiate with remaining protesters but could not reach a resolution and traffic remained immobile.<sup>13</sup>
12. On February 1, as the Coutts Border Blockade continued, the RCMP explored obtaining equipment to tow vehicles from private companies, the CAF, or American officials.<sup>14</sup> Alberta's (eventually successful) efforts to secure towing equipment is described in more detail in Section C below. Supported by Alberta's Sheriff Highway Patrol ("**SHP**"), the RCMP ensured that other Canada/U.S. POEs in the province remained open.<sup>15</sup>
13. On February 2, one lane of traffic in each direction was open at the Coutts POE with 101 vehicles remaining, and a further stoppage subsisted near the town of Milk River.<sup>16</sup> The RCMP prepared bi-directional escorts for traffic between a police checkpoint and the Coutts POE.<sup>17</sup> At the time, the RCMP expected the Coutts POE to reopen later that day.<sup>18</sup>

### III. Increased deployment

14. From February 3 through 7, local and border-bound traffic passed through the Coutts Border Blockade, albeit slowly and with interruptions.<sup>19</sup> In particular, the RCMP secured the progress of trucks carrying livestock across the border.<sup>20</sup> A contingency plan was in place with respect to alternate POEs in case protesters resumed a complete blockade at the Coutts POE.<sup>21</sup>
15. For example, according to a report on February 7:<sup>22</sup>
  - traffic was flowing at an increased rate to an approximate one-minute wait time at a police checkpoint;
  - the CBSA reported traffic volume through the border at approximately 50% of normal levels.<sup>23</sup>

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<sup>12</sup> ALB00001699 (Email from ADM Degrand, January 31, 2022).

<sup>13</sup> ALB00001703 (Tweet by RCMP, January 31, 2022).

<sup>14</sup> ALB00001707 (Email from ADM Degrand, February 1, 2022).

<sup>15</sup> ALB00001707 (Email from ADM Degrand, February 1, 2022).

<sup>16</sup> ALB00001724 (22-017 2202-02-02 COVID-19 Protests 1).

<sup>17</sup> ALB00001724 (22-017 2202-02-02 COVID-19 Protests 1).

<sup>18</sup> ALB00001724 (22-017 2202-02-02 COVID-19 Protests 1).

<sup>19</sup> ALB00001728 (Tweet by RCMP, February 3, 2022); ALB00001729 (Tweet by RCMP, February 3, 2022); ALB00001731 (Tweet by RCMP, February 4, 2022); ALB00001742 (PSIO SITREP #1 05 Feb 2022); ALB00001750 (PSIO SITREP #6 06 Feb 2022); ALB00001755 (PSIO SITREP #9 06 Feb 2022).

<sup>20</sup> ALB00001740 (PSIO SITREP #0 05 Feb 2022).

<sup>21</sup> ALB00001746 (PSIO SITREP #3 05 Feb 2022).

<sup>22</sup> ALB00001755 (PSIO SITREP #9 06 Feb 2022).

<sup>23</sup> ALB00001755 (PSIO SITREP #9 06 Feb 2022).

16. On February 3, Deputy Commissioner Curtis Zablocki, the Commanding Officer of “K” Division of the RCMP,<sup>24</sup> sent a letter to Alberta’s Acting Minister of Justice and Solicitor General (“**JSG**”), Sonya Savage.<sup>25</sup> In it, he requested the “extraordinary” application of emergency provisions under Article 9.1 of the PPSA<sup>26</sup> and the existing Municipal Police Service Agreements. That would allow for redeployment of members of the Provincial Police Force to deal with the Coutts Border Blockade and anticipated additional protests, which “constitute[d] an emergency in the Province of Alberta” in the opinion of Deputy Commissioner Zablocki.
17. The same day, Minister Savage wrote back to Deputy Commissioner Zablocki:<sup>27</sup>

Pursuant to Article 9.1 of the Alberta PPSA, I authorize the redeployment of the Alberta Provincial Police Service to the extent necessary to maintain law and order, and to ensure the safety of persons and property in the affected communities.

I also recognize that it may become necessary to invoke sub article 9.2 and to seek additional resources by drawing RCMP personnel and/or equipment from elsewhere within the province of Alberta and/or from neighbouring provinces and territories. It would be appreciated if you would notify me if such action is taken.
18. The RCMP informed Alberta that it intended to seek up to 40 RCMP regular members from British Columbia to assist at Coutts, commencing duties on or about February 7.<sup>28</sup> Those officers were released back to British Columbia by the end of the weekend of February 12/13.<sup>29</sup> In addition, Sheriffs and members of other police forces in Alberta were deployed to assist at Coutts over the course of the Coutts Border Blockade.<sup>30</sup>

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<sup>24</sup> “K” Division is the RCMP term for Alberta and all RCMP operations within it. At all times relevant to this Report, all RCMP officers in every business line of the RCMP in Alberta are part of “K” Division. This includes Federal Officers, who are paid for by Ottawa and work on the Federal Mandate (matters of Federal Interest, such as National Security, multiple provincial or international jurisdictions, etc.); Provincial Police Service Officers, who are paid for by Alberta and work as its provincial police force (front line policing in the province, including enforcement of the Criminal Code, drug laws, Provincial and Municipal laws/bylaws, etc.); and Municipal Contract Service Officers, paid for by municipalities, working as part of 47 different Municipal Police Services for communities in the province of Alberta that do not have their own municipal or local police service.

<sup>25</sup> ALB00001482 (Letter from Deputy Commissioner Zablocki, February 3, 2022).

<sup>26</sup> ALB00002044, Article 9.1 (Province of Alberta – Provincial Police Service Agreement, April 1, 2012).

<sup>27</sup> ALB00001573 (Letter from Minister Savage, February 3, 2022).

<sup>28</sup> ALB00001572 (Email from Associate DM Cooley, February 5, 2022, and preceding emails).

<sup>29</sup> ALB00001248, page 3 (Advice to Acting Minister of Justice and Solicitor General re. Article 9.4 Request).

<sup>30</sup> See e.g. ALB00001005 (Email from Jason Delaney to Rick Gardner, February 1, 2022); ALB00001200 (Email from Bob Andrews to Rob Sapinsky, February 2, 2022); ALB00001134 (E-Division EOC Briefing Updates - FEB 7 @ 13:00hrs); ALB00001452 (Email from ADM Degrand, February 23, 2022).

19. On February 8, Alberta announced a plan for gradual easing of pandemic-related public health orders.<sup>31</sup> Later that day, protesters resumed a complete blockade at the Coutts POE, though the RCMP engaged in efforts to re-establish flow of traffic.<sup>32</sup> Alberta made an alternate protest site available, away from any highways, though protesters did not immediately accept this option.<sup>33</sup> The SHP maintained checkpoints at other POEs in the province to prevent new blockades.<sup>34</sup>
20. For example, according to a report on February 11:
  - Highway 4 was completely blocked at the Coutts POE;
  - police were stopping traffic at checkpoints to prevent vehicles from surging to Coutts;
  - the RCMP remained engaged with the convoy’s identified leadership group to keep the situation stabilized;
  - given this situation at Coutts, the POE at Del Bonita had seen a 917% increase in cross-border traffic.<sup>35</sup>
21. The RCMP and the SHP undertook enforcement actions in response, including:<sup>36</sup>
  - issuing 75 registered owner traffic violation tickets (unregistered vehicle, parking on highway, plate covered, and unnecessary use of horn tickets);
  - issuing 8 traffic violation tickets (cargo securement, fail to obey stop sign, speeding, unauthorized flashing lamp, emergency breakaway cable not connected);
  - conducting 1 arrest for outstanding warrants.<sup>37</sup>
22. On Friday, February 11, the RCMP requested that five additional Sheriffs be dispatched by Alberta to assist them at one of these alternate POEs, Del Bonita.<sup>38</sup> Alberta provided that assistance to them.
23. In addition to the RCMP members that dispatched from British Columbia under the PPSA, the RCMP advised that they were supported in Coutts by officers from the Calgary Police Service (“**CPS**”), Edmonton Police Service (“**EPS**”), Lethbridge Police Services (“**LPS**”), and approximately 70 federal RCMP officers from Alberta.<sup>39</sup>

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<sup>31</sup> ALB00001768 (News release by Alberta, February 8, 2022).

<sup>32</sup> ALB00001770 (PSIO SITREP #11 09 Feb 2022).

<sup>33</sup> ALB00001772 (PSIO SIT REP #13 10 Feb 2022).

<sup>34</sup> ALB00001772 (PSIO SIT REP #13 10 Feb 2022).

<sup>35</sup> ALB00001779 (PSIO SITREP #14A 11 Feb 2022).

<sup>36</sup> ALB00001780 (PSIO SITREP #15 12 Feb 2022); ALB00001784 (PSIO SITREP #17 13 Feb 2022).

<sup>37</sup> ALB00001780 (PSIO SITREP #15 12 Feb 2022).

<sup>38</sup> ALB00001081 (Email from Jason Delaney, February 11, 2022, and preceding emails).

<sup>39</sup> ALB00001452 (Email from ADM Degrand, February 23, 2022). See Footnote 24 above for an explanation of the structure of “K” Division, the RCMP in Alberta.

#### IV. Final Days

24. The RCMP learned of a small group of protesters with access to a cache of firearms and ammunition.<sup>40</sup> Intelligence indicated that this group would use force against any attempts by police to disrupt the Coutts Border Blockade.<sup>41</sup>
25. Before dawn on February 14, the RCMP executed a search warrant at three trailers associated with this group, leading to arrest of 13 individuals and seizure of weapons, body armour, and ammunition.<sup>42</sup> The RCMP later announced criminal charges against the individuals.<sup>43</sup>
26. This law-enforcement action catalyzed the end of the Coutts Border Blockade.<sup>44</sup> RCMP and SHP reported as of 5:00 pm MST on February 14:
  - Once the arrest of the 13 individuals became known and the cache of weapons was announced, the tide of opinion among many of the blockade participants changed as the gravity of what was going on behind the scenes.
  - Numerous participants indicated they would be leaving and began negotiations with the RCMP to mitigate their legal standings.
  - By 16:00 hrs there was video feed of participants starting to tear down tents and start to leave the area.
27. The invocation of the *Emergencies Act* was announced on the afternoon of February 14, well after the RCMP successfully completed the seizure and arrests described above.
28. By the morning of February 15, Highway 4 was clear in both directions and the CBSA announced resumption of normal processing at the Coutts POE.<sup>45</sup> Further law enforcement action was unnecessary in light of these developments.<sup>46</sup>
29. The measures proclaimed under the *Emergencies Act* were not registered or in force until February 15. None of those measures were used in breaking up the Coutts Border Blockade.

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<sup>40</sup> ALB00001786 (News release by RCMP, February 14, 2022).

<sup>41</sup> ALB00001786 (News release by RCMP, February 14, 2022).

<sup>42</sup> ALB00001786 (News release by RCMP, February 14, 2022); ALB00001799 (News release by RCMP, February 14, 2022); ALB00001794 (RCMP GSB SITREP 1400 14 Feb 2022).

<sup>43</sup> ALB00001816 (News release by RCMP, February 15, 2022).

<sup>44</sup> ALB00001809 (PSIO SITREP #21 15 Feb 2022).

<sup>45</sup> ALB00001809 (PSIO SITREP #21 15 Feb 2022); ALB00001810 (Tweet by CBSA, February 15, 2022).

<sup>46</sup> ALB00001809 (PSIO SITREP #21 15 Feb 2022).



### C. Requests for Assistance and Equipment Purchase

30. Early in the course of the Coutts Border Blockade, efforts began to source heavy towing equipment and operators, to have those resources at the ready in case the RCMP needed them for enforcement action.
31. A morning update from the RCMP on Tuesday, February 1 advised Marlin Degrand, ADM, Public Security Division and Director of Law Enforcement for JSG that protesters were not agreeing to comply with RCMP requests to clear the highway, with more than 100 transport trucks involved.<sup>47</sup> Civilian tow companies expressed reluctance to assist the RCMP.
32. By the end of February 1, approximately 50 companies throughout Alberta with towing capability and/or cranes had been contacted.<sup>48</sup> All of the companies with the ability to tow semi-trailer trucks refused to assist. Companies in British Columbia and Saskatchewan were also contacted, but they were either unable to travel or did not want to get involved in the situation.
33. Alberta was advised by the RCMP that by February 1, they had reached out to Public Safety Canada and the CAF in Ottawa, and that there was reluctance to become involved.<sup>49</sup> CFB Edmonton is located a few kilometers north of the limits of the City of Edmonton, and was being explored as a possible resource to loan heavy equipment and personnel to assist in operating the equipment.
34. Premier Jason Kenney called federal Minister of Public Safety, Marco Mendicino, to advise him that Alberta would soon make a request to borrow CAF equipment that could be used for towing, as private sector vendors had been intimidated and the RCMP had been unable to obtain such equipment. While Premier Kenney does not recall the exact date, the Public Safety Report on Consultation<sup>50</sup> reports a call between Minister Mendicino and him on February 2, and that timing is consistent with his recollection of the call. Premier Kenney's recollection is that he and Minister Mendicino had a brief and general discussion about that, during which Minister Mendicino advised that a letter for such assistance should go to him and Minister of Emergency Preparedness, William (Bill) Blair, and they would jointly take it to the Department of National Defence for consideration.

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<sup>47</sup> ALB00001483 (Email from ADM Degrand, February 1, 2022).

<sup>48</sup> ALB00001844 (Tow and Crane Companies Contacted).

<sup>49</sup> ALB00000153 (Email from Rein Tonowski, February 1, 2022, and preceding emails).

<sup>50</sup> *Report to the Houses of Parliament: Emergencies Act Consultations*, Minister of Public Safety, February 16, 2022 ("**Public Safety Report on Consultation**")

(<https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/2022-mrgnacs-ct-cnslttns/2022-mrgnacs-ct-cnslttns-en.pdf>).

35. On Saturday, February 5, Minister of Municipal Affairs, Ric McIver, sent a letter by email to Minister Mendicino and Minister Blair.<sup>51</sup> The letter read, in part:

The RCMP, along with local and provincial officials, have been working closely in an attempt to persuade the demonstration participants to remove their vehicles but have been unsuccessful. In addition, as a result of private industry concerns over negative consequences, the RCMP have been unable to secure the appropriate heavy duty equipment required to remove vehicles and other items such as trailers and tractors from the area. Attempts to procure these services with providers from across the Western provinces and the United States have failed.

In order to ensure a return of free movement of people, vehicles and goods and services through this pivotal location, we are seeking federal assistance in removing obstructions from the highway....

To support this approach, I am requesting federal assistance that includes the provision of equipment and personnel to move approximately 70 semi-tractor trailers and approximately 75 personal and recreational vehicles from the area.

....I and my colleague, the Minister of Justice and Solicitor General, or our respective staff members, are available to discuss these requirements, but am hopeful that Alberta's request will be received favourably and responded to promptly.

36. The following Monday, February 7, at approximately 9:30 am MST, Minister McIver texted Minister Blair to follow up and ask whether Minister Blair was available for a phone call.<sup>52</sup> Minister Blair responded, "I will call you. I am on a secure briefing." Minister McIver responded, "Okay, good[.] Thank you."
37. Also on February 7, Alberta began its own search to determine if any towing assistance could be found.<sup>53</sup> Alberta compiled a list of Sheriffs who have Class 1 Driver's Licenses,<sup>54</sup> and contacted companies previously contacted by the RCMP to see if they could be persuaded to assist.<sup>55</sup> Alberta also made contact with companies in Montana, but none would commit to assist.<sup>56</sup>
38. Minister McIver phoned Minister Blair at 2:05 pm MST on February 7.<sup>57</sup> The call lasted for four minutes. Minister McIver recalls that Minister Blair mentioned that the equipment at CFB

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<sup>51</sup> ALB00000096 (Email from office of Minister McIver, February 5, 2022); ALB00000097 (Letter from Minister McIver, February 5, 2022).

<sup>52</sup> ALB00001868 (Text message from Minister McIver, February 7, 2022, and subsequent text messages).

<sup>53</sup> ALB00001583 (Email from Associate DM Cooley, February 7, 2022, and preceding emails).

<sup>54</sup> ALB00001062 (Email from Rob Sapinsky, February 8, 2022, and preceding emails); ALB00001063 (SHP – Class 1 Drivers).

<sup>55</sup> ALB00001110 (Email from Peter Lemieux, February 8, 2022, and preceding emails).

<sup>56</sup> ALB00001110 (Email from Peter Lemieux, February 8, 2022, and preceding emails).

<sup>57</sup> ALB00002047 (Telephone records for Minister McIver).

Edmonton might not be loaned because it was specifically for use for military vehicles, or something to that effect.

39. On the morning of February 8, Minister Blair sent a text to Minister McIver:<sup>58</sup>

Good morning Rick. [sic]

Sorry for the delay in getting back to you. I spoke to our Minister of Defence and conveyed the importance and urgency of an answer from CAF. She is speaking to the Chief of Defence Staff this morning and will advise.

Bill

40. Minister McIver responded to say, "Thank you".
41. The possibility of Alberta buying or leasing its own equipment was raised by February 8.<sup>59</sup> Alberta put together a plan to contact energy companies, industry contacts, road builders and municipalities; contact government counterparts in British Columbia and Saskatchewan; and explore purchase or lease options by Alberta.<sup>60</sup>
42. On February 9, Alberta worked quickly to follow up on various leads. Alberta was unable to locate any additional services willing to assist, but did locate one flatbed that could be borrowed and a lead on some additional equipment that might be available to borrow.<sup>61</sup> The City of Calgary provided a list of equipment that they had available, and the City of Edmonton provided a tow truck for the use of the RCMP.<sup>62</sup> However, the RCMP determined that it would not use the Edmonton tow truck at that time as their view was that it may inflame things further, and one tow truck was of limited utility.<sup>63</sup>
43. Premier Kenney spoke again with Minister Mendicino to follow up on Alberta's request to borrow CAF equipment, since Alberta had not received a response. While Premier Kenney does not recall the exact date, the Public Safety Report on Consultation<sup>64</sup> reports a call between Minister

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<sup>58</sup> ALB00001868 (Text message from Minister McIver, February 7, 2022, and subsequent text messages).

<sup>59</sup> ALB00001272 (Email from Associate DM Cooley, February 8, 2022).

<sup>60</sup> ALB00001843 (Email from Associate DM Cooley, February 8, 2022); ALB00001829 (Email from DM Gilmour, February 9, 2022, and preceding emails).

<sup>61</sup> ALB00000992 (Email from Peter Lemieux, February 9, 2022, and preceding emails); ALB00001058 (Email from Peter Lemieux, February 9, 2022, and preceding emails); ALB00001867 (Email from Associate DM Cooley, February 9, 2022); ALB00001480 (Email from ADM Degrand, February 14, 2022, and preceding emails).

<sup>62</sup> ALB00001512 (Email from Peter Lemieux, February 9, 2022, and preceding emails); ALB00001827 (Email from Associate DM Cooley, February 9, 2022, and preceding emails); ALB00001829 (Email from DM Gilmour, February 9, 2022, and preceding emails).

<sup>63</sup> ALB00001827 (Email from Associate DM Cooley, February 9, 2022, and preceding emails); ALB00001829 (Email from DM Gilmour, February 9, 2022, and preceding emails).

<sup>64</sup> *Report to the Houses of Parliament: Emergencies Act Consultations*, Minister of Public Safety,

Mendicino and him on February 9, and that timing is consistent with his recollection of the call. Premier Kenney pointed out that the Coutts Border Blockade was at an international border crossing that implicated a federal interest. He also pointed out that he had served as Minister of National Defence, one of his Deputy Ministers served as Vice Chief of the Defence Staff, many of his senior staff had previously held positions with the CAF, and the consensus was that the CAF had equipment available at CFB Edmonton that would be suitable. Premier Kenney's recollection is that he told Minister Mendicino that Alberta could locate operators; the primary need was to borrow equipment. Premier Kenney does not recall Minister Mendicino providing a response on that call.

44. On the evening of February 10, Minister McIver texted Minister Blair to ask, "Any update?"<sup>65</sup> The text chain shows no response to that text.
45. Alberta further explored the possibility of purchasing equipment.<sup>66</sup> By February 11, Alberta identified a number of vehicles that could satisfy RCMP requirements.<sup>67</sup> These were found by conducting online searches of websites like Kijiji and Truck Trader.<sup>68</sup> Alberta worked on an accelerated safety inspection process.<sup>69</sup>
46. Alberta purchased towing equipment on February 12, which was taken to a secure lot in Lethbridge for staging.<sup>70</sup> Operators within Alberta's own staff could not be identified, but four other operators were retained on contract.<sup>71</sup> Further purchases were made on or about February 14.<sup>72</sup> In addition to the heavy wrecker and crew borrowed from the City of Edmonton,

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February 16, 2022 (<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2022-mrgnacs-ct-cnslttns/2022-mrgnacs-ct-cnslttns-en.pdf>).

<sup>65</sup> ALB00001868 (Text message from Minister McIver, February 7, 2022, and subsequent text messages).

<sup>66</sup> ALB00001516 (Email from Peter Lemieux, February 10, 2022, and preceding emails); ALB00001551 (Email from ADM Degrand, February 11, 2022, and preceding emails).

<sup>67</sup> ALB00001033 (Email from Marlin Degrand, February 11, 2022, and preceding emails); ALB00001184 (Email from Peter Lemieux, February 11, 2022), ALB00001185 (Heavy Vehicle Resources – Research Results).

<sup>68</sup> ALB00001270 (Email from Peter Lemieux, February 11, 2022, and preceding emails).

<sup>69</sup> ALB00001315 (Email from Ranjit Tharmalingam, February 11, 2022, and preceding emails); ALB00001617 (Email from Peter Lemieux, February 11, 2022, and preceding emails).

<sup>70</sup> ALB00001109 (Email from Rob Sapinsky, February 12, 2022, and preceding emails); ALB00001179 (Email from Bob Andrews, February 12, 2022, and preceding emails); ALB00001118 (Email from Daniel McCormack, February 12, 2022); ALB00001119 (Image); ALB00001292 (Email from Associate DM Cooley, February 10, 2022, and preceding emails); ALB00001460 (Email from Peter Lemieux, February 12, 2022); ALB00001115 (Email from Rob Sapinsky, February 13, 2022, and preceding emails); ALB00001125 (Email from Daniel McCormack, February 13, 2022, and preceding emails); ALB00001297 (Email from Peter Lemieux, February 14, 2022); ALB00001298 (Equipment and Contracted Human Resources).

<sup>71</sup> ALB00001246 (Email from Julie Williams, February 12, 2022, and preceding emails); ALB00001630 (Email from Peter Lemieux, February 13, 2022).

<sup>72</sup> ALB00001323 (Email from ADM Degrand, February 14, 2022, and preceding emails); ALB00001324 (Equipment and Contracted Human Resources); ALB00001295 (Email from Peter Lemieux, February 15, 2022); ALB00001434 (Email from Peter Lemieux, February 14, 2022); ALB00001547 (Email from Peter

Alberta purchased the following equipment to meet the RCMP's operational needs:<sup>73</sup>

<i>Equipment</i>	<i>Price</i>
2007 Freightliner M2, flat bed	\$73,000
2010 Dodge RAM 3500 tow truck	\$27,000
2002 International 4300 Medium tow truck	\$38,000
1996 GMC 3500 tow truck	\$26,500
1998 Freightliner Classic heavy tow truck	\$85,000
2014 International Prostar semi tractor	\$36,500
2010 Komatsu D61 Dozer with winch	\$109,500
1999 Case 621B Wheel Loader	\$67,000
2010 Arnes Tri-Azle Scizzor Neck Lowboy	\$62,500
2009 Gerrys 60 Ton 16 wheel Lowboy Trailer	\$89,500
2008 Western Star semi	\$119,500
2006 Peterbuilt 378	\$92,000
<i>Total:</i>	\$826,000

47. The RCMP ultimately did not require all of this equipment in its operation that disbanded the Coutts Border Blockade, although it did make limited use of it in seizing large vehicles in the course of that operation, including a farm tractor, semi-trailer and gravel truck.<sup>74</sup>
48. In his February 15 letter to Premier Kenney after the invocation of the *Emergencies Act*, Prime Minister Justin Trudeau pledged, "The federal government continues to stand by to assist with resource asks, if and when required, to deal with the current situation."<sup>75</sup>
49. However, as of February 15, Alberta had still not received a formal response to its Request for Assistance sent to Ministers Mendicino and Blair on February 5.<sup>76</sup>

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Lemieux, February 14, 2022, and preceding emails).

<sup>73</sup> ALB00001547 (Email from Peter Lemieux, February 14, 2022, and preceding emails); ALB00001531 (Email from Lee Brachmann, February 15, 2022, and preceding emails).

<sup>74</sup> ALB00001322 (Email from Peter Lemieux, February 15, 2022, and preceding emails).

<sup>75</sup> ALB00000980 (Email from Terri Kemball, February 16, 2022, and preceding emails); ALB00000383 (Letter from Prime Minister Trudeau, February 15, 2022).

<sup>76</sup> ALB00000945 (Email from Brandy Cox, February 15, 2022, and preceding emails); ALB00000449 (Email from Bre Hutchinson, February 16, 2022, and preceding emails).

50. On Monday, February 21, there was a text exchange between Minister Mclver and Minister Blair:<sup>77</sup>

*Mclver* Still no answer.

*Blair* You may be aware that we invoked the Emergency [sic] Act on February 15, which addressed the tow truck issue quite effectively. Happy to answer any questions you may have, although I am sure the RCMP can advise you on how it works.

A letter will be forthcoming.

I understand the Prime Minister spoke to Premier Kenney about the Emergency [sic] Act, but I will ensure correspondence follows to you.

*Mclver* We received no help until after the Coutts issue was resolved and you know th[a]t

Disappointed to hear you say otherwise.

*Blair* And I was disappointed to learn of your reaction to our efforts to respond to the threat to critical infrastructure and the integrity of our International borders posed by these illegal blockades.

Fortunately, the CACP, the OACP, the RCMP and the Ontario Provincial Police have been clear and unequivocal that these measures have been essential to their efforts to resolve the criminal blockades and occupations.

We are all grateful that the RCMP was able to resolve the very dangerous situation at Coutts safely.

*Mclver* What is true is that Coutts was resolved on the 14th. And we got our own tow trucks after you could no help. [sic]

*Blair* Your letter speaks for itself.

*Mclver* As does your lack of response until too late...

*Blair* To be clear. Is your point that we should have invoked the Emergency [sic] Act earlier?

*Mclver* No. You were too late and did the wrong thing. My point is saying nothing now would have been better than not telling the truth.

51. No correspondence was received by Minister Mclver from Minister Blair following this text exchange.

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<sup>77</sup> ALB00001868 (Text message from Minister Mclver, February 7, 2022, and subsequent text messages).

52. On March 23, 2022, Minister McIver sent a follow up letter by email to Minister Blair.<sup>78</sup> The body of that letter reads:

On February 5, 2022, based on advice from the Royal Canadian Mounted Police leadership in Alberta, I sent you a request for assistance for federal support to address the impacts of the blockades in our province.

I have yet to receive a response to our request for the necessary equipment and personnel to displace the blockades. As such, we took the initiative to procure our own resources.

In consultation with our key federal and provincial partners and in recognition that circumstances have changed, the requested federal support is no longer required. Therefore, I hereby rescind Alberta's request for federal assistance.

#### **D. Further Protest Activity in Alberta in January and February 2022**

53. Additional protest activity took place across Alberta near the end of January and into February 2022. The most significant protest activity took place on weekends. There was coordination and information sharing between JSG, the RCMP, and police agencies across the province. The various convoys, rallies, and protests were generally peaceful, they were non-violent, and they dispersed at the end of each day's protest activity.<sup>79</sup>
54. Meetings were held by the Cross-Agency Public Disorder Information Group ("**PDIG**"), consisting of representatives from the Provincial Security & Intelligence Office ("**PSIO**"), RCMP, CPS, EPS, Medicine Hat Police Service, Criminal Intelligence Service of Alberta, Provincial Sheriffs, and Alberta Crown Prosecution Service. The purpose of the group was not to monitor protests, but to discuss potential public safety risks and mitigation of those risks.<sup>80</sup>

##### **I. January 29 and 30 Protest Activity**

55. As of January 26, social media activity indicated that there were protest events planned on January 29 throughout Alberta from Coutts to Fort McMurray.<sup>81</sup>

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<sup>78</sup> ALB00000094 (Email from office of Minister McIver, March 23, 2022); ALB00000095 (Letter from Minister McIver, March 17, 2022).

<sup>79</sup> See generally ALB00001669, pages 12 to 49 (Master Timeline of Freedom Convoy).

<sup>80</sup> ALB00001669, page 10 (Master Timeline of Freedom Convoy).

<sup>81</sup> ALB00001676 (Email from Bill McAuley, January 26, 2022, and preceding emails).

56. PSIO shared an intelligence brief on Anti-Vaccination Mandate Convoy Protests in Alberta with all PDIG members.<sup>82</sup> The brief advised that various convoys were planned across Alberta with plans to attend the Legislature in Edmonton, conduct drives in Fort McMurray, or attend POEs in southern Alberta. There were at least six known events planned with Edmonton as the destination, and at least two others planned elsewhere in the province.<sup>83</sup> Many involved non-commercial vehicles.
57. At this time, the general assessment of the developing protests was that they were organizing separately from one another and there was a low risk of planned violence. They appeared to intend to disrupt traffic, though some anti-government/anti-authority sentiments were noted in online commentary. Organizers reported to law enforcement that they had been, or had attempted to be, explicit about the need for peaceful protest.<sup>84</sup> The possibility of impromptu expressions of anger and violent activity were noted related to traffic disruptions, confusion around the convoy, chaotic planning, and the emotive nature of the protests.
58. JSG and policing agencies communicated and coordinated efforts in relation to these potential protests.<sup>85</sup>
59. On January 29, various convoys converged in Edmonton consisting of approximately 9,000 persons and 200 vehicles.<sup>86</sup>
60. No vehicular protests were reported at the Del Bonita and Carway POEs. JSG maintained ongoing communication and planning with LPS and Blood Tribe Police.<sup>87</sup>

## II. January 31 and February 1

61. Calls for further blockades and highway slowdowns spread through social media and direct contact between supporters of the blockades, particularly through text message and messaging applications. The calls appeared under the keywords “Bear Hug” and “Farmers for Freedom” and promoted the idea of small blockades throughout the province on highways using trucks and farm equipment.<sup>88</sup>

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<sup>82</sup> ALB00001669, page 11 (Master Timeline of Freedom Convoy).

<sup>83</sup> ALB00001678 (PSIO EIB 2022-01-27 Anti-Vaccination Mandate Protests).

<sup>84</sup> ALB00001678 (PSIO EIB 2022-01-27 Anti-Vaccination Mandate Protests).

<sup>85</sup> See e.g. ALB00001669, pages 11 and 12 (Master Timeline of Freedom Convoy); ALB00001683 (RCMP GSB SITREP 0900 29 Jan 2022).

<sup>86</sup> ALB00001669, page 12 (Master Timeline of Freedom Convoy).

<sup>87</sup> ALB00001669, page 13 (Master Timeline of Freedom Convoy).

<sup>88</sup> ALB00001669, page 17 (Master Timeline of Freedom Convoy).



62. On February 1 at 4:53 pm MST, ADM Degrand received reports of protests or blockades on highways near Fort McLeod, Pincher Creek, and Grande Prairie. At 6:47 pm, RCMP K Division reported that the road at Fort McLeod was open and traffic was flowing slowly.<sup>89</sup>

### III. February 5 and 6 Protest Activity

63. On February 4, Taber Police Service provided an update through the Alberta Association of Chiefs of Police that there was a convoy with plans to begin in Barnwell and proceed to Edmonton. ADM Degrand forwarded the report to the Chief of EPS.<sup>90</sup>
64. Regional convoys, localized highway slowdowns, temporary barricades and protest activities were anticipated to intensify for the weekend of February 4-6 with significant convoy activity expected to converge on the Legislature on February 5. Counter-protest activity was also expected.<sup>91</sup>
65. There were five activities expected to converge on the Legislature, with most also planning drives or other activity elsewhere in Edmonton as well.<sup>92</sup>
66. At least six localized convoys were expected to take place in other parts of the province, including Fort McMurray and Calgary.<sup>93</sup>
67. On February 4, the general assessment was that protest activity was being organized by a large number of disparate groups characterized by a lack of centralized leadership. The intent of the convoys in and around the Legislature appeared to be traffic disruption. There was no indication of planned violence and little indication of organized counter-protest activity.<sup>94</sup>
68. In response to the convoy activities in southern Alberta and in anticipation of protest activity at the Legislature, the Director of Emergency Management for JSG, Amanda Barros, advised that the Provincial Operations Centre would be elevated to Level 2 beginning at 10:00 am MST on February 5.<sup>95</sup> Level 1 is "Routine"; Level 2 is "Augmented", indicating there is an incident or conditions with the potential to be a significant disruption to a community.<sup>96</sup>

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<sup>89</sup> ALB00001669, page 21 (Master Timeline of Freedom Convoy).

<sup>90</sup> ALB00001669, page 25 (Master Timeline of Freedom Convoy).

<sup>91</sup> ALB00001732 (PSIO SIB 2022-02-04).

<sup>92</sup> ALB00001732 (PSIO SIB 2022-02-04).

<sup>93</sup> ALB00001732 (PSIO SIB 2022-02-04).

<sup>94</sup> ALB00001732 (PSIO SIB 2022-02-04).

<sup>95</sup> ALB00001669, page 27 (Master Timeline of Freedom Convoy).

<sup>96</sup> Alberta Emergency Plan 2022, Annex B: Provincial Operations Centre Operational Levels (page 87) (<https://open.alberta.ca/dataset/576d251a-b163-4924-805d-9a29f89a91ad/resource/04e48cb8-6303-4b5f-bf3d-eda96e584ec1/download/ma-alberta-emergency-plan-2022.pdf>).

69. On February 5, Sheriff Operations closed the road entrances to the government centre. Sheriffs were positioned on the grounds and inside the Legislature.<sup>97</sup> In the morning, Sheriffs reported approximately 150 protesters at the Legislature and a convoy in downtown Edmonton travelling clockwise around the Legislature while honking their horns.<sup>98</sup>
70. Over the course of February 5:
- The EPS traffic section deployed and established traffic control points.<sup>99</sup>
  - The Edmonton Emergency Operations Centre reported that: Edmonton was expecting the arrival of eight separate convoys; Edmonton Transit System closed the government transit centre for the day; and Edmonton had barricades prepositioned in case of need.<sup>100</sup>
  - At 1:08 pm MST, EPS reported: a peaceful crowd of approximately 1,000 people and growing was at the Legislature; traffic was flowing freely around the Legislature; and approximately 2,500 convoy vehicles were in Edmonton with more expected. Sheriffs reported there was a loud convoy travelling around the Legislature. There were some counter-protesters throwing eggs at the crowd.<sup>101</sup>
  - At 3:09 pm, EPS reported: two main convoys were circling Anthony Henday Drive leaving a lane of traffic open for traffic to go by; approximately 500+ people were lining 109 Street with flags and signs; Emergency Communications was handling a lot of noise complaints; and there were normal police calls for service volumes in the City.<sup>102</sup>
  - At 5:17 pm, EPS reported: there were a very small number of people remaining on the Legislature Grounds and approximately 50 people still lining 109 Street. Traffic congestion on 109 Street was manageable. Counter-protest activity appeared limited to condominium owners throwing eggs at protesters off of balconies in downtown Edmonton. EPS conducted some enforcement action after an EPS member was nearly struck while on foot.<sup>103</sup>
  - Sheriffs reported that they issued 0 tickets, conducted 0 arrests, and noted 0 reportable incidents on February 5.<sup>104</sup>

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<sup>97</sup> ALB00001740 (PSIO SITREP #0 05 Feb 2022).

<sup>98</sup> ALB00001742 (PSIO SITREP #1 05 Feb 2022).

<sup>99</sup> ALB00001742 (PSIO SITREP #1 05 Feb 2022).

<sup>100</sup> ALB00001742 (PSIO SITREP #1 05 Feb 2022).

<sup>101</sup> ALB00001744 (PSIO SITREP #2 05 Feb 2022).

<sup>102</sup> ALB00001746 (PSIO SITREP #3 05 Feb 2022).

<sup>103</sup> ALB00001748 (PSIO SITREP #4 05 Feb 2022).

<sup>104</sup> ALB00001748 (PSIO SITREP #4 05 Feb 2022).

71. There were media reports of thousands of people marching peacefully through downtown Calgary.<sup>105</sup> The CPS provided an after-action report regarding protest activity in the City of Calgary:
- 75-80 vehicles, including 4 semis, left on a prearranged route on the Stoney Trail ring road around Calgary. Organizers were described as cooperative and worked with the CPS.
  - A Freedom Rally took place at Central Memorial Park involving an estimated 3,000-4,000 protesters and approximately 20 vehicles. There was a dump truck that continuously blew its air horns which cause several noise complaints from within the community. There were also complaints from the community about the size of the crowd and the duration of delays. The rally started at 1:00 pm and ended at 4:20 pm.<sup>106</sup>
72. Various other small convoys occurred throughout the province as noted in the Situation Reports.<sup>107</sup>
73. There was no overnight occupancy of the Legislature grounds from February 5 into February 6. Roadblocks were removed at 8:30 pm on February 5. The EPS reported some mischief by protesters (fireworks, flares, and open alcohol) and calm traffic during the evening of February 5.<sup>108</sup>
74. February 6 saw very little protest activity in Edmonton. EPS noted a total of 8 protesting personal vehicles parked near the Legislature. EPS had road blocks staged in the area while EPS traffic was conducting enforcement action on vehicles blaring their horns while driving near 109 Street.<sup>109</sup> A small convoy of 12 vehicles attended CTV News and conducted five loops.<sup>110</sup>
75. A Foothills Freedom Slow-Roll protest involving approximately 100 vehicles (trucks, tractors, and personal vehicles) took place in Okotoks.<sup>111</sup>

#### IV. February 7

76. On February 7, there were minor protests noted in Edmonton, Medicine Hat, and Innisfail, including one rally outside of an MLA's office in Medicine Hat.<sup>112</sup>

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<sup>105</sup> ALB00001746 (PSIO SITREP #3 05 Feb 2022).

<sup>106</sup> ALB00001748 (PSIO SITREP #4 05 Feb 2022).

<sup>107</sup> ALB00001740 (PSIO SITREP #0 05 Feb 2022); ALB00001742 (PSIO SITREP #1 05 Feb 2022); ALB00001744 (PSIO SITREP #2 05 Feb 2022); ALB00001746 (PSIO SITREP #3 05 Feb 2022); ALB00001748 (PSIO SITREP #4 05 Feb 2022).

<sup>108</sup> ALB00001749 (PSIO SITREP #5 06 Feb 2022).

<sup>109</sup> ALB00001752 (PSIO SITREP #7 06 Feb 2022).

<sup>110</sup> ALB00001753 (PSIO SITREP #8 06 Feb 2022).

<sup>111</sup> ALB00001753 (PSIO SITREP #8 06 Feb 2022).

<sup>112</sup> ALB00001755 (PSIO SITREP #9 07 Feb 2022).

V. February 12 and 13 Protest Activity

77. On February 11, the City of Edmonton obtained an interim injunction from the Court of Queen's Bench prohibiting "the frequent or sustained sounding of motor vehicle horns, truck air horns, equipment horns, megaphones and other similar noise making devices within the boundaries of the City contrary to the Community Standards Bylaw 14600."<sup>113</sup>
78. The City of Edmonton activated their Emergency Operations Centre for February 12 and the Provincial Operations Centre elevated to Level 2.<sup>114</sup>
79. On February 12, a "Liberty" march in Edmonton of approximately 500 people began at the Legislature and marched to City Hall with no resulting traffic issues. After the march, approximately 300 people were on Legislature grounds and 300 people were on nearby 109 Street during convoy movements.<sup>115</sup>
80. Observations suggested that there were approximately six convoys converging on Edmonton consisting of approximately 840 vehicles, representing a significant decline in support compared to approximately 3,000 vehicles on February 5.<sup>116</sup> EPS reported that approximately 700 vehicles remained in the downtown core and 400 people congregated on 109 Street. There was traffic congestion in the downtown core. Approximately 30 counter-protestors associated with "Climate Justice Edmonton" blocked traffic in both directions on River Valley Road while the "Freedom Convoy" was attempting to move through. About 200 protestors from the "Liberty" march moved towards the counter-protestors in an apparent attempt to remove them, but EPS maintained separation between the two groups and negotiated with the counter-protestors for them to move off the roadway.<sup>117</sup>
81. By 7:00 pm MST, EPS reported that the protests had concluded. EPS issued 10 tickets and 1 warning during the convoy, and identified 50 violations for which they would issue tickets in the mail, including 9 violations of the City's injunction.<sup>118</sup>
82. CPS reported that approximately 5,000 people attended an anti-public health order rally in downtown Calgary while a small convoy of approximately 50 vehicles drove by in support.<sup>119</sup>

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<sup>113</sup> ALB00001782 (PSIO SITREP #16 12 Feb 2022).

<sup>114</sup> ALB00001776 (PSIO SITREP #14 11 Feb 2022).

<sup>115</sup> ALB00001782 (PSIO SITREP #16 12 Feb 2022).

<sup>116</sup> ALB00001780 (PSIO SITREP #15 12 Feb 2022).

<sup>117</sup> ALB00001782 (PSIO SITREP #16 12 Feb 2022).

<sup>118</sup> ALB00001784 (PSIO SITREP #17 13 Feb 2022).

<sup>119</sup> ALB00001782 (PSIO SITREP #16 12 Feb 2022).

83. A small rally occurred in High Prairie on the side of the highway with no roadway obstructions.
84. RCMP noted social media posts that publicized ongoing protest events in Fort McMurray including sledding in a public park, group shopping at a Superstore on Mondays, and rallies at the courthouse on Saturdays. An attempt to charter a bus from Fort McMurray to Ottawa failed due to a lack of interest.<sup>120</sup>
85. On February 13, there was no significant protest activity at the Legislature.<sup>121</sup>

#### VI. February 22 Protest

86. On February 22, the Lieutenant Governor of Alberta delivered the Speech from the Throne. On that day, approximately 1,500 protesters marched around the Legislature. Approximately 225 protest vehicles entered Edmonton and were reported to be obeying the rules of the road. There was little convoy traffic on 109 Street.<sup>122</sup>

### E. Federal Government Contact

#### I. Contact reported in the “Public Safety Report on Consultation”

87. The Public Safety Report on Consultation<sup>123</sup> lists the following as examples of “engagement” with Alberta:<sup>124</sup>
  - There has been regular engagement with provincial officials concerning the Coumts port of entry, including the Province’s request for assistance in relation to tow truck capacity (February 5, 2022 letter to Ministers of Public Safety and Emergency Preparedness from the Alberta Minister of Municipal Affairs).
    - The Minister of Public Safety engaged with the Premier of Alberta on February 2 and 9, 2022, and with the Premier and the Acting Minister of Justice and Solicitor General of Alberta on February 7, 2022. The Minister also engaged the Acting Minister of Justice and Solicitor General of Alberta on February 1, 5, and 9, 2022.
    - The Minister of Transport spoke with Alberta’s Minister of Transportation on February 5 and 9, 2022.
    - The Minister of Intergovernmental Affairs, Infrastructure and Communities communicated with the Premier of Alberta on February 10 and 11, 2022.

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<sup>120</sup> ALB00001784 (PSIO SITREP #17 13 Feb 2022).

<sup>121</sup> ALB00001785 (PSIO SITREP #18 13 Feb 2022).

<sup>122</sup> ALB00001669, page 53 (Master Timeline of Freedom Convoy).

<sup>123</sup> *Report to the Houses of Parliament: Emergencies Act Consultations*, Minister of Public Safety, February 16, 2022 (“Public Safety Report on Consultation”). Document available at:

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2022-mrgnccs-ct-cnslttns/2022-mrgnccs-ct-cnslttns-en.pdf>.

<sup>124</sup> Public Safety Report on Consultation, pp 4, 5.

88. The February 5 letter from Minister McIver to Ministers Mendicino and Blair is addressed in detail in Section C above.
89. The Public Safety Report on Consultation reports “engagement” between Minister Mendicino and then-Acting Minister Savage on February 1, 5, 7 and 9, 2022. While Minister Savage does not recall the specifics of each conversation on each date, she does recall what was discussed overall over the course of that week.
90. Minister Savage recalls that her first call with Minister Mendicino was quick and cordial. They exchanged cell phone numbers for ease of communication. Minister Mendicino asked about Coutts, and asked that the Ministers stay in touch to share information. While Minister Savage does not recall the exact date, the Public Safety Report on Consultation lists their first contact as occurring on February 1.<sup>125</sup>
91. In the other calls, including a call with Premier Kenney, Minister Savage’s recollection is that the discussions were about various aspects of the Coutts Border Blockade. There were discussions of resources, including tow trucks and CAF equipment, and discussions about border services, including the need to keep POEs open, diverting traffic to other POEs, and the need for the CBSA to adapt staffing and hours of operation accordingly.<sup>126</sup>
92. On the call that included Premier Kenney, Minister Savage recalls the Premier reiterating Alberta’s request for a loan of towing equipment. Minister Savage’s impression from the conversation was that the federal government was reluctant to use the CAF in any manner in response to civilian protests, and viewed even using CAF equipment for towing as crossing that line. However, Minister Savage does not recall Minister Mendicino providing a definitive “yes” or “no” response, and believes that may have been because his Ministry would not have authority to decide on CAF matters. The federal *Emergencies Act* was never mentioned on any of the calls. Premier Kenney’s recollection of the call is consistent with that of Minister Savage.
93. The Public Safety Report on Consultation also reports “engagement” between the Minister of Intergovernmental Affairs, Infrastructure and Communities, Domenic LeBlanc, and Premier Kenney on February 10 and 11. While Premier Kenney does not recall exact dates, he does recall speaking with Minister LeBlanc. His recollection of the content of those calls was that they were to seek to prompt a response to Alberta’s request to borrow equipment for towing. The federal *Emergencies Act* was not mentioned on those calls.

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<sup>125</sup> See also ALB00002045 (Notes).

<sup>126</sup> See also ALB00002046 (Notes).

94. Correspondence from counsel for the POEC requested information about “meeting or communication” between “federal Minister of Public Safety, Premier Kenney, Alberta Acting Minister of Justice and Alberta Minister of Transportation” on February 10 and 11. The “engagement” reported to Parliament in the Public Safety Report on Consultation does not include reference to meetings or communication that included all of those individuals on those dates. Alberta does not have specific information about who was in attendance on particular calls on particular dates. There is no specific recollection of such calls.
95. On February 14, Prime Minister Trudeau phoned the First Ministers, including Premier Kenney. The call took place at or about 7:00 am MT, several hours after the RCMP had executed their search warrants in respect of the Coutts Border Blockade and made the related arrests.
96. On the call, Prime Minister Trudeau advised that Canada was considering invoking the *Emergencies Act*. The tone of the call suggested that decision had already been made. Following another Premier who stated the view that invoking the *Emergencies Act* was unnecessary, Premier Kenney amplified that point more strongly. He recalls saying that he found the whole situation peculiar: when Alberta had been asking for assistance with borrowing equipment, Canada did not provide it; but now that Alberta had obtained its own equipment, Prime Minister Trudeau seemed to be using the Coutts Border Blockade and those prior requests to assist as a pretext to invoke the *Emergencies Act*.
97. Premier Kenney stated his view that doing so would inflame an already combustible situation, and draw a larger number of people to participate in protests. He referenced his previous time as a member of the Federal Cabinet Committee of Foreign Affairs and Security as informing his views that he saw nothing that would be more quickly resolved through using the *Emergencies Act*. Premier Kenney noted that the blockades at international borders were already being cleared, problematic activities were already illegal, and the real issue seemed to be localized in Ottawa and centred on enforcement issues there.
98. On the evening of February 15, after invoking the *Emergencies Act*, Prime Minister Trudeau sent a letter to Premier Kenney.<sup>127</sup> The letter reads, in part:

I would like to thank you for the productive conversation we had at the First Ministers' Meeting on February 14, 2022, where we consulted you on the declaration of a public order emergency under the *Emergencies Act*.

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<sup>127</sup> ALB00000980 (Email from Terri Kemball, February 16, 2022, and preceding emails); ALB00000383 (Letter from Prime Minister Trudeau, February 15, 2022); ALB00000384 (Canada Gazette, Part II, vol. 156, no. 1).

...

... We believe that we have reached the point where there is a national emergency arising from threats to Canada's security. That is why the Government of Canada has determined it is necessary to take action to protect Canadians and safeguard our economy by declaring a public order emergency under the Emergencies Act.

...

... The federal government continues to stand by to assist with resource asks, if and when required, to deal with the current situation....

99. In a responding letter dated February 17 (emailed to the Prime Minister's Office on February 18), Premier Kenney wrote to Prime Minister Trudeau to express his disagreement with the invocation and to reiterate points he had made on the February 14 First Ministers call.<sup>128</sup> That letter read in part:

...

Canadians and our economy must always be safeguarded, but invoking the [*Emergencies Act*] is extraordinarily heavy-handed, outside our democratic norms, and disproportionate to the issues. I agree the law must be enforced, but it can be done with existing enforcement tools and without resorting to these kinds of extreme measures. The *Act* should be used only under extraordinary circumstances when normal enforcement tools are inadequate.

The *Act* is not intended to address local and contained issues. Your government did nothing to attempt to de-escalate the situation outside Parliament Hill before invoking the *Act*. There were many other constructive ways the federal government could have provided support to address the issues in Ottawa.

As I indicated on Monday, invoking the *Act* was not required to address the situation at the Coutts border crossing. Alberta successfully managed the impacts of the Coutts blockade and other protests through effective police work by the RCMP and supporting law enforcement agencies. This blockade was peacefully resolved, with those involved dispersing on their own accord. The RCMP laid numerous charges under the *Criminal Code of Canada* and the *Alberta Traffic Safety Act* within their normal scope of authority. The Government of Alberta was able to procure towing vehicles and personnel, which, while available, were not required to remove the blockade in Coutts.

Similarly, the City of Edmonton experienced three one-day weekend protests. These were managed by the Edmonton Police Service with the protests being limited to the day of the event.

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<sup>128</sup> ALB00000520 (Email from Rita Goodwin, February 18, 2022, and preceding emails); ALB00000521 (Letter from Premier Kenny, February 17, 2022).



While Alberta has the authority, under the Alberta *Emergency Management Act* to declare a provincial state of emergency, Alberta has not declared a state of emergency because it is an extraordinary step, which should only be taken when normal enforcement tools are insufficient. The RCMP and local law enforcement agencies have the tools needed to manage local events successfully.

...

II. Specific Questions from POEC arising from Premier Kenney's Letter

100. The POEC has requested that Alberta address specific questions that it has arising from Premier Kenney's letter.

**1) Please explain reasons why Premier Kenney took the position that the public order emergency was declared "without adequate or meaningful consultation" in accordance with section 25 of the Emergencies Act.**

101. Consultation entails more than merely receiving the views of provincial governments. To be meaningful, this provision must require due consideration of those views prior to any invocation of the *Emergencies Act*.

102. Since the Governor in Council took the position that the effects of the emergency spread throughout all of Canada, the feedback of each province and territory about the effects of the "emergency" in their jurisdictions, and their views on the necessity of the *Emergencies Act*, must have been given weight in arriving at a decision to include their jurisdiction in the scope of the Proclamation.<sup>129</sup>

103. Alberta is one of the jurisdictions in which a blockade affecting an international border was occurring, one of the very blockades for which Canada said the *Emergencies Act* must be invoked to address. Alberta had the most information about whether Canada's assertion was actually true. Consultation must require that the information that Alberta provided would be used in that assessment, not that it could merely be heard and ignored.

104. Further, meaningful consultation would require that Alberta's input would be sought before the decision had been made. When Prime Minister Trudeau convened the First Ministers' meeting on February 14, the decision to invoke the *Emergencies Act* had effectively been made. There is a marked difference between communication to inform Alberta of the decision hours before its

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<sup>129</sup> Proclamation Declaring a Public Order Emergency, SOR/2022-20 (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-20/page-1.html>).

announcement, and meaningful consultation with the province on whether to make the decision in the first place.

**2) Provide details as to what “normal enforcement tools” were available in Alberta, how they were used and results obtained.**

105. As set out at Section B.IV above, the RCMP executed a search warrant before dawn on February 14, prior to the emergency measures under the *Emergencies Act* coming into force. On February 15, the RCMP announced the following criminal charges arising from this law-enforcement action:
- 4 charges of conspiracy to commit murder;
  - 14 charges of possession of a weapon for a dangerous purpose;
  - 1 charge of uttering threats;
  - 14 charges of mischief over \$5,000.<sup>130</sup>
106. On February 8, an individual was arrested in relation to activity at Coutts and charged with breach of probation and for aiding, counselling or directing persons to willfully interfere with the operation of essential infrastructure under the *Critical Infrastructure Defence Act*.<sup>131</sup>
107. The Alberta SHP had a number of enforcement authorities that they could rely on to deal with the Coutts Border Blockade.<sup>132</sup> The RCMP asked the SHP not to take any enforcement action in Coutts until February 7.<sup>133</sup> Between February 7 and 11, the SHP identified 135 violations to be issued by mail for parking and/or having an unregistered motor vehicle on the highway, and issued tickets or laid charges in respect of:<sup>134</sup>
- 8 instances of aggressive driving, including speeding, failing to obey a red light or stop sign, and careless driving;
  - 8 instances of violating the *Vehicle Equipment Regulation*;<sup>135</sup>
  - 2 liquor offences, including liquor in public and unlawful transportation in a motor vehicle;

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<sup>130</sup> ALB00001814 (News release by RCMP, February 15, 2022).

<sup>131</sup> ALB00001637 (Email from DM Bosscha, February 8, 2022, and preceding emails); *Critical Infrastructure Defence Act*, SA 2020, c C-32.7, s. 2(4) ([https://www.qp.alberta.ca/1266.cfm?page=c32p7.cfm&leg\\_type=Acts&isbncln=9780779817672](https://www.qp.alberta.ca/1266.cfm?page=c32p7.cfm&leg_type=Acts&isbncln=9780779817672)); see *R. v. Pawlowski*, 2022 ABPC 37 (<https://www.canlii.org/en/ab/abpc/doc/2022/2022abpc37/2022abpc37.html>).

<sup>132</sup> ALB00001165 (Email from ADM Degrand, February 8, 2022, and preceding emails).

<sup>133</sup> ALB00001254 (Email from Farooq Sheikh, February 11, 2022, and preceding emails).

<sup>134</sup> ALB00001254 (Email from Farooq Sheikh, February 11, 2022, and preceding emails); ALB00001255 (SHP Coutts Stats).

<sup>135</sup> Alta Reg 122/2009 ([https://www.qp.alberta.ca/documents/Regs/2009\\_122.pdf](https://www.qp.alberta.ca/documents/Regs/2009_122.pdf)).

- 1 instance of impaired driving, with charges laid under the *Criminal Code*;
- 19 instances of other traffic violations, including registration, insurance and license plate violations;
- 1 charge of assault under the *Criminal Code* in respect of the assault of a member of the SHP.

108. The City of Edmonton obtained a civil interim injunction preventing the frequent or sustained sounding of motor vehicle horns within the boundary of the City contrary to a community standard bylaw, effective between February 11 and March 4.<sup>136</sup> In addition to other tickets issued for violations, EPS issued tickets for violating that injunction.<sup>137</sup>

**3) Please explain why Premier Kenney states that “towing vehicles and personnel” were not required and reconcile with AB’s request for assistance dated 2022.02.05.**

109. This statement can be reconciled with the February 5 letter from Minister McIver. As detailed in Section C, Alberta asked Canada for the loan of towing vehicles and personnel quite early in the course of the Coutts blockade. The request was made after it was clear that it would be difficult, and perhaps not possible, to locate a commercial towing company that would provide its services.

110. No assistance was provided by Canada in response to that letter.

111. Within a weekend, after scouring online ads from such places as Kijiji, Alberta was able to procure its own fleet of equipment, which it provided to the RCMP for use. However, the RCMP ultimately did not have to use that equipment to disperse the Coutts Border Blockade, as the protesters generally left of their own volition.<sup>138</sup> Only three vehicles needed to be towed, and that was because they were seized.<sup>139</sup> Thus, the factual statement that towing vehicles and personnel were not ultimately required is not inconsistent with the earlier request to borrow such equipment in case it would be needed.

III. Other Federal Contact Prior to Invocation of the *Emergencies Act*

112. There were further communications prior to the invocation of the *Emergencies Act* between Alberta and federal contacts. None of these were about the federal *Emergencies Act*.

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<sup>136</sup> Order of Justice Belzil issued February 11, 2022, *City of Edmonton v Jane Doe et al*, Court File No. 2203 01800 (Edmonton) ([https://webdocs.edmonton.ca/web/public\\_notices/Edmonton\\_Injunction\\_Feb11\\_2022.pdf](https://webdocs.edmonton.ca/web/public_notices/Edmonton_Injunction_Feb11_2022.pdf))

<sup>137</sup> ALB00001784 (PSIO SITREP #17 13 Feb 2022).

<sup>138</sup> ALB00001809 (PSIO SITREP #21 15 Feb 2022); ALB00001820 (PSIO SITREP #22 16 Feb 2022).

<sup>139</sup> ALB00001373 (Email from Associate DM Cooley, February 11, 2022, and preceding emails); ALB00001452 (Email from ADM Degrand, February 23, 2022).

113. On February 1 and 3, there were communications between Crystal Damer, ADM, Safety and Policy Division, Alberta Transportation and Brad Wozny, Regional Director General, Prairie Region, CBSA.<sup>140</sup> One topic discussed were the CBSA hours of service at Del Bonita, one of the alternate POEs to which traffic was diverted from Coutts.
114. On Friday, February 4, a meeting was held with the subject “Urgent - Joint TC/CCMTA/PPSC Meeting - Mitigation Measures in Light of Current Trucking Protests”.<sup>141</sup> The meeting invitation read, “Please be advised that Transport Canada has requested a joint meeting with CCMTA and PPSC tomorrow, Friday February 4 at 12:00 noon EST to address mitigation measures in light of current trucking protests.” ADM Damer was included in that invitation.
115. On Saturday, February 5, there were further emails between ADM Damer and Regional Director Wozny about CBSA hours.<sup>142</sup> A request was made to update the CBSA website so extended hours at Del Bonita and Carway were posted for easy reference by the public.
116. Also on that day, Aaron McCrorie, Associate ADM, Safety and Security, Transport Canada emailed to ask for a call at 11:30 am EST with ADM Damer; ADMs from Manitoba, Ontario and Québec; and the Executive Director, Policy, Public Works, Nova Scotia.<sup>143</sup>
117. On Sunday, February 6, DM of Transportation, Rae-Ann Lajeunesse, reported to DM of JSG, Frank Bosscha, that she had contact with her counterpart at Transport Canada<sup>144</sup> (DM of Transport Canada, Michael Keenan). She reported that their discussion related to tow trucks, and how DM Keenan was not proposing a national approach; rather, he shared his thoughts on how provincial and municipal authorities might incentivize operators to work with them. DM Lajeunesse reported the same to Alberta’s then-Minister of Transportation, Rajan Sawhney.<sup>145</sup>
118. On February 7, DM Lajeunesse had another call scheduled with DM Keenan. The subject of the meeting invitation was “Enforcement related to Coutts Border Crossing”.<sup>146</sup>
119. That afternoon, there was a Federal-Provincial-Territorial meeting held for Crime Prevention and Policing. DM Lajeunesse attended and invited ADM Damer to attend with her.<sup>147</sup>

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<sup>140</sup> ALB00002023 (Calendar invitation); ALB00001964 (Email from Brad Wozny, February 3, 2022, and preceding emails).

<sup>141</sup> ALB00002027 (Calendar invitation from John Pearson).

<sup>142</sup> ALB00002007 (Draft Confidential Update on Coutts Border Situation 2pm 2022-02-06).

<sup>143</sup> ALB00002024 (Calendar invitation from Associate ADM McCrorie).

<sup>144</sup> ALB00001828 (Email from DM Lajeunesse, February 6, 2022).

<sup>145</sup> ALB00002002 (Email from DM Lajeunesse, February 7, 2022).

<sup>146</sup> ALB00001656 (Calendar invitation from DM Keenan).

<sup>147</sup> ALB00002002 (Email from DM Lajeunesse, February 7, 2022).

120. On February 8, a meeting was held with the subject “Transport Canada Follow Up Meeting: Mitigation Measures for Protests and Trucking Convoys - Tuesday February 8 at 11:00 AM EST”.<sup>148</sup> The invitation read, “Please be advised that Transport Canada would like to continue last Friday’s discussions with provincial and territorial officials on relevant infraction and enforcement sections of respective provincial and territorial road safety statutes that could be invoked to respond to ongoing trucker convoys and demonstrations.” ADM Damer was included in that invitation.

121. DM Lajeunesse connected DM Keenan with Alberta’s team purchasing towing equipment, including ADM Degrand, on Saturday, February 12.<sup>149</sup> DM Keenan wrote in an email to them:

[Transport Canada] is coordinating a working group that includes Procurement and Public Safety (Rob Stewart, DM) Public Services and Procurement Canada (Paul Thompson, DM) and RCMP to support local police, and provincial authorities in securing enough truck/tractor removal capacity -- thru drivers, heavy tow trucks, or other heavy equipment (EG bulldozers).

I have asked Kevin Brosseau, ADM Safety and Security at TC, to follow up with you to connect up to see how best we can support you in lining up the capacity police need for their enforcement operations. I have passed your phone numbers to Kevin to call.

122. ADM Degrand responded to advise that Alberta was “actually posed to make several purchases today as a matter of fact, with a number of vehicles identified for followup....”<sup>150</sup>

123. The same day, ADM Degrand connected with ADM Brosseau about the equipment purchased and coordinated a response to ADM Brosseau’s question about pay rates for the equipment operators that Alberta had contracted.<sup>151</sup>

124. On Sunday, February 13, ADM Talal Dakalbab, Crime Prevention Branch, Public Safety Canada and ADM Brosseau sent an email to propose a call with ADM Degrand, ADMs from Manitoba and Ontario, and members of the RCMP.<sup>152</sup> They proposed:

...a quick discussion in a small group (Federal and the three provinces that are the most impacted by blockades) on the work we are advancing to ensure a clear escalation protocol is in place to remove trucks blocking roads and bridges. We

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<sup>148</sup> ALB00002025 (Calendar invitation from John Pearson).

<sup>149</sup> ALB00001328 (Email from DM Keenan, February 12, 2022, and preceding emails).

<sup>150</sup> ALB00001419 (Email from Peter Lemieuxf, February 12, 2022, and preceding emails).

<sup>151</sup> ALB00001468 (Email from ADM Brosseau, February 12, 2022, and preceding emails); ALB00001586 (Email from ADM Degrand, February 12, 2022, and preceding emails); ALB00001457 (Email from ADM Brosseau, February 13, 2022, and preceding emails).

<sup>152</sup> ALB00001394 (Email from ADM Koppang (Manitoba), February 13, 2022, and preceding emails).

would take 30min of your time to present you with the strategy before we move it up the chain for approvals. We are hoping to hear from you your thoughts, the real impact to operationalize it and if we missed anything.

125. The following day, the Coutts Border Blockade was disbanded and the *Emergencies Act* was invoked.
126. Alberta has made efforts to respond to all information about specific meetings and communications requested from POEC Counsel. Due to the imposed time constraints and substantial disclosure obligations, Alberta has not been able to confirm complete responses to some of those requests by the time of submitting this Report. However, Alberta does note:
- all significant meetings and correspondence that Alberta is currently aware of have been addressed in this Report;
  - Alberta's then-Minister of Transportation, Rajan Sawhney, has subsequently resigned her position and is not readily available;
  - ADM Damer has also moved on from her position with Alberta; and
  - meetings and communications after February 14 are likely to have little relevance since the Coutts Border Blockade was resolved by that date without the use of *Emergencies Act*.

#### **F. Impact of Coutts Border Blockade and *Emergencies Act* Measures**

127. Highway 4 extends from Lethbridge, Alberta south to the Canada/U.S. border at Coutts, Alberta and Sweetgrass, Montana. The Coutts POE is the busiest POE in Alberta and is open 24 hours a day, seven days a week.<sup>153</sup>
128. Alberta has other POEs, including:
- The Del Bonita POE, located approximately 75 km to the west of the Coutts POE, open from 9:00 am to 5:00 pm, Monday to Friday.<sup>154</sup>
  - The Carway POE, located approximately 134 km west of the Coutts POE, open from 8:00 am to 6:00 pm, seven days per week.<sup>155</sup>
129. The Coutts Border Blockade did impact the crossing of various types of good into and out of Alberta. Several shipments were held up, including meat, livestock, fresh produce, and consumer goods from the U.S., affecting consumers and truckers as well as various others,

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<sup>153</sup> Directory of CBSA Offices and Services: Coutts (<https://www.cbsa-asfc.gc.ca/do-rb/offices-bureaux/646-eng.html>).

<sup>154</sup> Directory of CBSA Offices and Services: Del Bonita (<https://www.cbsa-asfc.gc.ca/do-rb/offices-bureaux/655-eng.html>).

<sup>155</sup> Directory of CBSA Offices and Services: Carway (<https://www.cbsa-asfc.gc.ca/do-rb/offices-bureaux/654-eng.html>).

including ranchers, farmers, grocery chains, and manufactures.<sup>156</sup> Livestock shipments were of particular concern. They were at risk for contract cancellation, which could result in significant costs for shippers and producers to redirect shipments to other plants (if the option was even available).<sup>157</sup>

130. Approximately \$5 billion worth of Alberta exports were shipped by truck through the Coutts POE in 2020, or an average of \$13 million per day. \$2.9 billion of that was either potentially perishable, such as food products, or time-sensitive, such as livestock. There was roughly \$267 million, or \$700,000 per day, of livestock that passed through Coutts.<sup>158</sup>
131. Additionally, approximately \$7.7 billion worth of imports, or an average of \$21 million per day, crossed through the Coutts POE in 2020. Delays on imports caused some Alberta companies to delay or scale down production and reduce employee hours.<sup>159</sup>
132. Prior to the Coutts Border Blockade, the Coutts POE was the only port that could process livestock shipments as it was the only Alberta crossing that had veterinary services. The nearest alternative POEs with veterinary services were located in British Columbia and Saskatchewan.<sup>160</sup>
133. During the Coutts Border Blockade, commercial loads coming into Canada that required veterinary inspection were rerouted to POEs in British Columbia and Saskatchewan. Commercial loads that did not require inspection crossed into Canada through other Alberta POEs.<sup>161</sup>
134. In order to facilitate border crossings at alternative POEs, a number of accommodations were put in place:
  - At various points during the Coutts Border Blockade, CBSA and US Customs & Border Protection (“**USCBP**”) extended hours at the Del Bonita and Carway POEs to 8:00 am to 10:00 pm, seven days per week.<sup>162</sup>
  - USCBP permitted Alberta boxed meat shipments through POEs into Idaho and Montana and then routed them to Sweetgrass, Montana for U.S. Department of Agriculture (“**USDA**”) Meat Inspections.<sup>163</sup>

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<sup>156</sup> ALB00000011 (Email from Owen Jung, February 2, 2022, and preceding emails); ALB00002003 (Email from Ashley Bhatia, February 5, 2022).

<sup>157</sup> ALB00001899 (Jobs, Economy and Innovation, Committee of Supply, Budget 2022).

<sup>158</sup> ALB00001899 (Jobs, Economy and Innovation, Committee of Supply, Budget 2022).

<sup>159</sup> ALB00001899 (Jobs, Economy and Innovation, Committee of Supply, Budget 2022).

<sup>160</sup> ALB00000011 (Email from Owen Jung, February 2, 2022, and preceding emails).

<sup>161</sup> ALB00000839 (Confidential Update on Coutts Border Situation 9am 2022-02-13).

<sup>162</sup> ALB00000702 (Coutts Border Crossing – Diversion Plan Final).

<sup>163</sup> ALB00000807 (Confidential Update on Coutts Border Situation 2pm 2022-02-09).

- USCBP agreed to facilitate clearance of livestock at any port into the U.S. with the carrier then diverting to a location that has USDA and veterinary services. It was expected that most Alberta livestock would cross at the Del Bonita crossing due to its proximity to Sweetgrass, Montana.<sup>164</sup>
  - CBSA allowed livestock shipments coming into Canada to be inspected at Sweetgrass and then divert to another POE while Coutts was closed.<sup>165</sup>
135. Traffic counts on the highways leading to the Coutts, Del Bonita, and Carway POEs appeared to show that many vehicles diverted to other crossings during the Coutts Border Blockade. The daily total number of vehicles on Highway 62 north of the Del Bonita POE showed a significant increase from average weekday vehicle counts.<sup>166</sup>
136. As described in detail in Section B.IV above, the Coutts Border Blockade was disbanded on February 14 and completely cleared by February 15. According to the CBSA website, as of 11:00 am on February 15, the Coutts POE resumed normal operations and traffic was able to proceed both northbound and southbound.<sup>167</sup>
137. As of February 16, traffic near the Coutts POE returned to normal daily averages based on the available traffic count data.<sup>168</sup>
138. On February 18, Commissioner Brenda Lucki of the RCMP requested that Alberta provide 42 officers to support efforts in Ottawa.<sup>169</sup> The request was made pursuant to Article 9.4 of the PPSA, not under the *Emergency Measures Regulations*.<sup>170</sup> Article 9.4 allows for resources from the RCMP Provincial Police Services to be redeployed to support an emergency in an area of federal responsibility in another part of the country. Alberta agreed and sent officers according to that request.<sup>171</sup>
139. The emergency measures proclaimed pursuant to the *Emergencies Act* did not have any impact on trade or law enforcement in Alberta, as the Coutts Border Blockade was cleared before they

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<sup>164</sup> ALB00000611 (Confidential Update on Coutts Border Situation 9am 2022-02-12).

<sup>165</sup> ALB00000792 (Confidential Update on Coutts Border Situation 9am 2022-02-14).

<sup>166</sup> ALB00000290 (Confidential Update on Coutts Border Situation Noon 2022-02-16).

<sup>167</sup> ALB00000559 (Confidential Update on Coutts Border Situation morning 2022-02-15).

<sup>168</sup> ALB00000290 (Confidential Update on Coutts Border Situation Noon 2022-02-16); see also ALB00001785 (PSIO SITREP #18 13 Feb 2022).

<sup>169</sup> ALB00000979 (Email from Riley Braun, February 18, 2022, and preceding emails); ALB00001248 (Advice to Acting Minister of Justice and Solicitor General re. Article 9.4 Request).

<sup>170</sup> *Emergency Measures Regulations*, SOR/2022-21 (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-21/page-1.html>).

<sup>171</sup> ALB00001452 (Email from ADM Degrand, February 23, 2022). The Commanding Officer of “K” Division determined the deployment. Approximately half were Provincial Police Service Officers, and the others were Federal Police Officers stationed in Alberta and part of “K” Division.



were in force and none of the powers were needed or used by law enforcement to disperse the blockade.

140. There was clearly, however, an impact on the civil liberties of Albertans. One example is the power to freeze bank accounts, which is widely reported to have been exercised against Alberta citizens and clearly had an impact on Albertans.<sup>172</sup> However, that is not something that Alberta can quantify for the purposes of this Report, as it did not use any of the emergency measures itself.

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Reviewed by the Representative Witness for the  
Government of Alberta



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Marlin Degrand, Assistant Deputy Minister  
Public Security Division, Justice and Solicitor General

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<sup>172</sup> “Most bank accounts frozen under the Emergencies Act are being released, committee hears”, CBC News, February 22, 2022 (<https://www.cbc.ca/news/politics/emergency-bank-measures-finance-committee-1.6360769>); “Canada Ends Its Freeze on Hundreds of Accounts Tied to Protests”, The New York Times, February 22, 2022 (<https://www.nytimes.com/2022/02/22/world/americas/canada-protest-finances.html>).

## G. Glossary of Short Forms

ADM	Assistant Deputy Minister
CBSA	Canadian Border Services Agency
CAF	Canadian Armed Forces
CCMTA	Canadian Council of Motor Transportation Administrators
CFB	Canadian Forces Base
CPS	Calgary Police Service
DM	Deputy Minister
EPS	Edmonton Police Service
JSG	Alberta Justice and Solicitor General
LPS	Lethbridge Police Services
PDIG	Cross-Agency Public Disorder Information Group
POE	Port of entry
POEC	Public Order Emergency Commission
PPSA	Province of Alberta Provincial Police Service Agreement (April 1, 2012)
PPSC	Public Prosecution Service of Canada
PSIO	Provincial Security & Intelligence Office
RCMP	Royal Canadian Mounted Police
SHP	Sheriff Highway Patrol
USCBP	U.S. Customs & Border Protection
USDA	U.S. Department of Agriculture

## H. Glossary of Persons

<i>Name</i>	<i>Position</i>	<i>Department</i>
Barros, Amanda	Director of Emergency Management	Alberta Justice and Solicitor General
Blair, The Honourable William (Bill)	Minister	Canada Emergency Preparedness
Bosscha, Frank	DM	Alberta Justice and Solicitor General
Brosseau, Kevin	ADM Safety and Security	Transport Canada
Damer, Crystal	ADM Safety and Policy Division	Alberta Transportation
Degradand, Marlin	ADM, Public Security Division and Director of Law Enforcement	Alberta Justice and Solicitor General
Keenan, Michael	DM	Transport Canada
Kenney, The Honourable Jason	Premier	Alberta
Lajeunesse, Rae-Ann	DM	Alberta Transportation
Lucki, Brenda	Commissioner	RCMP
McCrorie, Aaron	Associate ADM, Safety and Security	Transport Canada
McIver, The Honourable Ric	Minister	Alberta Municipal Affairs
Mendicino, The Honourable Marco	Minister	Public Safety Canada
Sawhney, The Honourable Rajan	Minister	Transportation
Savage, The Honourable Sonya	Acting Minister	Alberta Justice and Solicitor General
Trudeau, The Right Honourable Justin	Prime Minister	Canada
Wozny, Brad	Regional Director General, Prairie Region	Canadian Border Services Agency
Zablocki, Curtis	Deputy Commissioner	RCMP "K" Division